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|--|---|---|----------|
| Page 3   | City of San Diego · Information Bulletin 620      |   | May 2020 |
|   | <b>City of San Diego<br/>Development Services</b> | <b>Community Planning<br/>Committee Distribution<br/>Form</b> |          |
| Project Name: Bella Mar  |   | Project Number: 631240  |          |
| Community: Otay Mesa - Nestor  |   |   |          |
| <p>For project scope and contact information (project manager and applicant),<br/>log into OpenDSD at <a href="https://aca.accela.com/SANDIEGO">https://aca.accela.com/SANDIEGO</a>.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p> |   |   |          |
| <input checked="" type="checkbox"/> Vote to Approve<br><input type="checkbox"/> Vote to Approve with Conditions Listed Below<br><input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below<br><input type="checkbox"/> Vote to Deny                                |   |   |          |
| # of Members Yes<br>16   | # of Members No<br>0                              | # of Members Abstain<br>0                                     |          |
| Conditions or Recommendations:<br>N/A  |   |   |          |
| <input type="checkbox"/> No Action<br>(Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)   |   |   |          |
| NAME: Edgar Garfias  |   |   |          |
| TITLE: Secretary   |   | DATE: 4/29/2022   |          |
| Attach additional pages if necessary (maximum 3 attachments).  |   |   |          |

Visit our web site at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services).

Upon request, this information is available in alternative formats for persons with disabilities.

DS-5620 (08-18) ONLINE FORM

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**OTAY MESA-NESTOR COMMUNITY PLANNING GROUP  
MEETING MINUTES  
September 11, 2019**

**Members Present:**

District 1 John C. Swanson  
 District 2 Johnny E. Swanson  
 District 3 Armond Moore  
 District 4 Patty Swanson  
 District 5 Sabine Prather  
 District 6 Edgar Garfias  
 District 7 Robert Broomfield  
 District 8 Eric Meza  
 District 10 Bob Mikloski  
 District 11 Albert Velasquez  
 District 13 Brian McGonagill  
 District 14 Sam Baltazar

District 15 Walt Zumstein  
 District 16 Bobby Hicks

**Members Absent:**

District 9 Jacki Farrington  
 District 12 Carlos Sanchez

**Vacant District Seat:**

None

**Guests Present:** Please see the  
 OMNCPG Secretary for the sign-  
 in sheet.

1. **Call to Order/Introduction of Members:** Albert Velasquez, Chair of the Otay Mesa Nestor Community Planning Group (OMNCPG), called the meeting to order at 6:33 p.m. He welcomed all Board members and members of the community to the meeting.
2. **Approval of the Minutes:** The minutes of the August 14, 2019, OMNCPG meeting were unanimously approved.
3. **Non-Agenda Public Comments:** (2-minute limit per speaker).
  - a. Brian McGonagill stated that street parking on the overpass from Oro Vista to Iris Avenue limits visibility for cars and bus approaching this intersection.
  - b. Bob Mikloski asked about the homeless problem around the Otay Mesa Nestor Branch Library.
  - c. A resident spoke about the 18 single family development (Project #566657) located on Saturn Blvd and Leon Avenue. This project will be reviewed for approval by the San Diego City Council September 17, 2019, at 2 pm.
4. **San Diego Police Department Report:** SDPD Officer Carlos Eddington, [ceddington@pd.sandiego.gov](mailto:ceddington@pd.sandiego.gov) (619) 424-0412. No report.
5. **California State Assembly, 80th District report:** Lucero Chavez, Field Representative, 619-338-8090 [lucero.chavez@asm.gov](mailto:lucero.chavez@asm.gov). No report.
6. **Council District 8 Report:** Karla Mendez, Council District 8 Representative, 619-236-6688 [krmendez@sandiego.gov](mailto:krmendez@sandiego.gov)
  - a. Karla provided handouts from Councilmember Moreno's office.
  - b. She said the Councilmember will have office hours Sept. 12<sup>th</sup> 5-6pm at the Otay Mesa Nestor Branch Library.
  - c. She also said that the grand opening of the new San Ysidro city library was held on September 7, 2019.

7. **Office of the San Diego City Attorney Report:** Mark Robertson, Deputy City Attorney, [mrobertson@sandiego.gov](mailto:mrobertson@sandiego.gov) 619-553-5500. No report.

8. **OMNCPG Sub-Committee Reports:**

- a. Volunteer Code Compliance, By-Laws, and Parks and Recreation subcommittees: No reports.
- b. Project Review: This Subcommittee reported their recommendations after their review of the two following projects:
  1. **Project Number: 644184 - Palm Avenue Transitional Housing.** Application by the City of San Diego for a Coastal Development Permit (CDP) and the amendment of the recorded Conditional Use Permit (CUP) No. 2053090.  
  
**Voting Results:** The subcommittee chair Robert Broomfield, reported that the subcommittee recommended against approval of the CDP with a 4-1-0 vote.
  2. **Project Number 631240, Bella Mar Apartments - 408 Hollister Street:** The project involves an application for a Tentative Map, Coastal Development Permit, Site Development Permit, and an amendment of the Otay Mesa Nestor Community Plan to re-zone a large parcel of land from agricultural to multi-family residential.  
  
**Voting results:** The subcommittee chair, Robert Broomfield, reported that the subcommittee recommended approval of the project with a 4-0-0 vote.

9. **Action Item:** Project Number: 644184 - Palm Avenue Transitional Housing. Application by the City of San Diego for a Coastal Development Permit (CDP) and the amendment of the recorded Conditional Use Permit (CUP) No. 2053090. The project site is located at 1788 Palm Avenue in the CC-4-2 Zone, within the Otay Mesa-Nestor Community Plan Area, Coastal Overlay Zone (California Coastal Commission Appealable Area), and Council District 8.

Krissy Maier - HUD Programs Coordinator - City of San Diego, [KMaier@sandiego.gov](mailto:KMaier@sandiego.gov) 619-236-6312 and James Arnhart, Project Officer II, City of San Diego Public Works – Engineering [JAarnhart@sandiego.gov](mailto:JAarnhart@sandiego.gov) (619) 533-5275 will inform the group about the amendment of a (Process 5) CUP and the application for a CDP for this project, which is to remodel and convert an existing motel into a transitional housing facility for the SMART program.

**Background:** The City previously presented this project to the OMNCPG on November 8, 2017 for a recommendation regarding an application for a CUP for this project. The OMNCPG voted 12-0-2 to recommend denial of the application. The San Diego City Council hearing regarding this application occurred December 11, 2017, and the City Council approved the CUP application. A petition was subsequently filed with the court. As a result, the court has ordered the City to also apply to obtain a CDP for this project.



**Current application:** The City of San Diego is now applying for a CDP and to amend the existing recorded CUP No. 2053090, adding a CDP.

Walt Zumstein made a motion not to approve the application for the CDP.

**Voting Result:** The motion passed 12-3-1.

10. **Action Item:** Project Number 631240, Bella Mar Apartments - 408 Hollister Street: The project involves application for a Tentative Map, Coastal Development Permit, Site Development Permit, and an amendment of the Otay Mesa Nestor Community Plan to rezone a large parcel of land from agricultural to multi-family residential. This development project proposes to construct 390 apartments on the west side of Hollister Avenue, located between Main Street and Palm Avenue. Contact: Jeff Phair, President, The Phair Company, 619-426-0441, [jeff@thephairco.com](mailto:jeff@thephairco.com) and Kyle Stevens, Carrier Johnson, 619-239-2353

Robert Broomfield made the motion to approve the project as presented.

**Voting Result:** The motion passed 16-0-0.

11. **Informational Item:** Project Number: 644574. Project Address: 920 Saturn Boulevard. Description: Request to Initiate a Community Plan Amendment to re-designate a 1.8-acre site located at 920 Saturn Blvd to change the land use designation from Residential Low (5-9 du/ac) to Residential Medium High (30-44 du/ac). Contact: Michael Prinz, Senior Planner, 619-533-5931 [mprinz@sandiego.gov](mailto:mprinz@sandiego.gov)
  - a. This item was not noticed on this agenda as an action item. The applicant asked that the OMNCPG consider this an action item in accordance with ARTICLE VI Community Planning Group and Planning Group Member Duties, Section 2, (a) Meeting Procedures, (viii) ACTION ON AGENDA ITEMS of the OMNCPG Bylaws.

Alberto made a motion that this project be considered an action item in accordance with the OMNCPG Bylaws.

**Voting result:** per the Bylaws, the motion must pass by a 2/3 majority vote, and therefore passed: the vote was 12-1-3.
  - b. Brian McGonagill made a motion not to approve the application for a Community Plan Amendment for this parcel.

**Voting Result:** The motion passed, 12-0-4.
12. **Chair's Report:** He requested that all new planning OMNCPG members must complete the Community Orientation Workshop (COW) in person or online. The workshop is presented by the City of San Diego Planning Department.
12. **City Planner Report:** Michael Prinz, Senior Planner, 619-236-6301, [mprinz@sandiego.gov](mailto:mprinz@sandiego.gov) No report.
13. **Adjournment:** Albert Velasquez made a motion to adjourn at 7:46 p.m.

**Respectfully submitted by John C. Swanson, Secretary**

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|---|---|--|--|
|  | <b>City of San Diego<br/>Development Services</b><br>1222 First Ave., MS 302<br>San Diego, CA 92101<br>(619) 446-5000 | <h1 style="margin: 0;">Ownership Disclosure<br/>Statement</h1> | <b>FORM<br/>DS-318</b><br><br>October 2017 |
|---|---|--|--|

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

**Project Title:** Bella Mar Apartments **Project No. For City Use Only:** PTS-631240

**Project Address:** 408 Hollister Street, San Diego, CA 92154

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

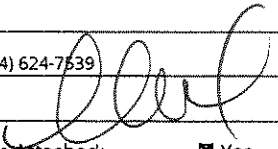
☐ Corporation ☒ Limited Liability -or- ☐ General - What State? California Corporate Identification No. \_\_\_\_\_  
☐ Partnership ☐ Individual

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

**Property Owner**

Name of Individual: Bella Mar Land Investors, LLC ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency  
 Street Address: 330 Bonita Road  
 City: Chula Vista State: CA Zip: 91910  
 Phone No.: (619) 985-4030 Fax No.: \_\_\_\_\_ Email: tpc@thephairco.sdcxmail.com  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Additional pages Attached: ☒ Yes ☐ No

**Applicant**

Name of Individual: Red Tail Acquisitions, LLC ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency  
 Street Address: 2082 Michelson Drive, Suite 400  
 City: Irvine State: CA Zip: 92612  
 Phone No.: (714) 624-7539 Fax No.: \_\_\_\_\_ Email: tkih@rtacq.com  
 Signature:  Michael B. Earl Date: \_\_\_\_\_  
Vice President  
 Additional pages Attached: ☒ Yes ☐ No

**Other Financially Interested Persons**

Name of Individual: \_\_\_\_\_ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Additional pages Attached: ☐ Yes ☐ No

|   |   |  |  |
|---|---|--|--|
|  | <b>City of San Diego<br/>Development Services</b><br>1222 First Ave., MS 302<br>San Diego, CA 92101<br>(619) 446-5000 | <h1 style="margin: 0;">Ownership Disclosure<br/>Statement</h1> | <b>FORM<br/>DS-318</b><br><br>October 2017 |
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☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit ☐ Variance  
☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other \_\_\_\_\_

**Project Title:** Bella Mar Apartments **Project No. For City Use Only:** PTS-631240

**Project Address:** Hollister Ave

San Diego CA

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

☒ Corporation ☐ Limited Liability -or- ☐ General - What State? \_\_\_\_\_ Corporate Identification No. \_\_\_\_\_

☐ Partnership ☐ Individual

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

**Property Owner**

Name of Individual: \_\_\_\_\_ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Additional pages Attached: ☐ Yes ☐ No

**Applicant**

Name of Individual: \_\_\_\_\_ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Additional pages Attached: ☐ Yes ☐ No

**Other Financially Interested Persons**

Name of Individual: Ron Brockhoff - Director, Chelsea Investment Corporation ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

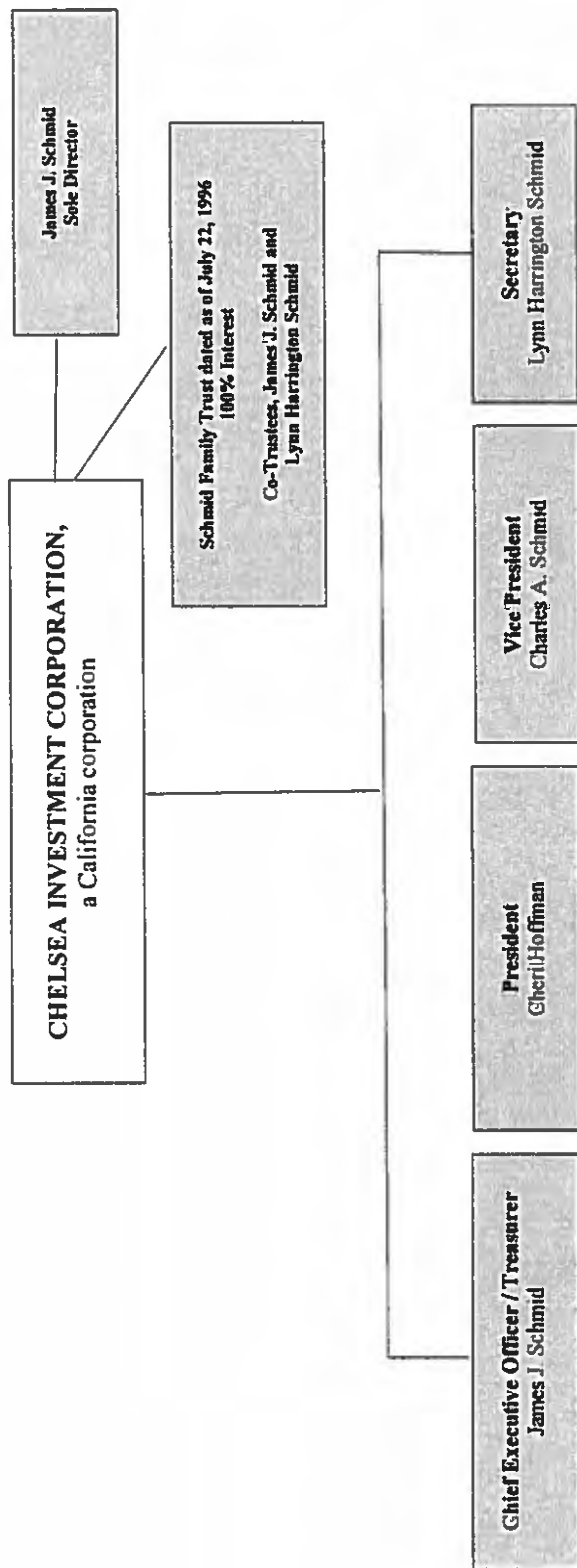
Street Address: 6339 Paseo del Lago

City: Carlsbad State: CA Zip: 92011

Phone No.: 760 456 6000 Fax No.: 760 456 6001 Email: rbrockhoff@chelseainvestco.com

Signature: [Signature] Date: 1-8-2020

Additional pages Attached: ☒ Yes ☐ No



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15 MINS TO  
DOWNTOWN

TRAIL CONNECTION  
TO BAYSHORE  
BIKEWAY

HOLLISTER  
POND  
VIEWING  
DECK

HOLLISTER  
POND

PROJECT  
SITE

TROLLEY  
STATION

ARCO

photo  
survey

BELLA MAR

408 HOLLISTER STREET - SAN DIEGO, CALIFORNIA



PROJECT: 5752.00

DATE: 03.04.2019

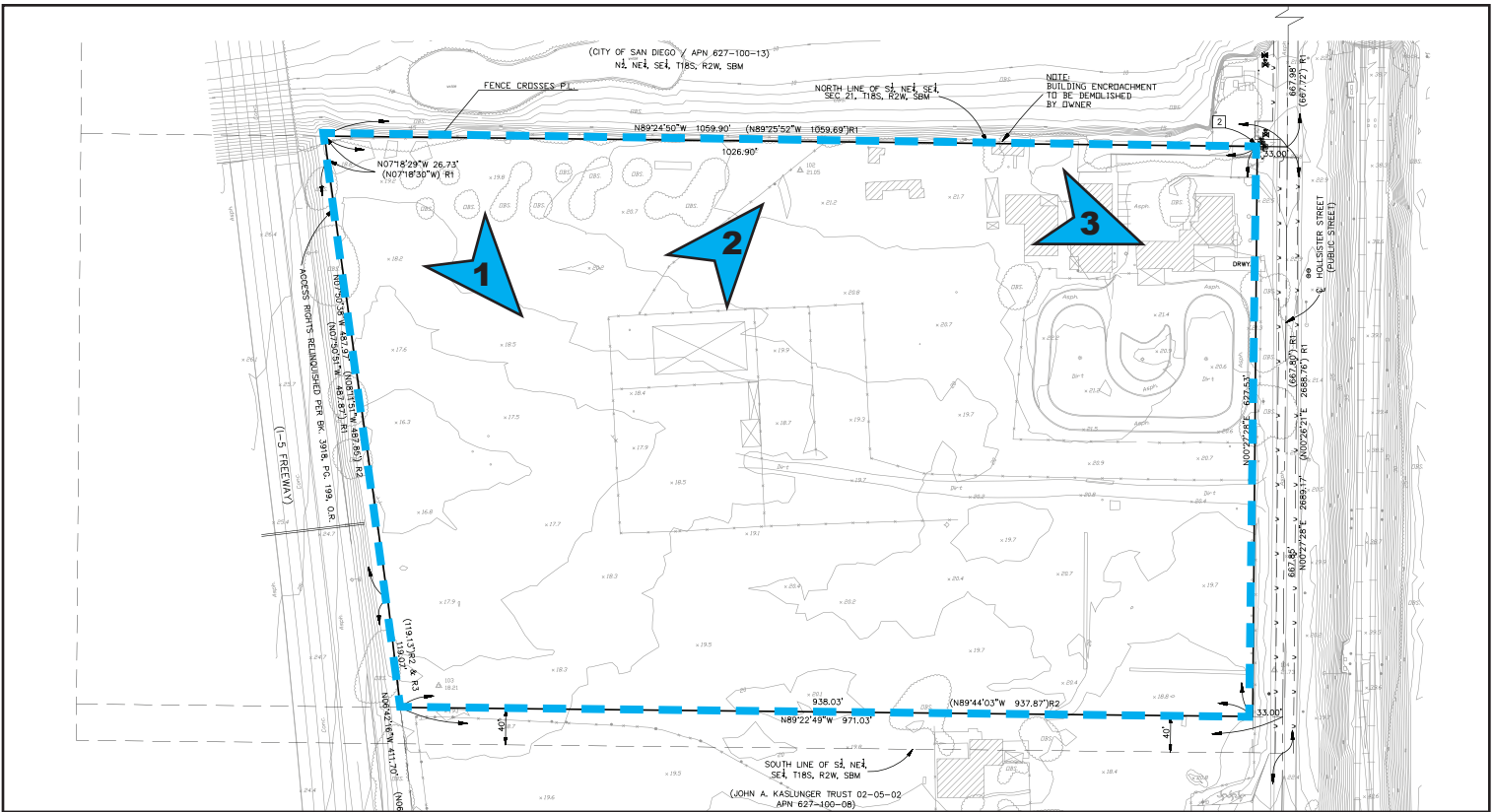


RED TAIL ACQUISITIONS LLC

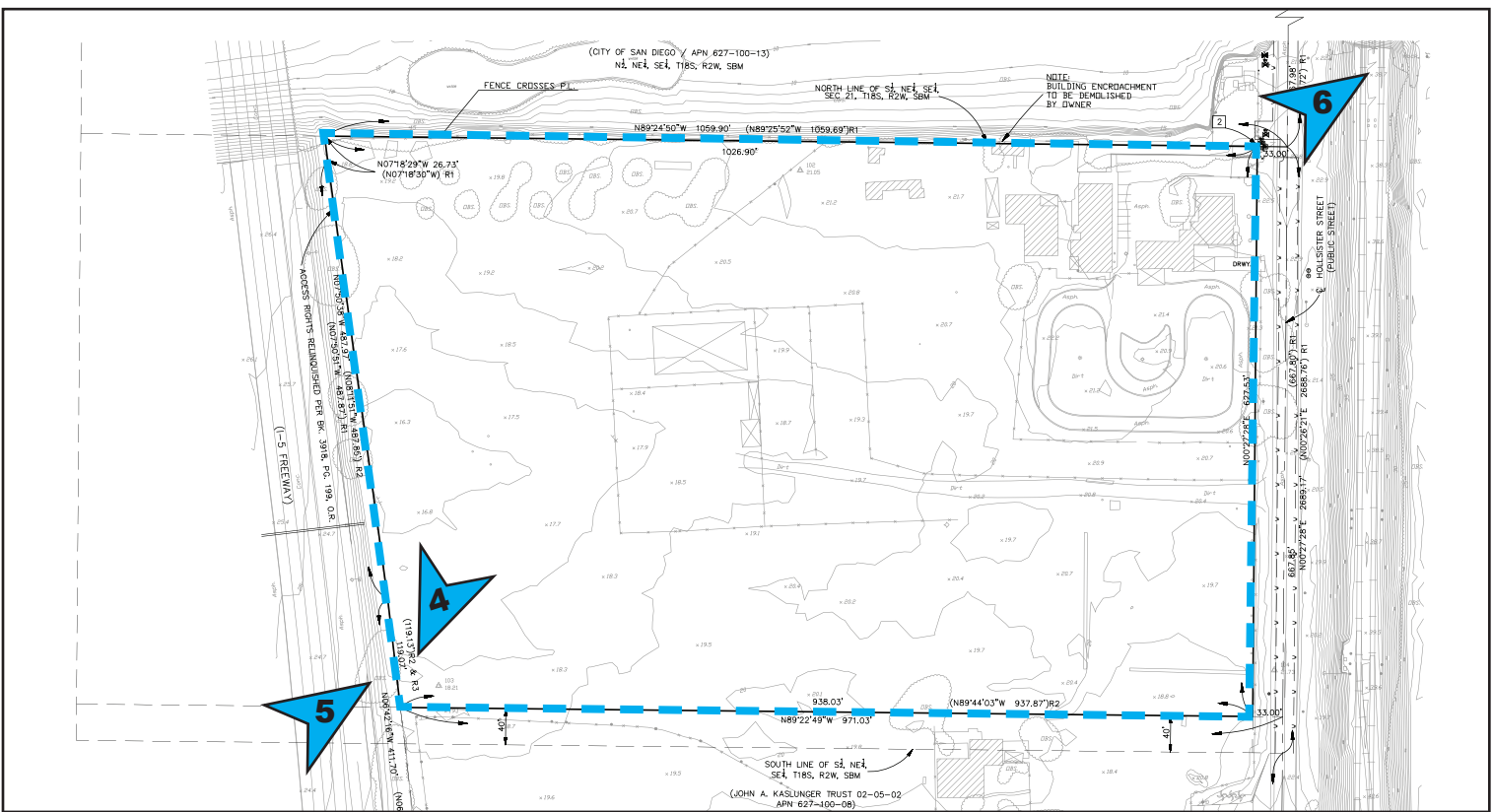


carrierojohnson + CULTURE  
architecture + environments + brand strategy + graphics

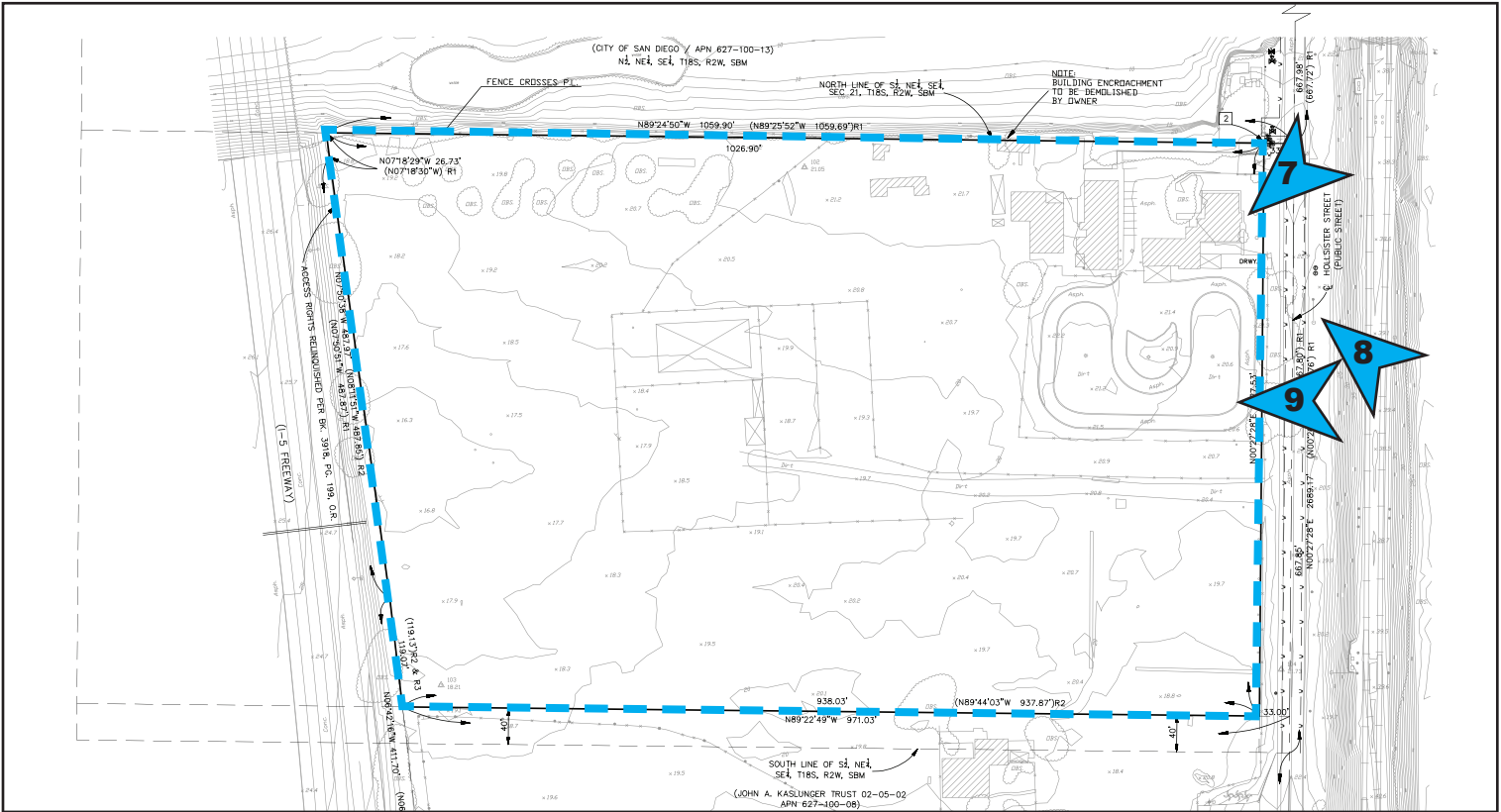














JUL 26, 2002 9:13 AM

RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY J. SMITH, COUNTY RECORDER  
FEES: 41.00

AND WHEN RECORDED MAIL TO  
PERMIT INTAKE  
MAIL STATION 501



2002-0627126

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE /MHPA BOUNDARY LINE ADJUSTMENT  
NO. 96-7318 (MMRP) TROLLEY STOP RECREATIONAL VEHICLE PARK

This Conditional Use Permit /MHPA Boundary Line Adjustment No. 96-7318, is granted by the Planning Commission of the City of San Diego to John and Esther Williamson, Owners, pursuant to Section 101.0462 and 101.0510 of the Municipal Code of the City of San Diego. The project site is located at 408 Hollister Street in the AR-1-2/OF-1-1 zones (previously A1-1/Floodplain Fringe) of the Otay Mesa-Nestor Community Plan.

Subject to the terms and conditions set forth in this permit, permission is granted to the Permittee for the construction and operation of a 213-space recreational vehicle park and related facilities as illustrated on the approved Exhibit "A", dated February 21, 2002 on file in the Development Services Department.

1. The project shall include:
  - a. 213 campsites for recreational vehicles;
  - b. Related facilities, to include a 4,500-square-foot clubhouse with a convenience store, snack bar and game room; laundry, restroom and shower facilities; picnic and play areas; off-street parking; one ground sign and two wall signs in the locations shown;
  - c. An MHPA buffer zone, 100-feet deep, along the north property line;
  - d. Noise attenuation walls;
  - e. Site landscaping, hardscape and permanent irrigation improvements; and
  - f. Accessory uses and improvements as may be determined by the City Manager (or designated representative) to be consistent with State CEQA guidelines, the Otay Mesa-Nestor Community Plan and Local Coastal Program, the existing zone, and all other applicable sections of the San Diego Municipal Code.

2. The Conditional Use Permit and corresponding use of this site shall expire on March 4, 2032. Upon expiration of the permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored its original condition preceding approval of this permit.
3. Within five years of the expiration date of this Conditional Use Permit, the Permittee may submit a new Conditional Use Permit application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time.
4. All work must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Land Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
5. No permit for the work described herein shall be granted, nor shall any activity authorize by this permit be conducted on the premises until:
  - a. The Permittee signs and returns the permit to the Development Services Department; and
  - b. The permit is recorded by the Development Services Department in the office of the San Diego County Recorder.
6. Unless this permit has been revoked by the City of San Diego, the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
7. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
8. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
9. Issuance of this permit by the City of San Diego does not authorize the Permittee 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. Section 1531 et seq.)
10. All of the conditions contained in this permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the Permittee be required to comply with each and every condition in

order to be afforded special rights which the holder of the permit is obtaining as result of this permit. It is the intent of the City that the owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and-extraordinary rights conveyed by this permit, but only if the owner complies with all the conditions of the permit.

In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void. However, in such an event, the Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the permit for a determination by that body as to whether all of the findings necessary for the issuance of the 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. The Permittee shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Mitigated Negative Declaration LDR No. 96-7318, satisfactory to the City Manager and the City Engineer. Prior to the commencement of work on the site, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: historical resources, noise, hydrology/water quality, land use/MHPA, and traffic.

PLANNING/DESIGN REQUIREMENTS:

12. There shall be compliance with the regulations of the underlying zone unless a deviation to a specific regulation is approved as a provision of this permit. Where there is a conflict between provisions of this permit (including exhibits) and a regulation of the underlying zone, the regulation shall prevail unless the deviation from the provision was specifically approved as part of this permit.

13. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone which are in effect on the date of the submittal of the requested amendment.

14. Permittee shall process and obtain a Coastal Development Permit from the California Coastal Commission prior to the recordation of this permit.

005296

15. Prior to the issuance of any building permits, the Permittee shall grant to the City of San Diego an open space easement, satisfactory to the City Attorney and in conformance with the approved Exhibit "A", along the north 100 feet of this site, as a buffer between the recreational vehicle park and the Otay Valley River Park.

TRAFFIC ENGINEERING REQUIREMENTS:

16. Prior to the issuance of the first building permit, Permittee shall assure by permit and bond the widening of Hollister Street to 50 feet of pavement (within the existing 66-foot right-of-way) with curb, gutter and 5-foot wide sidewalk within the 10-foot curb to property line distance on the west side of the roadway along the project frontage, with proper transition to the existing pavement width north and south of project, satisfactory to the City Engineer.

17. Prior to the issuance of the first building permit, Permittee shall assure by permit and bond a roadway striping plan along the project frontage on Hollister Street to provide a two-way left turn lane on the center of the roadway with proper transition north and south of the project, satisfactory to the City Engineer.

18. Prior to the issuance of the first building permit, Permittee shall assure by permit and bond delineation of the one-way driveway with proper signage and marking, satisfactory to the City Engineer.

19. Prior to issuance of the first building permit, Permittee shall assure by permit and bond the installation of standard City driveways, curb, gutter and sidewalk on Hollister Street, satisfactory to the City Engineer.

LANDSCAPING REQUIREMENTS:

20. Plant material shall be selected to visually blend with the existing vegetation. Plant palette shall include predominantly native species.

21. No invasive plant species shall be introduced into areas adjacent to the MHPA

22. No change, modification or alteration shall be made to the project unless either Substantial Conformance Review (SCR) or an amendment of the permit shall have been granted by the appropriate decision maker.

23. It shall be the responsibility of the Permittee to install all required landscaping (per approved Exhibit "A"), obtain all required landscape inspections, and obtain a "No Fee Street Tree Permit" for the installation, establishment and on-going maintenance of all street trees.

ORIGINAL

24. Within ninety days of any construction permit issuance, the Permittee shall install all required landscaping and obtain all required landscape inspections. Failure to comply with these requirements shall result in notification to the Neighborhood Code Compliance Division of the San Diego Police Department.

25. All landscaping for this project shall be maintained in a disease, weed and litter free condition at all times, and shall not be modified or altered unless otherwise approved by the City Manager. Modifications such as severe pruning and "topping" of trees shall not be permitted. Additionally, the Permittee, or subsequent owner shall be responsible for maintaining all street trees and landscape improvements for the development consistent with landscape standards of the Land Development Manual.

26. If any required landscape features (including fencing, and existing or new plants) indicated on the approved Exhibit "A" for the project are damaged or removed during demolition, construction, or at any time after issuance of a building permit, it shall be repaired and/or replaced in kind and equivalent size by the Permittee (per the approved plans) within 30 days. All perimeter landscaping shall achieve an 80 percent effective visual screen of plant material between the wall or fence and the public right of way within two years of installation/ replacement of plant material. The replacement size of plant material after three years shall be the equivalent size of the plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager or designated representative.

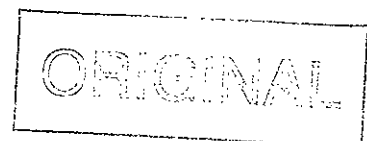
#### ENGINEERING REQUIREMENTS:

27. Prior to the issuance of any building permits, the Permittee shall obtain a grading permit from the City Engineer for the grading proposed for this project. All grading shall conform to requirements in accordance with Sections 62.0401- 62.0423 of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

28. The drainage system proposed for this development, as shown on the conceptual grading plan, is subject to approval by the City Engineer.

29. Portions of the project are located in the floodplain of the Otay River, as delineated on panel 209 of the Flood Insurance Rate Map (FIRM) for the City of San Diego. These maps are prepared by the Federal Emergency Management Agency (FEMA). In connection with approval of this permit:

- a. Any development within the floodplain fringe area will require either the property to be graded to an elevation two feet above the 100-year frequency flood elevation or provide flood proofing of all structures to that same elevation.
- b. The Permittee shall grant a flowage easement, satisfactory to the City Engineer, over the property within the flood way.



- c. The Permittee shall enter into an agreement with the city waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
- d. The Permittee shall denote on the final map and the improvement plans "Subject to Inundation" for those areas at an elevation lower than the 100-year recurrence flood elevation plus one foot.
- e. The Permittee shall provide slope protection, as required by the City Engineer, where the flow velocity exceeds 5 FPS.
- f. Permits or exemptions must be obtained from the California Department of Fish and Game and the U.S. Army Corps of Engineers before City permits will be issued within the floodplain fringe areas.
- g. The Permittee shall grant drainage easements, satisfactory to the City Engineer.
- h. No permits shall be issued for grading or other work in the floodplain of the Otay River until the Permittee obtains a Conditional Letter of Map Amendment (Conditional LOMA) or Conditional Letter of Map Revision (Conditional LOMR) from FEMA. The request for the Conditional LOMA or Conditional LOMR must be submitted through the Floodplain Management Section of the Development Services Department. The Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.
- i. When as-built grading and public improvement plans are available, the Permittee must submit a request for a Final LOMA or Final LOMR to FEMA via the Floodplain Management Section of the Development Services Department. The Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.
- j. The bond for this project will not be released until the Final LOMA or Final LOMR is issued by FEMA. The Floodplain Management Section of the City of San Diego's Public Works/Engineering and Capital Projects will notify the Development Services Department of such issuance as soon as it is informed by FEMA.

WATER REQUIREMENTS:

30. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08 DWQ (NPDES General Permit No. CAS000002), *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity*. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI)



**005299**

shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the complete NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the Permittee and any subsequent owner of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08 DWQ.

31. The Permittee shall provide evidence to the Development Services Department indicating that application for water service has been made to the California-American Water Company (CAWC). Further, due to the City of San Diego's present right to acquire CAWC's assets by eminent domain at a future certain date, the Permittee shall deposit with the City an amount the City deems equal to the value of meters, hydrants, pipes, and other water utilities that benefit the Permittee's property and which are paid for or installed by CAWC. The City shall set such deposit aside in a separate account to be used only for the future City acquisition of the CAWC assets. If the Permittee enters into any reimbursement agreement with any utility relative to facilities installed by Permittee, the Permittee shall assign any such agreement to the City of San Diego.

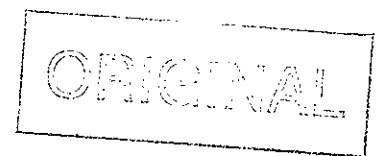
32. The Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants are located on a dead-end main then a looped system shall be installed.

33. Prior to the preparation of any public improvement drawings, the Permittee shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Manager, for the sizing of gravity sewer mains and to show that the existing and proposed mains will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies.

34. The Permittee shall install all facilities, as required by the accepted sewer study, necessary to serve this development. Sewer facilities, as shown on the approved site plan, may require modification based on the accepted study.

35. The Permittee shall design all public water and sewer facilities to the most current edition of the City of San Diego Water and Sewer Design Guidelines. If facilities do not meet current standards, then such facilities shall be private.

36. The Permittee shall grant adequate water, sewer and/or access easements, including vehicular access to each appurtenance (meters, blow-offs, air valves, manholes, etc.) for all public water and sewer facilities that are not located within paved public rights of way, satisfactory to the Water and Metropolitan Wastewater Departments' Managers. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material, satisfactory to the appropriate Department Manager. Minimum easement widths: water



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mains with services or fire hydrants - 24 feet, sewer mains with manholes - 20 feet. No structures of any kind shall be installed in or over any easement unless the applicant has first obtained an Encroachment Removal Agreement.

INFORMATION ONLY:

37. This development may be subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.

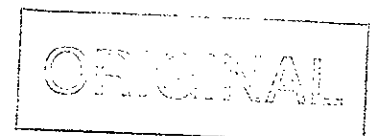
38. This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code Section 53080(b) (Statutes of 1986, Chapter 887) in accordance with procedures established by the Development Services Department.

39. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

PASSED AND ADOPTED BY THE PLANING  
COMMISSION OF THE CITY OF SAN DIEGO,  
CALIFORNIA, ON FEBRUARY 21, 2002,  
BY A VOTE OF:

By Anne Longworth  
Anne Longworth, Associate Planner

In the event that you are dissatisfied with any action of the Planning Commission with regard to the Conditional Use Permit, you may appeal directly to the City Council within ten days. Notice of appeal shall be in writing and filed with the City Clerk.



005301

## ALL-PURPOSE CERTIFICATE

Type/PTS Approval Number of Document  
**CUP/MHPA Boundary Line Adjustment 96-7318**  
 Date of Approval **February 21, 2002**

STATE OF CALIFORNIA  
 COUNTY OF SAN DIEGO

Anne Longworth  
 Anne Longworth, Associate Planner

On 4/25/02 before me, STACIE L. MAXWELL, (Notary Public), personally appeared **Anne Longworth**, Associate Planner of the Development Services Department of the City of San Diego, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Signature Stacie L. Maxwell  
 Stacie L. Maxwell



## ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed John Williamson Signed Esther Williamson  
 Typed Name John Williamson Typed Name Esther Williamson

STATE OF CALIFORNIA  
 COUNTY OF SISKIYOU

On 5/22/02 before me, CONNIE MELO (Name of Notary Public) personally appeared JOHN WILLIAMSON & ESTHER WILLIAMSON, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

WITNESS my hand and official seal.

Signature Connie Melo



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**005302**

PLANNING COMMISSION RESOLUTION NO. 3238  
CONDITIONAL USE / MHPA BOUNDARY LINE ADJUSTMENT  
NO. 96-7318 (MMRP)  
**TROLLEY STOP RECREATIONAL VEHICLE PARK**

WHEREAS, JOHN AND ESTHER WILLIAMSON, Owner/Permitee, filed an application with the City of San Diego for a permit to construct and operate a 213-space recreational vehicle park and related facilities (as described in and by reference to the approved Exhibit "A" and corresponding conditions of approval for the associated Permit No. 96-7318), on portions of a 14.2-acre site, and;

WHEREAS, the project site is located at 408 Hollister Street in the AR-1-2/OF-1-1 zones (previously A1-1 and Floodplain Fringe) of the Otay Mesa-Nestor Community Plan, and;

WHEREAS, the project site is legally described as Lot 9 in Block 100 of the Palmview Tract, according to Map No. 1539, and;

WHEREAS, on February 21, 2002, the Planning Commission of the City of San Diego considered Conditional Use / MHPA Boundary Line Adjustment No. 96-7318 (MMRP) pursuant to the San Diego Municipal Code; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

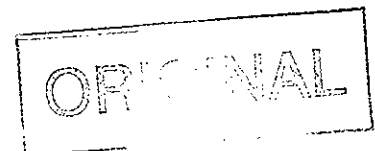
That the Planning Commission ADOPTS the following written Findings, dated February 21, 2002:

**FINDINGS:**

**CONDITIONAL USE PERMIT**

**1. The proposed development will not adversely affect the neighborhood, the General Plan, or the Community Plan, and, if conducted in conformity with the conditions provided by the permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area;**

The proposed development, a recreational vehicle park, is consistent with the City's Progress Guide and General Plan and the Otay-Mesa Nestor Community Plan and Local Coastal Program. These documents designate the project site for open space use, and recommend interim, visitor-oriented recreational uses, including travel trailer parks.



**005303**

The permit and MMRP prepared for this project include conditions, environmental mitigation measures, and exhibits of approval relevant to achieving compliance with the applicable regulations of the Municipal Code in effect for this project. These conditions have been determined necessary to avoid potentially adverse impacts upon the health, safety and general welfare of persons residing or working in the area. These conditions include requirements pertaining to landscape standards, noise attenuation measures, lighting restrictions, traffic impacts, public right of way improvements, water quality, and on-site facilities for visitors.

Because of the specific requirements, referenced exhibits and environmental mitigation measures incorporated as conditions of the project, the project is not anticipated to adversely affect other properties in the vicinity, or to be detrimental to the health, safety and general welfare of persons residing or working in the area.

**2. The proposed use will comply with all the relevant regulations in the Municipal Code;**

With the approval of the MHPA Boundary Line Adjustment and the related Conditional Use Permit, no deviations or variances of the zoning ordinance provisions in effect for the subject property are required to implement the proposed use and project design. All proposed improvements comply with the development regulations of the AR-1-2/OF-1-1 zones (previously A1-1 and Floodplain Fringe).

The project has been designed with particular attention to the regulations concerning structures proposed in floodplain fringe areas. It is a low-intensity recreational use; all structures will be elevated two feet above the level of a 100-year frequency flood so that the construction of off-site flood protective works will not be required; no grading or fill activity is proposed other than leveling of small fluctuations in surface grade and earthwork as needed to install caissons; there will be no increase in the peak run-off rate from the site and the project will not increase downstream bank erosion or sedimentation of wetlands; and all buildings and parking areas will be landscaped in conformance with City-wide Landscaping Regulations

**MHPA BOUNDARY LINE ADJUSTMENT**

The boundary line adjustment will result in 3.2 acres of disturbed and partially developed land being removed from the MHPA, and revegetation and enhancement of 2.3 acres adjacent to the Otay Valley River, which will remain in the MHPA. To protect these 2.3 acres an open space easement will be recorded over a 100-foot wide buffer along the north property line. Within the buffer, native plant species (Diegan coastal sage scrub) will be planted by the permittee to compensate for the reduction of the Multiple Habitat Planning Area. The permittee will maintain this area for five years to ensure health and viability of the revegetated area. This revegetation conforms with the intention of the MHPA by enhancing the natural riparian habitat adjacent to

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the project site, providing a functional buffer for the adjacent wetlands, increasing nesting and foraging opportunities for wildlife and widening the wildlife corridor. This MHPA boundary adjustment has been submitted to the California Department of Fish and Game and U.S. Fish and Wildlife Service. Their verbal concurrence was obtained.

BE IT FURTHER RESOLVED that, based on the findings herein before adopted by the Planning Commission Conditional Use / MHPA Boundary Line Adjustment No. 96-7318 (MMRP) is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 96-7318, a copy of which is attached hereto and made a part hereof.

*for Anne Lugano*  
for RON BUCKLEY  
Senior Planner  
Development Services

*Linda Lugano*  
LINDA LUGANO  
Legislative Recorder to the  
Planning Commission

Adopted on: February 21, 2002

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

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

DOC # 2006-0796358

NOV 08, 2006 11:32 AM

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY J. SMITH, COUNTY RECORDER  
FEES: 62.00  
PAGES: 19

2006-0796358

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 425425

CONDITIONAL USE PERMIT NO. 367052  
SITE DEVELOPMENT PERMIT NO. 367053  
(EXTENSION OF TIME AND AMENDMENT TO CONDITIONAL USE PERMIT /MHPA  
BOUNDARY LINE ADJUSTMENT NO. 96-7318)  
**TROLLEY STOP RECREATIONAL VEHICLE PARK [MMRP] NO. 86481**

This Site Development Permit, Conditional Use Permit, Extension of Time and Amendment to permit number 96-7318, (County Recorder's Office Document number 2002-0627126 dated July 26, 2002), is granted by the Planning Commission of the City of San Diego to JOHN WILLIAMSON, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0303 and 126.0502. The 14.18 acre site is located at 408 Hollister Street in the AR-1-2/OF-1-1 zones of the Otay Mesa-Nestor Community Planning area. The project site is legally described as Lot 9 in Block 100 of the Palmview Tract according to Map No. 1539.

Subject to the terms and conditions set forth in this Permit, permission is granted to JOHN WILLIAMSON Permittee to construct a 142 space recreational vehicle camp ground with clubhouse, managers office/dwelling, comfort station, picnic/barbeque areas and outdoor swimming pool, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated October 5, 2006, on file in the Development Services Department.

The project or facility shall include:

- a. 142-space camp ground for recreational vehicles;
- b. Related facilities, to include a clubhouse with recreation inclusive of swimming pool, game room, snack bar, recreation room, showers, tot lot;
- c. Manager's office/dwelling;
- d. Off-street parking;
- e. Site landscaping, hardscape and permanent irrigation improvements; and

**ORIGINAL**

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- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the 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 Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and 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 Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary

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status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

8. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made 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 have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

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

11. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on October 5, 2036. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.

12. Prior to the expiration date of this CUP, the Owner/Permittee may submit a new CUP application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time.

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**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

13. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.
14. As conditions of Site Development Permit No. 367053 and Conditional Use Permit No. 367052, the mitigation measures specified in the MMRP, and outlined in the MITIGATED NEGATIVE DECLARATION, LDR NO. 86481 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.
15. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Mitigated Negative Declaration, Ldr No. 86481 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical Resources (archaeology)

Noise

Hydrology/Water Quality

Land Use/MHPA

Traffic

**TRANSPORTATION REQUIREMENTS:**

16. Prior to any public hearing for this project the applicant shall submit a revised Site Plan showing a 5'-0" wide utility easement west of the 12'-0" parkway along the project frontage on Hollister Street, as specified on page 100 of the City of San Diego Street Design Manual, satisfactory to the City Engineer.
17. Prior to the issuance of the first building permit, the applicant shall assure by permit and bond the full width improvement of Hollister Street along the project frontage to have full height curb and gutter on both sides, 12'-0" through lanes, 12'-0" center turn lane, and 5'-0" bike lanes, for 46'-0" curb to curb, and either 12'-0" (with 2'-0" dedication) or 15'-0" (with 5'-0" dedication) parkway on the project side with a noncontiguous sidewalk, satisfactory to the City Engineer.
18. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

**ENGINEERING REQUIREMENTS:**

19. Prior to the issuance of any building permits, the Permittee shall obtain a grading permit from the City Engineer. All grading shall conform to requirements in accordance with Section

**ORIGINAL**

62.0401-62.0423 of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

20. The drainage system proposed for this development as shown on the conceptual grading plan, is subject to approval by the City Engineer.

21. Portions of the project are located in the floodplain of the Otay River as delineated on panel 209 of the Flood Insurance Rate map (FIRM) for the City of San Diego. These maps are prepared by the Federal Emergency Management Agency (FEMA). In connection with approval of this permit:

- a. This project proposes to construct nonresidential structures within the floodplain fringe of a Special Flood Hazard Area (SFHA) for the Otay River as shown on Flood Insurance Rate Map panel 209. No work is allowed within the regulatory floodway. All structures built within the SFHA must be constructed at or above the base flood elevation (BFE) at that location.
- b. The Permittee shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
- c. The Permittee shall grant drainage easements, satisfactory to the City Engineer.

**LANDSCAPE REQUIREMENTS:**

22. Plant material shall be selected to visually blend with the existing vegetation. Plant palette shall include predominantly native species.

23. No invasive plant species shall be introduced into areas adjacent to the MHPA.

24. No change, modification or alteration shall be made to the project unless either Substantial Conformance Review (SCR) or an amendment of the permit shall have been granted by the appropriate decision maker.

25. It shall be the responsibility of the Permittee/Owner to install all required landscaping (per approved Exhibit "A"), obtain all required landscape inspections, and obtain a "No Fee Street Tree Permit" of the installation, establishment and on-going maintenance of all street trees.

26. Within ninety days of any construction permit issuance, the Permittee shall install all required landscaping and obtain all required landscape inspections. Failure to comply with these requirements shall result in notification to the Neighborhood Code Compliance Division of the San Diego Police Department.

27. All landscaping for this project shall be maintained in a disease, weed and litter free condition at all times, and shall not be modified or altered unless otherwise approved by the City Manager. Modifications such as severe pruning and "topping" of trees shall not be permitted. Additionally, the Permittee, or subsequent owner shall be responsible for maintaining all street

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trees and landscape improvements for the development consistent with landscape standards of the Land Development Code.

28. If any required landscape features (including fencing, and existing or new plants) indicated on the approved Exhibit "A" for the project are damaged or removed during demolition, construction, or at any time after issuance of a building permit, it shall be repaired and/or replaced in kind and equivalent size by the Permittee (per the approved plans) within 30 days. All perimeter landscaping shall achieve an 80 percent effective visual screen of plant material between the wall or fence and the public right of way within two years of installation/replacement of plant material. The replacement size of plant material after three years shall be the equivalent size of the plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager or designated representative.

**PLANNING/DESIGN REQUIREMENTS:**

29. No fewer than 12 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

30. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

31. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

32. Prior to the issuance of any building permits, the permittee shall process and obtain a Coastal Development Permit from the California Coastal Commission.

33. Prior to the issuance of any building permits, the Permittee shall grant to the City of San Diego an open space easement, satisfactory to the City Attorney and in conformance with the approved Exhibit "A", along the north 100 feet of this site, as a buffer between the recreational vehicle park and the Otay Valley River Park.

34. All signs associated with this development shall be consistent with sign criteria established by either of the following:

- a. Approved project sign plan (Exhibit "A," on file in the Development Services Department); or
- b. Citywide sign regulations

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35. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the City Manager.

36. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," on file in the Development Services Department.

#### **WATER REQUIREMENTS:**

37. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08 DWQ (NPDES General Permit No. CAS000002), *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity*. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgement from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the complete NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the Permittee and any subsequent owner of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08 DWQ.

38. The Permittee shall provide evidence to the Development Services Department indicating that application for water service has been made to the California-American Water Company

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(CAWC). Further, due to the City of San Diego's present right to acquire CAWC's assets by eminent domain at a future certain date, the Permittee shall deposit with the City an amount the City deems equal to the value of meters, hydrants, pipes, and other water utilities that benefit the Permittee's property and which are paid for or installed by CAWC. The City shall set such deposit aside in a separate account to be used only for the future City acquisition of the CAWC assets. If the Permittee enters into any reimbursement agreement with any utility relative to facilities installed by Permittee, the Permittee shall assign any such agreement to the City of San Diego.

39. The Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants are located on the dead-end main then a looped system shall be installed.

**SEWER REQUIREMENTS:**

40. Prior to the preparation of any public improvement drawing, the Permittee shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Manager, for the sizing of gravity sewer mains and to show that the existing and proposed mains will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies.

41. The Permittee shall install all facilities, as required by the accepted sewer study, necessary to serve this development. Sewer facilities, as shown on the approved site plan, may require modification based on the accepted study.

42. The Permittee shall design all public water and sewer facilities to the most current edition of the City of San Diego Water and Sewer Design Guidelines. If facilities do not meet current standards, then such facilities shall be private.

43. The Permittee shall grant adequate water, sewer and/or access easements, including vehicular access to each appurtenance (meters, blow-offs, air valves, manholes, etc) for all public water and sewer facilities that are not located within paved public rights of way, satisfactory to the Water and Wastewater Departments' Managers. Vehicular access roadbeds shall be a minimum of 20'-0" wide and surfaced with suitable approved material, satisfactory to the appropriate Department Manager. Minimum easement widths:

- Water mains with services or fire hydrants – 24 feet
- Sewer mains with manholes – 20 feet

44. Prior to the installation for any structure of any kind, an Encroachment Maintenance Removal Agreement must be obtained.

**STORMWATER REQUIREMENTS:**

45. Prior to the issuance of any construction permit, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

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46. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

47. Prior to the issuance of any construction permit, the applicant shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System, in the form of a Notice of Intent (NOI) filed with the State Water Resources Control Board.

48. Prior to the issuance of any construction permit, the applicant 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.

**INFORMATION ONLY:**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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 building/engineering permit issuance

APPROVED by the Planning Commission of the City of San Diego on October 5, 2006

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## ALL-PURPOSE CERTIFICATE

Type/PTS Approval Number of Document SDP No 367053/CUP No. 367052  
 Date of Approval October 5, 2006

STATE OF CALIFORNIA  
 COUNTY OF SAN DIEGO

William Zounes  
 William Zounes, Development Project Manager  
 City of San Diego

On Nov. 6, 2006 before me, Raquel Herrera, City of San Diego, (Notary Public), personally appeared William Zounes, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their capacity(~~ies~~), and that by his/~~her~~/their signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

WITNESS my hand and official seal

Signature Raquel Herrera  
 Raquel Herrera



## ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

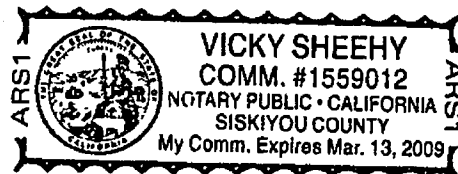
Signed John Williamson

STATE OF California  
 COUNTY OF Siskiyou

On 11/3/2006 before me, Vicky Sheehy Notary Public (Name of Notary Public) personally appeared John Williamson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature Vicky Sheehy



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PLANNING COMMISSION  
 RESOLUTION NO. 4154-PC  
 CONDITIONAL USE PERMIT NO. 367052  
 SITE DEVELOPMENT PERMIT NO. 367053  
 (EXTENSION OF TIME AND AMENDMENT TO CONDITIONAL USE PERMIT /MHPA  
 BOUNDARY LINE ADJUSTMENT NO. 96-7318)  
**TROLLEY STOP RECREATIONAL VEHICLE PARK [MMRP] NO. 86481**

WHEREAS, JOHN WILLIAMSON, Owner/Permittee, filed an application with the City of San Diego for an Extension of Time and Amendment to Conditional Use Permit/MHPA Boundary Line Adjustment No. 96-7318, (approved by the Planning Commission on February 21, 2002, Resolution No. 3238) and Site Development Permit No. 367053 to construct a 142-space recreational vehicle park with clubhouse, manger's apartment, comfort station, picnic and barbeque areas and outdoor swimming pool (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit Extension of Time/Amendment No. 367052 and Site Development Permit No. 367053), on portions of a 14.18 acre site;

WHEREAS, the project site is located at at 408 Hollister Street in the AR-1-2/OF-1-1 zones of the Otay Mesa-Nestor Community Planning area;

WHEREAS, the project site is legally described as Lot 9 in Block 100 of the Palmview Tract according to Map No. 1539;

WHEREAS, on October 5, 2006, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 367052 and Site Development Permit No. 367053 (Extension Of Time And Amendment To Conditional Use Permit /Mhpa Boundary Line Adjustment NO. 96-7318, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated October 5, 2006

FINDINGS:

**Conditional Use Permit - Section 126.0305**

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

The project proposes to modify a previously approved Conditional Use Permit for a Recreational Vehicle (RV) camp ground by reducing the number of RV parking spaces and reorienting the accessory facilities associated with the camp site. The project is an Extension of Time and an Amendment to Conditional Use Permit No. 96-7318 to allow modifications to the facility. The project proposes to reduce the number of RV spaces from 213 to 142 spaces to accommodate large RV's requiring special design features. Ninety-three of the original spaces used by smaller RV's will remain. The office/recreation area would also to be reoriented to improve vehicular access.

The project does not adversely affect the goals and objectives of the Otay Mesa-Nestor Community Plan. The site is designated Open Space with a Special Study Area overlay and is discussed in Topic 1a of the

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plan which encourages active recreational opportunities and recommends that commercial recreation be permitted consistent with the Otay Valley Regional Park plan.

The project is adjacent to the Otay Valley Regional Park. The Otay Valley Regional Park plan recommends that private development provide linkages, recreational facilities, staging and viewing areas in conjunction with the park. The proposed project implements the goals and objectives of the Otay Valley Regional Park plan by providing a recreational facility adjacent to the park therefore, the proposed development 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 project is an Extension of Time and an Amendment to Conditional Use Permit No. 96-7318 to allow modifications to a previously approved Recreational Vehicle (RV) camp ground by reducing the number of RV parking spaces and reorienting the accessory facilities associated with the camp site. The project is consistent with the City's Progress Guide and General Plan and the Otay-Mesa Nestor Community Plan and Local Coastal Program. These documents designate the project site for open space use, and recommend interim, visitor oriented recreational uses, including travel trailer parks.

The permit and the existing Mitigation, Monitoring, and Reporting Program (MMRP) prepared for this project include conditions, environmental mitigation measures, and exhibits of approval relevant to achieving compliance with the applicable regulations of the Municipal Code in effect for this project. These conditions have been determined necessary to avoid potentially adverse impacts upon the health, safety and general welfare of persons residing or working in the area. These conditions include requirements pertaining to landscape standards, noise, attenuation measures, lighting restrictions, traffic impacts, public right of way improvements, water quality and on-site facilities for visitors.

Because of the specific requirements and referenced exhibits as well as the required environmental mitigation measures incorporated as conditions of the project, the project is not anticipated to adversely affect other properties in the vicinity, or to be detrimental to the health, safety and general welfare of persons residing or working in the area.

**3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.**

The project proposes to modify a previously approved Conditional Use Permit for a Recreational Vehicle (RV) camp ground by reducing the number of RV parking spaces and reorienting the accessory facilities associated with the site. The project is consistent with all development regulations. The project design has incorporated a deviation to an environmentally sensitive land requirement to allow construction within the Special Flood Hazard Area (SFHA) at the Base Flood Elevation (BFE) in accordance SDMC 143.0146(c).

The project site is within the Special Flood Hazard Area. The proposed project would modify condition 29(a) from the previously approved Conditional Use Permit (CUP 96-7318). The Environmentally Sensitive Lands regulations include a requirement that within the SFHA new construction or substantial improvement of any structure must have the lowest floor elevated at least two feet above the base flood elevation. As such, permit condition 29(a) was required to implement the project. The condition states the following: "Any development within the floodplain fringe area will require either the property to be

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graded to an elevation two feet above the 100-year frequency flood elevation or provide flood proofing of all structures at that same elevation."

Within the SFHA, the Federal Emergency Management Agency (FEMA) requires that the finished floor elevation be at or above the base floor elevation (BFE) while the SDMC requires an additional two-feet above the BFE. Modification of condition 29(a) would allow the site to be developed at the 100-year flood elevation or the BFE. The two foot elevation requirement is a City of San Diego requirement. All State and Federal flood requirements are being satisfied, therefore, this change would be consistent with FEMA guidelines.

The City Engineer is in support of modifying the condition and the requested deviation as it has been determined that the project will not result in an increase in base flood levels. Additionally, the previously adopted Mitigation, Monitoring and Reporting Program requires a flood evacuation plan for the site and that the development be constructed in accordance with FEMA guidelines. The majority of the project will be developed with permeable surfaces consisting of decomposed granite. The area has not encountered a flood since 1916 when an earthen dam burst along the Otay River during heavy rains. A reinforced concrete dam has since been built upstream of the project site which reduces the likelihood of flood water from the Otay River to the site.

The project has been determined to be consistent with other development regulations contained within the AR-1-2/OF-1-1 zones and all other pertinent regulations of the Land Development Code (LDC). The proposed development is in conformance with land use regulations regarding density, land use, height, grading, and architectural design. The project complies to the maximum extent feasible with the regulations of the Land Development Code.

**4. The proposed use is appropriate at the proposed location.**

The project proposes to modify a previously approved Conditional Use Permit for a Recreational Vehicle (RV) camp ground by reducing the number of RV parking spaces and reorienting the accessory facilities associated with the camp site. The project is an Extension of Time and an Amendment to Conditional Use Permit No. 96-7318 to allow modifications to the facility. The project proposes to reduce the number of RV spaces from 213 to 142 spaces to accommodate large RV's requiring special design features. Ninety-three of the original spaces used by smaller RV's will remain. The office/recreation area would also to be reoriented to improve vehicular access.

The project does not adversely affect the goals and objectives of the Otay Mesa-Nestor Community Plan. The site is designated Open Space with a Special Study Area overlay and is discussed in Topic 1a of the plan. The plan recommends the provision of active recreational opportunities and that commercial recreation be permitted consistent with the Otay Valley Regional Park plan. The site is zoned AR-1-2/OF-1-1 which allows the operation of camping parks as processed through a Conditional Use Permit, therefore the proposed use is appropriate at the proposed location.

**Site Development Permit - Section 126.0504**

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

The proposed project will not adversely affect the applicable land use plan as described in Conditional Use Permit Finding number 1.

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

The proposed project will not be detrimental to the public health, safety and welfare as described in Conditional Use Permit Finding number 2.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.**

The proposed project will comply with the applicable regulations of the Land Development Code as described in Conditional Use Permit Finding number 3.

**Supplemental Findings--Environmentally Sensitive Lands**

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

The project proposes to modify a previously approved Conditional Use Permit for a Recreational Vehicle (RV) camp ground by reducing the number of RV parking spaces and reorienting the accessory facilities associated with the camp site. The proposed project is within the Special Flood Hazard Area (SFHA) and within the Multi-Habitat Planning Area (MHPA). An MHPA Boundary Line Adjustment is required to implement the project. No development will occur within the MHPA. The original project required a Mitigation, Monitoring, and Reporting Program (MMRP) to reduce adverse impacts to the historical resources (archaeology), noise, hydrology/water quality, land use/MHPA and traffic below a level of significance. The mitigation measures include the boundary line adjustment to the MHPA, noise attenuation walls, desalination basins, traffic control measures and a flood evacuation plan. The site is designated Open Space within the Otay Mesa-Nestor Community Plan. The plan recommends the provision of active recreational opportunities and that commercial recreation be permitted consistent with the Otay Valley Regional Park plan.

The site is physically suitable for the design and siting of the proposed development and the development will result in no disturbance to environmentally sensitive lands.

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

The project proposes to modify a previously approved Conditional Use Permit for a Recreational Vehicle (RV) camp ground by reducing the number of RV parking spaces and reorienting the accessory facilities associated with the camp site. To accommodate the proposed development, minimum grading is proposed to have drainage flow into drainage basins. The proposed grading will cover 12.9 acres and will include 9,200 cubic yards of import. Maximum height of cut and fill slope will be three feet.

The project has established a permanent Storm Water Best Management practice in accordance with the Water Quality Technical Report (March 2006), prepared by Scott Berkebile, P.E., CFM. To ensure run off into the Otay River is adequately treated for sedimentation and pollution from the RV park, the project must adhere to the Storm Water Pollution Prevention Program (SWPPP). The SWPPP will require the installation of a grass lined detention basin located on the sites western boundary.

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According to the City of San Diego's Seismic Safety Study, the project lies within Geologic Hazard Category 31 with moderate risk for liquefaction. Implementation of standard building practices and proper engineering design of the proposed structures, to be verified at the building permit stage, will assure that potential of geologic impacts will be minimized. The proposed development therefore, will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosion forces, flood hazards, or fire hazards.

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

The project proposes to modify a previously approved Conditional Use Permit for a Recreational Vehicle (RV) camp ground by reducing the number of RV parking spaces and reorienting the accessory facilities associated with the camp site. The proposed project is within the Special Flood Hazard Area (SFHA) and within the Multi-Habitat Planning Area (MHPA). Approximately one-third of the subject property is presently within the MHPA. The Otay Regional Park is adjacent to the site and within the MHPA. The proposed project requires a MHPA Boundary Adjustment on the northern boundary of the site in the creation of a 2.3 acre, 100-foot wide riparian buffer to be planted with native riparian vegetation. No development will occur within the MHPA as a lot line adjustment is required as part of the permit to position the proposed development outside the MHPA. The MHPA Boundary Line Adjustment will result in a 100-foot buffer between the proposed development and the Otay River which is part of the MHPA.

The original project required a Mitigation, Monitoring, and Reporting Program (MMRP) to reduce adverse impacts to the historical resources (archaeology), noise, hydrology/water quality, land use/MHPA and traffic below a level of significance. The mitigation measures include the boundary line adjustment to the MHPA, noise attenuation walls, desalination basins, traffic control measures and a flood evacuation plan. The site is designated Open Space within the Otay Mesa-Nestor Community Plan. The plan recommends the provision of active recreational opportunities and that commercial recreation be permitted consistent with the Otay Valley Regional Park plan.

No development will occur within the MHPA as a boundary line adjustment is required as part of the permit to position the proposed development outside of the MHPA. There will be impacts in the SFHA outside the MHPA therefore the original project required a Mitigation, Monitoring, and Reporting Program (MMRP) to reduce adverse development impacts to the historical resources (archaeology), noise, hydrology/water quality, land use/MHPA and traffic below a level of significance. The mitigation measures include the lot line adjustment to the MHPA, noise attenuation walls, desalination basins, traffic control measures and a flood evacuation plan. The proposed development therefore, 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 project proposes to amend a previously approved Conditional Use Permit for a Recreational Vehicle (RV) camp ground by reducing the number of RV parking spaces and reorienting the accessory facilities associated with the camp site. The proposed project is within the Special Flood Hazard Area (SFHA) and within the Multi-Habitat Planning Area (MHPA). Approximately one-third of the subject property is presently within the MHPA. The proposed project requires a MHPA Boundary Adjustment on the northern boundary of the site in the creation of a 2.3 acre, 100-foot wide riparian buffer to be planted with

native riparian vegetation. No development will occur within the MHPA as a boundary adjustment is required to implement the project.

The original project required a Mitigation, Monitoring, and Reporting Program (MMRP) to reduce adverse development impacts to the historical resources (archaeology), noise, hydrology/water quality, land use/MHPA and traffic below a level of significance. The mitigation measures include the boundary line adjustment to the MHPA, noise attenuation walls, desalination basins, traffic control measures and a flood evacuation plan. Therefore, 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 site is located approximately four miles away from a public beach or shoreline therefore the 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 project proposes to modify a previously approved Conditional Use Permit for a Recreational Vehicle (RV) camp ground by reducing the number of RV parking spaces and reorienting the accessory facilities associated with the camp site. The project is consistent with the City's Progress Guide and General Plan and the Otay-Mesa Nestor Community Plan and Local Coastal Program. These documents designate the project site for open space use, and recommend interim, visitor oriented recreational uses, including travel trailer parks.

The original Conditional Use Permit required the preparation of a Mitigated Negative Declaration and the implementation a Mitigation, Monitoring, and Reporting Program (MMRP) to reduce adverse development impacts to the historical resources (archaeology), noise, hydrology/water quality, land use/MHPA and traffic below a level of significance. The mitigation measures include a boundary adjustment to the MHPA, noise attenuation walls, desalination basins, traffic control measures and a flood evacuation plan. No new mitigation measures were required for the Conditional Use Permit amendment.

The permit and MMRP prepared for this project include conditions, environmental mitigation measures, and exhibits of approval relevant to achieving compliance with the applicable regulations of the Municipal Code in effect for this project. These conditions have been determined necessary to avoid potentially adverse impacts upon the health, safety and general welfare of persons residing or working in the area. These conditions include requirements pertaining to landscape standards, noise, attenuation measures, lighting restrictions, traffic impacts, public right of way improvements, water quality and on-site facilities for visitors.

Because of the specific requirements and referenced material, 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

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Condition 29(a) from CUP 96-7318 will be modified and replaced with condition 21 of CUP No. 367052 which states, "This project proposes to construct nonresidential structures within the floodplain fringe of a Special Flood Hazard Area (SFHA) for the Otay River as shown on Flood Insurance Rate Map panel No. 209. No work is allowed within the regulatory floodway. All structures built within the SFHA must be constructed at or above the base flood elevation (BFE) at that location."

The City Engineer is in support of the modification and deviation as it has been determined that the project will not result in an increase in base flood levels. Additionally, the previously adopted Mitigation, Monitoring and Reporting Program requires a flood evacuation plan for the site and that the development be constructed in accordance with FEMA guidelines. The majority of the project will be developed with permeable surfaces consisting of decomposed granite. The area has not encountered a flood since 1916 when an earthen dam burst along the Otay River during heavy rains. A reinforced concrete dam has since been built upstream of the project site which reduces the likelihood of flood water from the Otay River to the site.

The elevation requirement of the Land Development Code is for the protection of the structures and its contents. The majority of the site will not contain structures but would be reserved for the parking of recreational vehicles. Lessening the 2'-0" above BFE requirement does not result in additional threats to public safety, extraordinary public expense, or create a public nuisance. The proposed project has incorporated flood safety measures through permit conditions and the MND and there will be no additional impact to environmentally sensitive lands. The proposed BFE will not have an adverse effect on environmentally sensitive lands and provide the minimum necessary to afford relief from special circumstances or conditions of the land.

**Supplemental Findings--Environmentally Sensitive Lands Deviation from Federal Emergency Management Agency Regulations**

1. **The City Engineer has determined that the proposed development, within any designated floodway will not result in an increase in flood levels during the base flood discharge; and**

The project proposes to modify a previously approved Conditional Use Permit for a Recreational Vehicle (RV) camp ground by reducing the number of RV parking spaces and reorienting the accessory facilities associated with the site. The project is located within the flood Special Flood Hazard Area and not within the Floodway. Therefore, this finding is not applicable to the subject project.

2. **The City Engineer has determined that the deviation would not result in additional threats to public safety, extraordinary public expense, or create a public nuisance.**

The project proposes to modify a previously approved Conditional Use Permit for a Recreational Vehicle (RV) camp ground by reducing the number of RV parking spaces and reorienting the accessory facilities associated with the camp site.

The City Engineer has determined that the deviation to allow the structures to be built at the BFE rather than 2'-0" above as required by the Land Development Code will not cause an increase in the flood height. The elevation requirement of the Land Development Code is for the protection of the structures and its contents. Lessening that requirement does not result in additional threats to public safety, extraordinary public expense, or create a public nuisance.

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BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 367052 and Site Development Permit No. 367053, is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Conditional Use Permit No. 367052 and Site Development Permit No. 367053, a copy of which is attached hereto and made a part hereof.



William Zoumes  
Development Project Manager  
Development Services

Adopted on: October 5, 2006

Job Order No. 425425

cc: Legislative Recorder, Planning Department

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STATE OF CALIFORNIA - THE RESOURCES AGENCY

FILE COPY

ARNOLD SCHWARZENEGGER, Governor

## CALIFORNIA COASTAL COMMISSION

San Diego Coast Area Office  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4421  
(619) 767-2370



Page: 1

Date: January 10, 2007

Permit Application No.: 6-02-103-A1

**COASTAL DEVELOPMENT PERMIT AMENDMENT**

On February 5, 2005, and as amended on December 12, 2006, the California Coastal Commission granted to:

**John & Esther Williamson**

this permit for the development described below

for **Construction of a 213-space recreational vehicle (RV) park and campground on a 14.18 acre site currently occupied by an arcade and go-cart facility, which will be removed. Also proposed is a clubhouse, manager's apartment, caretaker's apartment, trails, picnic area, laundry and shower facilities, outdoor swimming pool and a 100-foot riparian buffer adjacent to the Otay River.**

at

**419 Hollister Street, Otay Mesa-Nestor, San Diego (San Diego County) APN 627-100-09**

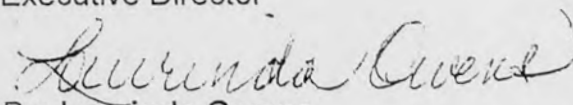
This permit has been amended to include the following changes, subject to the attached Standard and Special Conditions:

**Reduction in the number of recreational vehicle (RV) sites from 213 to 142; rearrangement of the clubhouse/office complex to facilitate entry, improve internal circulation, and modernize the site layout; and reduction in size of clubhouse/office complex by 500 sq.ft.**

This amended permit will become effective upon return of a signed copy of this form to the San Diego Coast District Office. Please note that the original permit conditions are still in effect.

Sincerely,

PETER M. DOUGLAS  
Executive Director

  
By: Laurinda Owens  
Coastal Program Analyst

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**PLANNING COMMISSION INITIATION APPROVAL RESOLUTION**

**PLANNING COMMISSION RESOLUTION NO. 4993-PC**

**INITIATING AN AMENDMENT TO THE Otay Mesa-Nestor Community Plan re-designate the land use of a 14.6-acre site, located on 408 Hollister Street.**

**WHEREAS, on February 28, 2019 the Planning Commission of the City of San Diego held a public hearing to consider a request to amend the Otay Mesa-Nestor Community Plan to re-designate the site located at 408 Hollister Street, from Open Space to Medium Density Residential (15-29 du/acre).**

**WHEREAS the 2008 General Plan will be amended as the Otay Mesa-Nestor Community Plan is a component of the adopted general plan; and**

**WHEREAS, the Planning Commission considered Report No. PC-19-011 as well as all maps, exhibits, evidence and testimony; NOW, THEREFORE,**

**BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby initiates the requested Community Plan and General Plan Amendment based on its compliance with the initiation criteria found in policy LU-D.10 of the Land Use Element of the General Plan and specifically addressed in Report No. PC-19-011; and**

**BE IT FURTHER RESOLVED that the Planning Commission directs staff to consider the following issues as identified in Report No. PC-19-011:**

- **Consistency with the Goals and Policies of the Otay Valley Regional Park Plan (OVRP).**
- **Compatibility of the proposed amendment with the General Plan Urban Design goals and policies development adjacent to natural features.**
- **Identification of appropriate areas for preservation, enhancement, and restoration.**
- **Description and location of the boundaries on-site of the open space preserved areas and public park (OVRP) areas.**
- **Identification and designation of appropriate areas for development. Description and location of the proposed land uses, densities and intensities.**
- **Consistency between the proposed land uses with adjacent land uses. The OMCP encourages land uses which facilitate the economic revitalization of the community, in relation to other existing or planned land uses such as Palm Avenue West, Nestor Town Center, and Palm City.**
- **Provision of a continuous connection between the Otay Valley, the Salt works, and San Diego Bay.**
- **Connectivity of pedestrian and bicycle facilities to surrounding development, to the Palm Avenue Transit Center and to other transit facilities, to the Otay Valley Regional Park, and to existing and planned facilities.**

BE IT FURTHER RESOLVED that the Planning Commission approved a motion to approve staff's recommendation to approve the initiation of the Community Plan Amendment process. Planning Commission identified the following issues to be addressed as part of the Community Plan Amendment process:

**Property to the south of project site**

- Consider the property to the south as part of the Community Plan Amendment (CPA), which is currently designated as Open Space. Evaluate the potential to re-designate to allow for residential development.
- Conduct outreach to the property owner of the property to the south to include as part of the CPA.
- As part of the traffic analysis for Hollister Street for the CPA, consider the south parcel's potential for residential development
- It has been indicated that the property to the south as part of the CPA would not require a separate initiation process if included with this amendment.

**Hollister Street**

- Project should provide pedestrian and bicycle connections to the transit stations, even if that means off-site improvements. Including sidewalks from the project site to the Palm Avenue Transit Station. Improvements should be done upfront to implement Transit-Oriented Development (TOD).
- Hollister Street should be analyzed to determine its roadway classification and required improvements, based in the potential for residential development of the project site.

**Otay River Valley / Otay Valley Regional Park**

- Consider the importance of the vision of the Otay Valley Regional Park Concept Plan (approved in 2017), as well as the importance of the Otay River Valley restoration efforts.
- Consider the significant monetary investment is currently underway for the Otay River Valley restoration, as a joint venture between County and the cities of San Diego and Chula Vista. There is a strong vested interest in the vision for the next 20 to 50 years.
- Consider the proposal not in isolation, but in the context of the Otay River Valley, while prioritizing the Otay River Valley. Avoid "skinning-up" or "carving" the Otay River Valley. Utilize a number of mitigation opportunities available, including on-site and adjacent to the site.

**MHPA**

- U.S. Fish and Wildlife Service will evaluate the interface between the project site and the Otay Valley Regional Park, it is under their discretion whether the MHPA boundary line adjustment is approved.
- As part of the MHPA boundary line adjustment, consider on-site mitigation for the boundary adjustment, by re-vegetating currently unvegetated site.

**Storm water**

- Consider the opportunity to pay in-leu fees for storm water towards the Otay River Valley restoration area.

- Consider the site's relation to the County Water Authority wetland and stormwater mitigation site and coordinate.

**Coastal Commission**

- The proposal must be approved by Coastal Commission before it becomes effective.

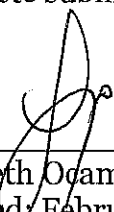
**Sea Level Rise**

- Consider base site elevation relative to the Sea Level Rise, due to proximity to Salt Ponds.

**Development Proposal**

- Consider including the development proposal along when the proposed Community Plan Amendment and re-zone are brought to the Planning Commission for their recommendation. (Please note that Deputy City Attorney and Planning Department Deputy Director have indicated this is not a requirement or condition, however it is a possibility).
- Supportive of the 26% inclusionary housing as part of the proposed development as expressed by the applicant.

BE IT FURTHER RESOLVED, that this initiation does not constitute an endorsement of a project proposal. This action allows the future development project to become a complete submittal and will allow staff analysis to proceed.



---

Elizabeth Ocampo Vivero, Senior Planner  
Initiated: February 28, 2019  
By a vote of: 5-0-2

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**Special Study Report  
for the Otay Mesa-Nestor Special  
Study Area and the Bella Mar Project  
Project No. 631240  
San Diego, California**

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April 5, 2022

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| 1: | Sensitive Plant Species Observed or with the Potential for Occurrence in the SSA    |
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# Acronyms and Abbreviations

|              |  |
|--------------|--|
| ALUCP        | Airport Land Use Compatibility Plan    |
| BLA          | Boundary Line Adjustment               |
| BMZ          | Brush management zone                  |
| CAP          | Climate Action Plan                    |
| CNDDB        | California Natural Diversity Database  |
| CPA          | Community Plan Amendment               |
| City         | City of San Diego                      |
| Concept Plan | Otay Valley Regional Park Concept Plan |
| ESL          | Environmentally Sensitive Lands        |
| FEMA         | Federal Emergency Management Agency    |
| I-5          | Interstate 5                           |
| LCP          | Local Coastal Program                  |
| LDC          | Land Development Code                  |
| MHPA         | Multi-Habitat Planning Area            |
| mph          | miles per hour                         |
| MSCP         | Multiple Species Conservation Program  |
| OMNCP        | Otay Mesa-Nestor Community Plan        |
| OVRP         | Otay Valley Regional Park              |
| NWR          | San Diego National Wildlife Refuge     |
| PCD          | Planned Commercial Development         |
| project      | Bella Mar Project                      |
| SDMC         | San Diego Municipal Code               |
| SSA          | Special Study Area                     |
| SSR          | Special Study Report                   |
| TOD          | Transit-Oriented Development           |
| TPA          | Transit Priority Area                  |
| USGS         | U.S. Geological Survey                 |
| WMA          | Watershed Management Area              |

# **1.0 Introduction**

This Special Study Report (SSR) is prepared pursuant to the requirements of the Otay Mesa-Nestor Community Plan (OMNCP; City of San Diego 1997). Pursuant to Appendix 1B of the OMNCP, the Bella Mar project site is located within an area designated as the Special Study Area (SSA). The SSA designation was placed on lands within the Otay Mesa-Nestor community planning area in order to require the preparation and adoption of a comprehensive Special Study for properties located within the SSA overlay designation prior to any land use changes. The overlay was established to address a lack of detailed information regarding the resource and environmental value of the lands located within the SSA. Specifically, the OMNCP states that the “SSA should become wholly or partially included in the future Otay Valley Regional Park (OVRP), the Multiple Species Conservation Program (MSCP) Preserve and/or the U.S. Fish and Wildlife Service proposed San Diego National Wildlife Refuge (NWR). Those areas included should be restored and managed as natural resource areas, regional recreation areas or part of the salt production industry. Those areas not included should be used in ways which promote development and economic revitalization in the community, help to revitalize the Palm Avenue corridor, and improve public access and circulation in the community” (City of San Diego 1996). Specifically, the preparation of a comprehensive Special Study that addresses habitat protection, floodplain management, and proposed development is required prior to any land use changes in the area.

## **1.1 Otay Mesa-Nestor Community Plan**

### **1.1.1 Community Planning Area**

The OMNCP was originally adopted in 1978 and substantively updated by the City Council on May 6, 1997 by Resolution Number R-288632 prior to the establishment of the OVRP, adoption of the MSCP and creation of the NWR. The update was intended to resolve outstanding community issues including the general lack of identity of the community as a unique part of San Diego (OMNCP, page 3). The OMNCP focuses on identifying geographic areas throughout the planning area which are envisioned to develop into individual neighborhood centers. By addressing individual neighborhood centers, the plan identifies and emphasizes opportunities within each area that could augment the community's existing strengths and provide neighborhood identity (OMNCP, page 7). The principal neighborhoods within the planning area include the following: Nestor, Egger Highlands, Palm City, and Otay Mesa.

In addition to residential and commercial uses, the OMNCP identifies the environmental setting of the planning area to include river valleys, steep slopes, mesas and hydrologic features including Nestor Creek and the salt evaporation ponds of southern San Diego Bay (OMNCP, page 14). In order to address the needs of a growing community with the unique environmental and natural resources located within the boundary of the planning area, the OMNCP developed “visions” for the Otay Valley Regional Park and Salt Ponds, Neighborhood Centers, Housing, Community Facilities, Public Safety, and Transportation. Each vision is supported by strategies to implement the related community vision. Figure 1 of the OMNCP

shows the Vision Map for the community. As detailed in Section 2, below, the Bella Mar project site is located within the Palm City Neighborhood, the vision of which includes, “uniquely revitalized neighborhood center of distinctive character, will be built upon the viable existing single-family residential core and transit center, and will incorporate multifamily and single-family residential, commercial and civic uses” (OMNCP Topic 2A, Palm City, page 37). The proposed project’s consistency with relevant strategies related to the Palm City Neighborhood is discussed in greater detail in Section 5.2.1, below.

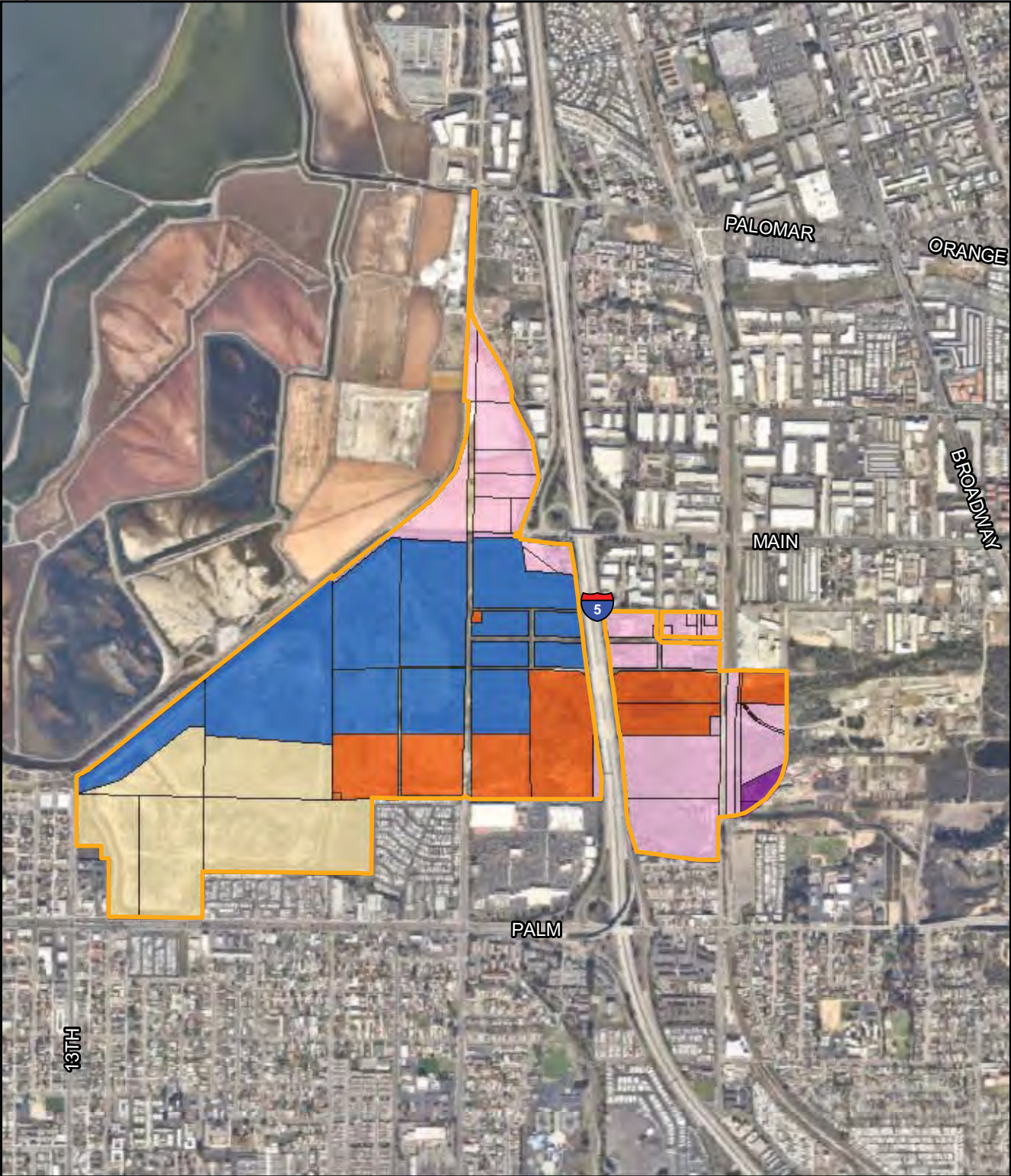
## 1.1.2 Special Study Area

It was the intent of the SSA to provide an extra layer of required analysis to address biological resources, habitat value and hydrology in order to help inform a basis for determining appropriate land uses within the SSA. Since the adoption of the OMNCP, the SSA has fulfilled its intent through the conservation of the most sensitive areas within the OVRP, MSCP Preserve, and the NWR.

A summary of specific parcel ownerships within the SSA is shown in Figure 1 and summarized in Table 1. Figure 2 shows the parcels within the SSA that have been conserved within the OVRP, the MSCP Preserve, and/or the NWR.

| Table 1<br>Public and Private Ownership within the Special Study Area |            |
|---|------------|
| Owner   | Acreage    |
| City of San Diego   | 68         |
| County of San Diego   | 3          |
| Port of San Diego   | 91         |
| United States Fish and Wildlife Service                               | 138        |
| Privately-Owned Land  | 90         |
| Right-of-Way  | 17         |
| <b>TOTAL</b>  | <b>407</b> |

As shown in Figures 1 and 2 and summarized in Table 1, a majority of the SSA is already conserved, and only a limited amount of privately owned land remains available for development. As shown in Figure 3 and summarized in Table 2, there are approximately 90 acres of privately owned land within the SSA, comprised of 31 individual parcels. As detailed in Table 2, many of the privately owned parcels have the same ownership.



Special Study Area

Parcel Ownership

City

County

Port of San Diego

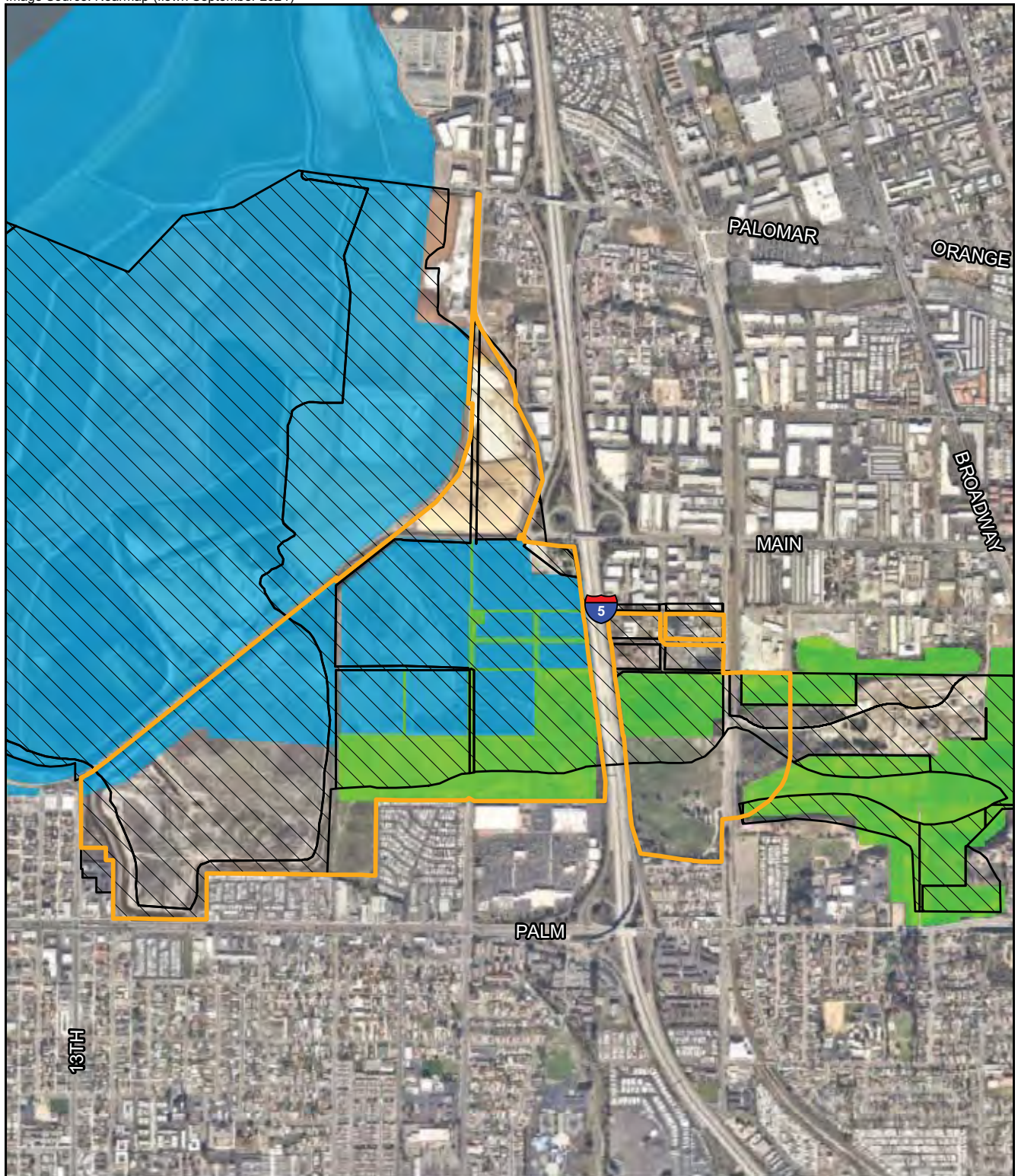
U.S. Fish and Wildlife Service

Private

FIGURE 1

Special Study Area- Parcel Ownership





- Special Study Area
- MHPA
- Otay Valley Regional Park Open Space Areas
- San Diego National Wildlife Refuge

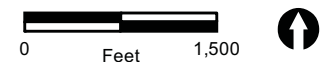
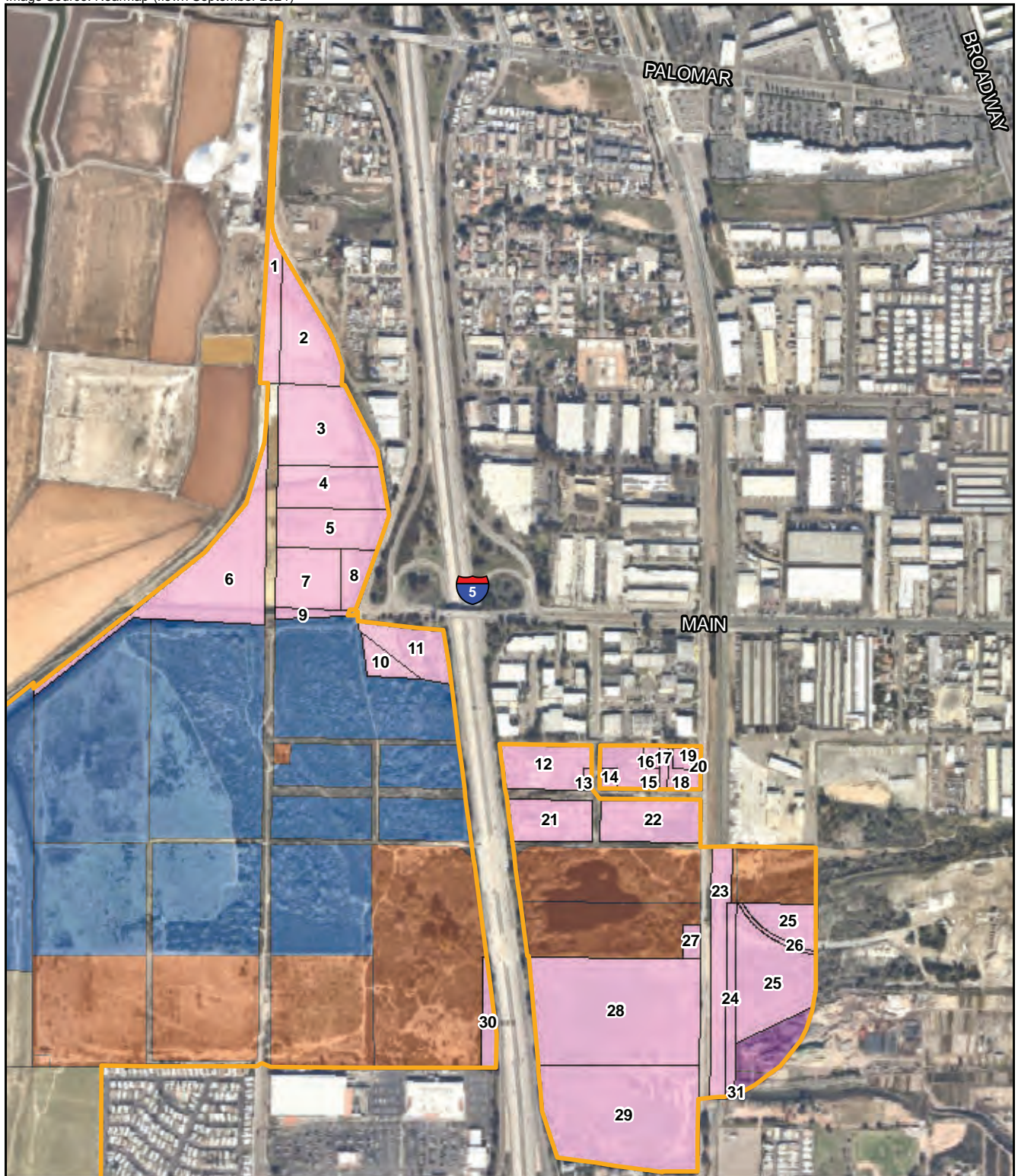


FIGURE 2

Special Study Area- Conserved Lands





Special Study Area

Parcel Ownership

City

County

Port of San Diego

U.S. Fish and Wildlife Service

Private Parcels

0 Feet 1,000



FIGURE 3

Special Study Area Privately Owned Parcels

| Table 2<br>Privately Owned Land within the Special Study Area |  |              |
|---|--|--------------|
| Parcel Number(s)  | Owner  | Acreage      |
| 28  | Bella Mar Land Investors, LLC (Proposed Project Site)  | 14.5         |
| 27  | California-American Water Co                           | 0.47         |
| 14  | Carbajal, Micaela R.                                   | 0.3          |
| 31  | D I M E Hollister                                      | 0.01         |
| 25, 26  | Hanson Aggregates Pacific Southwest LLC                | 7.91         |
| 29  | Kastlunger, John A. Trust 02-05-02                     | 12.72        |
| 1-9   | M&A Gabae  | 33.26        |
| 19, 20  | Newton, Norman V. & Alvarina Survivors Trust           | 0.52         |
| 13, 16, 17  | Ramos, Jose L. Jr. & Precila L. Revocable Living Trust | 0.74         |
| 30  | S P Corp   | 1.06         |
| 10, 11  | San Diego County Swiss Club                            | 3.54         |
| 23, 24  | San Diego & Arizona Eastern Railway Co                 | 4.86         |
| 12, 15, 18, 21, 22  | Terra Bella Nursery Inc.                               | 11.46        |
| <b>TOTAL</b>  |  | <b>91.37</b> |

The OMNCP requires the preparation and adoption of a Special Study for property located within the SSA overlay designation prior to any land use change. This SSR is being prepared in connection with the specific proposed land use change associated with the Bella Mar project; however, as required by the OMNCP, this SSR constitutes the required Special Study for the entire SSA.

## 1.2 Local Coastal Program

As discussed in Appendix H of the OMNCP, the community plan serves as the land use component of the Local Coastal Program (LCP) and the City's coastal zoning ordinance comprising the Local Implementation Plan (LIP) component of the LCP, for the approximately 20 percent of the community plan area that is located within the coastal zone. The SSA is within the deferred certification area of the coastal zone which requires coastal permits be obtained directly from the California Coastal Commission and not from the City of San Diego.

The OMNCP/LCP includes planning and development recommendations and guidelines to protect and preserve the state's coastal resources. It has incorporated the coastal issues that have been identified for the community and has developed strategies to address those issues including the following: public access to the bay; provision of community parks and recreation areas; recreation and visitor serving facilities and services; heritage resources; and environmentally sensitive habitat resources (OMNCP Appendix H, page 121).

## 2.0 Bella Mar Project Site

The Bella Mar project site consists of a 14.62-acre parcel of undeveloped land located in the southern part of the city of San Diego (Figure 4). The project site is bounded by Interstate 5 (I-5) to the west, the Otay River to the north, Hollister Street to the east, and undeveloped land to the south (Figure 5). The project site has been in private ownership, and as shown in Figure 6, is located within the OVRP Concept Plan (Concept Plan; County of San Diego et al. 1997) boundary, but not within a designated parks (Open Space) area. The project site is, however, within a designated “Recreation Area.” In other words, the project site is located within the boundaries of the Concept Plan, but outside of any designated Open Space area. Pursuant to the OVRP Concept Plan, Recreational Areas are located outside of the boundaries of the Multi-Habitat Planning Area (MHPA) of the MSCP and many have existing private development potential and may be developed privately with uses that do not implement the Concept Plan. (Concept Plan; County of San Diego et al. 1997). The site is outside the boundaries of the MSCP Preserve (except for 3.2 acres within the northern portion of the project site) which is mapped within the MHPA (Figure 7). The project site consists of a single lot and is designated open space in the OMNCP and zoned OF-1-1 and AR-1-2, which allows residential uses of 1 unit per acre in accordance with the City of San Diego (City) Land Development Code. The site is located within the deferred certification area of the Coastal Overlay Zone.

The project site is also within the Palm City neighborhood, historically the transportation hub for the Otay Mesa-Nestor community. Palm City is characterized by a variety of residential and commercial uses located along the trolley corridor. The project site is in a Transit Priority Area (TPA) and within a quarter mile of the Palm Avenue Trolley station. Also, there is an existing bus stop along the Hollister Street frontage of the property.

As envisioned by the OMNCP, those areas not included as preserved lands should be proposed for use which will promote development and economic revitalization of the community. The Bella Mar project supports this vision through the development of both market rate and affordable housing.





✱ Project Location

FIGURE 4  
Regional Location





0 Feet 300



- Project Boundary
- Off-site Improvement Area

FIGURE 5

Project Location on Aerial Photograph








- Project Boundary
- Special Study Area
- Otay Valley Regional Park Concept Plan



FIGURE 6  
Project's Location within Otay  
Valley Regional Park Concept Plan





-  Project Boundary
-  Off-site Improvement Area
-  City of San Diego MHPA

0 Feet 300



FIGURE 7  
Existing MHPA Boundary

### 3.0 Proposed Project

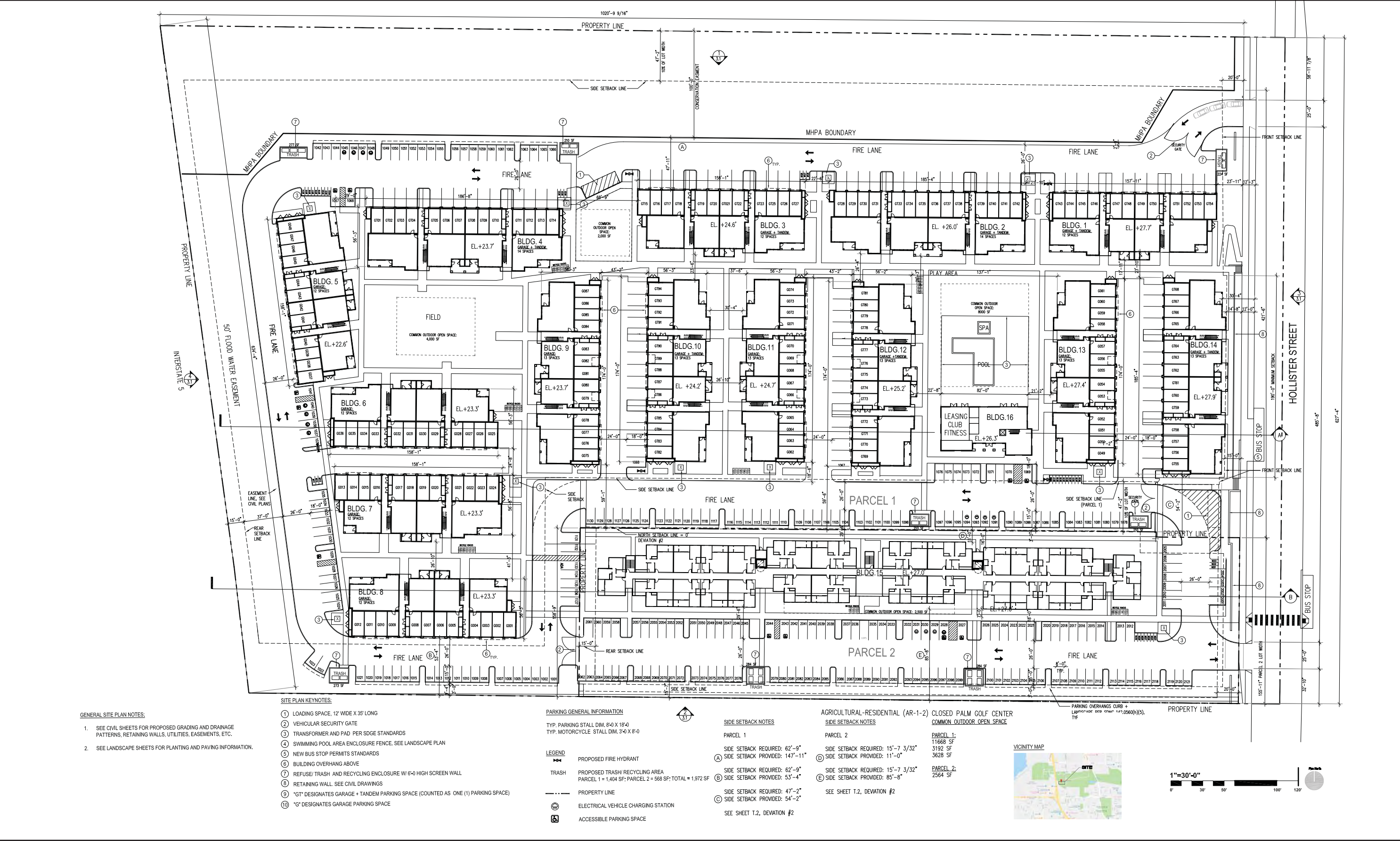
Although not located within an open space area within the OVRP, the project site is designated Open Space on the City's General Plan Land Use and Zoning maps. The Bella Mar project includes a Community Plan Amendment (CPA) to redesignate the majority of the project site from Open Space to Medium Density Residential and a corresponding rezone from Agriculture-Residential (AR-1-2) and Open Space (OF-1-1) to Multiple-Unit Medium Density Residential (RM-2-5) to allow up to 380 dwelling units (280 market rate units and 100 affordable units) in multiple buildings up to four stories. The northern portion of the site currently zoned OF-1-1 and located in the open space easement on the north edge of the property and would not require a rezone. In addition to the CPA and rezone, the Bella Mar project would require a Site Development Permit, a Coastal Development Permit, and a Tentative Map. The project would provide needed housing near a major transit stop, shopping, and recreation and would be consistent with all relevant strategies of the OMNCP.

The Bella Mar project is located approximately 600 feet from a trail entrance to the OVRP north of the project site. The project would add a sidewalk (where none currently exists) along the property frontage, extending north to Louret Avenue. This project design improvement would link residents with the OVRP trail entrance on Hollister Street. The project is located approximately 1,500 feet from the existing trolley station and a bus stop is proposed for both the north and southbound sides of Hollister Street. Sidewalk improvements along Hollister Street would provide pedestrian connectivity to the trail network for both future residents and the broader community due to the proximity of the trolley station.

The project proposes to provide 26 percent of the total units as affordable on-site. The applicant seeks to develop a high quality, family-oriented project with larger units, including a total of 95 three-bedroom units that would address the need for family housing within Otay Mesa-Nestor. The project includes landscaped courtyards and a linear green space.

The project's Site Plan is shown in Figure 8a. The project site would be subdivided into four main areas: a 280-unit market rate residential development of approximately 12 acres fronting on Hollister Street, a 100-unit affordable housing component on approximately 2 acres, a 50-foot-wide (0.56 acre) drainage easement and noise buffer adjacent to I-5, and the northern MHPA buffer. Pedestrian and vehicular connections, uniform landscaping, and complementary building materials would link these four areas into a comprehensive design. The project would include outdoor amenity spaces as well as connections to off-site recreation in OVRP and to pedestrian and bike trails linking to the Otay River Trail network and the Bayshore Bikeway. The applicant also proposes an enhanced bus stop along Hollister Street and frontage improvements to improve pedestrian circulation in the neighborhood, to take advantage of the site's proximity to the trolley station and create a walkable community.





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FIGURE 8a  
Project Site Plan



The project proposes the improvement of Hollister Street along the property frontage, including the addition of a 6-foot right-of-way dedication for a proposed right-of-way of 72 feet and pavement width of 48 feet. The street would also be improved with 5-foot-wide Class II bike lanes with 3-foot buffers in both north and southbound directions, as well as a center two-way left-turn lane. An enlarged street section of the proposed Hollister Street improvements are illustrated in Figure 8b. A mid-block cross walk is proposed at the project-driveway entrance. A bus stop is proposed for both north and southbound sides of Hollister Street. Sidewalks would be added along the property frontage and would extend south along Hollister Street to Conifer Avenue. A multi-use path would be provided on the east side of Hollister Street.

The project also includes a MHPA Boundary Line Adjustment (BLA), the approval of which would allow an encroachment into the current on-site MHPA boundary. This encroachment would impact a total of 3.2 acres comprised of disturbed land. Under the proposed MHPA BLA, this impact area would be removed from the current MHPA and the remaining 2.3 acres of on-site land within the MHPA would be preserved in open space (Figure 9). On-site MHPA would be restored with “up-tier” habitat (i.e., coastal sage scrub) to compensate for the disturbed land removed through implementation of a revegetation plan.

## 4.0 Special Study Report Criteria

Appendix 1B of the OMNCP notes that the intention of the SSA is to become wholly or partially included in the OVRP, the MSCP Preserve, and/or the NWR. Those portions of the SSA that are included in these three preservation/conservation areas should be restored and managed as natural resource areas, regional recreation areas or part of the salt production industry. Those areas not included in the three preservation areas should be used in ways which promote development and economic revitalization in the community, help to revitalize the Palm Avenue corridor, and improve public access and circulation in the community. To implement these goals, the existing zoning and current Open Space designation should be retained until the Special Study analysis and planning process has been completed (OMNCP Appendix 1B, page 89). The plan further states, “Prior to any land use changes within the SSA, a Special Study will be required. The Study will provide the framework and facilitate informed decision-making about the use, management, and disposition of the land within this context, while evaluating and considering the development opportunities in the area.”

This SSR is tailored to address conditions associated with the Bella Mar project site and address its relationship with surrounding properties within the SSA. Additionally, because the SSR is intended to be an ecological analysis of the entire SSA, the study further provides a discussion of SSA-wide conditions, and as relevant, those areas adjacent to the SSA. Appendix 1B of the OMNCP provides detailed criteria for subjects to be included in the Special Study. Specifically, the Special Study is required to assess the biological, sensitive natural resource, natural habitat, and regional habitat and open space connectivity values. Additionally, the Special Study is required to assess the hydrological conditions, describe the watershed(s) and drainage characteristics; determine wetland areas and provide recommendations for floodplain management to meet the needs of proposed development. Each of these criteria are described below.

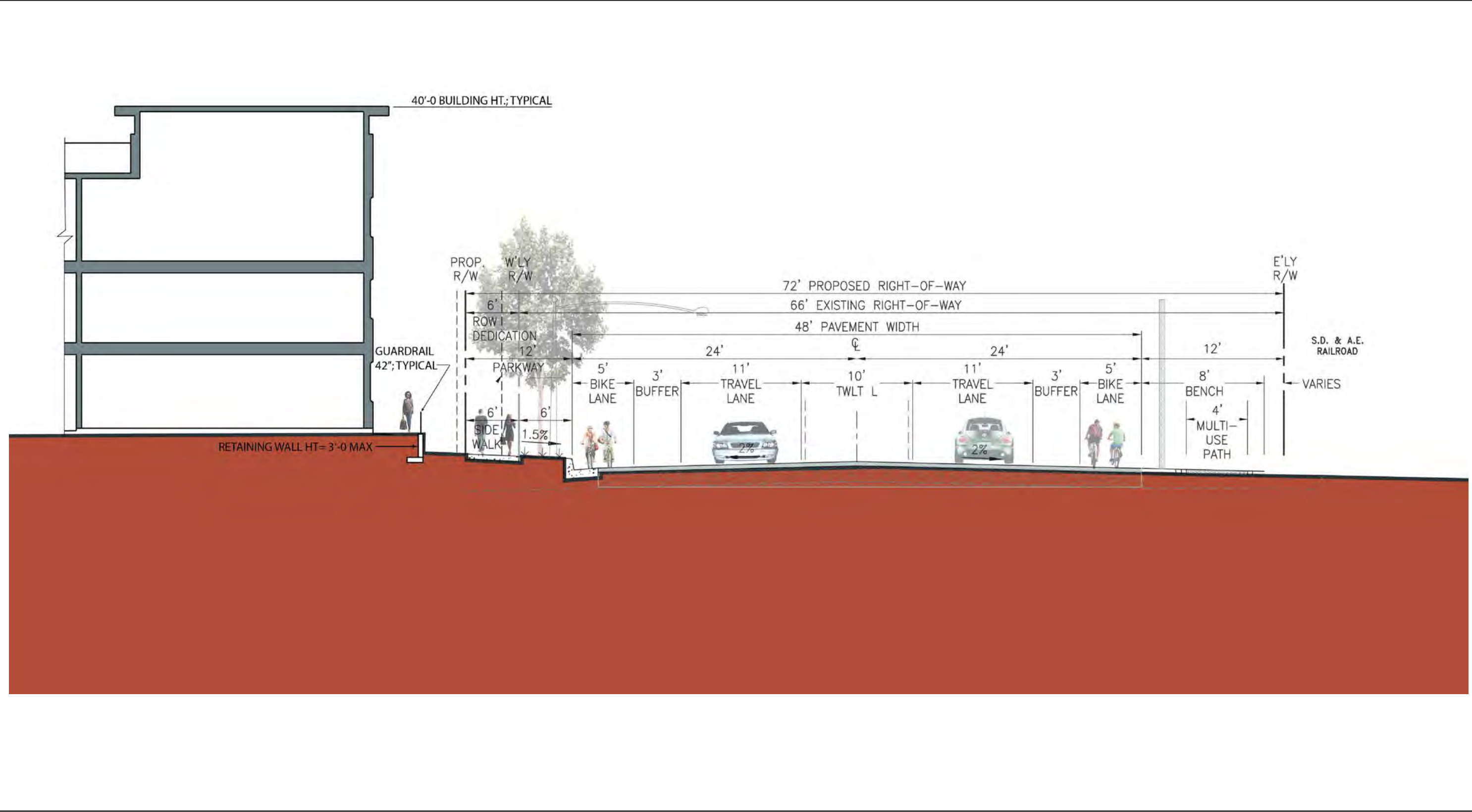


FIGURE 8b  
Project Off-Site Improvements: Hollister Street Street Section





- Project Boundary
- Off-site Improvement Area
- Existing MHPA Boundary
- MHPA Deletion

0 Feet 300



FIGURE 9

Proposed MHPA Boundary Line Adjustment

## 4.1 Assess Biological Resources

The discussion below regarding biological resources is presented for the overall SSA, for private parcels within the SSA outside the project site, and for the project site.

### 4.1.1 Vegetation

#### 4.1.1.1 Special Study Area

The 407-acre SSA contains eight basic vegetation communities/land cover types as shown in Figure 10 and summarized in Table 3.

| <b>Table 3<br/>Special Study Area Vegetation</b>    |               |
|---|---------------|
| <b>Vegetation Communities/<br/>Land Cover Types</b> | <b>Acres</b>  |
| Coastal Wetland                                     | 16.75         |
| Disturbed Land                                      | 186.70        |
| Freshwater Marsh                                    | 0.45          |
| Giant Cane  | 0.71          |
| Open Water  | 4.00          |
| Riparian Scrub                                      | 19.10         |
| Riparian Woodland                                   | 10.00         |
| Saltpan/Mudflat                                     | 140.90        |
| Urban/Developed                                     | 26.18         |
| <b>TOTAL</b>  | <b>407.44</b> |

As shown in Table 3, 186.70 acres of the SSA -are comprised of disturbed land where past or current activities have removed the majority of the native vegetation. These areas support a predominance of non-native plant species. The saltpan/mudflat habitat of the salt ponds is the next largest portion of the SSA. The salt ponds occur to the west of I-5 and are bisected by the Otay River and Nestor Creek.

The Otay River supports riparian woodland, riparian scrub, freshwater marsh, and open water habitats to the east of I-5, and riparian scrub and coastal wetlands to the west of I-5. Nestor Creek is located to the west of I-5 and supports riparian scrub habitat.

Urban/developed lands occur as small areas within the SSA where more or less permanent structures or commercial business has removed all native vegetation. Ornamental plantings may occur in these areas.

Of these vegetation types, the following are considered sensitive by the City: coastal wetland, riparian woodland, riparian scrub, saltpan/mudflat, and freshwater marsh. These habitats are considered a type of wetland habitat.



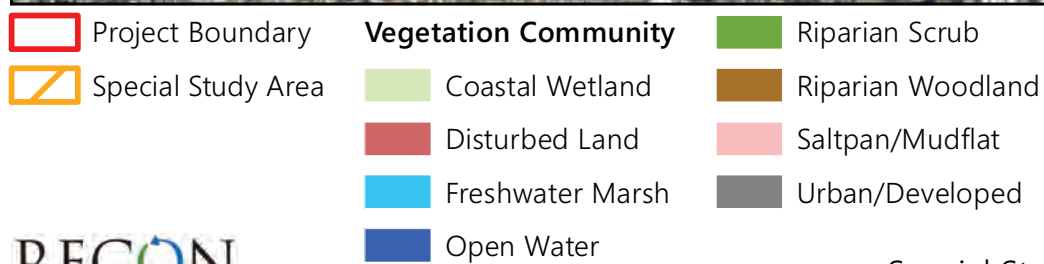
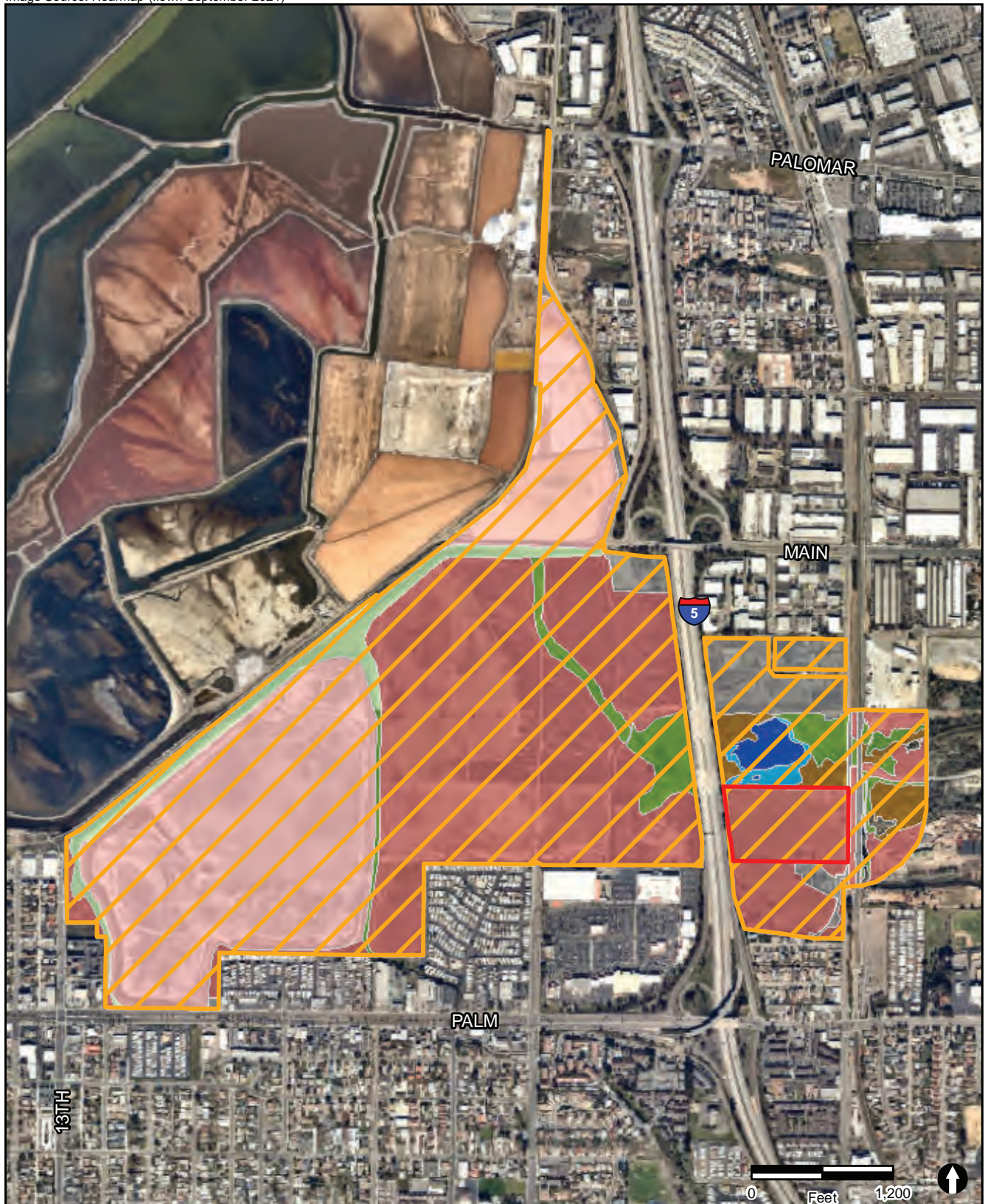


FIGURE 10  
Special Study Area Vegetation



#### 4.1.1.2 Private Parcels Outside of the Project Site

Vegetation communities that occur on the private parcels outside of the project site include coastal wetlands, disturbed land, eucalyptus woodland, giant cane, riparian scrub, riparian woodland, saltpan/mudflat, and urban/developed. The location of the vegetation communities are shown on Figures 11a-c and summarized in Table 4.

#### 4.1.1.3 Project Site

The project site occurs on disturbed land to the east of I-5 and just south of the Otay River. As shown in Figure 12, the project site does not support any sensitive vegetation and development of the project would therefore not affect any sensitive vegetation within the project site.

### 4.1.2 Sensitive Plant Species

#### 4.1.2.1 Special Study Area

A review of the California Natural Diversity Database (CNDDDB) for the vicinity of the SSA was conducted to generate a list of potential sensitive plant species that may occur in this area. In addition, all City MSCP species considered endemic were evaluated for potential to occur in the SSA. These reviews resulted in a list of 25 sensitive plant species with the potential to occur within the SSA (Attachment 1). Of these 25 species, only seven have a moderate potential for occurrence based on the existing habitats that remain in the SSA. A lack of suitable habitat or substrate eliminated the majority of the sensitive plant species from having a potential to occur in the SSA.

The seven sensitive plant species with a moderate potential to occur in the SSA include estuary seablite (*Suaeda esteroa*), woolly seablite (*Suaeda taxifolia*), salt marsh bird's-beak (*Chloropyron maritimum* ssp. *maritimum*) within the coastal wetland habitat; and southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*), San Diego marsh-elder (*Iva hayesiana*), decumbent goldenbush (*Isocoma menziesii* var. *decumbens*), and Palmer's goldenbush (*Ericameria palmeri* var. *palmeri*) in the riparian scrub or woodland habitats. These species are illustrated in Table 5.

#### 4.1.2.2 Private Parcels Outside of the Project Site

Some of the private parcels within the SSA but outside of the project site have the potential to support sensitive plant species. Parcels 6 and 9 have coastal wetland habitat that has the potential to support estuary seablite, woolly seablite, and salt marsh bird's-beak. Parcels 23 thru 27 have riparian scrub and/or riparian woodland habitat that have the potential to support San Diego marsh-elder, decumbent goldenbush, Palmer's goldenbush, and southwestern spiny-rush. The remaining private parcels are disturbed or developed and lack suitable native habitats to support any sensitive plant species.



Special Study Area  
Private Parcels

**Vegetation Community**

Coastal Wetland  
Disturbed Land

Riparian Scrub  
Saltpan/Mudflat  
Urban/Developed

FIGURE 11a

Vegetation within Private Parcels





- Special Study Area
- Private Parcels

**Vegetation Community**

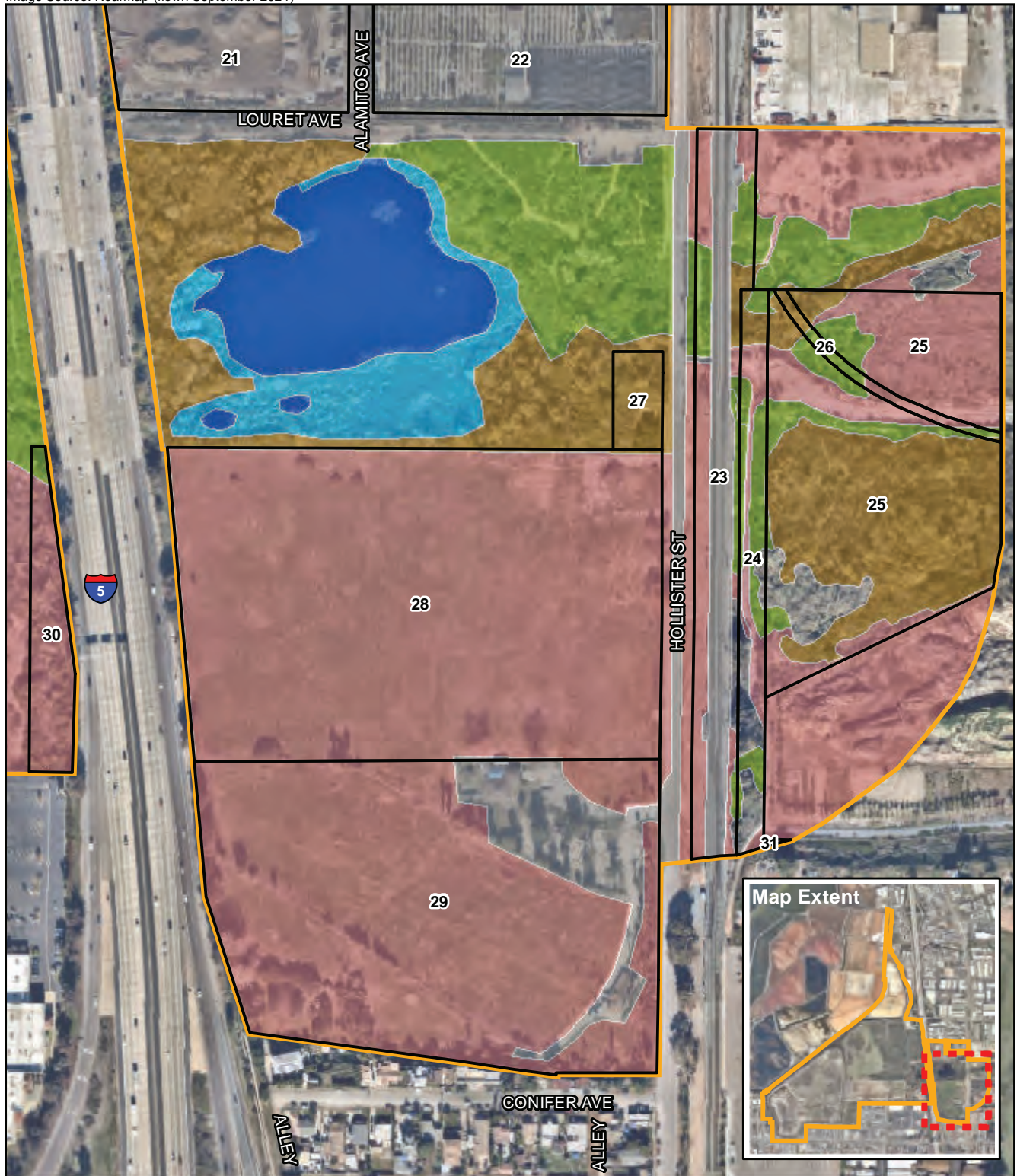
- Disturbed Land
- Freshwater Marsh
- Open Water

- Riparian Scrub
- Riparian Woodland
- Urban/Developed

FIGURE 11b

Vegetation within Private Parcels





Special Study Area  
Private Parcels

**Vegetation Community**

Disturbed Land  
Freshwater Marsh  
Open Water

Riparian Scrub  
Riparian Woodland  
Urban/Developed

FIGURE 11c

Vegetation within Private Parcels

| Table 4<br>Special Study Area Vegetation - Private Parcels Outside Project Site |                           |  |  |  |                                      |   |  |  |  |   |                        |                            |
|---|---------------------------|--|--|--|--------------------------------------|---|--|--|--|---|------------------------|----------------------------|
| Vegetation Communities/<br>Land Cover Types                                     | M&A Gabae<br>Parcels 1- 9 | San Diego<br>County Swiss<br>Club<br>Parcels 10-11 | Terra Bella Nursery<br>Parcels 12, 15, 18,<br>21, 22 | Ramos Jose L. Jr &<br>Precila L. Revocable<br>Living Trust<br>Parcels 13, 16, 17 | Carbajal,<br>Micaela R.<br>Parcel 14 | Newton, Norman V.<br>& Alvarina<br>Survivors Trust<br>Parcels 19-20 | San Diego &<br>Eastern Railway<br>Co.<br>Parcels 23-24 | Hanson Aggregates<br>Pacific Southwest<br>LLC<br>Parcels 25-26 | California<br>American<br>Water Co.<br>Parcel 27 | Kastlunger,<br>John A.<br>Trust 020502<br>Parcel 29 | SPP Corp.<br>Parcel 30 | DIM Hollister<br>Parcel 31 |
| Coastal Wetland   | 1.49                      | --   | --   | --   | --                                   | --  | --   | --   | --   | --  | --                     | --                         |
| Disturbed Land  | --                        | 0.17   | --   | --   | --                                   | --  | 1.49   | 2.56   | --   | 10.76   | 1.01                   | 0.01                       |
| Eucalyptus Woodland   | --                        | --   | --   | --   | --                                   | --  | 0.45   | --   | --   | --  | --                     | --                         |
| Giant Cane  | --                        | --   | --   | --   | --                                   | --  | 0.05   | 0.47   | --   | --  | --                     | --                         |
| Riparian Scrub  | --                        | --   | --   | --   | --                                   | --  | 1.08   | 0.82   | --   | --  | 0.05                   | --                         |
| Riparian Woodland   | --                        | --   | --   | --   | --                                   | --  | 0.23   | 4.06   | 0.47   | --  | --                     | --                         |
| Saltpan/Mudflat   | 29.38                     | --   | --   | --   | --                                   | --  | --   | --   | --   | --  | --                     | --                         |
| Urban/Developed   | 2.39                      | 3.37   | 11.46  | 0.74   | 0.30                                 | 0.52  | 1.56   | --   | --   | 1.96  | --                     | --                         |
| TOTAL   | 33.26                     | 3.54   | 11.46  | 0.74   | 0.30                                 | 0.52  | 4.86   | 7.91   | 0.47   | 12.72   | 1.06                   | 0.01                       |



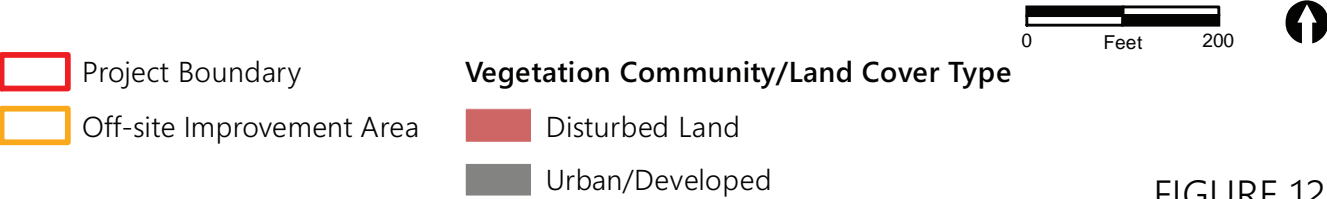







FIGURE 12  
Existing On-Site Biological Resources

### 4.1.2.3 Project Site

No sensitive plant species were observed on the project site and none are expected to occur. The project site does not support any suitable habitat for any of the sensitive species listed in Attachment 1 and development of the project would not affect any sensitive plant species populations that may occur in the SSA.

| <b>Table 5</b><br><b>Sensitive Plant Species with a Moderate Potential</b><br><b>to Occur in the SSA</b> |  |
|--|--|
| Species Name   | Photo  |
| San Diego marsh-elder<br>( <i>Iva hayesiana</i> )  |    |
| Decumbent goldenbush<br>( <i>Isocoma menziesii</i> var. <i>decumbens</i> )                               |   |
| Palmer's goldenbush<br>( <i>Ericameria palmeri</i> var. <i>palmeri</i> )                                 |  |

| <b>Table 5</b><br><b>Sensitive Plant Species with a Moderate Potential</b><br><b>to Occur in the SSA</b> |  |
|--|--|
| Species Name   | Photo  |
| Southwestern spiny-rush<br>( <i>Juncus acutus</i> ssp. <i>leopoldii</i> )                                |    |
| Salt marsh bird's-beak<br>( <i>Chloropyron maritimum</i> ssp. <i>maritimum</i> )                         |    |
| Estuary seablite<br>( <i>Suaeda esteroa</i> )  |   |
| Wooly seablite<br>( <i>Suaeda taxifolia</i> )  |  |

### 4.1.3 Sensitive Wildlife Species

#### 4.1.3.1 Special Study Area

A review of the CNDDDB for the vicinity of the SSA was conducted to generate a list of potential sensitive wildlife species that may occur in this area. This database review resulted



in a list of 19 sensitive wildlife species with the potential to occur within the SSA (Attachment 2). Of these 19 species, only six have a moderate potential for occurrence based on the existing habitats that remain in the SSA. A lack of suitable habitat eliminated the majority of the sensitive plant species from having a potential to occur in the SSA.

The six sensitive wildlife species with a moderate potential to occur in the SSA include western snowy plover (*Charadrius alexandrinus nivosus*), Belding's savannah sparrow (*Passerculus sandwichensis beldingi*), light-footed Ridgway's rail (*Rallus obsoletus*), and California least tern (*Sternula antillarum browni*) within or using the coastal wetland and saltpan/mudflat habitats; and Cooper's hawk (*Accipiter cooperii*) and least Bell's vireo (*Vireo bellii pusillus*) within or using the riparian woodland along the Otay River.

#### 4.1.3.2 Private Parcels Outside of the Project Site

As shown in Figures 11a-c, the following parcels within the SSA but outside of the project site have the potential to support sensitive wildlife species:

- Parcels 1 through 9 have coastal wetland and saltpan/mud flat habitats that have the potential to support western snowy plover, Belding's savannah sparrow, light-footed Ridgway's rail, and/or California least tern.
- Parcels 23 through 27 have riparian scrub and/or riparian woodland habitat that have the potential to support Cooper's hawk and/or least Bell's vireo.

The remaining private parcels are disturbed or developed and lack suitable native habitats to support any sensitive wildlife species.

#### 4.1.3.3 Project Site

One sensitive wildlife species, Cooper's hawk, was observed flying over the project site during the September 28, 2018 survey. This species may forage in the disturbed habitat on the site, but would not likely use the site for nesting. A burrowing owl habitat assessment was conducted on September 18, 2019, and four non-breeding season burrowing owl surveys were conducted between October 2019 and January 2020. Although burrows potentially suitable for burrowing owl were observed on the site, no direct burrowing owl observations or any sign of burrowing owl were discovered, and the site conditions are not conducive for burrowing owl breeding nor long-term occupation. Western burrowing owls require ample foraging habitat to support occupancy at a particular site. A primary foraging area within a radius of approximately 600 meters (300 acres in size) is cited as being necessary for burrowing owl occupation in the Department of Fish and Game Staff Report of Burrowing Owl Mitigation published in 2012. Accordingly, the project site itself is likely not large enough to support ample foraging area to support burrowing owl breeding. In addition, most of the area within a radius of 600 meters of the site to the east of I-5 is developed and has no foraging value. The existing riparian habitat along the Otay River corridor in this eastern area is not suitable for use by burrowing owl. Of the remaining undeveloped areas east of I-5, there is little suitable foraging habitat that is comprised of grassland or open habitats preferred by the burrowing owl. These other undeveloped areas are generally disturbed and include land uses

associated with nurseries or mining activities that are also not suitable for use by burrowing owl. To the west of I-5 within 600 meters, areas to the south of Palm Avenue are developed. While some development occurs just north of Palm Avenue adjacent to I-5, there are open shrubland and fields to the west that are part of the Otay Valley Regional Park Open Space and San Diego National Wildlife Refuge. Western burrowing owl have been documented in more open areas to the north and west of the terminus of Saturn Boulevard. Denser, less suitable burrowing owl habitat occurs to the east of this area up to I-5. There is a low probability that the burrowing owls to the west of I-5 would move east of the freeway due to vehicular traffic, associated noise, distance, and lack of large areas suitable for breeding or foraging.

No other sensitive wildlife species are expected to occur on the site due to the lack of suitable habitat and the disturbed condition of the site. Development of the project would not have a direct effect on any sensitive wildlife species within the SSA, but has the potential for indirect impacts to sensitive wildlife species that may occur on the adjacent Otay River portion of the SSA to the north of the project site. These potential indirect impacts could be avoided with compliance with MHPA land use adjacency guidelines.

As stated in the MSCP Section 1.4.3 (City of San Diego 1997), land uses adjacent to the MHPA are to be managed to ensure minimal impacts to the MHPA. The MSCP establishes adjacency guidelines to be addressed on a project-by-project basis to minimize direct and indirect impacts and maintain the function of the MHPA. The project's adherence to the land use adjacency guidelines are summarized in Table 6.

| <b>Table 6</b><br><b>Project's Compliance with MSCP Land Use Adjacency Guidelines</b>  |  |
|--|--|
| Summary of Land Use Adjacency Guideline (MSCP Section 1.4.3)   | Project Action/Compliance with MSCP  |
| <b>Drainage.</b> Drainage should be directed away from the MHPA or, if not possible, must not drain directly into the MHPA.  | All drainage would be treated on-site within the development footprint using methods such as detention/water quality basins to dissipate/detain and filter/treat runoff.   |
| <b>Toxins.</b> Land uses that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by application or drainage of such materials into the MHPA. | <p>The project has been designed to limit post-development storm water runoff discharge rates and velocities to maintain or reduce pre-development erosion and to reduce nutrients, organic compounds, oxygen demanding substances, oil and grease, bacteria and viruses, and pesticides by applying best management practices.</p> <p>Construction Best Management Practices, such as monitoring, flagging, staking, or silt/bio fencing around sensitive areas, would be used to ensure toxins from construction and project implementation would not impact the MHPA.</p> |
| <b>Lighting.</b> Lighting of all developed areas within and adjacent to the MHPA would be limited to low-level lighting and directed away  | The project's lighting plan conforms to City regulations. All lights would be shielded, and adjusted so that the light is directed in a manner that minimizes negative impacts. The project is   |



| <b>Table 6</b><br><b>Project's Compliance with MSCP Land Use Adjacency Guidelines</b>   |  |
|---|--|
| Summary of Land Use Adjacency Guideline (MSCP Section 1.4.3)  | Project Action/Compliance with MSCP  |
| or shielded to minimize the amount of light entering the MHPA.  | designed to ensure the placement and use of lighting would accommodate the habits of nocturnal species that prefer to move and forage in darkness.   |
| <b>Noise.</b> Due to the site's location adjacent to or within the MHPA, construction noise will need to be avoided, if possible, during the breeding seasons of the least Bell's vireo (March 15 to September 15) and southwestern willow flycatcher (May 1 to August 30). | The project's Mitigation Monitoring and Reporting Plan (mitigation measures MM-Bio-2 and MM-Bio-3) requires avoidance of breeding seasons and/or pre-construction surveys to ensure no impacts to sensitive species would occur during project construction. |
| <b>Brush Management.</b> All Brush Management Zone (BMZ) 1 areas must be included within the development footprint and outside the MHPA.  | The project is designed with BMZ 1 areas located outside of the MHPA. Vegetation clearing would be done consistent with City standards and would avoid/minimize impacts to covered species to the maximum extent possible.                                   |
| <b>Invasives.</b> No invasive plant species shall be planted in or adjacent to the MHPA.  | The project's Landscape Plan does not include any invasive or non-native plant species within the on-site MHPA open space area. On-site revegetation within the MHPA would be limited to native vegetation.  |
| <b>Grading/Land Development.</b> All manufactured slopes must be included within the development footprint and outside the MHPA.  | The proposed grading for the project does not encroach into the MHPA.  |
| <b>Barriers/Access.</b> New developments within or adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries.   | A barrier fence is proposed between the preserved on-site MHPA area and the adjacent development. A 5-foot metal perimeter fence is proposed as the barrier between the development and the MHPA.  |
| SOURCE: City of San Diego 1997  |  |

## 4.1.4 Jurisdictional Waters

### 4.1.4.1 Special Study Area

The Otay River, Nestor Creek, and the salt ponds support jurisdictional waters. The coastal wetlands (salt marsh), riparian woodland, riparian scrub, and freshwater marsh habitats of the Otay River and Nestor Creek are wetland habitats. The saltpan/mudflats of the salt ponds are considered a type of special aquatic site. Together, these jurisdictional waters have the potential to provide habitat for sensitive wildlife species. In addition, these wetlands may provide water quality functions (i.e., moderation of flood flows, nutrient uptake, short- and long-term above/below ground water storage, and moderation so sedimentation) that improve water discharges that enter San Diego Bay.

#### **4.1.4.2 Private Parcels Outside of the Project Site**

As shown in Figures 11a-c, the following parcels within the SSA study area but outside of the project site have the potential to support jurisdictional waters:

- Parcels 1 through 9 support coastal wetland and saltpan/mud flats that are considered special aquatic sites.
- Parcels 23 through 27 support areas of riparian scrub and riparian woodland habitats that are considered wetland habitats. These wetlands may provide water quality functions (i.e., moderation of flood flows, nutrient uptake, short- and long-term above/below ground water storage, and moderation so sedimentation) that improve water discharges that enter San Diego Bay.

#### **4.1.4.3 Project Site**

Development of the project would not impact any jurisdictional waters as none occur on the site. Implementation of and compliance with storm water runoff measures would ensure that the project does not contribute to the degradation of water quality in the wetlands to the north and to the west within the SSA. Based on the lack of sensitive resources present on the project site, the project would have minor effects on the integrity, continuity, and connectivity of the natural resources and habitats within the eastern portion of the SSA. The site currently lacks continuity or connectivity to resources in the SSA due to I-5, a multi-lane major freeway that separates the project site from portions of the SSA to the west. While the proposed project would develop disturbed land, the dedication and revegetation of a 100-foot-wide buffer area within the MHPA on the site would enhance the integrity of the wetlands of the Otay River to the north without disrupting the continuity and connectivity of the wetland habitats beyond the existing condition.

#### **4.1.5 Open Space Connectivity**

The SSA contains connected open space areas that include the conserved lands making up the Otay Valley Regional Park open space corridor east and west of I-5 and the San Diego National Wildlife Refuge open space to the west of I-5. These open space lands support habitats that are valuable for wildlife movement east and west along the Otay River to the wetlands of the refuge. The project area and private parcels outside the project site are on the periphery of the primary open space area and do not reduce the connectivity value of the corridor.

## **4.2 Assess Hydrological Conditions**

### **4.2.1 Special Study Area**

The SSA is located within the San Diego Bay Watershed Management Area (WMA). Specifically, the SSA sits within the Otay Valley Hydrologic Area (910.2) of the Otay Hydrologic Unit of the WMA (Figure 13). The hydrologic area is dominated by open spaces and undeveloped lands which comprised 47 percent of the land area, along with 16 percent residential land uses and smaller percentages of commercial, transportation, industrial, and institutional uses ([www.projectcleanwater.org](http://www.projectcleanwater.org)).

Hydraulic conditions include the convergence of the Otay River with San Diego Bay. Specifically, the Otay River conveys flows from the I-5 Bridge through the Otay River floodplain and estuarine portion of the Otay River. On the west side of I-5, the river channel turns northwest toward South Bay Salt Works, then westward where it converges with Nestor Creek. The Otay River continues along the northern edge of the Otay River floodplain site finally discharging into the San Diego Bay (U.S. Fish and Wildlife Service 2016).

Hydrologic conditions for the SSA are affected by a combination of tidal exchange with San Diego Bay and watershed flows from the Otay River with tidal processes having a major impact in the general vicinity of the project site, including tidal inundation as an essential part of the survival of coastal wetland habitats (U.S. Fish and Wildlife Service 2016). Flood hazards are identified by the Federal Emergency Management Agency (FEMA) Flood Insurance Study. Based on hydrologic and hydraulic analyses for the Otay River, a 100-year floodplain and floodway have been delineated. FEMA bases their floodplain studies on mean higher high water in coastal areas, so the Otay River elevations at San Diego Bay should be based on Mean Higher High Water. The project has been designed to meet FEMA and the City of San Diego's floodplain and floodway regulations.

Appendix 1B of the OMNCP requires an assessment of whether portions of the SSA referred to as the "southern SSA" and the "Magnesium Pond SSA" are linked hydrologically. Upon review, the Magnesium Pond is surrounded by a berm and does not appear to have any direct surface connections to the surrounding areas. The creeks, waterways, or drainages run outside of and adjacent to the berm on the north, east, and west sides and do not seem to connect externally to the pond.

### **4.2.2 Private Parcels Outside of the Project Site**

The privately-owned parcels within the SSA are currently mostly undeveloped except for Parcels 12 through 22 which have been graded and support row crops, greenhouses, and agricultural storage (see Figure 11b). These parcels are located in the northwestern corner of the SSA where the parcels abut commercial development outside the SSA. Overall, the conditions of these parcels would not affect the existing hydrology of the SSA because all future development would be required to adhere to City municipal code regulations relating to drainage and hydrology.





- Project Boundary
- Special Study Area
- Watersheds

FIGURE 13

Special Study Area Watershed



### **4.2.3 Project Site**

Existing hydrologic conditions are documented in the Bella Mar Drainage Study (Fusco Engineering 2019a). The project site is located within the FEMA designated floodplain. The project proposes to fill the site to provide two feet of freeboard above the 100-year flood base elevations per City of San Diego Municipal Code (SDMC) requirements. The Bella Mar project will incorporate protective floodplain regulations, modeled on Land Development Code's (LDC) regulations, that will ensure less than significant hydrological effects from project. In its existing condition, runoff from the site flows primarily west (towards I-5) to an existing 24-inch culvert prior to discharging into the Otay River west of I-5. Portions of the south neighboring property drains through the site. A smaller area along the northern boundary sheet flows into the Otay River and the remainder of the site fronting Hollister Street combines with public street runoff and surface flows through the adjacent private property to the south toward an existing 36-inch culvert which crosses the I-5 prior to discharging toward the Otay River.

As shown in Figure 14, the project would maintain existing drainage patterns to the maximum extent practical. Specifically, all flow directions would remain the same; on-site basin areas acreages would slightly change reducing the speed of flow by 2.24 cubic feet per second. In other words, the runoff flow rates in the post project condition would be decreased compared to the existing condition (Fusco Engineering 2019a).

## **5.0 Basis for Establishing Land Uses**

Appendix 1B of the OMNCP requires specific issues to be addressed in the SSR to serve as the basis for establishing land uses in the OMNCP.

### **5.1 Identification of Areas for Preservation, Enhancement, and Restoration**

As required by the OMNCP, the SSR provides a description and location of the boundaries on-site of the open space preserved areas and public park (OVRP) areas.

#### **5.1.1 Special Study Area**

As shown in Figures 1 and 2, most of the SSA has been conserved and is within the ownership of U.S. Fish and Wildlife Service (NWR) and the City (OVRP Open Space areas and MHPA land).

#### **5.1.2 Private Parcels Outside the Project Site**

A majority of the privately-owned parcels are not located within the preserved portions of the SSA lands. However, portions of Parcels 23, 25, 26, and 31 (see Figures 2 and 3) are located within the City's MHPA.

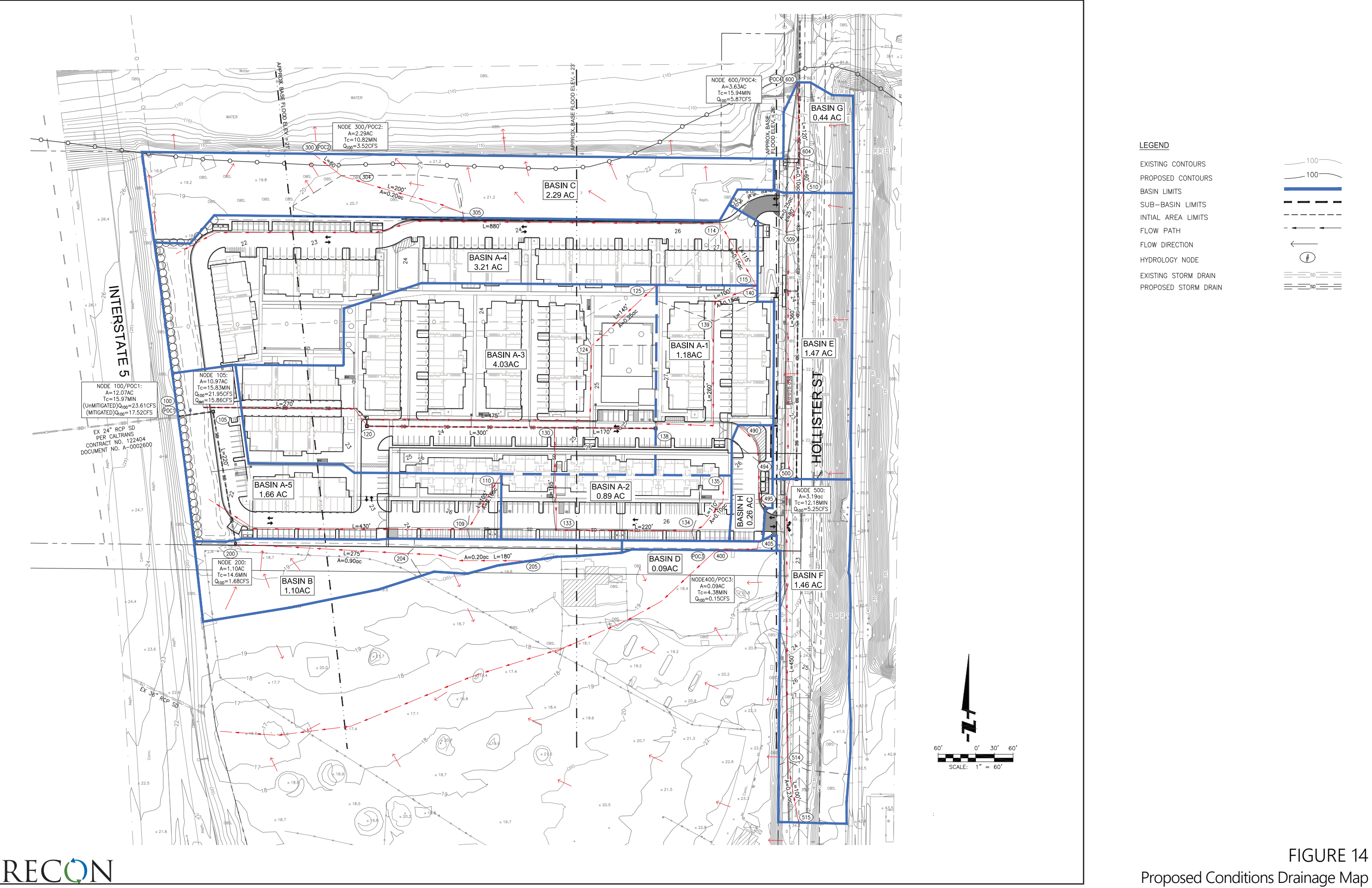


FIGURE 14  
Proposed Conditions Drainage Map

### **5.1.3 Project Site**

As shown on the Bella Mar Site Plan (see Figure 9a), the project includes on-site open space consisting of a 100-foot-wide area (2.3 acres) along the northern portion of the project site (see Figure 8a). This open space area is part of the MHPA lands. Currently, this area supports disturbed land. The project proposes to revegetate this area with native coastal sage scrub plant species. Once native vegetation is restored, the northern swath of on-site open space would function as a buffer between the development area to the south and the off-site wetland along the Otoy River to the north. Habitat values of the open space area would increase with the establishment of native coastal sage scrub plant species compared to the existing non-native plant dominated disturbed land.

## **5.2 Identification and Designation of Areas for Development**

The SSR is required to describe and locate the proposed land uses, densities, and intensities, and facilitate the revitalization of the Palm Avenue corridor by incorporating appropriate provisions dealing with architecture and site design, landscaping, and signage. This discussion includes the application of relevant policies/strategies contained throughout the OMNCP that would affect development within the SSA.

### **5.2.1 Special Study Area**

Existing land use designations within the SSA include Recreation, Open Space, Extractive Industries, Intensive Agriculture, and Spaced Rural Residential. As shown in Figure 2, most of the land within the SSA has been conserved as was the intent of the SSA designation and there is only a limited amount of privately owned land remaining in the SSA which could be developed. Therefore, the identification and development of remaining privately owned areas within the SSA is discussed under Section 5.2.2.

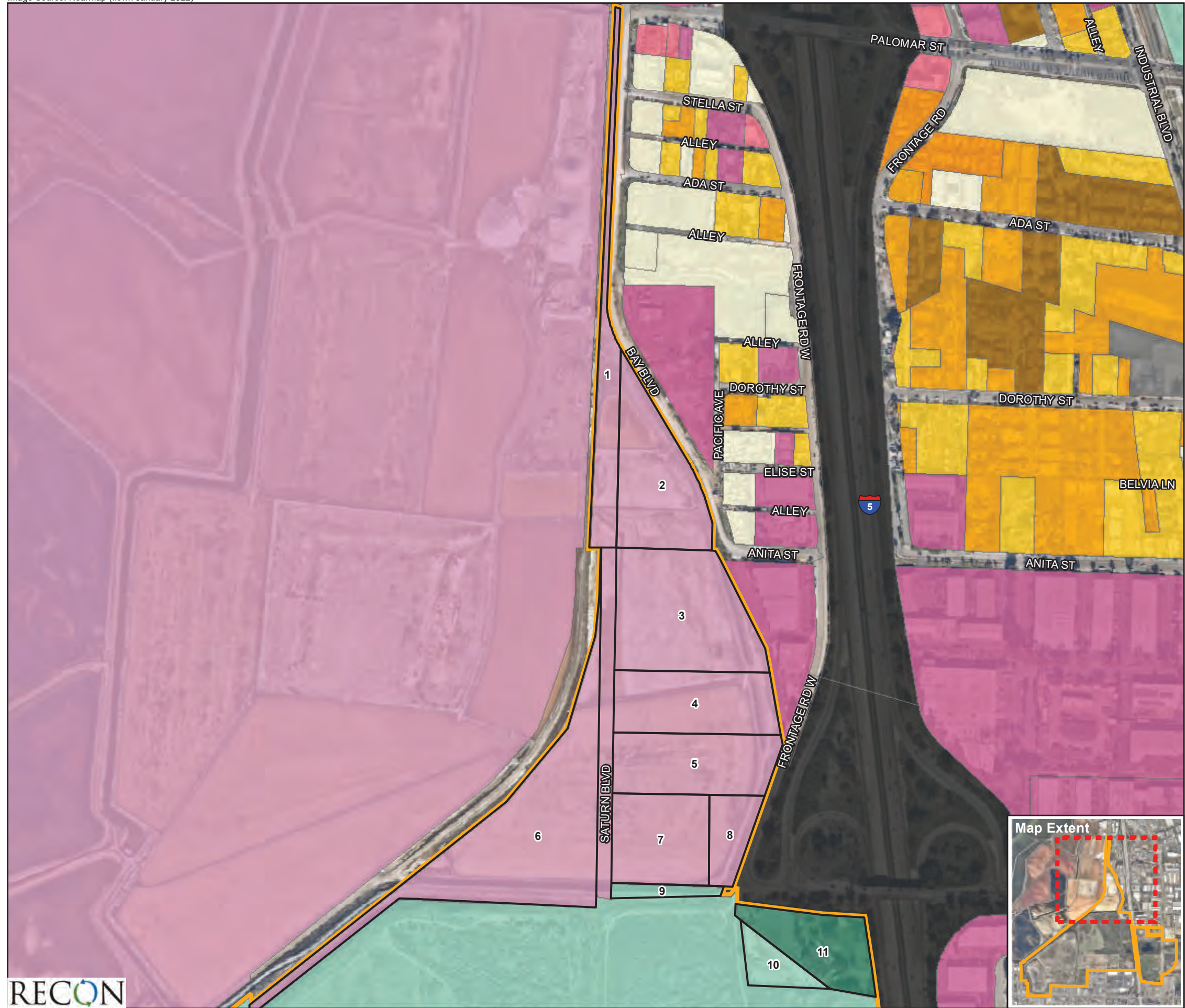
### **5.2.2 Private Parcels Outside of the Project Site**

#### **5.2.2.1 Development Potential**

The existing land use designations and zoning assigned to the privately owned parcels within the SSA are shown in Figures 15a-c and 16a-c, respectively, and summarized in Table 7.

As summarized in Table 7, there is potential for non-residential and residential development to occur within the SSA under existing land use designations. Existing development potential for residential uses would be within privately owned parcels 11, 12, 15, 21, 22, 25, 28, 29, 30, and 31. Parcel 28 is the Bella Mar project site. The development residential uses within the sites adjacent to and in proximity to the project site would result in a cohesive pattern of residential uses by placing residential developments close to each other and to surrounding, existing residential and commercial uses.





- Special Study Area
- Private Parcels
- Existing Land Use
  - RESIDENTIAL
    - Single Family Detached
    - Single Family Attached
    - Mobile Homes
    - Multi-Family
  - COMMERCIAL AND OFFICE
    - Commercial and Office
  - INDUSTRIAL
    - Light Industry
    - Extractive Industry
  - PUBLIC FACILITIES AND UTILITIES
    - Transportation, Communications, Utilities
    - Institutions
  - PARKS AND RECREATION
    - Recreation
    - Open Space Parks
  - UNDEVELOPED
    - Undeveloped
    - Road Right of Way
    - Railroad Right of Way

FIGURE 15a  
Existing Land Use of Private Parcels

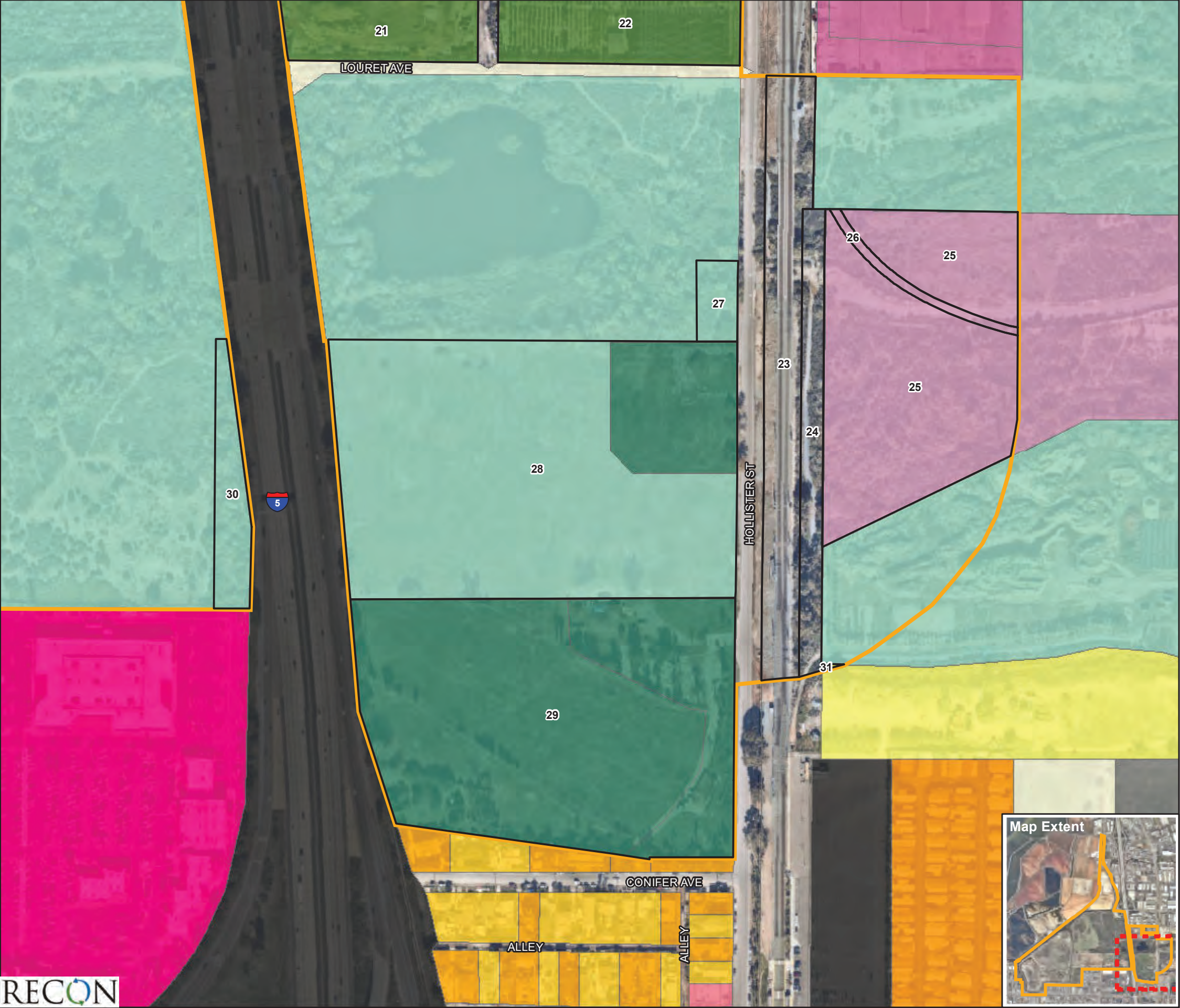




- Special Study Area
- Private Parcels
- Existing Land Use**
- RESIDENTIAL*
  - Spaced Rural Residential
- INDUSTRIAL*
  - Light Industry
- PUBLIC FACILITIES AND UTILITIES*
  - Transportation, Communications, Utilities
- PARKS AND RECREATION*
  - Recreation
  - Open Space Parks
- AGRICULTURE*
  - Intensive Agriculture
- UNDEVELOPED*
  - Undeveloped
- Road Right of Way
- Railroad Right of Way



Image Source: Nearmap (flown January 2022)



- Special Study Area
- Private Parcels
- Existing Land Use
  - RESIDENTIAL
    - Spaced Rural Residential
    - Single Family Detached
    - Single Family Attached
    - Mobile Homes
  - COMMERCIAL AND OFFICE
    - Shopping Centers
    - Commercial and Office
  - INDUSTRIAL
    - Light Industry
    - Extractive Industry
  - PUBLIC FACILITIES AND UTILITIES
    - Transportation, Communications, Utilities
    - Institutions
  - PARKS AND RECREATION
    - Recreation
    - Open Space Parks
  - AGRICULTURE
    - Intensive Agriculture
  - UNDEVELOPED
    - Undeveloped
    - Road Right of Way
    - Railroad Right of Way



FIGURE 15c  
Existing Land Use of Private Parcels



Image Source: Nearmap (flown September 2021)

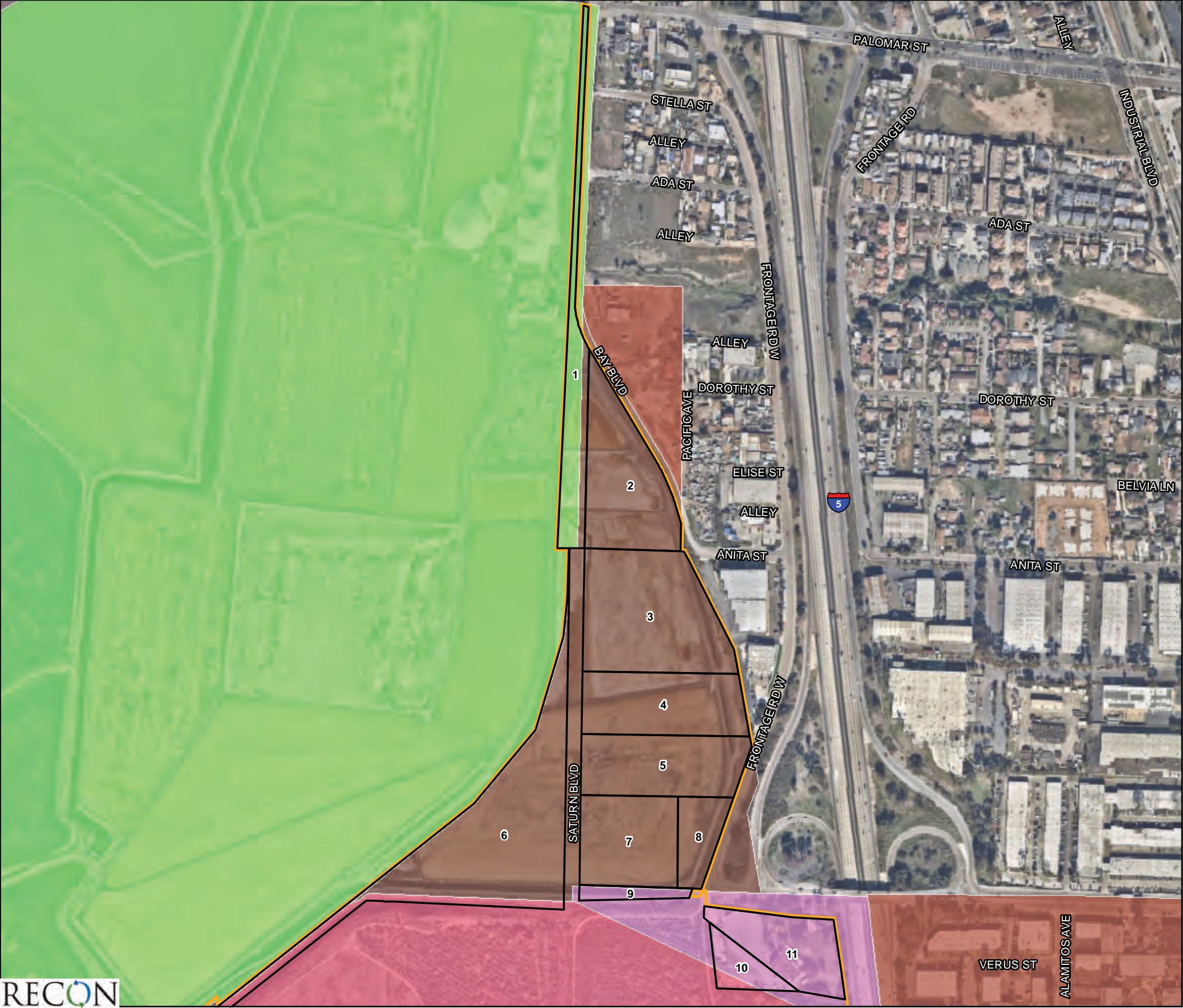
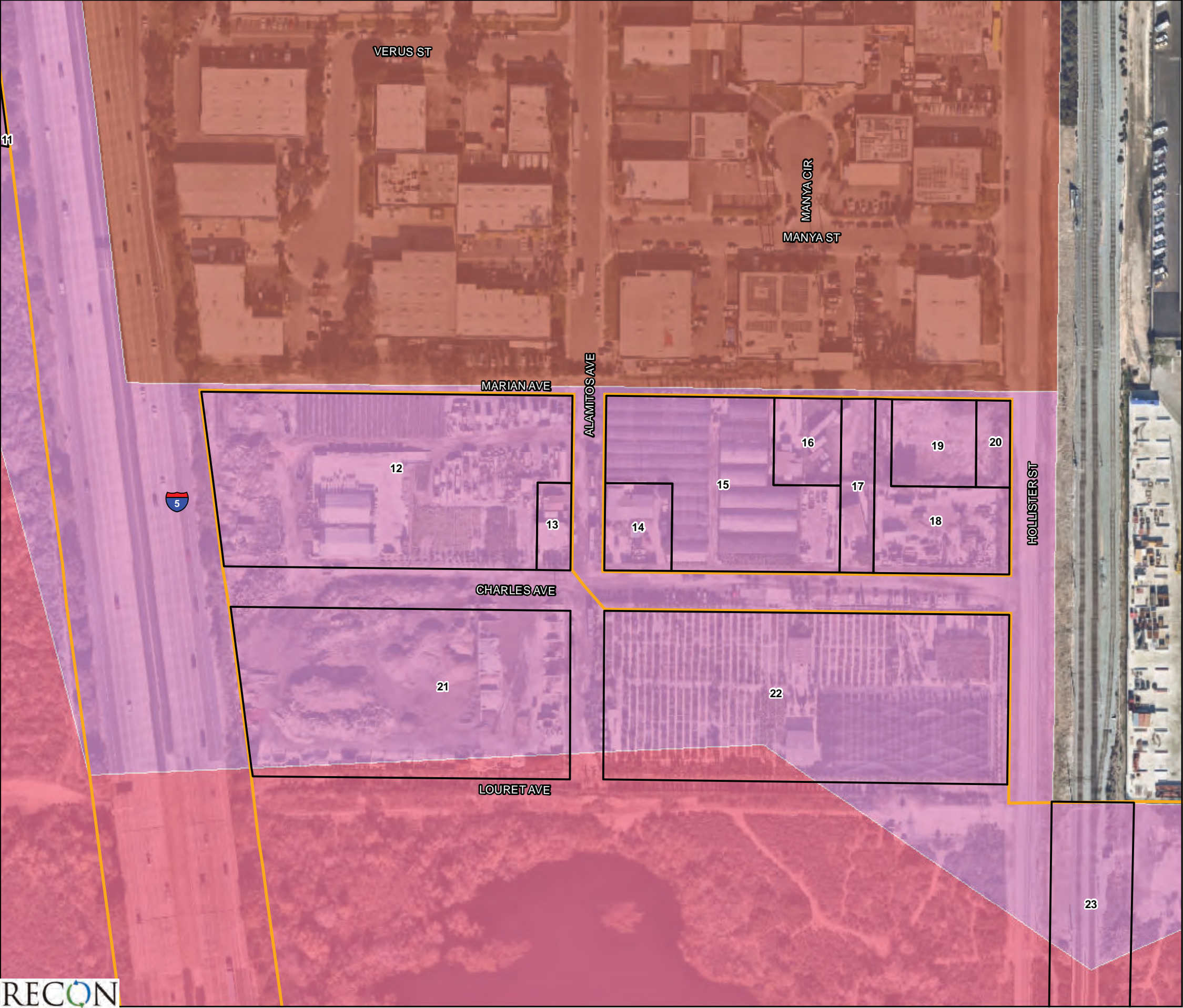


FIGURE 16a  
Zoning of Private Parcels



Image Source: Nearmap (flown September 2021)



- Special Study Area
- Private Parcels
- Zoning**
  - AR-1-2
  - IL-2-1
  - OF-1-1



FIGURE 16b  
Zoning of Private Parcels



Image Source: Nearmap (flown September 2021)

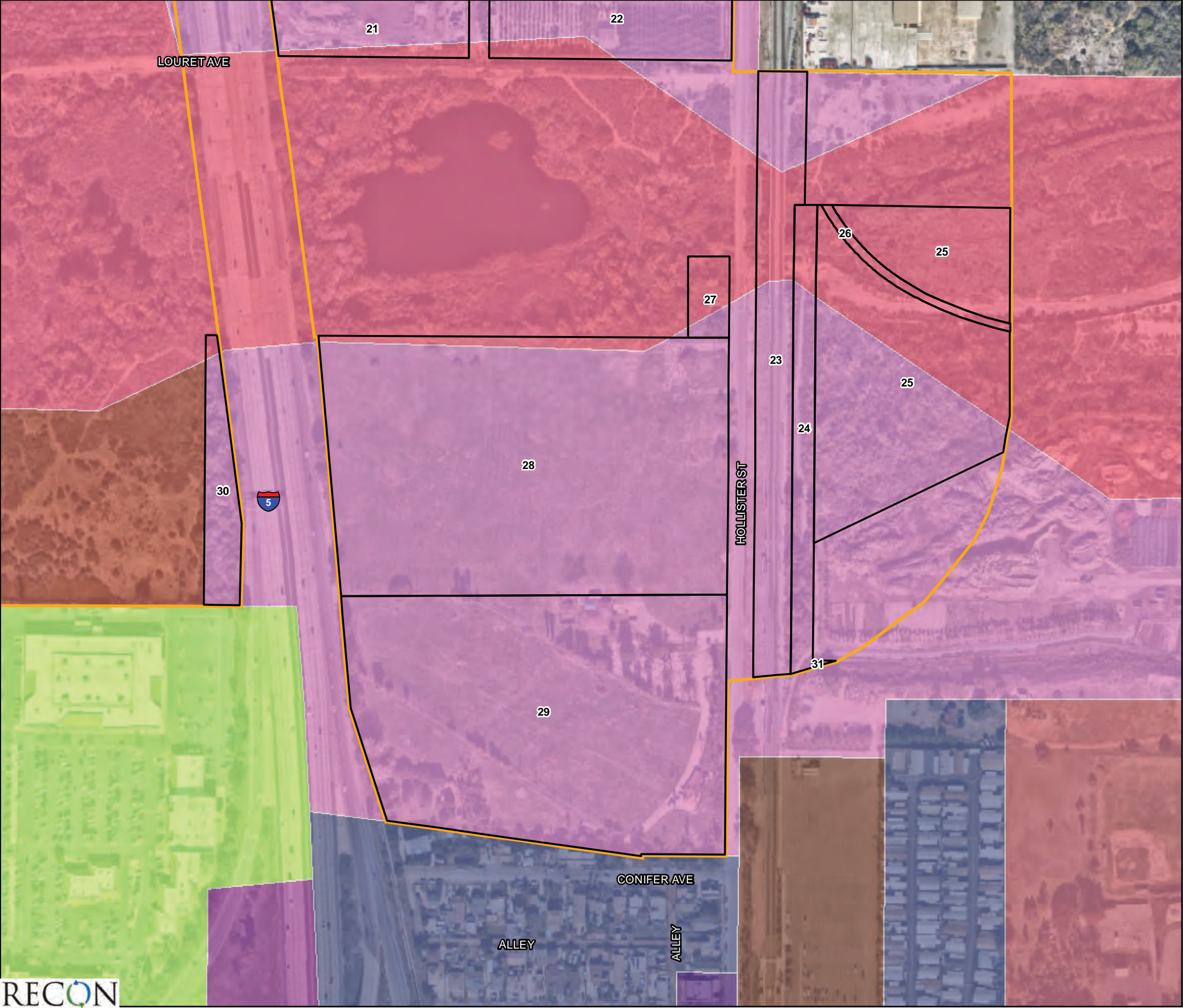


FIGURE 16c  
Zoning of Private Parcels

**Table 7**  
**Identification of Areas for Development**

| Parcel Number(s) <sup>1</sup> | APN        | General Plan Land Use Designation | Existing Zoning                               | Acres  | Square Feet (sf) | Existing Development Potential |
|-------------------------------|------------|-----------------------------------|---|--------|------------------|--------------------------------|
| 1                             | 6210100400 | Extractive Industry (salt ponds)  | IH <sup>2</sup> -2-1                          | 2.0    | 87,120           | 174,240 sf                     |
| 2                             | 6210100300 | Extractive Industry (salt ponds)  | IL <sup>3</sup> -2-1 + IL-3-1                 | 8.50   | 370,260          | 740,520 sf                     |
| 3                             | 6221010100 | Extractive Industry (salt ponds)  | IL-3-1  | 6.03   | 262,666          | 525,332 sf                     |
| 4                             | 6221010200 | Extractive Industry (salt ponds)  | IL-3-1  | 3.87   | 168,577          | 337,154 sf                     |
| 5                             | 6221011500 | Extractive Industry (salt ponds)  | IL-3-1  | 3.70   | 161,172          | 322,344 sf                     |
| 6                             | 6210200600 | Extractive Industry (salt ponds)  | IL-1  | 7.75   | 337,590          | 675,180 sf                     |
| 7                             | 6221010400 | Extractive Industry (salt ponds)  | IL-3-1  | 3.47   | 151,153          | 302,306 sf                     |
| 8                             | 6221011700 | Extractive Industry (salt ponds)  | IL-3-1  | 1.17   | 50,965           | 101,930 sf                     |
| 9                             | 6221202300 | Open Space Parks                  | AR <sup>4</sup> -1-2                          | 0.56   | 24,393           | None                           |
| 10                            | 6221205700 | Open Space Parks                  | AR-1-2  | 0.99   | 43,124           | None                           |
| 11                            | 6221201500 | Recreation                        | AR-1-2  | 2.52   | 109,771          | 21,954 sf (2 du) <sup>6</sup>  |
| 12                            | 6221710900 | Intensive Agriculture             | AR-1-2  | 2.95   | 128,502          | 25,700 sf (2 du)               |
| 13                            | 6221710400 | Spaced Rural Residential          | AR-1-2  | 0.149  | 6,475            | None                           |
| 14                            | 6221811400 | Spaced Rural Residential          | AR-1-2  | 0.297  | 12,946           | None                           |
| 15                            | 6221811300 | Intensive Agriculture             | AR-1-2  | 1.44   | 62,726           | 12,545 (1 du)                  |
| 16                            | 6221810300 | Intensive Agriculture             | AR-1-2  | 0.297  | 12,925           | None                           |
| 17                            | 6221811500 | Spaced Rural Residential          | AR-1-2  | 0.297  | 12,918           | None                           |
| 18                            | 6221811600 | Intensive Agriculture             | AR-1-2  | 0.650  | 28,314           | None                           |
| 19                            | 6221810501 | Intensive Agriculture             | AR-1-2  | 0.372  | 16,209           | None                           |
| 20                            | 6221810600 | Intensive Agriculture             | AR-1-2  | 0.148  | 6,451            | None                           |
| 21                            | 6221720400 | Intensive Agriculture             | AR-1-2  | 2.82   | 122,839          | 24,568 (2 du)                  |
| 22                            | 6221820100 | Intensive Agriculture             | AR-1-2  | 3.470  | 151,164          | 30,233 sf (3 du)               |
| 23<br>(road ROW)              | 6280511100 | Road (ROW)                        |   | 3.395  | 166,572.866      | N/A                            |
| 24<br>(road ROW)              | 6280511001 | Road (ROW)                        |   | 1.464  | 75,259.537       | N/A                            |
| 25                            | 6280510300 | Spaced Rural Residential          | AR-1-2  | 39     | 1,715,392        | 343,078 sf (39 du)             |
| 26                            | 6280510400 | Extractive Industries             | Split Zoning:<br>OF <sup>5</sup> -1-1/ AR-1-2 | 0.276  | 12,326.161       | None                           |
| 27                            | 6271002300 | Extractive Industries             | OF-1-1  | 0.471  | 20,536           | None                           |
| 28                            | 6271000900 | Open Space Parks                  | Spilt Zoning:<br>OF-1-1/ AR-1-2               | 14.504 | 631,799          | 126,360 sf (14 du)             |
| 29                            | 6271000800 | Open Space Parks                  | AR-1-2  | 12.724 | 554,275          | 110,855 (12 du)                |
| 30                            | 6271012200 | Recreation                        | AR-1-2  | 1.064  | 46,333           | 9,267 (1 du)                   |
| 31                            | 6280502500 | Open Space Parks                  | AR-1-2  | 4.5    | 194,277          | 38,855 (4 du)                  |

<sup>1</sup>Corresponds to parcel number shown on Figure 3.

<sup>2</sup>IH=Industrial Heavy: see San Diego Municipal Code, Table 131-06C – Development Regulations for Industrial Zones.

<sup>3</sup>IL=Industrial Light: see San Diego Municipal Code, Table 131-06C – Development Regulations for Industrial Zones.

<sup>4</sup>AR=Agricultural: see San Diego Municipal Code, Table 131-03C – Development Regulations for Agricultural Zones.

<sup>5</sup>OF=Open Space: see San Diego Municipal Code, Table 131-02C – Development Regulations for Open Space Zones.

<sup>6</sup>du = dwelling unit.



### **5.2.2.2 Consistency with OMNCP – General Topics**

All future development within the SSA would be required to be consistent with existing OMNCP policies/strategies and recommendations which are described below.

#### **a. OVRP and Salt Pond Areas**

The relevant policies/strategies that would apply to future development of the privately-owned parcels adjacent to or affecting the OVRP or Salt Ponds (OMNCP Topics 1A and 1B) include (but are not limited to) the following:

- Protect existing sensitive natural resources on privately-owned property by applying zoning that will permit very low-density residential development but prohibit agricultural uses.
- Design of future development shall be sensitive to, oriented towards, and enhance adjacent natural open space. The following design guidelines apply to all development within or adjacent to the Otay Valley:
  - Public views from proposed developments to the bay, valley and steep hillsides shall be preserved.
  - Proposed development shall be designed sensitively to blend with the natural landscape.
  - Building elevations, including rear elevations, which face natural open space shall be designed to provide architectural interest and articulation.
  - Fencing shall be attractive from both the development and open space sides; fencing shall not present a blank wall to the open space. Fencing design shall permit views to and from adjacent open space.
- Coordinate the Refuge, OVRP, MSCP, and private development planning efforts to ensure that the natural resource and wildlife habitat areas of the Salt Ponds are preserved.
- Design of future development shall be sensitive to, oriented towards, and enhance the adjacent open space of south San Diego Bay and the Otay River Valley.

#### **b. Palm Avenue**

With respect to the revitalization of the Palm Avenue corridor (OMNCP Topic 2a), the following relevant OMNCP strategies would apply to future development efforts:

- Improve this area as one of the community's key mixed-use neighborhood centers through physical rehabilitation and economic revitalization.



- Any redevelopment or improvement in this area shall incorporate Transit-Oriented Development (TOD) Guidelines.
- Ensure that TOD guidelines, pedestrian orientation, and streetscape recommendations are incorporated into the design for future improvements to Hollister Street.

TOD recommendations are discussed in greater detail in Appendix A of the OMNCP, and summarized in Section 5.5.1, below.

### **c. General Plan Consistency**

Future development would also be required to ensure the maintenance of adequate housing (OMNCP Topic 3) and community facilities (OMNCP Topic 4) to allow an ongoing quality of life and community preservation. These strategies include provisions of schools, library and postal services, drainage and flood control, and park land for all new development. Likewise, new development would be required to ensure maintenance or improvement of police and fire protective services (OMNCP Topic 5).

Specific strategies related to transportation (OMNCP Topic 6) applicable to future private development include the provision of safe, efficient, and environmentally sensitive transportation system consisting of vehicular, pedestrian, bicycle, and transit facilities. These strategies are discussed in greater detail under Section 5.5.1.c.

The OMNCP also provides guidance related to the provision of parkland and park improvements including the development of private recreational facilities to supplement publicly provided facilities (OMNCP Appendix 4).

Additional strategies to implement the goals, guidelines and standards of the General Plan are summarized in OMNCP Appendix G.

### **d. Mixed-Use Development**

OMNCP Appendix A states that Mixed-Use designated areas are to be developed as TOD (OMNCP page 103). Future mixed-use development within the SSA would be subject to the TOD design standards and criteria required throughout the community planning area. These design standards include specific setbacks, architectural features, landscape and streetscape, provision of bus stops and bicycle racks, and parking requirements. Furthermore, a Planned Commercial Development (PCD) Permit would be required for all sites developed within the Mixed-Use designated areas.

### **e. Street Tree Plan**

The SSA sits within the Coastal Lowlands Landscape District of the OMNCP. Future development within the SSA would be reviewed for consistency with Appendix B of the OMNCP requiring adherence to the Street Tree Plan. Specifically, future development would be encouraged to implement a tree palette consistent with the Coastal Lowlands Landscape

District as defined in the Otay Mesa-Nestor Street Tree Plan Landscape District Tree List (OMNCP page 107).

## **f. View Corridors**

A number of viewing access points are identified throughout the SSA as shown in Figure 9 of the OMNCP (OMNCP page 112). These include views of San Diego Bay. Consistent with OMNCP Appendix C, future development would be required to maintain identified view corridors and viewing access points. Specific strategies include the following:

- Prohibit development of any structures that would obstruct views within designated view corridors. Incorporate designated view corridors into future redevelopment plans for sites that may be partially or completely blocked by existing development.
- Reinforce view corridors with appropriate site planning, landscaping and building placement.

## **g. General Recommendations**

OMNCP Appendix D provides additional and catch-all recommendations and guidelines which apply communitywide and would pertain to both public and private development projects proposed within the SSA. The most relevant to the privately owned parcels within the SSA include the following:

- Minimize the alteration of natural landforms.
- Site and design development to prevent adverse impacts to, and enhance or restore environmentally sensitive areas.
- Require mitigation measures where development would adversely impact sensitive resources.
- Improve the appearance of the community through the undergrounding of utilities.
- The rear elevations of buildings shall be as well detailed and visually interesting as the front elevations if they will be visible from a public street, or any of the open space systems contiguous with the Otay Valley.
- Design projects to be more compatible with adjacent residential and open space areas by providing setbacks and landscaped buffers.
- Roof-mounted equipment should be avoided.
- All outdoor storage areas, refuse collection areas, and loading areas shall be located in interior side or rear yards only and shall be screened with a similar material and color as the primary building.

- Provide pedestrian, bicycling, and mass transit opportunities for residents to commute from residential areas to the commercial and industrial areas of the community.

### **5.2.2.3 Consistency with OMNCP – SSA**

Future development within the privately-owned parcels within the SSA would also be required to adhere to the criteria described for the SSA (OMNCP Appendix 1B). Specifically, the OMNCP supports development in the SSA, including but not limited to the ongoing salt production industry, as long as such development is designed to achieve a variety of objectives (OMNCP page 89). While this SSR serves as the basis for establishing land uses in the community plan, individual land use proposals are required to include the following:

- Ensure that improvements to the Otay River and Nestor Creek are designed in a manner which enhances their biological and esthetic functions, and complements the goals of the OVRP and the proposed land uses.
- Contain specific criteria, where appropriate and feasible, for creating a buffer zone adjacent to identified wetlands and habitat areas, including the Otay River and Nestor Creek. Development shall minimize impacts to existing wetland or wildlife habitat buffer areas.
- Address the goals of the OVRP, including where appropriate to provide opportunities for enhanced public use of this area, and enhance the park experience.
- Where appropriate, contain criteria for provision of public access, circulation, viewpoints and view corridors. Consider provision of these public amenities particularly along the waterfronts adjacent to the San Diego Bay, the salt ponds, the Otay River and Nestor Creek.
- Contain general design criteria, and criteria for the development of individual projects, addressing site design, architecture, landscaping, public amenities, and signage.
- Be in conformance with applicable local, state, and federal regulations and policies.
- Describe conformance with related planning efforts and adopted plans including the Multiple Species Conservation Program, OVRP, and the South San Diego NWR (OMNCP page 92).

### **5.2.2.4 Conclusions: Identification and Designation of Areas for Development**

As noted above and throughout this SSR, most of the SSA has been preserved within the OVRP and NWR, with additional preservation of land occurring within the MHPA. The only remaining areas available for development are those that are privately owned. As shown in Table 7, future development within the SSA could include both non-residential and



residential development. Existing development potential for residential uses could occur within Parcels 25, 29, 30 which are in proximity to the proposed Bella Mar project and would create a cohesive pattern of residential development.

Future development within the OMNCP, and specifically within the SSA would be reviewed for adherence to the policies/strategies identified above. While it is not possible for this SSR to identify and analyze potential future General Plan Amendments or Rezones, pursuant to the analysis above, it can be concluded that through required compliance with the existing community plan policies/strategies, future development would be consistent with the OMNCP, and Special Study requirements.

### **5.2.3 Proposed Project**

The project proposes a total of 380 dwelling units within the project site. The project requires a CPA to redesignate the project site from Open Space to Medium Density Residential and a rezone from AR-1-2 to RM-2-5 Multiple-Unit Medium Density Residential) to allow residential development on the project site. Under the existing zoning, the project site would be allowed to construct a total of 14 dwelling units. The proposed zoning would allow one dwelling unit per 1,500 square feet, or a total of 424 units. The project is proposing a density of 380 units. Of the proposed 380 dwelling units, the project proposes to construct 100 affordable units.

The OMNCP identifies areas for enhancement and revitalization. The project site is located just north of the area identified as Palm City in Topic 2A of the OMNCP. The proposed project would help extend this corridor and offer additional housing opportunities within a Transit Priority Area consistent with the goals of the OMNCP. The OMNCP finds this area to have great potential for revitalization and terms it as an “ideal location for pedestrian-oriented developments incorporating commercial, residential and civic uses.” (City of San Diego 1996:37). The City’s current Planning Commission expressed support for the CPA Initiation, in part due to the City’s needs for housing at a time when the City Council has declared a Housing State of Emergency.

The project densities would be consistent with and designed to enhance the values of its location along a transit route and improve access to nearby trails. Project improvements to Hollister Street will provide pedestrian and bicycle access to bike lanes and walking trails located outside the project driveway/sidewalks. Buildings would be oriented to the project’s center to provide a sense of community, with parking garages and on-street parking situated to the rear of the buildings. The project includes interior walkways, resident amenities including pool/lounge, grill area/fire pit, play area (tot lot), internal paseos, multi-purpose playing field. Views of surrounding parkland and open space are visible from inside the project site. Pedestrian and emergency lighting is proposed throughout the project site to enhance the walkability of the communities.

The project’s landscape plan would be divided into five planting zones: entry and residential, courtyard and pool, riparian (bioswales), park and edge, and urban garden. Each planting zone is characterized by those plants and trees best able to accommodate the needs of the

areas. All landscaping, brush management, and irrigation would conform to the requirements of the City Landscape Regulations (SDMC Section 142.0401 et seq.), the Land Development Manual, and the Landscape Standards. A five-foot-high metal perimeter fence is proposed along the northern boundary of the project site, adjacent to the on-site MHPA. Landscaping along this zone would be consistent with the MHPA Land Use Adjacency Guidelines.

The project architecture would be modern and incorporate earth tones including browns and taupe plaster exteriors with fiber cement trim and vinyl window trims and flat metal roofs. The community would be aesthetically connected throughout with some diversity of elevations and color modelling. Garages would be rear facing. Buildings would be comprised of one-, two-, and three-bedroom units with first-floor patios and second- and third-floor balconies. Balconies would be treated with 3.5-foot barriers, especially along the eastern perimeter as required by the Noise Analysis prepared for the project (RECON 2019a).

Overall, the project's architecture, site design, landscaping, and signage support the vision of the OMNCP policies discussed above and would facilitate the revitalization of the Palm Avenue corridor. The project's consistency with the relevant strategies of the OMNCP are discussed in the project's land use consistency analysis within the Mitigated Negative Declaration being considered for approval by the City.

## **5.3 Illustration of the Relationship of Proposed Land Uses with Adjacent Land Uses**

The SSR is required to discuss land uses which facilitate the economic revitalization of the community and describe how land uses would relate to other existing or planned land uses such as Palm Avenue West, Nestor Town Center, and Palm City.

### **5.3.1 Special Study Area**

Most land within the SSA has been preserved within the OVRP, NWP, and MHPA (see Figure 1). While these lands would not result in the revitalization of the community, they serve to provide preservation and recreational activities to the local community and City at large. Strategies contained within the OMNCP require additional trail connections and recreational improvements that would enhance the existing preserved areas. The remaining parcels are intended to be developed to promote economic vitality.

### **5.3.2 Private Parcels Outside the Project Site**

#### **5.3.2.1 Parcels Adjacent to Preserved Lands**

Parcels within the SSA that remain available for development (currently privately owned) are shown in Figure 1 and further highlighted in Figure 3. As shown in these figures, privately-owned parcels are located adjacent to the OVRP and NWP. Specifically, Parcels 6 and 9 (mapped as saltpan) and Parcels 10 and 11 (mapped urban/developed) are located along

the northern boundary of the NWP. Development of these parcels would be required to show consistency with the policies/strategies contained in Topic 1B (Salt Ponds) of the OMNCP which include guidelines for future development: Design of future development shall be sensitive to, oriented towards, and enhance the adjacent open space of south San Diego Bay and the Otay River Valley (OMNCP p.34). Adherence to the OMNCP would achieve the connectivity and preservation of resources which is a primary strategy of development within the SSA.

Parcels 21, 22, 25, 27 and 28 are located adjacent to the OVRP. Parcels 21 and 22 have active agricultural operations on-site; however, future development of these sites would be required to show consistency with the OVRP Concept Plan, including policies relating to guidelines for development within identified planning areas.

### **5.3.2.2 Parcels Adjacent to Developed Lands**

Parcels 12, 15, 16, 17, 19, and 20 are located adjacent to existing commercial uses. All parcels either currently support or are currently zoned for commercial and/or agricultural activities. The adjacency of commercial uses provides a complementary land use plan that supports economic revitalization through strong local and regional business parks.

Parcel 28 is the proposed Bella Mar project site. Parcel 29 is vacant and disturbed (previously supporting a driving range) and located adjacent to residential uses. Under existing land use designations, Parcel 29 could support 12 residential units.

### **5.3.3 Proposed Project**

The project site is identified as Parcel 28 and located immediately west of Hollister Street, east of I-5, north of Palm Avenue, and south of Louret Avenue. Surrounding land uses include open space/OVRP to the north and northwest. The swath of open space to the north is then bordered by commercial/agricultural uses. Additional commercial is located to the southwest and southeast of the project site with residential to the south. There is a vacant lot, designated Open Space, located south of the project site (Parcel 29), adjacent to existing residential development (see Figure 6). The development of a multi-family residential community within the project site would relate to these existing and anticipated land uses. As discussed above, the OMNCP identifies a need to revitalize the area suggesting residential uses. The proposed project would maintain connectivity to the open space to the north through revegetation of a designated on-site open space preserved area that serves as a buffer to wetland habitat. The project would likewise relate to the undeveloped land to the south. The proposed project paves the way for this privately-owned parcel to develop similarly furthering the opportunity for new housing. The project has been designed to enhance access to the OVRP and trolley station. Specifically, the project proposes the construction of a sidewalk along Hollister Street along the property frontage, south to Conifer Avenue and north to Louret Avenue, as well as widening the road to support bike lanes on the north and southbound sides. These project features would provide residents with access to the local trolley station and the ability to use existing walking paths located just north of the project site which provide access to trails through the NWR.



Overall, the project would create a positive relationship with adjacent land uses, while also increasing housing at a time the City Council has declared a Housing State of Emergency.

## **5.4 Provision of a Continuous Connection between the Otay Valley, Salt Works, and San Diego Bay**

Currently, there is an open space corridor that connects the Otay river valley to the east of I-5 to the salt works and San Diego Bay to the west of I-5. This corridor within the SSA includes the Otay River east of I-5 between the freeway and Hollister Street, and the Otay River and Nestor Creek with adjacent disturbed land, and salt ponds to the west of I-5. East of I-5 the Otay River corridor is a preserve and managed as part of the OVRP.

### **5.4.1 Special Study Area**

West of I-5, the open space corridor is predominantly on public lands owned by the U.S. Fish and Wildlife Service, City of San Diego, and Port of San Diego which restricts development, maintaining the connection to the salt works and San Diego Bay and OVRP.

### **5.4.2 Private Parcels**

The private parcels within the SSA but outside of the project site are located to the north and south of the Otay River corridor east of I-5 and to the north of the public lands and Main Street to the west of I-5. Any future development of these parcels would be required to comply with OMNCP policies designed to support and enhance the adjacent open space corridor and preserve the continuous connection between the Otay Valley, salt works, and San Diego Bay.

### **5.4.3 Proposed Project**

The project site is located just south of the Otay River east of I-5. The proposed Bella Mar project at this site is designed to include a multi-use path connection on the east side of Hollister Street from the project frontage north to Otay Valley Regional Trail system. This proposed improvement would further local connectivity to existing preserved areas. The development of the project would include a 100-foot buffer between the project and the Otay River. This buffer area would be enhanced with native vegetation. In addition, implementation and compliance with the MHPA land use adjacency guidelines would reduce or eliminate any potential indirect impacts on the river corridor, thus, maintaining the existing continuous connection between the Otay River valley and the salt works and bay to the west.

## 5.5 Description of the Proposed Circulation Systems

The SSR is required to include a description of the proposed circulation systems, including road and street alignment and classifications, and the proposed public transit system, designating appropriate public trail corridors (bicycle, pedestrian, and equestrian). The SSR addresses the impact of proposed development on the community's existing circulation system, provides recommendations for improving the existing circulation system, meeting the needs of the proposed development, and improving coastal access while striving to maintain the integrity, continuity, and connectivity of the natural resources and habitat.

### 5.5.1 Special Study Area

The SSA is bisected by the I-5, with the closest access ramps located at Main Street in the north and SR-75/Palm Avenue to the south. Main roadways in the SSA include Main Street and Palm Avenue, running east/west and Hollister Street, running north/south. The circulation system that supports the SSA is shown in Figure 17.



#### 5.5.1.1 Existing Road Network

**Main Street:** Main Street is currently classified as a four-lane major arterial in the Chula Vista General Plan and is currently built to its classification. Main Street has sidewalks on both sides east of the I-5 northbound ramp intersection. There are no bike lanes nor sidewalks west of the I-5 northbound ramp intersection along the north side of the road. The posted speed limit is 35 miles per hour (mph). For intermittent lengths, parking is allowed, and left-turn pockets exist. There is a raised median from the freeway to Hollister Street.

**Hollister Street:** Hollister Street provides north-south connectivity between City of Chula Vista and the City and currently functions as a two-lane collector with no center lane between Main Street and Palm Avenue. The ultimate classification is a two-lane collector with continuous left-turn lane and Class II bicycle lanes. The roadway conditions vary along Hollister Street between Main Street and Palm Avenue, as follows:

- Main Street to Marian Avenue (adjacent to the SSA but considered part of the circulation for the area): The speed limit south of Main Street is 35 mph, parking is allowed on both sides of the street, and a contiguous sidewalk is provided on the west side of the street.
- Marian Avenue to Conifer Avenue: The posted speed limit is 40 mph between Marian Avenue and Conifer Avenue, parking is allowed on the west side of the street except at the Otay River Bridge where the roadway narrows, and a sidewalk is not provided on either side of the street.



 Project Boundary  
 Special Study Area

0 Feet 1,100



FIGURE 17  
Circulation (SSA)



- Conifer Avenue to Palm Avenue: The posted speed limit is 30 mph, parking is allowed on both sides of the street and intermittent contiguous and non-contiguous sidewalk exists on the west side of the street. There is approximately 200 feet of contiguous sidewalk along the trolley station frontage on the east side of the street.

The City's Bicycle Master Plan calls for Class II bicycle lanes along Hollister Street within the study area, but no bicycle facilities currently exist.

***Palm Avenue:*** Palm Avenue is a four-lane major road with a raised median between the I-5 southbound and I-5 northbound ramps, a 6-lane major road with raised median and intermittent turn lanes west of the I-5 northbound ramps intersection, and a four-lane collector road with a continuous left-turn lane east of the I-5 northbound ramps intersection. The posted speed limit is 40 mph. Street parking is allowed on some sections on the north side of the roadway. A sidewalk is provided on the north side of Palm Avenue, and on the south side of Palm Avenue east of the I-5 northbound ramps intersection only. Bike lanes are present east of the trolley station on both sides of the street, but not west of Hollister Street.

### **5.5.1.2 Existing Transit/Multi-Modal Transportation**

Based on the City Municipal Code, the SSA is within a Transit Area Overlay Zone and a 2035 Transit Priority Area. The Palm Avenue Transit Station is located to the south, just outside the boundary of the SSA. The area is specifically served by Metropolitan Transit Service Bus Route 932. Route 932 provides connections between the 8th Street Transit Center in National City, E Street Transit Center in Chula Vista, Palm Avenue Trolley Station and Iris Avenue Transit Center in San Diego. The Palm Avenue Trolley Station provides connections with Route 933, 934, and the Blue Line trolley.

There is an existing bus stop for northbound service on the Route 932 line at the northeast corner of Palm Avenue and Hollister Street. Access to this bus stop requires crossing at the traffic signal of Palm Avenue and Hollister Avenue and walking along a dirt shoulder on the west side of Hollister Street. There is also an existing bus stop for southbound service on the Route 932 line at the northwest corner of Hollister Street and Conifer Street.

The area lacks pedestrian infrastructure; there is a walkable dirt shoulder and intermittent sidewalk provided on the west side of Hollister Street between a traffic signal with crossing at Palm Avenue. Bicycle facilities do not currently exist on any of the roadways within the SSA including Hollister Street, Palm Avenue, and Main Street, although, as discussed above Hollister Avenue is proposed to have Class II Bicycle Lanes based on the City Bicycle Master Plan.

### **5.5.1.3 OMNCP Transportation Strategies**

Transportation facilities is discussed under Topic 6 of the OMNCP. The OMNCP envisions the development of a safe, efficient, attractive, and environmentally sensitive transportation system consisting of vehicular, pedestrian, bicycle, and transit facilities will be provided to all who reside and conduct business within the community (OMNCP page 79). To meet this vision, the OMNCP includes several policies/strategies which would be applicable to

development. The strategies and recommendations relevant to development within the SSA include the following:

- Monitor bus service and conditions to ensure appropriate service and facilities equal to those elsewhere in the City.
- Incorporate landscaping, streetlights, unique community identification signs, and public art in transportation Capital Improvement Projects.
- Strategically place additional streetlights in the community.
- Complete the Bicycle System Plan.
- Trail corridors should be designed to link public open space areas with each other and also to link with other modes of transportation.
- Improving vehicular, bicycle, and pedestrian access to the south San Diego Bay and coastal resource areas.

As shown in Figure 2, most of the land within the SSA has been conserved and there is only a limited amount of privately-owned land remaining in SSA which could be developed. Therefore, the requirements of proposed development on the community's existing circulation system, meeting the needs of the proposed development, and improving coastal access is discussed under Section 5.5.2.

### **5.5.2 Private Parcels**

Potential future development of the private parcels within the SSA would be required to include transportation improvements that meet the needs of the project. These improvements would be consistent with buildout of the transportation facilities as envisioned by the City's General Plan and OMNCP, including both roadways and alternative modes of transportation. Pursuant to the policies/strategies discussed above, pedestrian trails/sidewalks, bike paths, and the expansion of bus services would be included in private development plans. The OMNCP transportation policies/strategies along with all policies relevant to the SSA would guide future development to enhance connectivity while protecting resources.

With specific respect to the improvement of coastal access, future development would be required to provide direct enhanced access for people to access the "critical components of major coastal access routes" by either walking, biking, or transit, promoting consistency with Coastal Act Section 30252. Additionally, consistent with the OMNCP strategies for the Palm City neighborhood, the future projects within the SSA would promote TOD that provides linkages and access to recreational opportunities including the OVRP.

### **5.5.3 Proposed Project**

Vehicle access to the project site would be via two unsignalized full-access driveways on Hollister Street.

The project is located adjacent to transit, with the Palm Avenue Trolley Station located approximately 1,500 feet south of the project site. The project would be consistent with all relevant OMNCP policies/strategies related to transportation improvements, especially the ones highlighted as relevant to the SSA. Specifically, a bus stop is proposed at the project frontage along Hollister Street in both northbound and southbound directions. A proposed mid-block crosswalk would further facilitate pedestrian connections to transit, improving pedestrian and bicycle infrastructure as anticipated by the City. As discussed above, the project is located just south of walking paths, which provide access to trails through the NWR. As discussed in the Local Mobility Analysis prepared for the project (Kimley Horn 2020), additional traffic generated by the project would result in the need for transportation improvements to be included as part of the project. Specifically, the project includes:

- Main Street to Marian Avenue: re-stripe roadway to add two-way left-turn lane;
- Project Frontage: Widen roadway on west side by 16 feet to add two-way left-turn lane and buffered bike lanes;
- Conifer Avenue to Palm Street: re-stripe roadway to add two-way left-turn lane and prohibit on-street parking on east side; and
- I-5 NB Ramps to Hollister Street: Pay fair-share towards the construction of a raised median to restrict turning movements and increase capacity to 4-Lane Major.

Additionally, based on the analysis of multi-modal facilities within one-half mile of the project site, the development of the project site would include the following improvements:

- Stripe buffered bike lanes along the project frontage;
- Relocate the southbound bus stop on Hollister Street for Bus Route 932 to be in front of the project site;
- Construct a bus stop on northbound Hollister Street for Bus Route 932 across from the project site;
- Construct a mid-block crossing across Hollister Street on the north side of the southern project driveway;
- Construct non-contiguous sidewalk facilities along the project frontage on southbound Hollister Street;
- Construct non-contiguous sidewalk facilities along northbound Hollister Street from the proposed bus stop to the proposed mid-block crossing;
- Construct temporary sidewalk along southbound Hollister Street between the project site and Conifer Avenue; and
- Provide decomposed gravel path on northbound Hollister Street for connection to OVRP Trail system.



## 5.6 Public Facilities and Services

The SSR is required to address the provision of public facilities and services and provide a development phasing plan where appropriate.

### 5.6.1 Special Study Area

#### 5.6.1.1 Existing Public Services and Facilities

Appendix 4 of the OMNCP includes a map (OMNCP Figure 4) that identifies the location of public facilities in the community. As shown therein, there are no schools, fire stations, police stations, or library branches located within the SSA. Likewise, there are no designated community, neighborhood, or mini-parks within the boundaries of the SSA. There is a planned neighborhood park location approximately 1.4 miles from the SSA and an existing community park and recreational center located approximately 1.8 miles away. There are also schools in close proximity to the SSA. High schools are located approximately 1.5 miles northeast and 2.8 miles south and an elementary school is approximately 0.5 mile east of the SSA.

Figures 18, 19, and 20 show the existing storm drain, ~~and~~ sewer, and water facilities, respectively, within the SSA. The sewer facilities are owned by the City of San Diego Public Utilities Department and include a series of pipelines, structures, and lift stations which convey sewage to the Point Loma Wastewater Treatment Plant. Sewage from the east side of I-5 is conveyed west under I-5 via 27-inch and 30-inch pipelines in Louret Avenue before confluence with the north-sloping South Bay Pipeline. Sewer pipelines from the southwest regions of the SSA flow north along Saturn Boulevard and cross the Otay River via the 54-inch South Bay Pipeline and continue north through the SSA.

Most of the storm drain facilities are owned by the City of San Diego and convey drainage toward the Otay River via a series of storm drain inlets, pipelines, culverts, and surface conveyance. Drainage from east of Hollister Street drains to the Otay River and crosses Hollister Street via a double box culvert, with larger flows overtopping the culvert and flooding for portions of Hollister Street (see FEMA flood insurance rate maps). The privately-owned parcels south of the Otay River and west of I-5 discharge west below the I-5 via a 24-inch and 36-inch storm drain culvert owned by Caltrans. The western portions of the SSA include a 24-inch public storm drain line within Saturn Boulevard that conveys drainage north to the Otay River. Most of the SSA lies within the 100-year floodplain of the Otay River (zone AE).



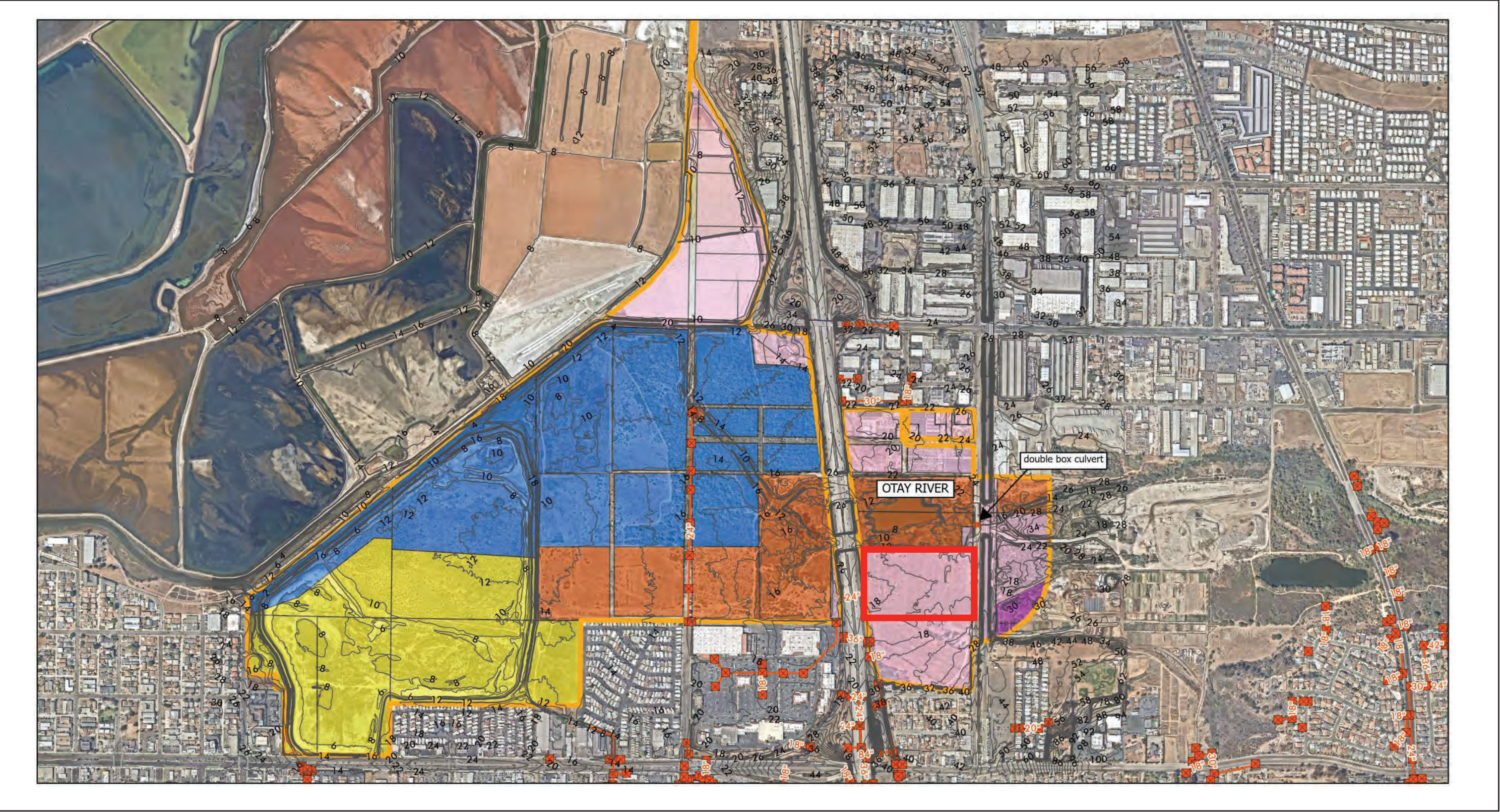


FIGURE 18  
Existing Storm Drain (SSA)



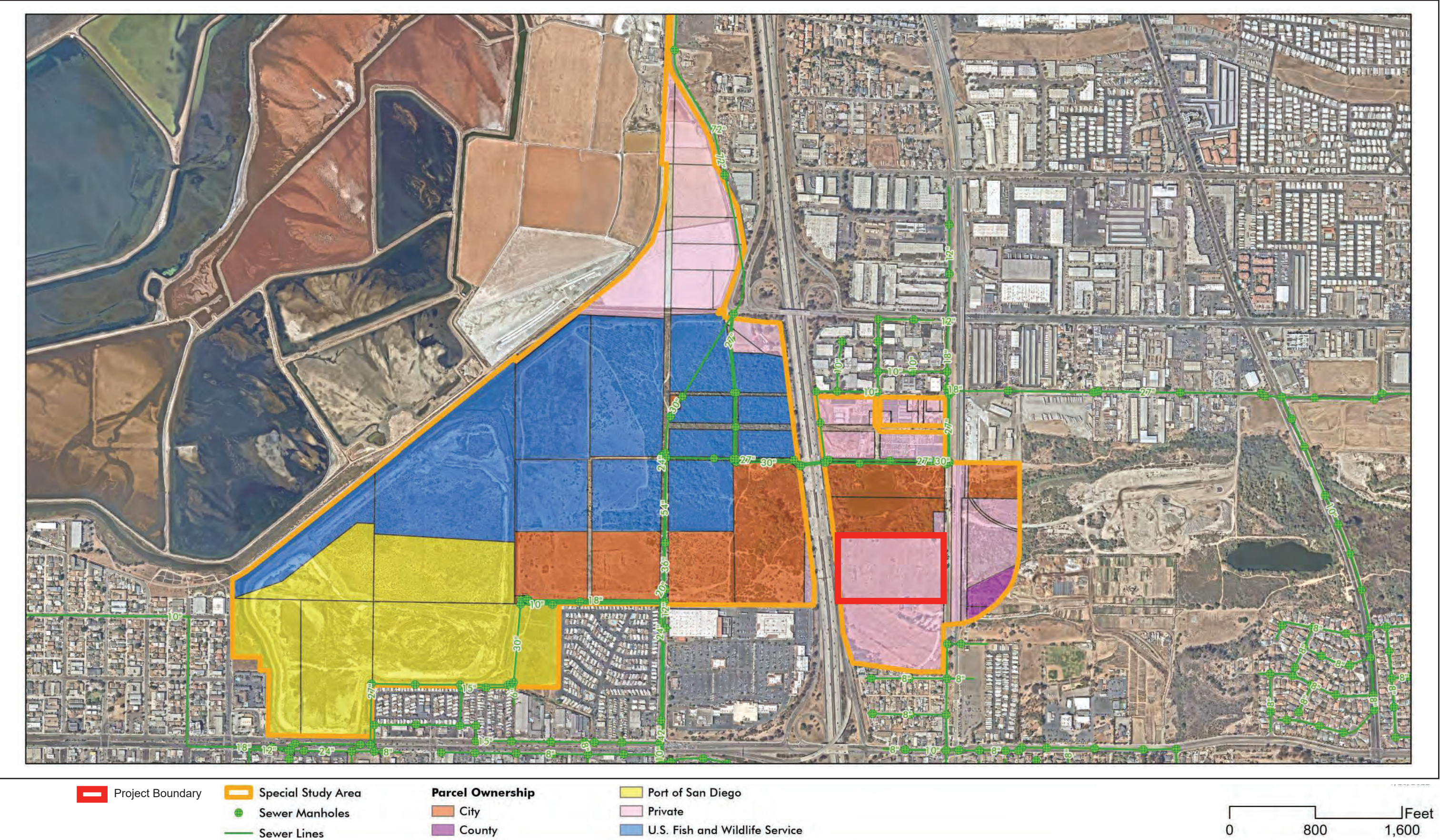


FIGURE 19  
Existing Sewer (SSA)



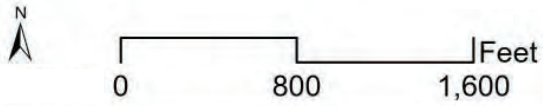
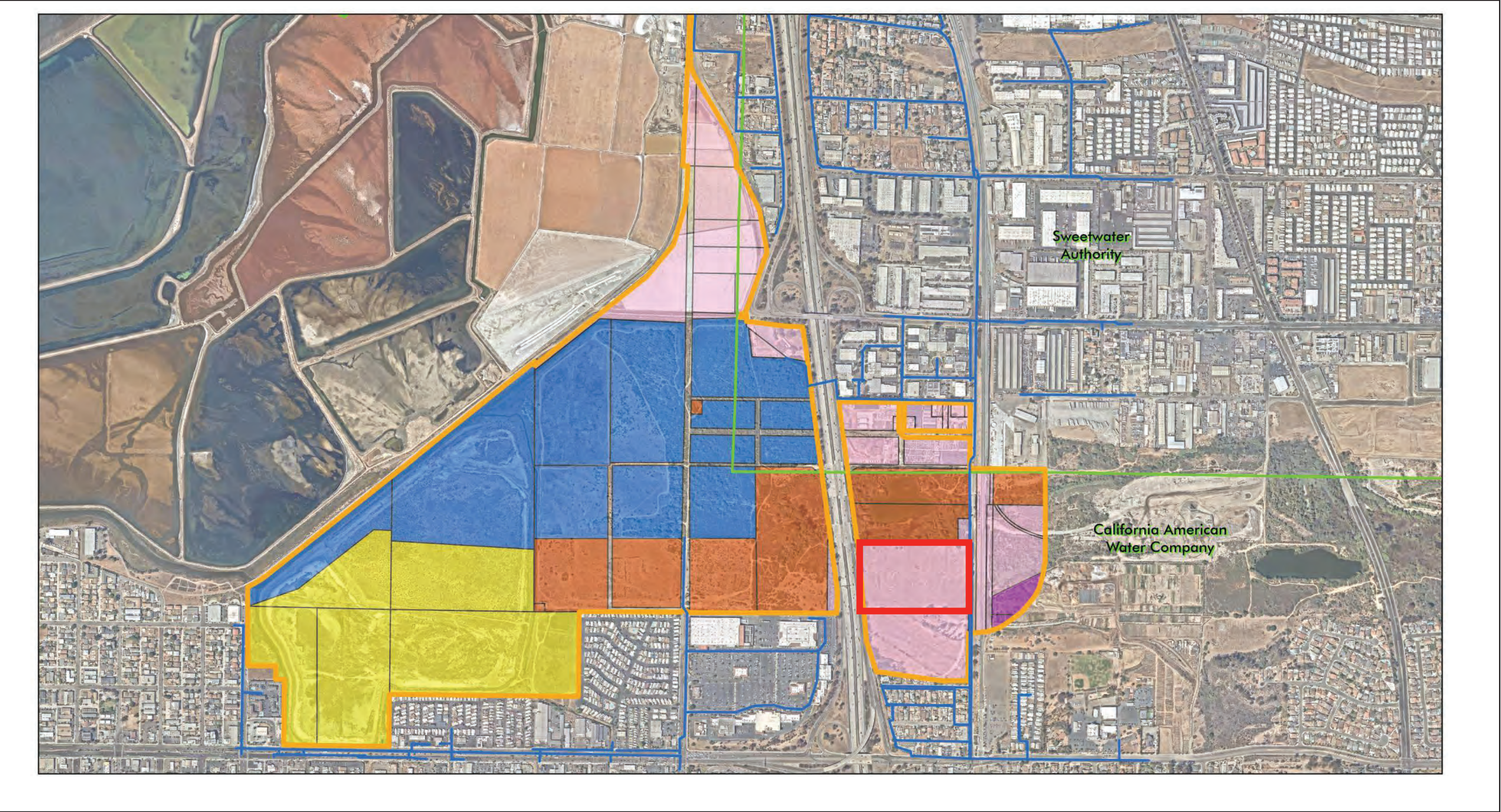


FIGURE 20  
Exiting Water (SSA)



The California American Water Company provides water to the majority of the SSA while Sweetwater Authority provides water to the northernmost portions of the SSA as depicted in the exhibit. The main water lines include a 16-inch main that feeds through Hollister Street, and an additional main in Saturn Boulevard serving the westerly parcels.

### **5.6.1.2 OMNCP Community Facilities and Services Strategies**

The following policies/strategies and recommendations, discussed throughout the OMNCP, would apply to the provision of public facilities and services in the SSA:

- Future development (residential, commercial, mixed-use) would be conditioned upon adequate provision of public facilities.
- Public facilities are to be provided concurrent with need.

As shown in Figure 2, most of the land within the SSA has been conserved and there is only a limited amount of privately-owned land remaining in SSA which could be developed. Therefore, the application of recommendations, and policies/strategies associated with public facilities and services is discussed under Section 5.6.2.

## **5.6.2 Private Parcels Outside of Project Site**

Potential future development of the private parcels within the SSA would be required to ensure that adequate public facilities and services were available concurrent with needs. Therefore, future development plans would include improvement plans for sewer, water, and stormwater services. Additionally, future residential development would be required to show adequate school facilities, emergency services, and parkland consistent with the General Plan and OMNCP. The OMNCP policies/strategies would guide future development to ensure the provision of adequate public facilities and services.

## **5.6.3 Proposed Project**

The project would be consistent with all City Municipal Code, General Plan, and OMNCP policies/strategies relating to the provision of public facilities and services. The project includes a private on-site sewer and water system that would connect to existing public lines in Hollister Street. The project proposes a new 10-inch sewer line in Hollister Street from the northeast corner of the project site to connect to the existing 18-inch line at the corner of Hollister and Louret (Fusco Engineering 2019b). Additionally, the project includes an on-site private detention basin to provide storm water treatment to attenuate the 100-year storm runoff for the proposed development. Thereafter, storm water runoff would flow into existing storm drain in Hollister Street.

The project site would be served by the City fire and police services. There are currently two fire stations that could serve the project; Fire Station No. 30, located on Coronado Avenue and Flower Street, and Fire Station No. 6, located at Palm Avenue and Twining Avenue. The

police station is located at 27th Street and Coronado Avenue. Impact fees would be due prior to permit issuance.

## **6.0 Project Land Use Proposal**

Appendix 1B of the OMNCP requires land use proposals within the SSA to include specific design elements. These design elements associated with the proposed Bella Mar project are discussed below.

### **6.1 Otay River and Nestor Creek**

As discussed in more detail below, the project would incorporate a buffer between the proposed development area and the Otay River to the north. This buffer would enhance the biological and aesthetic functions of the river corridor through the enhancement of the buffer area with native vegetation, replacing the disturbed habitat that currently exists there. Incorporation of project features that reduce potential indirect effects of lighting, access, invasive plant species, noise, and water quality would reduce any potential indirect effects on the biological functions of the river corridor. In addition, this project feature complements the goals of the OVRP by helping to reduce potential edge effects on the wetland habitats to the north and protects these habitats from encroachment from the south. Nestor Creek occurs to the west of I-5 and the project would not have any direct or indirect effects on this creek.

### **6.2 Buffer Zones**

The project would incorporate a buffer between the proposed development and the OVRP to the north. This buffer would be a minimum of 100 feet in width and would be enhanced with native vegetation to replace the disturbed habitat currently within this area. Incorporation of the buffer area into the project would avoid any direct impacts to the margin of the Otay River to the north and minimize any potential indirect impacts to the river by providing separation between the development and wetland habitats of the river. Compliance with the MSCP land use adjacency guidelines would further reduce any potential indirect impacts to wetland habitats of the river. Provision of the buffer area would maintain a wildlife habitat buffer south of the river. The project would not affect wetlands or wildlife habitat to the west of I-5 within the SSA.

### **6.3 Goals of Otay Valley River Park**

Projects are to address the goals of the OVRP, including where appropriate to provide opportunities for enhanced public use of this area, and enhance the park experience. These goals include balancing the diverse needs of a Regional Park, including providing recreation facilities and protecting resources, with the development of adjacent land uses.

The Concept Plan identifies a boundary for the OVRP. The Concept Plan acknowledges, “Much of the land within the Concept Plan is privately owned and has development potential based on existing zoning, land use plans and other development regulations” (Concept Plan,



page 17). The Concept Plan was created to provide policy direction for coordinated land acquisition to form a regional park within a framework of private property rights (Concept Plan, page 17). The project site is located within the Concept Plan boundary, but not within a designated parks (Open Space) area (see Figure 3). The project site is, however, designated in the Concept Plan as a “Recreation Area.” These areas are identified in the Concept Plan as those areas that may be suitable for a variety of active or passive recreational uses, located outside boundaries of the MHPA and MSCP, and many have existing private development potential. The Concept Plan states, “It is expected that some Recreation Areas or portions of Recreation Areas may be developed privately with uses that do not implement the Concept Plan” (Concept Plan, page 38). While the project proposes residential development, and not specific recreational uses, it would be compatible with the Concept Plan and park goals by enhancing pedestrian and bicycle connections to trails within the OVRP. On-site sidewalks meander through the project site leading pedestrians to Hollister Street where, the project includes construction of a multi-use path connection on the east side of Hollister Street from the project frontage north to trail system. A mid-block crossing is proposed to provide connections to this multi-use path. This proposed improvement would further local connectivity to existing preserved areas.

## 6.4 Public Access

Where appropriate, projects are to contain criteria for provision of public access, circulation, viewpoints and view corridors. Consideration of these public amenities are particularly important along the waterfronts adjacent to the San Diego Bay, the salt ponds, the Otay River, and Nestor Creek.

As stated above, the project would provide multi-use pathway access to the OVRP trails. Sidewalks would continue outside the project site along the frontage improvements of Hollister Street to the walkway entrance. The project also includes the midblock crossing and bike facilities to facilitate public access within the coastal zone.

## 6.5 Site Design

Projects are to contain general design criteria, and criteria for the development of individual projects, addressing site design, architecture, landscaping, public amenities, and signage.

As discussed in Section 5.2, above, the project is designed to enhance its location along a transit route and its proximity to trails. The project supports pedestrians and bicyclists through dedication of bike lanes and improvements of sidewalks connecting adjacent walking trails located outside the project driveway/sidewalks. The project includes interior walkways, resident amenities including pool/lounge, grill area/fire pit, play area (tot lot), internal paseos, multi-purpose playing field. Views of surrounding parkland and open space are visible from inside the project site.

The project’s landscape plan supports drought-tolerant plantings. All landscaping, brush management, and irrigation would conform to the requirements of the City. A five-foot-high metal perimeter fence is proposed along the northern boundary of the project site, adjacent

to the on-site MHPA. Landscaping along this zone would be consistent with the MHPA Land Use Adjacency Guidelines.

The project architecture would be modern and incorporate earth tones including browns and taupe plaster exteriors with fiber cement trim and vinyl window trims and flat metal roofs. The community would be aesthetically connected throughout with some diversity of elevations and color modelling. Garages would be rear facing. Buildings would be comprised of one-, two-, and three-bedroom units with first-floor patios and second- and third-floor balconies. Balconies would be treated with 3.5-foot-high barriers, especially along the eastern perimeter as required by the Noise Analysis prepared for the project (RECON 2019a).

## **6.6 Regulatory Compliance**

Projects are to be in conformance with applicable local, state, and federal regulations and policies. Relevant regulations are discussed in the following paragraphs.

### **6.6.1 City of San Diego, General Plan**

#### **6.6.1.1 Land Use and Community Planning Element**

The Land Use and Community Planning Element provides overarching policies to integrate the City of Villages strategy and guides the provision of public facilities while accommodating planned growth. The project is consistent with these policies because it would place higher density residential uses close to transit and in close proximity to existing commercial and retail uses.

#### **6.6.1.2 Noise Element**

The focus of the Noise Element is to minimize excessive noise effects and improve the quality of life of people working and living in the City. The Noise Element identifies goals and related policies with regard to noise and land use compatibility, motor vehicle traffic noise, and trolley and train noise. As discussed in the Noise Analysis prepared for the project (RECON 2019a), noise levels at some of the common exterior use areas would exceed allowable noise levels under the General Plan Noise Element (see Figure 8 of the Noise Analysis [RECON 2019a]). The project, therefore, includes noise attenuating design measures in the form of 3.5-foot-high barriers constructed around those balconies identified in the Noise Analysis. With construction of these barriers, noise levels would be reduced to levels compliant with the General Plan.

#### **6.6.1.3 Urban Design Element**

The Urban Design Element of the General Plan establishes a set of design principles from which future physical design decisions can be based. Policies call for respecting San Diego's natural topography and distinctive neighborhoods, providing public art, and encouraging the development of walkable, transit-oriented communities. Consistent with the General Plan and OMNCP, the project is designed to represent the community character of the

neighborhood and provides residential uses in close proximity to park trails and existing transit.

#### **6.6.1.4 Mobility Element**

The Mobility Element of the City of San Diego General Plan defines the policies regarding traffic flow and transportation facility design. The purpose of the Mobility Element is to improve mobility through development of a balanced, multi-modal transportation network. Consistent with the General Plan and Otay Mesa-Nestor Community Plan, the project includes a bicycle lane as part of project frontage improvements and a bus stop would be constructed. All potentially significant impacts associated with increased traffic would be mitigated through additional improvements throughout the project area.

#### **6.6.1.5 Public Facilities, Services, and Safety Element.**

The General Plan contains policies intended to protect public health and safety through the application of effective seismic, geologic and structural considerations. The project's Geotechnical Investigation (Geocon Incorporated 2019) evaluates the surface and subsurface soil conditions and general site geology, and to identify geotechnical constraints that may affect development of the property and provides construction recommendations to avoid significant impacts. The project would be conditioned to include the recommendations of the Geotechnical Investigation and project features.

### **6.6.2 San Diego Municipal Code**

#### **6.6.2.1 General Development Regulations**

Chapter 14 of the SDMC, also known as the LDC, includes the general development regulations, supplemental development regulations, building regulations, and electrical/plumbing/mechanical regulations that govern all aspects of project development. The grading, landscaping, parking, signage, fencing, and storage requirements are also contained within this section of the LDC. The project would conform to all aspects of the City's General Development Regulations, except where allowable deviations are requested. The project includes an application for a Neighborhood Development Permit to allow the following specific deviations (Table 8).



| Table 8<br>Requested Deviations  |  |                            |                             |
|--|--|----------------------------|-----------------------------|
| Municipal Code Regulation  | Applicable Project Design                  | Required                   | Proposed Deviation          |
| Table 131-04G  | Building Height                            | 40 feet                    | 55 feet <sup>1</sup>        |
| Section 131.0443(e)(2)(A)  | Side Setbacks                              | 10% of Premises            | Setback varies <sup>2</sup> |
| Section 142.0510(e)  | Parking<br>Encroachment into<br>Front Yard | Prohibited                 | Encroachment<br>Allowed     |
| Section 142.0560(j)(1)   | Fire Lane Width                            | Limited to 20 feet<br>Wide | Allow for 26-foot<br>Width  |
| <sup>1</sup> Parcel 2 (Affordable Community) and Parcel 1 (Market Rate Community) buildings 1-14   |  |                            |                             |
| <sup>2</sup> See Site Plan and Affordable/In-fill Housing and Sustainable Buildings Expedite Program: Deviations/Incentives Request Form |  |                            |                             |

### 6.6.2.1 Environmentally Sensitive Lands Regulations

According to Section 143.0110 of the SDMC, Environmentally Sensitive Lands (ESL) Regulations apply to areas with any of the following: sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs, and special Flood Hazard Areas. Development on a site containing environmentally sensitive lands requires a Site Development Permit in accordance with SDMC Section 125.0502. The project includes an application for a Site Development Permit due to its location within a floodplain and would be required to show special findings to ensure that all ESL regulations are met.

### 6.6.2.3 Drainage Design and Storm Water Standards

Section 142.0201 et seq. of the SDMC outlines Storm Water Runoff and Drainage Regulations which apply to all development in the City, regardless of whether or not a development permit or other approval is required. The project's Preliminary Drainage Study (Fusco Engineering 2019a) demonstrates that the project would comply with the City Drainage Design Manual (2017) criteria. Likewise, the Drainage Study discusses the project's inclusion of best management practices (BMPs) as required in the Storm Water Standards BMP Design Manual, October 2018 edition. Additionally, the project will incorporate protective floodplain regulations, modeled on LDC's regulations, that will ensure less than significant hydrological effects from project.

### 6.6.2.4 Landscape Regulations

Section 142.0401 et seq. provides regulations associated with landscape standards. The project would conform to all requirements to minimize the erosion of slopes and disturbed lands through revegetation; to conserve energy by the provision of shade trees over streets, sidewalks, parking areas, and other paving; to conserve water through low-water-using planting and irrigation design; to reduce the risk of fire through site design and the management of flammable vegetation.

## **6.7 Conform with Related and Adopted Plans**

Projects are to describe conformance with related planning efforts and adopted plans including the MSCP, OVRP, and the NWR. Additional discussion is included to address the project's conformance with the Brown Field Airport Land Use Compatibility Plan, City Master Bicycle Plan, and City Climate Action Plan.

### **6.7.1 Multiple Species Conservation Program**

The MSCP is a comprehensive habitat conservation planning program for San Diego County. A goal of the MSCP is to preserve a network of habitat and open space, thereby protecting biodiversity. Local jurisdictions, including the City, implement their portions of the MSCP through subarea plans, which describe specific implementing mechanisms. The project is located within the MHPA, the area throughout the MSCP within which the permanent MSCP preserve would be assembled and managed. The project includes an MHPA BLA to delete 3.2 acres of the on-site MHPA and in exchange would revegetate the remaining area consistent with MSCP ratios and policies. Additionally, the project would conform to all MHPA land use adjacency guidelines related to drainage, toxics, lighting, noise, barriers, invasive species, brush management, and grading/development.

### **6.7.2 Otay Valley River Park**

As shown in Figure 3, the project site is within the Concept Plan boundary, specifically within a designated "Recreation Area." To preserve the integrity of the OVRP and the jurisdictional waters mapped within the land adjacent to the project site, the project includes an on-site open space area that buffers the riparian area consistent with the MSCP/MHPA land use adjacency guidelines. The project is also consistent with the development policies of the OVRP Concept Plan. Specifically, the project supports linkages to the OVRP trails. As discussed under Section 6.3, on-site sidewalks meander through the project site leading pedestrians to Hollister Street where the project includes construction of a multi-use path connection on the east side of Hollister Street from the project frontage north to trail system. This proposed improvement would further local connectivity to existing preserved areas.

### **6.7.3 National Wildlife Refuge**

Portions of the NWR are located northwest (across I-5) from the project site. Due to the intervention of the freeway, the project does not provide a linkage to the NWR.

### **6.7.4 Airport Land Use Compatibility Plan**

The project site is located within the Airport Land Use Compatibility Overlay Zone and Airport Influence Area-Review Area 2 associated with Brown Field. The Airport Land Use Compatibility Plan (ALUCP) for Brown Field (County of San Diego 2010) contains policies and standards for future development within Review Area 2 related to airspace protection

and overflight concerns. The project would require review by the Airport Land Use Commission to determine consistency with the ALUCP.

### **6.7.5 City of San Diego Bicycle Master Plan**

The City's Bicycle Master Plan Update (City of San Diego 2013) provides a framework for making cycling a more practical and convenient transportation option for a wider variety of San Diegans with varying riding purposes and skill levels. As depicted in the Bicycle Master Plan Update, a Class-2 bike lane is proposed along Hollister Street. The project includes the expansion of Hollister Street to support a five-foot bike lane. As such the project would be consistent with and assist in the fulfillment of the Bicycle Master Plan Update.

### **6.7.6 City Climate Action Plan**

In December 2015, the City adopted its Climate Action Plan (CAP). The CAP identifies measures to meet greenhouse gas reduction targets for 2020 and 2035. A CAP Checklist has been prepared for the project to document the project's consistency with City standards identifying project components that would ensure the project would maintain greenhouse gas emission levels to appropriate levels (RECON 2019b).

## **7.0 Conclusions**

The purpose of this SSR is to fulfill the requirement of the OMNCP Appendix 1B. Specifically, the OMNCP requires the preparation and adoption of a Special Study for property located within the SSA overlay designation prior to any land use change. Fulfilling that requirement, this SSR provides the framework to facilitate informed decision-making about the use, management, and disposition of the land within the SSA. As noted earlier, apart from the Bella Mar project, no other land use changes involving private properties are being proposed at this time; however, this SSR constitutes the required Special Study for the entire SSA and its intention is for future development projects to utilize this report to assist in the presentation of their specific land use proposals. As shown throughout this SSR, the Bella Mar project would be consistent with and adhere to all regulations and standards and would provide an opportunity for housing and revitalization while preserving any remaining biological value of the project site.



## 8.0 References Cited

American Ornithological Society

- 2018 Checklist of North and Middle American Birds. 7th ed. of the *Check-list of North American Birds* and its supplements through the 59th, <http://checklist.aou.org/taxa/>. June 27.

Crother, B. I., J. Boundy, J. A. Campbell, K. De Quieroz, D. Frost, D. M. Green, R. Highton, J. B. Iverson, R. W. McDiarmid, P. A. Meylan, T. W. Reeder, M. E. Seidel, J. W. Sites, Jr., S. G. Tilley, and D. B. Wake

- 2008 Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico: Update. *Herpetological Review*, 2003, 34(3), 196-203.

Eriksen, C., and D. Belk

- 1999 Fairy Shrimps of California's Puddles, Pools, and Playas. Mad River Press, Eureka, CA.

Fusco Engineering

- 2019a Bella Mar Preliminary Drainage Study. February.
- 2019b Bella Mar Preliminary Sewer Study. February.

Geocon Incorporated

- 2019 Geotechnical Investigation, Bella Mar 408 Hollister Street, San Diego, California. Project Number G2129-52-03. April 24.

Hall, E. R.

- 1981 *The Mammals of North America*. 2d ed. 2 vols. John Wiley & Sons, New York.

Kimley Horn

- 2019 Bella Mar Transportation Impact Report. October.
- 2020 Bella Mar Local Mobility Analysis. May.

RECON Environmental, Inc. (RECON)

- 2019a Noise Analysis for the Bella Mar Project, San Diego, California. October 1.
- 2019b Climate Action Plan Checklist. October.

San Diego, City of

- 1997 Otay Mesa-Nestor Community Plan (adopted May 6 by Resolution Number R-288632). <https://www.sandiego.gov/sites/default/files/omnfull.pdf>.
- 1997 Multiple Species Conservation Program. City of San Diego MSCP Subarea Plan. March.

2013 City of San Diego Bicycle Master Plan Update. December.

2017 Drainage Design Manual. January.

San Diego, County of

2010 Brown Field Municipal Airport Land Use Compatibility Plan. Airport Land Use Commission. January 25.

San Diego, County of, City of Chula Vista, and City of San Diego

1997 Otay Valley Regional Park Concept Plan. February 21.

San Diego Natural History Museum

2002 Butterflies of San Diego County, prepared by Michael Klein. Revised September 2002. <http://www.sdnhm.org/science/entomology/projects/checklist-of-butterflies-of-san-diego-county/>.

United States Fish and Wildlife Service

2016 Otay River Estuary Project San Diego Bay National Wildlife Restoration Refuse Draft EIR. October.

Unitt, P.

2004 *San Diego County Bird Atlas*. San Diego Natural History Museum. Ibis Publishing Company. San Diego, California. October.

## **ATTACHMENTS**



## **ATTACHMENT 1**

**Sensitive Plant Species Observed or with the Potential for  
Occurrence in the SSA**

| Attachment 1<br>Sensitive Plant Species<br>Observed or with the Potential for Occurrence in the SSA |                         |              |                      |   |
|---|-------------------------|--------------|----------------------|---|
| Species' Scientific Name<br>Common Name   | State/Federal<br>Status | CNPS<br>Rank | City of<br>San Diego | Habitat/Preference/Requirements/<br>Blooming Period   |
| <b>ANGIOSPERMS: DICOTS</b>  |                         |              |                      |   |
| <b>CHENOPODIACEAE      GOOSEFOOT FAMILY</b>   |                         |              |                      |   |
| <i>Aphanisma blitoides</i><br>aphanisma   | —/—                     | 1B.2         | NE,<br>MSCP          | Annual herb; coastal bluff scrub, coastal sage scrub; sandy soils; blooms March–June; elevation less than 1,000 feet.   |
| <i>Suaeda esteroa</i><br>estuary seablite   | —/—                     | 1B.2         | —                    | Perennial herb; coastal salt marshes and swamps; blooms May–October; elevation less than 20 feet.   |
| <i>Suaeda taxifolia</i><br>woolly seablite  | —/—                     | 4.2          | —                    | Perennial evergreen shrub; coastal bluff scrub, coastal dunes, margins of coastal salt marshes and swamps; blooms January.–December; elevation less than 200 feet.  |
| <b>APIACEAE      CARROT FAMILY</b>  |                         |              |                      |   |
| <i>Eryngium aristulatum</i><br>var. <i>parishii</i><br>San Diego button-celery                      | CE/FE                   | 1B.1         | NE,<br>MSCP          | Biennial/perennial herb; vernal pools, mesic areas of coastal sage scrub and grasslands, blooms April–June; elevation less than 2,000 feet. Known from San Diego and Riverside counties. Additional populations occur in Baja California, Mexico.       |
| <i>Ambrosia monogyra</i><br>[= <i>Hymenoclea monogyra</i> ]<br>singlewhorl burrobrush               | —/—                     | 2B.2         | —                    | Perennial shrub; sandy, chaparral, Sonoran desert scrub; blooms August–November; elevation 30–1,650 feet.   |
| <i>Ambrosia pumila</i><br>San Diego ambrosia  | —/FE                    | 1B.1         | NE,<br>MSCP          | Perennial herb (rhizomatous); chaparral, coastal sage scrub, valley and foothill grasslands, creek beds, vernal pools, often in disturbed areas; blooms May–September; elevation less than 1,400 feet. Many occurrences extirpated in San Diego County. |
| <i>Baccharis vanessae</i><br>Encinitas baccharis<br>[= <i>Encinitas coyote brush</i> ]              | CE/FT                   | 1B.1         | NE,<br>MSCP          | Perennial deciduous shrub; chaparral; maritime; sandstone; blooms August–November; elevation less than 2,500 feet. San Diego County endemic. Known from fewer than 20 occurrences. Extirpated from Encinitas area.                                      |
| <i>Deinandra</i> [= <i>Hemizonia</i> ]<br><i>conjugens</i><br>Otay tarplant                         | CE/FT                   | 1B.1         | NE,<br>MSCP          | Annual herb; clayey soils of coastal scrub openings, valley and foothill grassland; blooms April–June, elevation less than 1,000 feet.  |

| Attachment 1<br>Sensitive Plant Species<br>Observed or with the Potential for Occurrence in the SSA   |       |      |             |   |
|---|-------|------|-------------|---|
| <i>Ericameria palmeri</i><br>var. <i>palmeri</i> [= <i>E. palmeri</i><br>ssp. <i>palmeri</i> ]<br>Palmer's goldenbush<br>[=Palmer's ericameria] | —/—   | 1B.1 | MSCP        | Perennial evergreen shrub; chaparral coastal sage scrub, typically in mesic areas; blooms July–November; elevation less than 2,000 feet. Known in California from sixteen occurrences all of which are in San Diego County. Additional populations in Baja California, Mexico.              |
| <i>Isocoma menziesii</i><br>var. <i>decumbens</i><br>decumbent goldenbush   | —/—   | 1B.2 | —           | Perennial shrub; chaparral, coastal sage scrub; sandy soils, often in disturbed areas; blooms April–November; elevation less than 500 feet.   |
| <i>Iva hayesiana</i><br>San Diego marsh-elder   | —/—   | 2B.2 | —           | Perennial herb; marshes and swamps, playas, riparian areas; blooms April–September; elevation below 1,700 feet.   |
| <b>CACTACEAE CACTUS FAMILY</b>  |       |      |             |   |
| <i>Cylindropuntia californica</i><br>var. <i>californica</i> [= <i>Opuntia</i><br><i>parryi</i> var. <i>serpentina</i> ]<br>snake cholla        | —/—   | 1B.1 | NE,<br>MSCP | Perennial stem succulent; chaparral, coastal sage scrub; blooms April–May; elevation 100–500 feet.  |
| <b>CRASSULACEAE STONECROP FAMILY</b>  |       |      |             |   |
| <i>Dudleya brevifolia</i> [= <i>D. blochmaniae</i> ssp. <i>brevifolia</i> ]<br>short-leaved dudleya [short-leaved live-forever]                 | CE/—  | 1B.1 | NE,<br>MSCP | Perennial herb; southern maritime chaparral, coastal sage scrub on Torrey sandstone; blooms in April; elevation less than 1,000 feet. San Diego County endemic. Known from fewer than five occurrences in the Del Mar and La Jolla areas.   |
| <i>Dudleya variegata</i><br>variegated dudleya  | —/—   | 1B.2 | NE,<br>MSCP | Perennial herb; openings in chaparral, coastal sage scrub, grasslands, vernal pools; blooms May–June; elevation less than 1,900 feet.   |
| <b>FABACEAE LEGUME FAMILY</b>   |       |      |             |   |
| <i>Astragalus tener</i> var. <i>titi</i><br>coastal dunes milkvetch   | CE/FE | 1B.1 | NE,<br>MSCP | Annual herb; coastal bluff scrub, coastal dunes, sandy soils, mesic coastal prairie; blooms March–May; elevation less than 200 feet. California endemic. Known from fewer than 10 occurrences in San Diego (presumed extirpated), Los Angeles (presumed extirpated), and Monterey counties. |
| <b>LAMIACEAE MINT FAMILY</b>  |       |      |             |   |
| <i>Acanthomintha ilicifolia</i><br>San Diego thornmint  | CE/FT | 1B.1 | NE,<br>MSCP | Annual herb; chaparral, coastal sage scrub, and grasslands; friable or broken clay soils; blooms April–June; elevation less than 3,200 feet.  |
| <i>Pogogyne abramsii</i><br>San Diego mesa mint   | CE/FE | 1B.1 | NE,<br>MSCP | Annual herb; vernal pools; blooms April–July; elevation 300–700 feet. San Diego County endemic.   |



| Attachment 1<br>Sensitive Plant Species<br>Observed or with the Potential for Occurrence in the SSA                                   |       |      |             |  |
|---|-------|------|-------------|--|
| <i>Pogogyne nudiuscula</i><br>Otay mesa mint  | CE/FE | 1B.1 | NE,<br>MSCP | Annual herb; vernal pools; blooms May–July; elevation 300–820 feet. In California, known from approximately 10 occurrences in Otay Mesa in San Diego County. Additional populations occur in Baja California, Mexico.  |
| <b>MALVACEAE MALLOW FAMILY</b>  |       |      |             |  |
| <i>Fremontodendron mexicanum</i><br>Mexican flannelbush   | CR/FE | 1B.1 | –           | Perennial evergreen shrub; closed-cone coniferous forest, chaparral, cismontane woodland; Otay Mountain; blooms March–June; elevation less than 2,400 feet.  |
| <b>OROBANCHACEAE BROOM-RAPE FAMILY</b>  |       |      |             |  |
| <i>Chloropyron maritimum</i> ssp. <i>maritimum</i> [= <i>Cordylanthus maritimus</i> ssp. <i>maritimus</i> ]<br>salt marsh bird's-beak | CE/FE | 1B.2 | MSCP        | Annual herb (hemiparasitic); coastal dunes, coastal salt marshes and swamps; blooms May–October; elevation less than 100 feet.   |
| <b>POLEMONIACEAE PHLOX FAMILY</b>   |       |      |             |  |
| <i>Navarretia fossalis</i><br>spreading navarretia<br>[=prostrate navarretia]   | –/FT  | 1B.1 | NE,<br>MSCP | Annual herb; vernal pools, marshes and swamps, chenopod scrub; blooms April–June; elevation 100–4,300 feet.  |
| <b>ROSACEAE ROSE FAMILY</b>   |       |      |             |  |
| <i>Rosa minutifolia</i><br>small-leaved rose  | CE/–  | 2B.1 | MSCP        | Perennial deciduous shrub; coastal sage scrub; blooms January–June; elevation 500–550 feet. Known in the U.S. from only one occurrence on Otay Mesa in San Diego county. This entire occurrence was transplanted to a new preserved location on Otay Mesa for mitigation in 1997. Additional populations occur in Baja California, Mexico. |
| <b>ANGIOSPERMS: MONOCOTS</b>  |       |      |             |  |
| <b>AGAVACEAE AGAVE FAMILY</b>   |       |      |             |  |
| <i>Agave shawii</i> var. <i>shawii</i><br>Shaw's agave  | –/–   | 2B.1 | NE,<br>MSCP | Perennial leaf succulent; coastal bluff scrub, coastal sage scrub, maritime succulent scrub; blooms September–May; elevation less than 400 feet.   |
| <b>JUNCACEAE RUSH FAMILY</b>  |       |      |             |  |
| <i>Juncus acutus</i> ssp. <i>leopoldii</i><br>southwestern spiny rush   | –/–   | 4.2  | –           | Perennial herb (rhizomatous); coastal dunes, meadows and seeps, coastal salt marsh, riparian; blooms May–June; elevation less than 3,000 feet.   |
| <b>POACEAE GRASS FAMILY</b>   |       |      |             |  |
| <i>Orcuttia californica</i><br>California Orcutt grass  | CE/FE | 1B.1 | NE,<br>MSCP | Annual herb; vernal pools; blooms April–August; elevation 50–2,200 feet.   |

**Attachment 1**  
**Sensitive Plant Species**  
**Observed or with the Potential for Occurrence in the SSA**

**FEDERAL CANDIDATES AND LISTED PLANTS**

FE = Federally listed endangered  
 FT = Federally listed threatened  
 FC = Federal candidate for listing as endangered or threatened

**STATE LISTED PLANTS**

CE = State listed endangered  
 CR = State listed rare  
 CT = State listed threatened

**CALIFORNIA NATIVE PLANT SOCIETY (CNPS): CALIFORNIA RARE PLANT RANKS (CRPR)**

1A = Species presumed extinct.  
 1B = Species rare, threatened, or endangered in California and elsewhere. These species are eligible for state listing.  
 2A = Plants presumed extirpated in California, but more common elsewhere.  
 2B = Species rare, threatened, or endangered in California but more common elsewhere. These species are eligible for state listing.  
 3 = Species for which more information is needed. Distribution, endangerment, and/or taxonomic information is needed.  
 4 = A watch list of species of limited distribution. These species need to be monitored for changes in the status of their populations.  
 .1 = Species seriously threatened in California (over 80% of occurrences threatened; high degree and immediacy of threat).  
 .2 = Species fairly threatened in California (20-80% occurrences threatened; moderate degree and immediacy of threat).  
 .3 = Species not very threatened in California (<20% of occurrences threatened; low degree and immediacy of threat or no current threats known).  
 CBR = Considered but rejected

**CITY OF SAN DIEGO**

NE = Narrow endemic  
 MSCP = Multiple Species Conservation Program covered species

## **ATTACHMENT 2**

Sensitive Wildlife Species Observed or with the Potential for  
Occurrence in the SSA



| Attachment 2<br>Sensitive Wildlife Species Occurring or with the Potential to Occur in the SSA        |                   |  |                      |                                   |   |
|---|-------------------|--|----------------------|-----------------------------------|---|
| Species' Common Name/<br>Scientific Name  | Listing<br>Status | Habitat Preference/<br>Requirements  | Detected<br>On-Site? | Potential to<br>Occur<br>On-Site? | Basis for Determination of<br>Occurrence Potential                                    |
| <b>INVERTEBRATES</b> (Nomenclature from Eriksen and Belk 1999; San Diego Natural History Museum 2002) |                   |  |                      |                                   |   |
| <b>BRANCHINECTIDAE FAIRY SHRIMP</b>   |                   |  |                      |                                   |   |
| San Diego fairy shrimp<br><i>Branchinecta sandiegonensis</i>  | FE, MSCP,<br>*    | Vernal pools.  | No                   | Low                               | No vernal pools or suitable<br>depressions on-site.                                   |
| <b>STREPTOCEPHALIDAE FAIRY SHRIMP</b>   |                   |  |                      |                                   |   |
| Riverside fairy shrimp<br><i>Streptocephalus woottoni</i>   | FE, MSCP,<br>*    | Vernal pools.  | No                   | Low                               | No vernal pools or suitable<br>depressions on-site.                                   |
| <b>REPTILES</b> (Nomenclature from Crother et al. 2008)   |                   |  |                      |                                   |   |
| <b>IGUANIDAE IGUANID LIZARDS</b>  |                   |  |                      |                                   |   |
| Coast horned lizard<br><i>Phrynosoma blainvillii</i> [= <i>P. coronatum</i><br>coastal population]    | CSC,<br>MSCP, *   | Chaparral, coastal sage<br>scrub with fine, loose soil.<br>Partially dependent on<br>harvester ants for forage.                                  | No                   | Low                               | Site lacks suitable habitat<br>and forage species to support<br>this reptile.         |
| <b>ANNIELLIDAE LEGLESS LIZARDS</b>  |                   |  |                      |                                   |   |
| California [=Silvery] legless lizard<br><i>Anniella sp.</i> [= <i>pulchra pulchra</i> ]               | CSC               | Herbaceous layers with<br>loose soil in coastal scrub,<br>chaparral, and open<br>riparian. Prefers dunes<br>and sandy washes near<br>moist soil. | No                   | Low                               | Site lacks suitable habitat<br>and sandy washes preferred<br>by this species.         |
| <b>COLUBRIDAE COLUBRID SNAKES</b>   |                   |  |                      |                                   |   |
| California glossy snake<br><i>Arizona elegans occidentalis</i>  | CSC               | Scrub and grassland<br>habitats, often with loose<br>or sandy soils.   | No                   | Low                               | Site lacks suitable habitat<br>and is disturbed to often to<br>support this species.. |

| Attachment 2<br>Sensitive Wildlife Species Occurring or with the Potential to Occur in the SSA |                   |  |                      |                                   |  |
|--|-------------------|--|----------------------|-----------------------------------|--|
| Species' Common Name/<br>Scientific Name   | Listing<br>Status | Habitat Preference/<br>Requirements  | Detected<br>On-Site? | Potential to<br>Occur<br>On-Site? | Basis for Determination of<br>Occurrence Potential   |
| <b>BIRDS</b> (Nomenclature from American Ornithological Society 2018 and Unitt 2004)           |                   |  |                      |                                   |  |
| <b>ACCIPITRIDAE                      HAWKS, KITES, &amp; EAGLES</b>                            |                   |  |                      |                                   |  |
| Cooper's hawk (nesting)<br><i>Accipiter cooperii</i>   | WL, MSCP          | Mature forest, open woodlands, wood edges, river groves. Parks and residential areas.            | Yes                  | Low                               | Species observed flying over the site. Although this species may use the site for foraging, there is no suitable nesting habitat on-site. Suitable habitat for this species is present to the north within the Otay River. |
| <b>RALLIDAE                      RAILS, GALLINULES, &amp; COOTS</b>                            |                   |  |                      |                                   |  |
| California black rail<br><i>Laterallus jamaicensis cotuniculus</i>                             | CT, CFP           | Tidal marshes, grassy marshes. Resident populations extirpated.                                  | No                   | Low                               | Site lacks tidal marsh habitat preferred by this species.  |
| Light-footed Ridgway's rail<br><i>Rallus obsoletus</i> [=longirostris] <i>levipes</i>          | FE, CE, CFP, MSCP | Salt marshes supporting <i>Spartina foliosa</i> . Localized resident.                            | No                   | Low                               | Site lacks suitable habitat.   |
| <b>CHARADRIIDAE                      LAPWINGS &amp; PLOVERS</b>                                |                   |  |                      |                                   |  |
| Western snowy plover (coastal population)<br><i>Charadrius alexandrinus nivosus</i>            | FT, CSC, MSCP     | Sandy beaches, lagoon margins, tidal mud flats. Migrant and winter resident. Localized breeding. | No                   | Low                               | Site lacks suitable habitat.   |
| <b>LARIDAE                      GULLS, TERNS, &amp; SKIMMERS</b>                               |                   |  |                      |                                   |  |
| California least tern (nesting colony)<br><i>Sternula antillarum browni</i>                    | FE, CE, CFP, MSCP | Bays, estuaries, lagoons, shoreline. Resident. Localized breeding.                               | No                   | Low                               | Site lacks suitable habitat.   |

| Attachment 2<br>Sensitive Wildlife Species Occurring or with the Potential to Occur in the SSA |                   |  |                      |                                   |  |
|--|-------------------|--|----------------------|-----------------------------------|--|
| Species' Common Name/<br>Scientific Name   | Listing<br>Status | Habitat Preference/<br>Requirements  | Detected<br>On-Site? | Potential to<br>Occur<br>On-Site? | Basis for Determination of<br>Occurrence Potential   |
| <b>STRIGIDAE                      TYPICAL OWLS</b>   |                   |  |                      |                                   |  |
| Western burrowing owl (burrow sites)<br><i>Athene cunicularia hypugaea</i>                     | CSC,<br>MSCP      | Grassland, agricultural<br>land, coastal dunes.<br>Require rodent burrows.<br>Declining resident.  | No                   | Low                               | Site lacks significant<br>population of prey species.<br>Periodic discing of the site<br>prevents suitable burrows<br>from being formed. |
| <b>VIREONIDAE                      VIREOS</b>  |                   |  |                      |                                   |  |
| Least Bell's vireo (nesting)<br><i>Vireo bellii pusillus</i>                                   | FE, CE,<br>MSCP   | Willow riparian<br>woodlands. Summer<br>resident.  | No                   | Low                               | Site lacks suitable habitat.<br>May be present off-site to the<br>north in riparian habitat of<br>the Otay River.                        |
| <b>SYLVIIDAE                      GNATCATCHERS</b>   |                   |  |                      |                                   |  |
| Coastal California gnatcatcher<br><i>Poliophtila californica californica</i>                   | FT, CSC,<br>MSCP  | Coastal sage scrub,<br>maritime succulent scrub.<br>Resident.  | No                   | Low                               | Site lacks suitable habitat.   |
| <b>EMBERIZIDAE                      EMBERIZIDS</b>   |                   |  |                      |                                   |  |
| Belding's savannah sparrow<br><i>Passerculus sandwichensis beldingi</i>                        | CE, MSCP          | Salt marshes, lagoons<br>dominated by <i>Salicornia</i> .<br>Resident.   | No                   | Low                               | Site lacks suitable habitat.   |
| <b>MAMMALS (Nomenclature from Hall 1981)</b>   |                   |  |                      |                                   |  |
| <b>VESPERTILIONIDAE                      VESPER BATS</b>                                       |                   |  |                      |                                   |  |
| Pallid bat<br><i>Antrozous pallidus</i>  | CSC               | Arid deserts and<br>grasslands. Shallow caves,<br>crevices, rock outcrops,<br>buildings, tree cavities.<br>Especially near water.<br>Colonial. Audible<br>echolocation signal. | No                   | Low                               | Site lacks suitable habitat<br>and roosting places preferred<br>by this species.   |



| Attachment 2<br>Sensitive Wildlife Species Occurring or with the Potential to Occur in the SSA  |                   |  |                      |                                   |  |
|---|-------------------|--|----------------------|-----------------------------------|--|
| Species' Common Name/<br>Scientific Name  | Listing<br>Status | Habitat Preference/<br>Requirements  | Detected<br>On-Site? | Potential to<br>Occur<br>On-Site? | Basis for Determination of<br>Occurrence Potential                               |
| <b>MOLOSSIDAE      FREE-TAILED BATS</b>   |                   |  |                      |                                   |  |
| Western mastiff bat<br><i>Eumops perotis californicus</i>   | CSC               | Woodlands, rocky habitat,<br>arid and semiarid<br>lowlands, cliffs, crevices,<br>buildings, tree hollows.<br>Audible echolocation<br>signal. | No                   | Low                               | Site lacks suitable habitat<br>and roosting places preferred<br>by this species. |
| <b>HETEROMYIDAE      POCKET MICE &amp; KANGAROO RATS</b>  |                   |  |                      |                                   |  |
| Pacific pocket mouse<br><i>Perognathus longimembris pacificus</i>   | FE, CSC           | Open coastal sage scrub;<br>fine, alluvial sands near<br>ocean.  | No                   | Low                               | Site lacks suitable soils and<br>habitat.  |
| <p><b>STATUS CODES</b></p> <p><u>Listed/Proposed</u></p> <p>FE = Listed as endangered by the federal government<br/> FT = Listed as threatened by the federal government<br/> CE = Listed as endangered by the state of California<br/> CT = Listed as threatened by the state of California</p> <p><u>Other</u></p> <p>CFP = California fully protected species<br/> CSC = California Department of Fish and Wildlife species of special concern<br/> WL = California Department of Fish and Wildlife watch list species<br/> MSCP = City and County of San Diego Multiple Species Conservation Program covered species<br/> * = Taxa listed with an asterisk fall into one or more of the following categories:</p> <ul style="list-style-type: none"> <li>• Taxa considered endangered or rare under Section 15380(d) of CEQA guidelines</li> <li>• Taxa that are biologically rare, very restricted in distribution, or declining throughout their range</li> <li>• Population(s) in California that may be peripheral to the major portion of a taxon's range but which are threatened with extirpation within California</li> <li>• Taxa closely associated with a habitat that is declining in California at an alarming rate (e.g., wetlands, riparian, old growth forests, desert aquatic systems, native grasslands)</li> </ul> |                   |  |                      |                                   |  |

## ATTACHMENT 17

(Otay Mesa-Nestor) Bella Mar Apartments / Project No. 631240 / SCH No. 2022040642 Mitigated Negative Declaration, and Appendices can be found on the following website posted on December 05, 2022:

[Final Environmental Documents | City of San Diego Official Website](#)

The following is a link to Mitigated Negative Declaration No. 631240/SCH No. 2022040642:

[dsd\\_final\\_mitigated\\_negative\\_declaration\\_11.pdf](#)

The following is a link to the Errata to Mitigated Negative Declaration No. 631240/SCH No. 2022040642 dated March 27, 2023:

[ERRATA SHEET](#)



The City of San Diego

## M E M O R A N D U M

DATE: July 2, 2025

TO: Environmental/Project File  
Development Services Department

FROM: Dawna Marshall, Senior Planner, Environmental Analysis Section of the Development Services Department

SUBJECT: California Environmental Quality Act – Section 15162 Evaluation of the Revised Bella Mar Apartments (PRJ-0631240; SCH No. 2022040642; LCP-6-OMN-23-0053-4)

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The Development Services Department (DSD) has completed a California Environmental Quality Act (CEQA) Section 15162 – Subsequent Environmental Impact Reports and Negative Declarations consistency evaluation for the proposed Revised Bella Mar Apartments project (PRJ-0631240; LCP-6-OMN-23-0053-4; project). See 14 California Code of Regulations Section 15162.

This evaluation was performed to determine if conditions specified in CEQA Guidelines Section 15162 would require the preparation of additional CEQA review for the proposed project. As outlined in the evaluation, DSD has determined that the proposed project modification would be consistent with the Mitigated Negative Declaration (MND; SCH NO. 2022040642) adopted by the San Diego City Council on August 4, 2023, Resolution No. R-315070; and would not result in new impacts.

### **BACKGROUND**

On July 25, 2023, the City Council approved the plan-level land use actions associated with the Bella Mar Apartments project, which consisted of a General Plan Amendment (GPA), Otay Mesa-Nestor Community Plan Amendment (CPA) and Local Coastal Program (LCP) Amendment; and adopted a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP). The GPA changed the site designation from Park, Open Space and Recreation to Residential. The CPA redesignated the site from Open Space to Residential – Medium Density. On August 4, 2023, the Resolution No. R-315071 for the GPA and the Resolution No. R-315070 for the adoption of the MND and MMRP were approved.

On September 12, 2023, the City Council adopted an ordinance to Rezone the project site from Agriculture Residential (AR-1-2) and Open Space (OF-1-1) zones to Residential Multiple Unit (RM-2-5) and an ordinance to amend the San Diego Municipal Code (SDMC) Section 126.0702, adding reference to Bella Mar Site Coastal Overlay Zone Certification Map No. C-1028, amending Section



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132.0402 relating to the Coastal Overlay Zone Jurisdiction area, and amending Coastal Development Permit Jurisdiction Map No. C-730.1 to redesignate the site from Coastal Deferred Certification. The date of final passage for the adopted Ordinance 21719 was September 18, 2023.

On July 10, 2024, the California Coastal Commission approved the Bella Mar Apartments project amendment to the City of San Diego LCP (Amendment No. LCP-6-OMN-23-0053-4) and on July 17, 2024, issued a letter conditionally certifying the Otay Mesa-Nestor Community Plan and LCP Amendments with modifications.

The Bella Mar Apartments modified amendment to the City of San Diego LCP was reviewed and considered pursuant to CEQA Guidelines Section 15162. The consistency analysis determined that the revised project was adequately covered by the previously analyzed and adopted Mitigated Negative Declaration (MND; PRJ-0631240; SCH No. 2022040642) and the certified Final Program Environmental Impact Report (EIR) and Addenda for the 2008 General Plan (EIR No. 104495/SCH No. 2006091032). Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, there was no change in circumstance, additional information, or project changes to warrant additional review. On October 29, 2024, San Diego City Council adopted the Bella Mar Apartments modified amendment to the City of San Diego LCP. On November 6, 2024, the City Council certified the changes to the Local Coastal Program relying upon a CEQA 15162 Consistency Memorandum finding the previously approved MND adequate to support the action, via Resolution No. R-315864.

## **PROJECT DESCRIPTION**

The project is requesting a TENTATIVE MAP, SITE DEVELOPMENT PERMIT, NEIGHBORHOOD DEVELOPMENT PERMIT and MHPA BOUNDARY LINE ADJUSTMENT for a 380-unit multi-family development with supporting amenities and infrastructure (Figures 1 to 4). The proposed development scope is identical to that addressed in the MND as amended by the previous CEQA Guidelines Section 15162 consistency evaluation dated August 26, 2024, with the exception of the trail.

The California Coastal Commission's Mod-1 identified "a contiguous public pedestrian and bicycle access trail which can be within the uppermost ten-foot portion of the biological buffer located along the north side of the Bella Mar site and adjacent to the Otay Valley Regional Park." Instead of locating the trail within the biological buffer, the project proposes the location of the trail within the development footprint along the south side of the MHPA boundary wall (Figure 3). The trail would replace previously proposed MHPA adjacent plantings, which would have included variations of native grass, brush, and trees (Figures 4a and 4b). As previously identified, the project would comply with the MHPA Land Use Adjacency Guidelines. The remainder of the project scope is as identified in the previously adopted MND.

## **CEQA 15162 CONSISTENCY EVALUATION**

DSD reviewed the revised project and conducted this CEQA Section 15162 consistency evaluation with the previously adopted MND as amended by the previous CEQA Guidelines Section 15162 consistency evaluation dated August 26, 2024.

The following evaluation substantiates the conclusion that the project, as revised, would not result in new or more severe project impacts, and pursuant to CEQA Guidelines Section 15162 could rely on the previously adopted MND, as amended. Furthermore, there is no new information or changes in circumstances related to the modified project that would trigger the need for a subsequent document.

Relative to the project scope addressed in the MND, as amended, the only project change is related to the trail. The remainder of the proposed project's components would be consistent with the project as described and analyzed in the MND. Thus, the analysis below is focused on the proposed changes associated with the trail.

The revised project would not result in changes to land use and planning. The trail is proposed along the northern boundary of the project site within the development footprint previously analyzed in the MND. Although this portion of the project site is adjacent to the MHPA, the inclusion of the trail would not preclude project compliance with the MSCP Subarea Plan or the MHPA Land Use Adjacency Guidelines. The trail and MHPA would be separated by a six-foot boundary wall. While the LCP suggests that the trail can be located within the biological buffer, the proposed location of the trail within the development footprint does not conflict with the LCP or result in any significant secondary environmental impacts. Consistent with the analysis in the MND, the revised project would not result in conflicts with any other applicable land use plans or regulations, such as San Diego Forward – The Regional Plan, the City's General Plan/Otay Mesa-Nestor Community Plan, the City's SDMC, and the California Coastal Act. Therefore, impacts related to land use and planning would be less than significant, as identified in the MND.

While the proposed project revisions would slightly change the aesthetics by removing proposed landscaping and replacing it with a trail, the overall visual change of a vacant lot to the proposed residential development would remain similar. The project is not located in a scenic vista, and no change to significant scenic resources or visual character would occur. Therefore, impacts related to aesthetics would be less than significant, as identified in the MND.

The trail would not create a hazardous design feature, change internal vehicular or fire apparatus access, or interfere with on-or off-site transportation improvements. As the project includes a multi-modal trail, it would provide an additional connection through the project site and improve access to the coastal area. Additionally, the analysis for Vehicle Miles Traveled (VMT) would not change as the proposed trail would serve non-motorized travel and would not increase VMT. Impacts would be less than significant, as identified in the MND.

The revised project would not result in changes to agricultural and forestry resources, and mineral resources, considering no such resources exist on or near the project. As identified in the MND, no impacts related to these issue areas would result.

The revised project would not result in an increase in population or an increase in utility usage beyond what was previously analyzed in the MND. Impacts related to recreation, public services, population and housing, and utilities and service systems would be less than significant, as identified in the MND.

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The revised project would not result in changes to geology and soils or hydrology and water quality issues, as the project is required to comply with all applicable codes, regulations, and ordinances, including the California Building Code, the City's Grading Ordinance, the City's Drainage Design Manual, and the Storm Water Standards Manual. Impacts related to geology and soils, and hydrology and water quality would be less than significant, as identified in the MND.

The inclusion of the trail would not result in changes to hazards and hazardous materials, wildfire, or noise issues. The project would comply with all applicable regulations, including the California Fire Access Code, the City Brush Management Regulations, and the City's Noise Abatement and Control Ordinance. Impacts related to these issues would be less than significant, as identified in the MND.

As the revised project would result in negligible changes to energy use and emissions, the project would not change the air quality, greenhouse gas, or energy analysis conclusions relative to the MND. Impacts would be less than significant, as identified in the MND.

The revised project would not result in changes to the analysis for the following issues, considering the proposed changes would be located within the development footprint and required grading would be similar: biological resources, cultural resources, and tribal cultural resources. As identified in the MND, impacts to biological resources, cultural resources, and tribal cultural resources would be potentially significant. Therefore, an MMRP (Appendix A), as detailed in MND Section V, would be implemented. With the implementation of mitigation measures BIO-1 to BIO-3 and HR-1, potential biological resources, cultural resources, and tribal cultural resources impacts would be reduced to below a level of significance.

## **CONCLUSION**

Overall, the implementation of the proposed would not result in any significant direct, indirect, or cumulative impacts beyond those disclosed in the previously adopted MND.

Section 15162 of the CEQA Guidelines states:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or



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July 2, 2025

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Based upon a review of the current project, none of the situations described in Section 15162 of the CEQA Guidelines apply. No changes in circumstances have occurred, and no new information of substantial importance has manifested, which would result in new significant or substantially increased adverse impacts because of the project. This evaluation, therefore, supports the use of the previously adopted MND under CEQA Guidelines Section 15162 in that the environmental document adequately covers the proposed project.



Dawna Marshall  
Senior Planner

DM/dm

cc: Martin Mendez, Development Project Manager, Development Services Department

Attachments: Figure 1 – Project Vicinity  
Figure 2 – Project Site  
Figure 3 – Project Site Plan  
Figure 4a – Landscape Plan  
Figure 4b – Landscape Plan

Appendix A, Mitigation Monitoring and Reporting Program

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**REFERENCES**

San Diego, City of

- 1997 City of San Diego MSCP Subarea Plan. Multiple Species Conservation Program. March.
- 2008 General Plan Final Program Environmental Impact Report (EIR No. 104495/SCH No. 2006091032).
- 2018 San Diego Municipal Code Land Development Code Biology Guidelines. Amended February 1, 2018 by Resolution No. [R-311507].
- 2022 Bella Mar Apartments Mitigated Negative Declaration (PRJ-0631240; SCH No. 2022040642). December 5.
- 2023 Bella Mar Apartments Errata to Mitigated Negative Declaration (PRJ-0631240; SCH No. 2022040642). March 27.
- 2024 California Environmental Quality Act – Section 15162 Evaluation of the Revised Bella Mar Apartments Project (PRJ-0631240; SCH No. 2022040642; LCP-6-OMN-23-0053-4). August 26.



## Project Vicinity

Bella Mar Apartments / Project No. 0631240  
Development Services Department

**FIGURE  
No. 1**





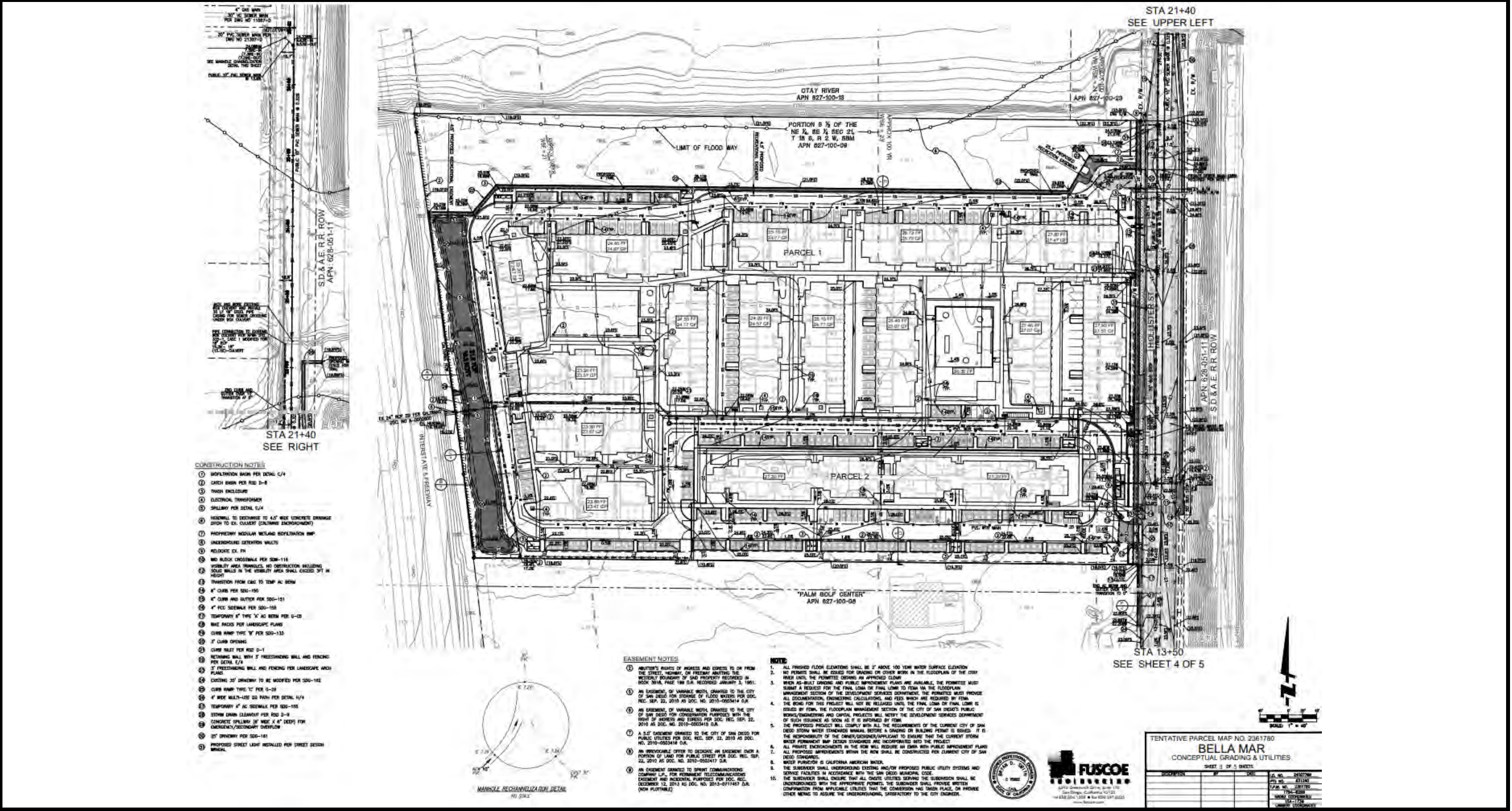
## Project Site

Bella Mar Apartments / Project No. 0631240

Development Services Department

**FIGURE  
No. 2**





**FIGURE  
No. 3**





## LANDSCAPE CALCULATIONS

### NOTE:

1. FOR PROJECT SUMMARY INFORMATION, PLEASE SEE SHEET 2
2. FOR PROJECT LANDSCAPE CALCULATION, PLEASE SEE SHEET L-6
3. MONUMENT SIGN TO BE LOCATED OUTSIDE THE VISIBILITY TRIANGLE.
4. MHPA PERIMETER WALL TO VARY, SEE CIVIL FOR TOP OF WALL.

### BIKE PARKING COUNTS

- 44 Market Rate
- 48 Affordable Rate

### PLANTING NOTES

WATER USE CLASSIFICATION OF LANDSCAPE SPECIES  
WUCOLS: Water Use Classification of Landscape Species is a OWNER of California Cooperative Extension Publication and is a guide to the water needs of landscape plants.  
CATEGORY/ABV. PERCENT OF ETO  
H - HIGH 70% - 90%  
M - MEDIUM 40% - 60%  
L - LOW 10% - 30%  
VL - VERY LOW < 10%

### MINIMUM TREE SEPARATION DISTANCE

- TRAFFIC SIGNALS/STOP SIGNS - 20 FEET
- UTILITY LINES - 5 FEET (10' FOR SEWER)
- STRUCTURES - 10 FEET
- INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET ON RESIDENTIAL STREETS RATED AT 25 MPH OR LOWER.

### NOTES:

1. All required landscape as shown on these plans, including in the right-of-way, shall be maintained by Red Tail Acquisitions, LLC and Chelsea Investment Corp. The landscape areas shall be maintained free of debris and litter, and all plant material shall be maintained in a healthy growing condition consistent with the City of San Diego Landscape Regulations and Standards

### NOTES BIOFILTRATION BASIN SOIL MEDIA:

1. SOIL DEPTH TO BE 18" IN THE ROOT ZONE AREA WHERE SHRUBS ARE TO BE USED

**BELLA MAR** DEVELOPMENT PERMIT PACKAGE  
408 HOLLISTER STREET, SAN DIEGO, CALIFORNIA

landLAB  
RED TAIL ACQUISITIONS, LLC  
carrierjohnson + CULTURE3

|                 |                |                |            |
|-----------------|----------------|----------------|------------|
| project name:   | BELLA MAR      | revision 04:   |            |
| sheet title:    | LANDSCAPE PLAN | revision 03:   |            |
|                 |                | revision 02:   | 1/28/2025  |
|                 |                | revision 01:   | 07/19/2019 |
|                 |                | original date: |            |
| drawing number: | L-1            | city pts #:    | 631240     |
| sheet 8 of 32   |                | project:       | 5752.00    |
|                 |                | date:          | 01/13/2020 |

## Landscape Plan

Bella Mar Apartments / Project No. 0631240  
Development Services Department

**FIGURE  
No. 4a**



Bella Mar Apartments / Project No. 0631240  
Development Services Department

**FIGURE  
No. 4b**

|                  |    |                |                |
|------------------|----|----------------|----------------|
| project name:    | // | revision 04:   | _____          |
| <b>BELLA MAR</b> |    | revision 03:   | _____          |
|                  |    | revision 02:   | 01/13/2020     |
| sheet title:     | // | revision 01:   | 10/08/2019     |
| LANDSCAPE        |    | original date: | 07/19/2019     |
| PLANTING LEGEND  | // |                |                |
|                  |    |                |                |
| drawing number:  | // | city pls #:    | <b>631240</b>  |
| <b>L-2</b>       |    |                | <b>5752.00</b> |
| sheet # of 32    | // | date:          | 01/13/2020     |

## **APPENDIX A**

## EXHIBIT A

## MITIGATION MONITORING AND REPORTING PROGRAM

AMENDMENTS TO THE GENERAL PLAN, OTAY MESA-NESTOR COMMUNITY PLAN, AND LOCAL  
COASTAL PROGRAM NO. 2609704; REZONE NO. 2278306;

## BELLA MAR APARTMENTS

PROJECT NO. 631240/STATE CLEARINGHOUSE NO. 2022040642

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No 631240/State Clearinghouse (SCH) No. 2022040642 shall be made conditions of the amendments to the General Plan, Otay Mesa-Nestor Community Plan, and Local Coastal Program No. 2609704; Rezone No. 2278306; and of the Bella Mar Apartments project (Project) as may be further described below.

**A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD). (plans, specification, details, etc.) to ensure the Mitigation, Monitoring and Reporting Program (MMRP) requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:  
  
<https://www.sandiego.gov/development-services/forms-publications/design-guidelines-templates>
5. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation



measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

**B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)**

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

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

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division 858-627-3200.**
  - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360.**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 631240 and/or Environmental Document Number 631240, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

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

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency:

Regional Water Quality Control Board; Federal Emergency Management Agency; California Department of Fish and Wildlife; United States Fish and Wildlife Service; Coastal Commission.

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

**Note: Surety and Cost Recovery - When deemed necessary by the DSD Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.**

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

| Document Submittal/Inspection Checklist |   |   |
|---|---|---|
| Issue Area                              | Document Submittal                          | Associated Inspection/Approvals/Notes               |
| General                                 | Consultant Qualification Letters            | Prior to Preconstruction Meeting                    |
| General                                 | Consultant Construction Monitoring Exhibits | Prior to or at Preconstruction Meeting              |
| Land Use - MSCP                         | Land Use Adjacency Issues CVSRs             | Land Use Adjacency Issue Site Observations          |
| Land Use                                | Noise Attenuation/Interior Noise Study      | Prior to occupation                                 |
| Biology                                 | Biologist Limit of Work Verification        | Limit of Work Inspection                            |
| Biology                                 | Biological Monitoring                       | Biology/Habitat Restoration Inspection              |
| Archaeology                             | Archaeology/ Monitoring Reports             | Archaeology Site Observation                        |
| Tribal Cultural Resources               | Native American monitoring reports          | Tribal Cultural Site Observation                    |
| Waste Management                        | Waste Management Reports                    | Waste Management Inspections                        |
| Bond Release                            | Request for Bond Release Letter             | Final MMRP Inspections Prior to Bond Release Letter |

### C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

#### **BIOLOGICAL RESOURCES**

#### **Mitigation Measure Bio-1A – PROTECTIONS DURING CONSTRUCTION**

##### **I. Prior to Construction**

- A. Biologist Verification:** The owner/permittee shall provide a letter to the City MMC section stating that a Project Biologist (Qualified Biologist) as defined in the City's Biological Guidelines (2018), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. Preconstruction Meeting:** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. Biological Documents:** The Qualified Biologist shall submit all required documentation to Mitigation Monitoring Coordination (MMC) verifying that any special mitigation reports including but not limited to, maps, plans, surveys,



survey timelines, or buffers are completed or scheduled per the City's Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands (ESL) Ordinance, project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state, or federal requirements.

- D. Biological Construction Mitigation/Monitoring Exhibit (BCME):** The Qualified Biologist shall present a BCME, which shall include the biological documents in "C" above. In addition, it shall include restoration/revegetation plans, plant salvage/relocation requirements (coastal cactus wren plant salvage, western Burrowing Owl (BUOW) exclusions, etc.), BUOW and least Bell's vireo or other wildlife surveys/survey schedules (including BUOW and least Bell's vireo- nesting and U.S. Fish and Wildlife [USFWS] protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City Assistant Deputy Director (ADD)/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. Resource Delineation:** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora and fauna species, including nesting BUOW and least Bell's vireo birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- F. Education:** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas).

## **II. During Construction**

- A. Monitoring:** All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the preconstruction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record. The Consultant Site Visit Record shall be e-

mailed to the MMC on the first day of monitoring, the first week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

- B. Subsequent Resource Identification:** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on-site (flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state, or federal regulations have been determined and applied by the Qualified Biologist.

### **III. Post Construction Measures**

- A.** In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, CEQA, and other applicable local, state, and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

#### **MITIGATION MEASURE BIO-1B – AVIAN PROTECTION MITIGATION**

To avoid any direct impacts to BUOW and least Bell's vireo, and any avian species that is listed, candidate, sensitive, or special status species in the MSCP, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to August 31 / March 15 and September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of (BUOW and least Bell's vireo) on the proposed area of disturbance. The pre-construction survey shall be conducted within 40 three calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If BUOW and least Bell's vireo are detected, a letter report in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report are in place prior to and/or during construction.

**MITIGATION MEASURE BIO-2 – BURROWING OWL**

**PRECONSTRUCTION SURVEY ELEMENT**

**Prior to Permit or Notice to Proceed Issuance:**

1. As this project has been determined to be occupied by burrowing owl (*Athene cunicularia*; BUOW) or to have BUOW occupation potential, the Applicant Department or Permit Holder shall submit evidence to the Assistant Deputy Director of Entitlements and MSCP staff verifying that a Biologist possessing qualifications pursuant "Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency Department of Fish and Game. March 7, 2012" (hereafter referred as California Department of Fish and Game (CDFG) 2012, Staff Report), has been retained to implement a BUOW construction impact avoidance program.
2. The qualified BUOW biologist (or their designated biological representative) shall attend the pre-construction meeting to inform construction personnel about the City's BUOW requirements and subsequent survey schedule.

**Prior to Start of Construction:**

1. The Applicant Department or Permit Holder and Qualified Biologist must ensure that initial pre-construction/take avoidance surveys of the project "site" are completed between 14 and 30 days before initial construction activities, including brushing, clearing, grubbing, or grading of the project site; regardless of the time of the year. "Site" means the project site and the area within a radius of 450 feet of the project site. The report shall be submitted and approved by the Wildlife Agencies and/or City MSCP staff prior to construction or BUOW eviction(s) and shall include maps of the project site and BUOW locations on aerial photos.
2. The pre-construction survey shall follow the methods described in CDFG 2012, Staff Report-Appendix D
3. 24 hours prior to commencement of ground disturbing activities, the Qualified Biologist shall verify results of preconstruction/take avoidance surveys. Verification shall be provided to the City's MMC and MSCP Sections. If results of the preconstruction surveys have changed and BUOW are present in areas not previously identified, immediate notification to the City and Wildlife Agencies shall be provided prior to ground disturbing activities.



**During Construction:**

1. **Best Management Practices shall be employed as** BUOWs are known to use open pipes, culverts, excavated holes, and other burrow-like structures at construction sites. Legally permitted active construction projects which are BUOW occupied and have followed all protocol in this mitigation section, or sites within 450 feet of occupied BUOW areas, should undertake measures to discourage BUOWs from recolonizing previously occupied areas or colonizing new portions of the site. Such measures include, but are not limited to, ensuring that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms.
2. **On-going BUOW Detection:** If BUOWs or active burrows are not detected during the pre-construction surveys, Section "A" below shall be followed. If BUOWs or burrows are detected during the pre-construction surveys, Section "B" shall be followed. NEITHER THE MSCP SUBAREA PLAN NOR THIS MITIGATION SECTION ALLOWS FOR ANY BUOWs TO BE INJURED OR KILLED OUTSIDE OR WITHIN THE MHPA; in addition, IMPACTS TO BUOWs WITHIN THE MHPA MUST BE AVOIDED.

**A. Post Survey Follow Up if Burrowing Owls and/or Signs of Active Natural or Artificial Burrows Are Not Detected During the Initial Pre-Construction Survey:** Monitoring the site for new burrows is required using CDFG Staff Report 2012 Appendix D methods for the period following the -- initial pre-construction survey, until construction is scheduled to be complete and is complete (*NOTE - Using a projected completion date (that is amended if needed) will allow development of a monitoring schedule*).

- 1) If no active burrows are found but BUOWs are observed to occasionally (1-3 sightings) use the site for roosting or foraging, they should be allowed to do so with no changes in the construction or construction schedule.
- 2) If no active burrows are found but BUOWs are observed during follow up monitoring to repeatedly (four or more sightings) use the site for roosting or foraging, the City's MMC and MSCP Sections shall be notified and any portion of the site where owls have been observed and that has not been graded or otherwise disturbed shall be avoided until further notice.
- 3) If a BUOW begins using a burrow on the site at any time after the initial pre-construction survey, procedures described in Section B must be followed.
- 4) Any actions other than these require the approval of the City and the Wildlife Agencies.

**B. Post Survey Follow Up if Burrowing Owls and/or Active Natural or Artificial Burrows are detected during the Initial Pre-Construction Survey:**

Monitoring the site for new burrows is required using Appendix D CDFG 2012, Staff Report for the period following the initial pre-construction survey, until construction is scheduled to be complete and is complete (*NOTE - Using a projected completion date (that is amended if needed) will allow development of a monitoring schedule which adheres to the required number of surveys in the detection protocol*).

- 1) This section (B) applies only to sites (including biologically defined territory) wholly outside of the MHPA – **all direct and indirect impacts to BUOWs within the MHPA SHALL be avoided.**
- 2) If one or more BUOWs are using any burrows (including pipes, culverts, debris piles etc.) on or within 300 feet of the proposed construction area, the City's MMC and MSCP Sections shall be contacted. The City's MSCP and MMC Section shall contact the Wildlife Agencies regarding eviction/collapsing burrows and enlist appropriate City biologist for on-going coordination with the Wildlife Agencies and the qualified consulting BUOW biologist. No construction shall occur within 300 feet of an active burrow without written concurrence from the Wildlife Agencies. This distance may increase or decrease, depending on the burrow's location in relation to the site's topography, and other physical and biological characteristics.
  - a) **Outside the Breeding Season:** If the BUOW is using a burrow on site outside the breeding season (i.e., September 1 – January 31), the BUOW may be evicted after the qualified BUOW biologist has determined via fiber optic camera or other appropriate device, that no eggs, young, or adults are in the burrow. Eviction requires preparation of an Exclusion Plan prepared in accordance with CDFG Staff Report 2012, Appendix E (or most recent guidance available) for review and submittal to Wildlife Agencies. Written concurrence from the Wildlife Agencies is required prior to Exclusion Plan implementation.
  - b) **During Breeding Season:** If a BUOW is using a burrow on-site during the breeding season (February 1– August 31), construction shall not occur within 300 feet of the burrow until the young have fledged and are no longer dependent on the burrow, at which time the BUOWs can be evicted. Eviction requires preparation of an Exclusion Plan prepared in accordance with CDFG Staff Report 2012, Appendix E (or most recent guidance available) for review and submittal to Wildlife Agencies. Written concurrence from the Wildlife Agencies is required prior to Exclusion Plan implementation.

- 3) **Survey Reporting During Construction:** Details of construction surveys and evictions (if applicable) carried out shall be immediately (within 5 working days or sooner) reported to the City's MMC, and MSCP Sections and the Wildlife Agencies and must be provided in writing (as by e-mail) and acknowledged to have been received by the required Agencies and DSD Staff member(s).

**Post Construction:**

1. Details of all surveys and actions undertaken on-site with respect to BUOWs (i.e., occupation, eviction, locations, etc.) shall be reported to the City's MMC Section and the Wildlife Agencies within 21 days post-construction and prior to the release of any grading bonds. This report must include summaries of all previous reports for the site; and maps of the project site and BUOW locations on aerial photos.

**Mitigation Measure Bio-3 – LEAST BELL'S VIREO**

Prior to the issuance of any grading permit, the DSD Environmental Designee shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the City Manager:

- A. A qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 A-weighted decibels [dB(A)] hourly average for the presence of the least Bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of construction. If the least Bell's vireo is present, then the following conditions must be met:
  - I. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
  - II. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied least Bell's vireo or habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the city manager at least two weeks prior to the commencement of construction activities. Prior



to the commencement of any construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or

- III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring\* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

\*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If least Bell's vireo are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the city manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
  - I. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition A. III shall be adhered to as specified above.
  - II. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

#### **HISTORICAL RESOURCES (ARCHAEOLOGY)**

##### **Mitigation Measure HR-1**

###### **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 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 Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training with certification documentation.
  2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the Historical Resources Guidelines.
  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 (quarter 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 quarter mile radius.
- B. PI Shall Attend Precon Meetings
  1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), 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 Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

**2. Identify Areas to be Monitored**

- a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the Archaeological Monitoring Exhibit 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.
- b. The Archaeological Monitoring Exhibit 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 Occupational Safety and Health Administration 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 Archaeological Monitoring Exhibit 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 (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.

**B. Discovery Notification Process**

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

**C. Determination of Significance**

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
  - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program which has been reviewed by the Native American consultant/monitor and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
  - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that 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 granted access to the site, 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, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN
  - c. 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; or
- (3) Record a document with the County. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.

**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 8 AM 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 8 AM 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.

#### **TRIBAL CULTURAL RESOURCES**

Impacts to Tribal Cultural Resources would be reduced to below a level of significance with implementation of mitigation measures outlined under Historical Resources (Archaeology).

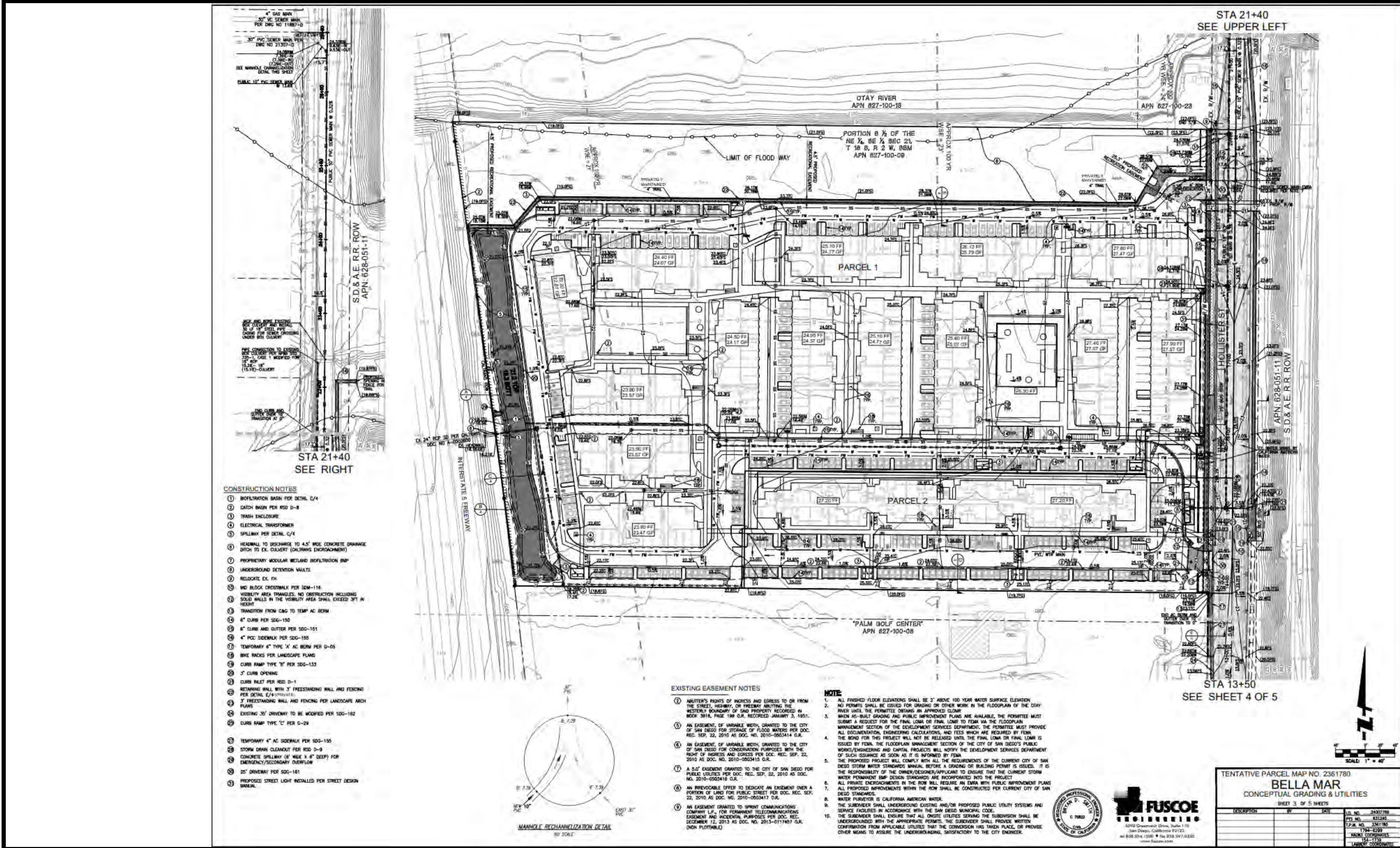
**E R R A T A****REVISED BELLA MAR APARTMENTS****PRJ- 0631240****August 4, 2025**

Subsequent to finalizing the California Environmental Quality Act – Section 15162 Evaluation of the Revised Bella Mar Apartments (PRJ-0631240; SCH No. 2022040642; LCP-6-OMN-23-0053-4), dated July 2, 2025 (15162 Consistency Evaluation), clarification to the memorandum is required because the following modifications have been made to the project:

- 15162 Consistency Evaluation, Page 2, Project Description - The decomposed granite (DG) multi-modal pathway proposed on the eastern side of Hollister Street has been modified to a concrete multi-modal pathway. Only the pathway's composition would be modified from DG to concrete. The pathway would serve the same purpose as previously proposed.
- 15162 Consistency Evaluation, Attachments, Figure 3, Project Site Plan — Figure 3 has been updated to remove construction note 26 from Sheet 3 of 5 of the Tentative Parcel Map, which identified the DG multi-modal pathway that has been changed to concrete. The updated Figure 3 is attached.
- 15162 Consistency Evaluation, Page 2, Project Description - The project has been modified to include the requirement for a Site Development Permit for encroachments within the public right-of-way (ROW). The encroachments include the concrete multi-modal pathway (previously DG) from the proposed bus stop to the trailhead for the Otay Valley Regional Park trail located north and east of the project site within the public ROW and a temporary asphalt concrete walkway from the southern boundary of the project frontage to the nearest intersection south of the project site within the public ROW.
- 15162 Consistency Evaluation, Page 2, Project Description – The project would include a public access easement for the trail located on the north side of the property, adjacent to the Multiple Habitat Planning Area.
- 15162 Consistency Evaluation, Attachments, Figure 4a - Figure 4a has been updated to remove a mid-block crossing on Hollister Street near the project's northerly property line from drawing number L-1 of the Landscape Plan. The project does not propose a mid-block crossing at this location. The updated Figure 4a is attached.

The project modifications do not result in new impacts, substantial changes in impact severity, or new mitigation, and they do not affect the conclusions of the 15162 Consistency Evaluation.









LANDSCAPE CALCULATIONS

NOTE:

- 1. FOR PROJECT SUMMARY INFORMATION, PLEASE SEE SHEET 2
- 2. FOR PROJECT LANDSCAPE CALCULATION, PLEASE SEE SHEET L-6
- 3. MONUMENT SIGN TO BE LOCATED OUTSIDE THE VISIBILITY TRIANGLE.
- 4. MHPA PERIMETER WALL TO VARY, SEE CIVIL FOR TOP OF WALL.

BIKE PARKING COUNTS

44 Market Rate  
48 Affordable Rate

PLANTING NOTES

WATER USE CLASSIFICATION OF LANDSCAPE SPECIES  
WUCOLS: Water Use Classification of Landscape Species is a OWNER of California Cooperative Extension Publication and is a guide to the water needs of landscape plants.  
CATEGORY/ABV. PERCENT OF ETo  
H - HIGH 70% - 90%  
M - MEDIUM 40% - 60%  
L - LOW 10% - 30%  
VL - VERY LOW < 10%

MINIMUM TREE SEPARATION DISTANCE

TRAFFIC SIGNALS/STOP SIGNS - 20 FEET

UTILITY LINES - 5 FEET (10' FOR SEWER)

STRUCTURES - 10 FEET

INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET ON RESIDENTIAL STREETS RATED AT 25 MPH OR LOWER.

NOTES:

1. All required landscape as shown on these plans, including in the right-of-way, shall be maintained by Red Tail Acquisitions, LLC and Chelsea Investment Corp. The landscape areas shall be maintained free of debris and litter, and all plant material shall be maintained in a healthy growing condition consistent with the City of San Diego Landscape Regulations and Standards.

NOTES BIOFILTRATION BASIN SOIL MEDIA:

1. SOIL DEPTH TO BE 18" IN THE ROOT ZONE AREA WHERE SHRUBS ARE TO BE USED

BELLA MAR DEVELOPMENT PERMIT PACKAGE  
408 HOLLISTER STREET, SAN DIEGO, CALIFORNIA

landLAB

RED TAIL ACQUISITIONS, LLC

CARRIERJOHNSON + CULTURA

|                 |            |                |            |
|-----------------|------------|----------------|------------|
| project name:   | BELLA MAR  | revision 04:   | 07/21/2020 |
| revision 03:    | 01/13/2020 | revision 02:   | 10/08/2019 |
| revision 01:    | 07/19/2019 | original date: |            |
| drawing number: | L-1        | city pta #:    | 631240     |
| sheet 8 of 32   |            | project:       | \$752.00   |
|                 |            | date:          | 01/13/2020 |