

**Location Map**  
Bella Mar Apartments  
408 Hollister Street  
 PROJECT NO. 631240


 Project Location



Image Source: Nearmap (flown February 2019)



## Aerial Map

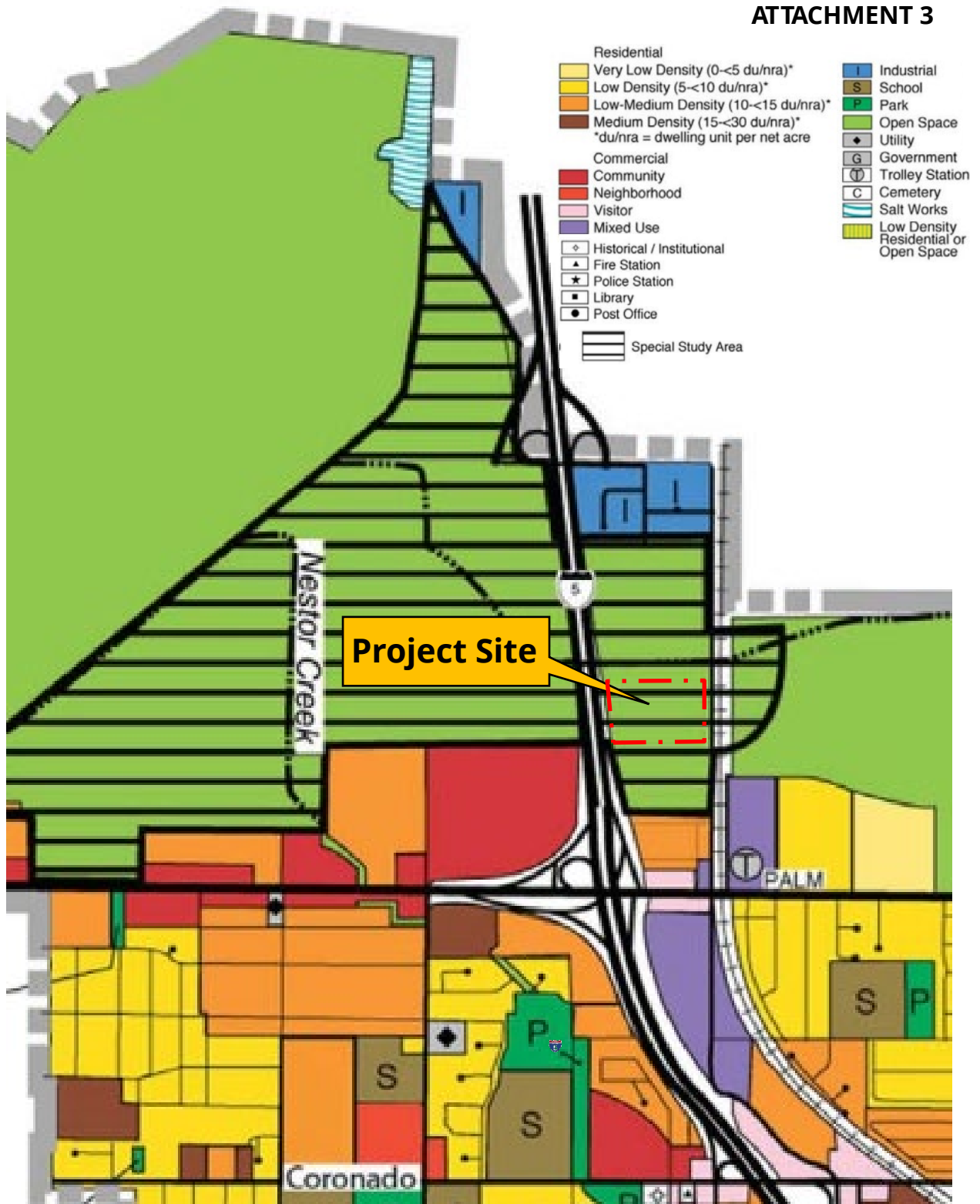
Bella Mar Apartments  
408 Hollister Street  
PROJECT NO. 631240

0 Feet 300



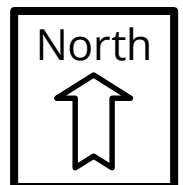
- Project Boundary
- Off-site Improvement Area
- Multi-Habitat Planning Area (MHPA)

# ATTACHMENT 3

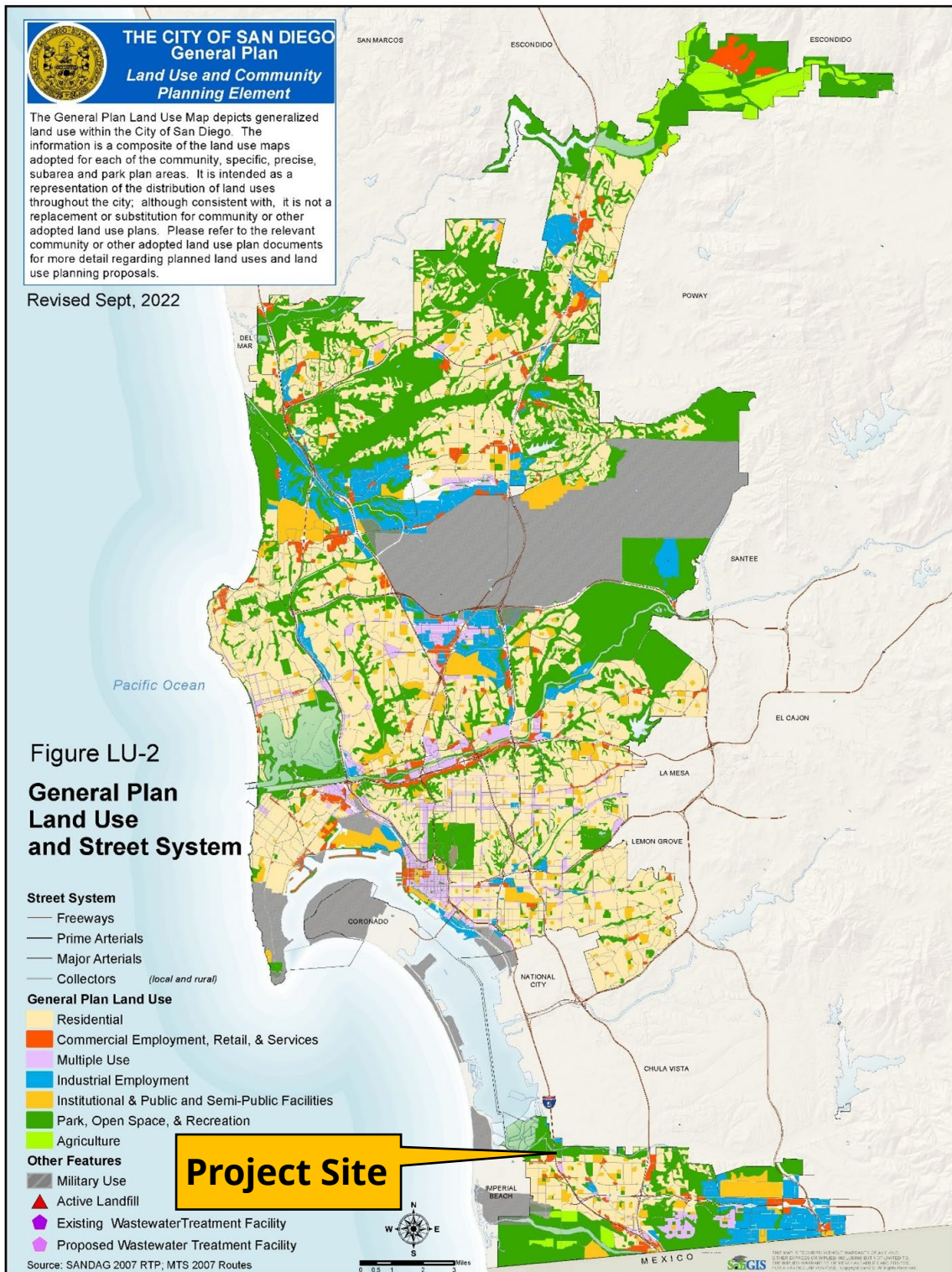


## Community Plan Land Use Map

Bella Mar Apartments  
 408 Hollister Street  
 PROJECT NO. 631240





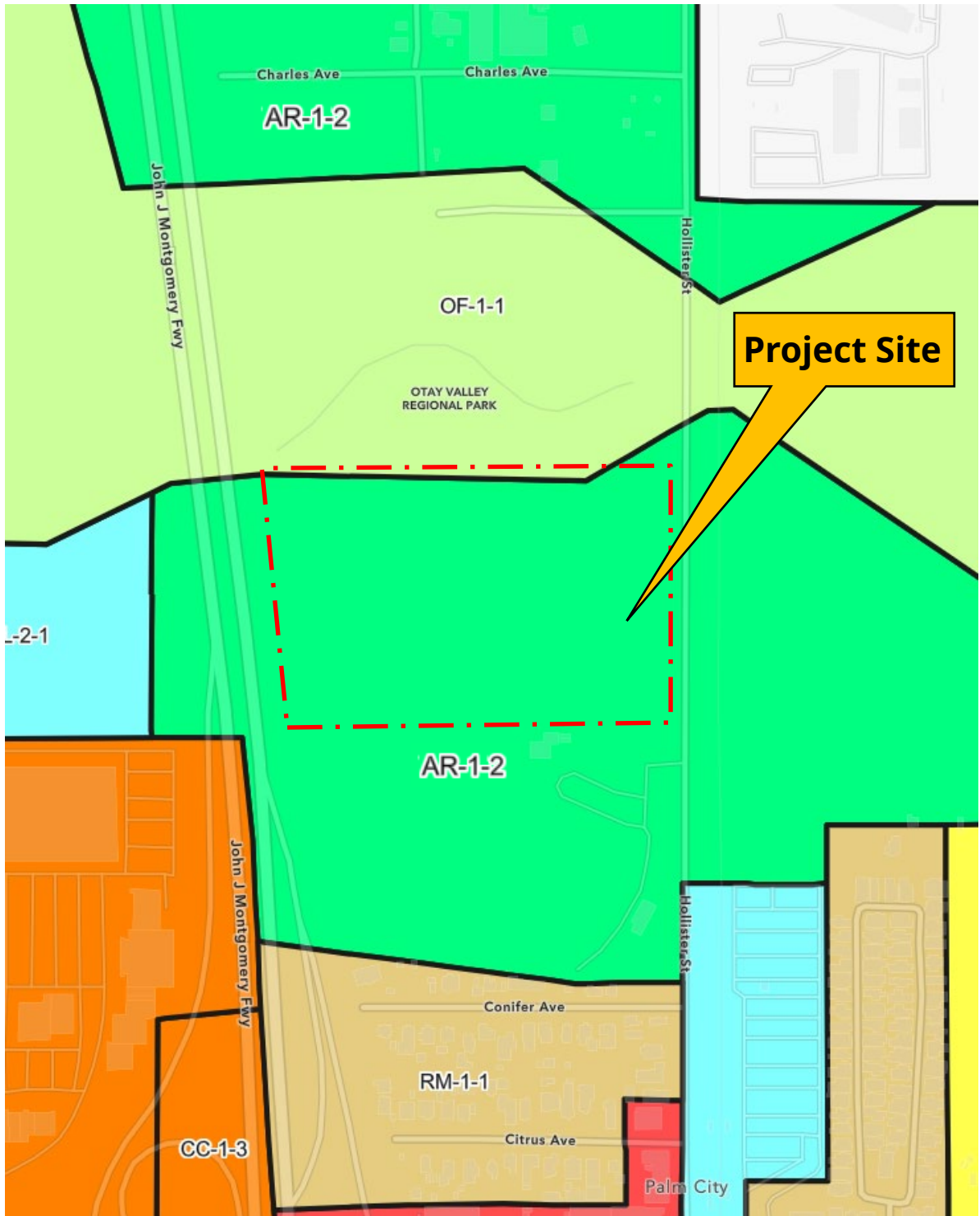


## General Plan Land Use Map

Bella Mar Apartments  
408 Hollister Street  
PROJECT NO. 631240

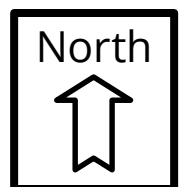
North





## Zoning Map

Bella Mar Apartments  
408 Hollister Street  
PROJECT NO. 631240



RESOLUTION NUMBER R-\_\_\_\_\_

ADOPTED ON \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE  
CITY OF SAN DIEGO ADOPTING  
MITIGATED NEGATIVE DECLARATION NO. 631241/SCH NO.  
2022040642 AND THE MITIGATION, MONITORING, AND  
REPORTING PROGRAM FOR THE BELLA MAR APARTMENTS –  
PROJECT NO. 631240**

WHEREAS, on July 19, 2019, RTA PHAIR/HOLLISTER, LLC, a Delaware Limited Liability Company, submitted an application to the Development Services Department for amendments to the General Plan, Otay Mesa-Nestor Community Plan, and Local Coastal Program; Rezone; and amendments to the San Diego Municipal Code for the Bella Mar Apartments project; and

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

WHEREAS, the issue was heard by the Council on [DATE]; and

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

WHEREAS, the Council considered the issues discussed in Mitigated Negative Declaration No. 631241 / SCH No. 2022040642 (Declaration) prepared for this Project; NOW THEREFORE,

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

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

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

## ATTACHMENT 6

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the office City Clerk, 202 C Street, San Diego CA, 92101.

BE IT FURTHER RESOLVED, that the office of the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project after final passage of O-\_\_\_\_\_ rezoning the site from the existing Agriculture Residential (AR-1-2) and Open Space (OF-1-1) Zones to the RM-2-5 (Residential - Multiple Unit) Zone.

By: \_\_\_\_\_  
[NAME], [DEPUTY CITY ATTORNEY or DEVELOPMENT PROJECT MANAGER]

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



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/ SCH 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/ 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 of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under



the supervision of a qualified biologist; or

- III. At least two weeks prior to the commencement of construction activities, 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 CSV 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).

(R-2023- )

RESOLUTION NUMBER R- \_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO  
ADOPTING AMENDMENTS TO THE GENERAL PLAN TO REDESIGNATE  
LAND LOCATED AT 408 HOLLISTER STREET, FROM PARK, OPEN SPACE  
AND RECREATION TO RESIDENTIAL AND AN AMENDMENT TO THE  
OTAY MESA-NESTOR COMMUNITY PLAN TO REDESIGNATE LAND  
FROM OPEN SPACE TO RESIDENTIAL – MEDIUM DENSITY, AND LOCAL  
COASTAL PROGRAM AMENDMENT FOR BELLA MAR APARTMENTS –  
PROJECT NO. 631240.

WHEREAS, RTA PHAIR/HOLLISTER, LLC, a Delaware Limited Liability Company, requested an amendment to the General Plan to change the designated land use for a 14.62-acre site located at 408 Hollister Street from Park, Open Space and Recreation to Residential; an amendment to the Otay Mesa-Nestor Community Plan (Community Plan), which would also be an amendment to the Local Coastal Program to change the designated land use from Open Space to Residential – Medium Density as part of the subdivision and development of a 14.62-acre site for two lots which would consist of a 12.21-acre lot for 280 multi-family dwelling units (north neighborhood) and a 2.41-acre lot for 100 affordable housing multi-family dwelling units (south neighborhood), known as Bella Mar Apartments (Project); and

WHEREAS, the site is legally described as the South Half of the Northeast Quarter of the Southeast Quarter, excepting the South 40.00 feet all being in Section 21, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the official plat thereof. Excepting therefrom that portion thereof lying westerly of a line described as follows: Beginning at a point on the northerly line of Coughlin Subdivision, according to Map Thereof No. 1806, filed in the Office of the County Recorder of San Diego County, October 23,



1924, distant along said northerly line north  $81^{\circ}29'22''$  west 21.20 feet from the northeasterly corner of Lot 62 of said Coughlin Subdivision; thence north  $13^{\circ}22'42''$  west 9.09 feet; thence north  $14^{\circ}53'19''$  west 276.24 feet; thence north  $06^{\circ}42'47''$  west 411.70 feet; thence north  $07^{\circ}51'19''$  west 487.97 feet; thence north  $07^{\circ}19'00''$  west 26.73 feet to a point on the north line of distant along said last north line  $89^{\circ}24'21''$  west 1059.90 feet from the northeast corner of said south half. Also excepting therefrom all oil, gas and other materials in and under said land, expressly excluding therefrom, any and all rights of ingress and egress to enter upon or use all or any part of the surface of the land at a depth of less than 500 feet to exercise the mineral rights so that grantor shall have the free, complete and uninterrupted use of the surface of the land and such area at a depth of less than 500 feet. Said oil, gas and other minerals having been conveyed to PCA Mineral Rights, LLC, a Delaware Limited Liability Company by deed recorded March 28, 2016, as Instrument No. 2016-0138942 of Official Records; and

WHEREAS, on \_\_\_\_\_, the Planning Commission of the City of San Diego found the proposed amendments consistent with the General Plan and the Community Plan, and pursuant to Resolution No. \_\_\_\_\_-PC, voted to recommend the San Diego City Council (City Council) approve the amendments; and

WHEREAS, on \_\_\_\_\_, the City Council of the City of San Diego held a public hearing for the purpose of considering amendments to the General Plan and the Otay Mesa-Nestor Community Plan and Local Coastal Program; and

WHEREAS, the City Council of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing;

## ATTACHMENT 7

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; and

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

BE IT RESOLVED, by the Council of the City of San Diego, as follows, that it adopts the amendments to the General Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-\_\_\_\_\_;

BE IT FURTHER RESOLVED that the City Council of the City of San Diego adopts the amendments to the Otay Mesa-Nestor Community Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-\_\_\_\_\_;

BE IT FURTHER RESOLVED, that this project is located in the Coastal Zone; therefore, the City Council's decision requires amending the City of San Diego's Local Coastal Program. As a result, these amendments will not become effective in the Coastal Zone until the California Coastal Commission unconditionally certifies the Local Coastal Program amendment.

APPROVED: MARA W. Elliott, City Attorney

By \_\_\_\_\_  
Attorney name  
Deputy City Attorney

Initials~

Date~

Or. Dept: DSD

O-INSERT~

DRAFT

# Otay Mesa-Nestor Community Plan and Local Coastal Program



City Planning and Community Investment

Jerry Sanders  
Mayor

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# OTAY MESA-NESTOR

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## COMMUNITY PLAN and Local Coastal Program



Printed on recycled paper.

This information, or this document (or portions thereof), will be made available in alternative formats upon request.





## OTAY MESA-NESTOR COMMUNITY PLAN

The following amendments have been incorporated into this ~~February 2016~~ posting of this Plan:

Amendment	Date Approved by Planning Commission	Resolution Number	Date Adopted by City Council	Resolution Number
Adopted the Otay Mesa-Nestor Community Plan Update	December 12, 1996	2331-PC	May 6, 1997	R-288632
Redesignated 18 acres from School to Low-Medium Density Residential (10- <15 du/net acre).	October 9, 2014	2331-PC	November 17, 2014	R-309313
<u>Redesignate 14.62 acres from Open Space to Medium Density Residential (15-&lt;30 du/net acre). (Bella Mar)</u>				
Certified Environmental Negative Declaration No. 95-0233 on May 6, 1997 by R-288630				
Certified by the California Coastal Commission on August 13, 1997 by Amendment No. 1-97B/Otay Mesa-Nestor Community Plan				

**(Editors Note:** In an effort to create a single, comprehensive document, this Otay Mesa-Nestor Community Plan has been reformatted.)



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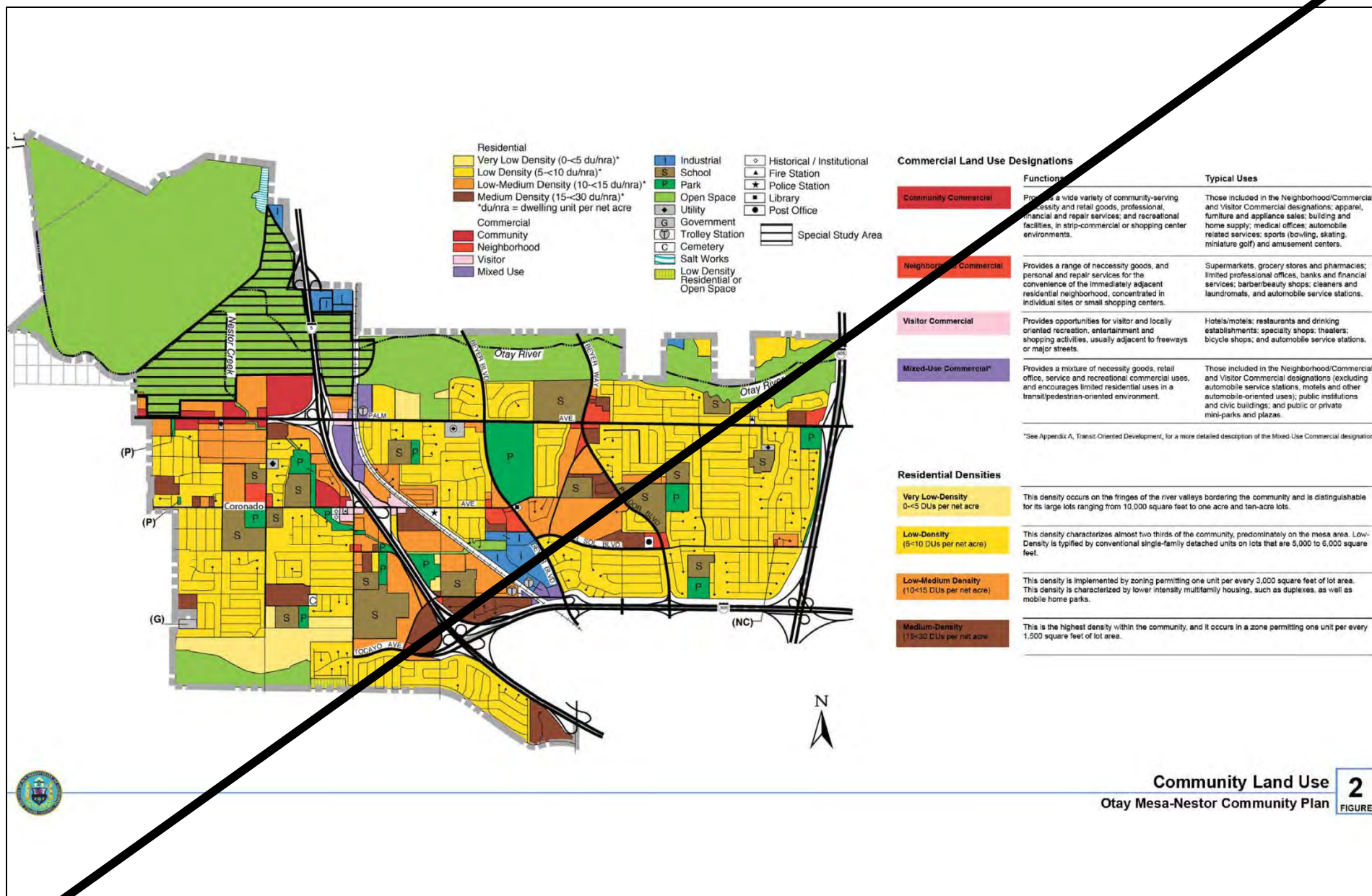
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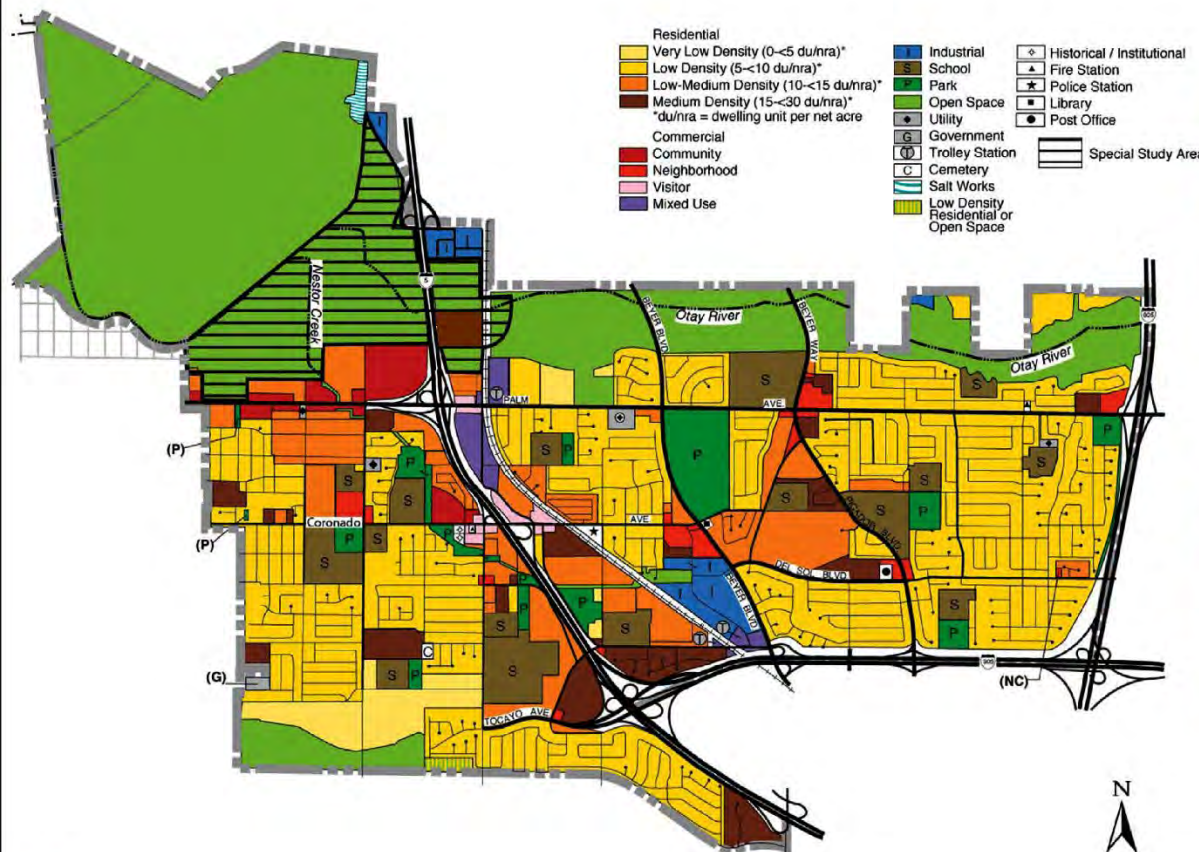
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DRAFT - 11/21/2022

**Commercial Land Use Designations**

	Functions	Typical Uses
<b>Community Commercial</b>	Provides a wide variety of community-serving necessity and retail goods, professional financial and repair services; and recreational facilities, in strip-commercial or shopping center environments.	Those included in the Neighborhood/Commercial and Visitor Commercial designations; apparel, furniture and appliance sales; building and home supply; medical offices; automobile related services; sports (bowling, skating, miniature golf) and amusement centers.
<b>Neighborhood Commercial</b>	Provides a range of necessity goods, and personal and repair services for the convenience of the immediately adjacent residential neighborhood, concentrated in individual sites or small shopping centers.	Supermarkets, grocery stores and pharmacies; limited professional offices, banks and financial services; barber/beauty shops; cleaners and laundromats, and automobile service stations.
<b>Visitor Commercial</b>	Provides opportunities for visitor and locally oriented recreation, entertainment and shopping activities, usually adjacent to freeways or major streets.	Hotels/motels; restaurants and drinking establishments; specialty shops; theaters; bicycle shops; and automobile service stations.
<b>Mixed-Use Commercial*</b>	Provides a mixture of necessity goods, retail office, service and recreational commercial uses, and encourages limited residential uses in a transit/pedestrian-oriented environment.	Those included in the Neighborhood/Commercial and Visitor Commercial designations (excluding automobile service stations, motels and other automobile-oriented uses); public institutions and civic buildings; and public or private mini-parks and plazas.

\*See Appendix A, Transit-Oriented Development, for a more detailed description of the Mixed-Use Commercial designation.

**Residential Densities**

<b>Very Low-Density</b> 0-5 DUs per net acre	This density occurs on the fringes of the river valleys bordering the community and is distinguishable for its large lots ranging from 10,000 square feet to one acre and ten-acre lots.
<b>Low-Density</b> (6-10 DUs per net acre)	This density characterizes almost two thirds of the community, predominately on the mesa area. Low-Density is typified by conventional single-family detached units on lots that are 5,000 to 5,000 square feet.
<b>Low-Medium Density</b> (10-15 DUs per net acre)	This density is implemented by zoning permitting one unit per every 3,000 square feet of lot area. This density is characterized by lower intensity multifamily housing, such as duplexes, as well as mobile home parks.
<b>Medium Density</b> (15-30 DUs per net acre)	This is the highest density within the community, and it occurs in a zone permitting one unit per every 1,500 square feet of lot area.





## PLANNING CONTEXT

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### THE COMMUNITY PLANNING AREA

The Otay Mesa-Nestor Community is located within the southern region of the City, in what is generally referred to as the South Bay area. It is bounded on the north by the city of Chula Vista, and on the south by the Tijuana River Valley and the San Ysidro Communities. The city of Imperial Beach is on the west and the Otay Mesa community on the east.

The community extends about a mile and a half from north to south and four miles from east to west, and totals approximately 4,500 acres. Adoption of this update will expand the community planning area further north and west to include 740 acres of the Salt Ponds.

### DEVELOPMENT AND PLANNING HISTORY

The community's planning history as part of the City of San Diego (City) began in 1957 when this unincorporated area was annexed to the City from the county of San Diego. In 1957 there were less than 1,000 housing units in the area. Shortly after annexation to the City, single-family residential subdivision development began. By the late 1960s, residential development had accelerated dramatically causing serious problems in supplying adequate public facilities in the Otay Mesa-Nestor and San Ysidro areas. In 1973, the City Council rezoned a number of vacant properties to a lower density to reduce deficiencies in, and future demand on, public facilities and services.

The City Council directed City staff to work with the then newly recognized Otay Mesa Community Planning Group in the preparation of a Community Plan. In February 1976, the City Council authorized expansion of the study area to include the Nestor Community, to consolidate planning efforts within the South Bay area. The first Otay Mesa-Nestor Community Plan was adopted in 1979 to serve as a comprehensive guide for development within the area through the ensuing 15 to 20 years.

Since the adoption of the 1979 Plan, there have been fifteen plan amendments varying from one-acre redesignations to a 320-acre southerly extension of the plan area boundary, which resulted in an adjustment to the Tijuana River Valley community planning area. The cumulative effect of the plan amendments was to permit 1,200-1,500 more residential units than had originally been designated in the 1979 Plan.

Many of the land use recommendations of the 1979 Plan, and its subsequent amendments, have been implemented and the community has generally developed according to plan. This updated Plan has considered existing and anticipated conditions which will influence future development, and includes recommendations for the expected final buildout and future redevelopment of the Otay Mesa-Nestor Community.



## URBAN AND ENVIRONMENTAL SETTING

The Otay Mesa-Nestor Community is located in the southern portion of the Coastal Plain of San Diego County. The community is characterized by river valleys, steep slopes, mesas and hydrologic features including Nestor Creek and the salt evaporation ponds of southern San Diego Bay.

### *Otay and Tijuana River Valleys*

#### *Sand and Gravel Operations*

The Otay Valley riverbed has been a source of sand and gravel extraction for many years. Extraction operations existed in the vicinity of Beyer Boulevard. Terrace escarpments in the vicinity of Beyer Way, north of Montgomery High School, are currently being excavated. These operations have resulted in substantial landform alteration, scarring and loss of native vegetation on the valley's floor and southern slopes.

#### *Steep Slopes and Mesas*

Steep, north-facing slopes on the south side of the Otay River Valley approach 200 feet in height and are home to sensitive vegetation resources. Steep topography also occurs south of the Otay River Valley and north of Palm Avenue between Hollister Street and Beyer Way. Development on the slopes is constrained by topography and by application of the Environmental Sensitive Lands regulations in the Land Development Code~~the Hillside Review Overlay Zone.~~

Contrasting with the valleys and steep bluffs are the community's level marine terraces and transitional areas. Elevations range from 25 to 100 feet within the western Nestor Terrace. Elevations from approximately 125 feet to 250 feet form a transition zone between the Nestor Terrace and the Otay Terrace, which lies east of the community and is greater than 400 feet in elevation. Mesa rims at the crest of the steep slopes, and high mesa ridgelines located throughout the eastern portion of the planning area offer excellent view opportunities in all directions.

#### *Nestor Creek and the Salt Ponds*

In addition to the two river valleys, Nestor Creek is a less significant, but still important hydrologic feature of the community. Nestor Creek flows generally aboveground in open channels from 30th Street westerly, meets the Otay River in the marshlands of the lower Otay River Valley, and then empties into San Diego Bay.



The salt evaporation ponds comprise the majority of the approximately 740-acre portion of the community located in San Diego Bay. Terrestrial-based uses, including the salt processing plant, auxiliary buildings, storage yards and vacant land, comprise the remainder of the area.

#### *Development and Circulation Patterns*

Otay Mesa-Nestor is an urbanized community that is primarily developed with residential land uses. Over 57 percent of the planning area (not including the Salt Ponds) is covered with residential land uses (approximately 17,000 housing units). In comparison, commercial and industrial land uses comprise only eight percent (five percent and three percent, respectively) of the plan area. Twenty percent of the planning area consists of schools, parks, transit and other public facilities. Vacant, undeveloped, agricultural and mineral extraction and processing uses comprise the remaining 15 percent of the planning area, and occur predominately in portions of the Otay and Tijuana River Valleys.

The community's circulation system includes three interstate freeways (I-5, I-805, I-905) that intersect in a grid pattern of local streets within the community. A light rail transit system connects the community to downtown San Diego and the Mexican border. Bus routes link the two transit stops at Palm Avenue and Iris Avenue to connect passengers to outlying areas.



## TOPIC 1A OTAY VALLEY REGIONAL PARK

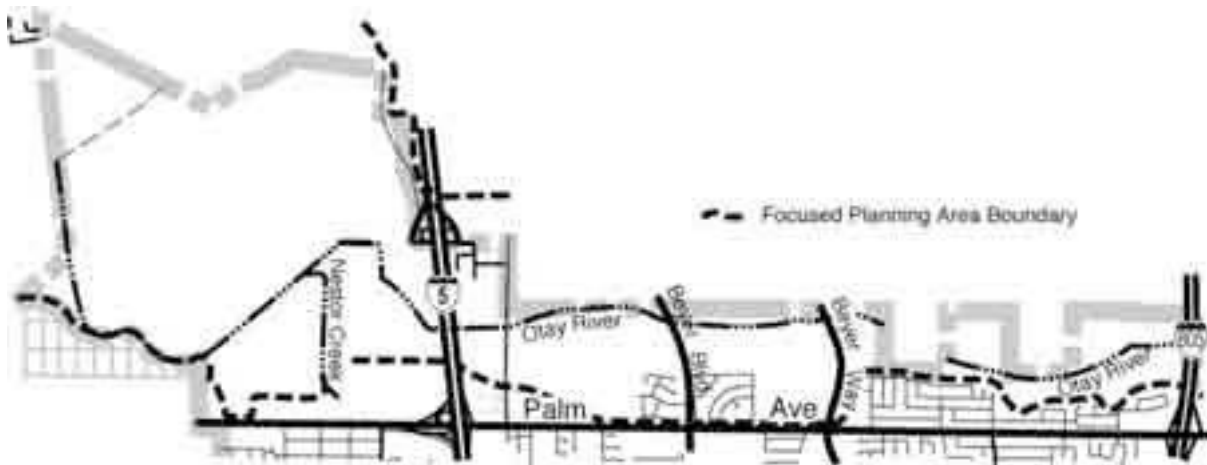
### VISION

*The Otay Valley Regional Park (OVRP), ~~currently is transitioning from~~ a valley degraded by mineral extraction, industrial and commercial uses, and decades of neglect, ~~will be considered to~~ one of the community's greatest sources of identity and pride. The park, which will link San Diego Bay to the Otay Lakes with a continuous east-west wildlife corridor and multipurpose trail system, will offer residents and visitors outstanding natural scenic and cultural features, and provide community and regional recreational and educational opportunities. Inherent from its inception is the preservation and enhancement of environmentally sensitive resources, natural floodplain management, and control of urbanization, coupled with reclamation of the valley as a source of public enjoyment.*

### ISSUES

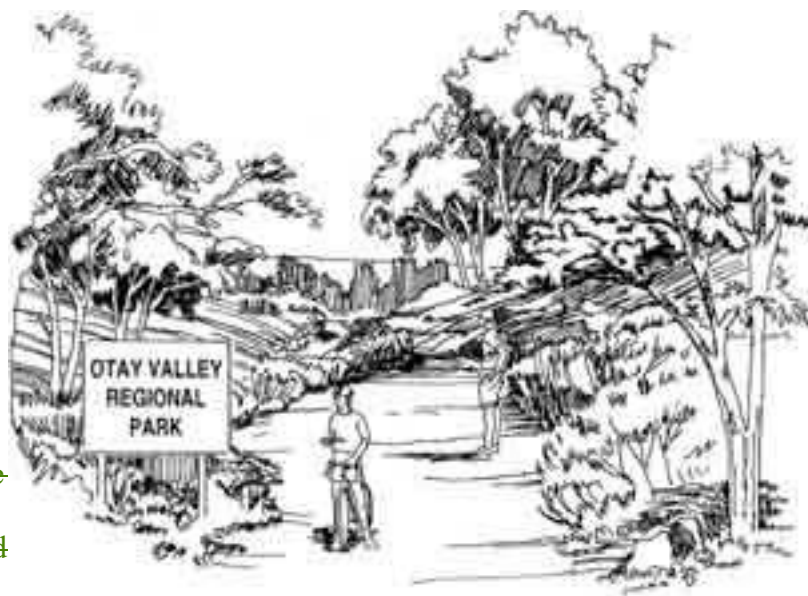
The value of the Otay Valley as the community's greatest natural asset ~~has~~ either gone unrecognized or been ignored. Urban development has turned its back on the edges of this area. Unsightly industrial uses ~~primary outside of the City's jurisdiction~~, including automobile junkyards and truck storage line the ~~northwestern~~ edges of the valley. Private development adjacent to the valley has resulted in minimal public opportunities for physical and visual access to this valuable resource. Few public overlooks, viewpoints, or access opportunities exist.

~~Trash dumping throughout the Otay Valley is another indicator of the low value that is currently placed on this resource. Compounding the problem of the perception of the valley being uninviting and inaccessible is the existence of homeless/transient encampments. Many of these camp sites are considered permanent residences by their inhabitants. These unsafe and substandard living conditions contribute to the potential for the degradation of sensitive natural habitat, and adjacent homes and businesses. The densely vegetated areas, where the encampments occur, are considered unsafe by property owners and community residents. Residents also attribute responsibility for some local crimes to the transients.~~



*See the Community Land Use Map for planned land use designations in this area.*





Some agricultural uses prevail. Extractive operations continue, but are minimal in comparison to former years. Concrete and asphalt batching, and concrete I-beam construction now occur on these sites, and are allowed by Conditional Use permits. The mineral resource value of the Otay Valley has been almost completely exhausted. The valley has been mined, depleted, and its natural landforms have been altered. Prior excavation operations have left the land scarred and degraded.

Development conditions and planning priorities have changed since the mineral extraction and processing operations first began in the Otay Valley. Residential uses have developed adjacent to the valley, particularly on the ridges along the southern edge of the valley. Residents identify noise, air pollution, and negative visual impacts created by the industrial uses as incompatible with the neighboring residential uses. The city of Chula Vista has designated the north side of the valley as a redevelopment area; future redevelopment plans will address appropriate land uses and design considerations for sites adjacent to the valley. Growing environmental awareness has shifted emphasis towards preservation and restoration of the environmentally sensitive resources within the valley, and has guided the City in making a strong commitment to planning and establishing the Otay Valley Regional Park.

The cities of San Diego and Chula Vista and the county of San Diego have undertaken a joint planning effort to develop a regional park in this area that offers potential for both natural resource protection and enhancement, and opportunities for recreational and educational activities.

The County of San Diego and the Cities of Chula Vista and San Diego entered into an agreement for coordinated planning, acquisition, and design for Otay Valley Regional Park (OVRP). The jurisdictions prepared a Concept Plan that provides planning area boundary for OVRP and provides policy direction to protect environmentally sensitive areas and important cultural resources, identifies areas adjacent to the open space core for active and passive recreational development opportunities, includes a trail system with staging areas, viewpoints and overlooks, and connections to recreation areas and adjacent public lands and trails; and envisions interpretive centers for environmental and educational programs.

The Otay Valley Regional Park Focused Planning Area (FPA) boundary in the Concept Plan defines a



~~16,000-acre study area for planning purposes. The study area~~ extends approximately eleven miles eastward from south San Diego Bay along the Otay Valley to the Otay Lakes ~~and Bureau of Land Management property boundaries~~. The northern portion of the Otay Mesa-Nestor community planning area is located within the ~~FPA~~OVVP planning area.





## STRATEGIES

- 0.1. Preserve those areas of the Otay Valley containing outstanding scenic, natural and cultural resources and recreational opportunities as a resource-based park. Creation of the Otay Valley Regional Park will help to reclaim the valley for public enjoyment and focus attention on this unique area as a source of community identity and pride.
- 2. ~~Prepare an~~ Coordinate with the County of San Diego and the City of Chula Vista to amend the Otay Valley Regional Park Concept Plan to address needs and issues. ~~for adoption by the three participating jurisdictions.~~
- 1.3. Identify, and pursue acquisition of, properties within the Otay Valley for inclusion within the Otay Valley Regional Park.
- 4. Protect and preserve the environmentally sensitive areas, and the rural character of the Otay Valley.
- 2.5. Restore and enhance environmentally degraded areas, particularly those currently used for extraction, mineral processing and other industrial activities. Remove and prevent illegal encampments.
- 3.6. Provide active and passive regional recreational opportunities.
- 1.7. Provide opportunities for educating the public about the natural and cultural resources of the Otay Valley. This could be accomplished through nature interpretive centers, interpretive trails, historical markers, demonstration gardens and similar exhibits.
- 2.8. ~~Encourage~~ Consider agricultural uses within the non-environmentally sensitive areas of the valley.



9. Preserve a continuous east-west wildlife corridor and contiguous natural habitat linkages throughout the Otay Valley.
- 4.10. Provide connections from the Otay Valley to adjacent habitat corridors including Nestor Creek and Poggi Creek.
11. Provide a continuous east-west trail system for hiking, bicycling, and equestrian use along the Otay Valley.
  - a. Conduct future environmental review for the aAppropriate alignment and location of trails ~~shall be based on future environmental review.~~
  - e.b. Incorporate existing trails and utility easement roads, where appropriate.
- 6.12. Maintain the natural floodplain; prohibit channelization of the floodplain.
- 7.13. Discourage new industrial and ~~general~~ commercial uses within the Otay Valley. Commercial recreation may be permitted consistent with the ~~future~~ OVRP Concept Plan.
14. ~~All mineral processing and batching operation~~ Support the expiration of Conditional Use Permits for all mineral processing and batching operations. shall be allowed to expire;
  - a. Sstrongly discourage approving extensions of time ~~of these for all mineral processing and batching operation~~ Conditional Use Permits.
  - b. Strongly discourage ~~the approving granting of~~ new mineral processing and batching operation Conditional Use Permits.
- 9.15. Require existing mineral extraction and processing operations to submit and implement ~~r~~Reclamation, restoration and enhancement plans ~~shall be submitted and implemented for mineral extraction and processing operations~~ as required by the State Surface Mining and Reclamation Act of 1975 (SMARA).



## RESPONSIBILITY

## FUNDING

1. Pursue funding, including bond issues, and federal, state, and independent organization grants, for the purposes of acquiring, restoring and enhancing, improving and maintaining sites for inclusion in the Otay Valley Regional Park.
- ~~1.2.~~ Actively solicit the assistance of private conservation organizations ~~(such as the Nature Conservancy and The Trust For Public Lands).~~
3. Negotiate the dedication of parkland as part of future development proposals.
- ~~2.4.~~ Solicit the dedication of trail easements from private property owners.

## SCHEDULE

Ongoing.

## LAND USE

1. ~~Open Space.~~ Designate publicly owned property within the Otay Valley Regional Park as a Resource-Based Park ~~upon approval of a Concept Plan by the City Council.~~
- ~~1.2.~~ Amend this community plan, as appropriate, to be consistent with the ~~future adopted~~ OVRP Concept Plan.

Two sites located on the north side of the river adjacent to Chula Vista, between the termini of Mace Street and Date Court, are designated Industrial (one-acre) and Low-Density Residential (four acres), respectively. The wetland drainage area, running north-south from Chula Vista to the Otay Valley between these sites, should be maintained in a natural condition as development occurs. Filling or other alteration of this area to provide access between the two sites should not be permitted. ~~See Zoning recommendations for these sites, below.~~

## ZONING

1. Use Citywide zones to implement the community plan land use designations.
- ~~1.2.~~ Rezone all non-FW (Floodway) zoned City-owned property within the Otay Valley Regional Park Focused Planning Area to an appropriate open space or park zone to preserve the area's natural resources and park opportunities.
- ~~2.3.~~ Rezone all City-owned, dedicated park sites to an appropriate park zone.
- ~~3.4.~~ Protect existing sensitive natural resources on privately owned property by applying zoning that will permit very low-density residential development but prohibit agricultural uses.



~~4.5. Condition the rezone of the one-acre Industrial site from A-1-10 to M-1B upon approval of a Planned Industrial Development permit (PID). Condition the rezone of the four-acre Low-Density Residential site from A-1-10 to R-1-5000 upon approval of a Planned Residential Development permit (PRD). Development of privately owned these sites should comply with the Guidelines stated below.~~



## GUIDELINES

~~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:



### Site Design

1. Design future development to be sensitive to, oriented towards, and enhance adjacent natural open space.
2. Incorporate single-loaded streets adjacent to open space wWhere new public or private streets are proposed or required in projects adjacent to existing or planned open space, development ~~shall incorporate single-loaded streets adjacent to open space. This will to~~ provide a setback of buildings from open space as well as public visual access along open space areas.

### Viewsheds, Visual Access and Visual Buffers

- ~~10.3.~~ Preserve pPublic views from proposed developments to the bay, valley and steep hillsides ~~shall be preserved.~~
- ~~11.4.~~ Proposed Design development ~~shall be designed to~~ sensitively ~~to~~ blend with the natural landscape.
- ~~12.5.~~ Incorporate non-building view lots into site plans to provide public visual access to adjacent natural features. ~~These sites shall occur~~ at the ends of streets or cul-de-sacs where possible.
- ~~13.6.~~ Design bBuilding elevations, including rear elevations, which face natural open space ~~shall be designed to~~ provide architectural interest and articulation.
7. Design fFencing ~~shall to~~ be attractive from both the development and open space sides;
  - a. Design fencing ~~shall not to prevent creating present~~ a blank wall to the open space.
  - ~~-b. Design f~~Fencing ~~design shall permit provide~~ views to and from adjacent open space.

### Trail Access and Parking

- ~~3.8.~~ Provide trails and trail access through or adjacent to the Otay Valley, where appropriate. ~~Trails shall be C~~oordinated trails with the Otay Valley Regional Park plans.
- ~~15.9.~~ Provide public automobile and bicycle parking for, and bicycle and pedestrian access to, established or future trail systems.



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**Reference:** Community Vision Map; Topic 1a, Otay Valley Regional Park; Appendix C, View Corridors Map.



## TOPIC 1B SALT PONDS

### VISION

*Providing a combination of benefits including salt production, preservation of sensitive wildlife habitat, recreation and economic development, the Salt Ponds will become the western gateway to the Otay Valley Regional Park and an integral part of the South San Diego Bay National Wildlife Refuge. Select areas will be developed in ways to enhance the Palm Avenue corridor, promote economic revitalization, and improve access and circulation in the area. Just as freshwater habitats are linked to the bay, so too will residents be linked to neighboring communities by an extensive trail system including the Bayshore Bikeway. New development will be designed to preserve and be compatible with the sensitive biological resources of south San Diego Bay while providing an economic stimulus through creative site planning and design.*

### ISSUES

With adoption of this Plan, the Salt Ponds and adjacent areas within the City's jurisdiction officially become part of the community planning area. Previously, they were not included in any community planning area, and were addressed only by the ~~Progress Guide and General Plan~~ (General Plan). Inclusion in this planning area facilitates comprehensive monitoring and planning of the Salt Ponds environs as an integral natural extension of the Otay Valley and Nestor Creek floodplain, and links Otay Mesa-Nestor with other South Bay communities.



Conservation Program (MSCP) preserve, and the Otay Valley Regional Park (OVRP).

*See the Community Land Use Map for planned land use designations in this area.*





The complex combination of the salt production industry and wildlife habitat has evolved over many decades; any changes to the physical characteristics of the salt ponds would disrupt the delicate balance. Both the salt production and the wildlife habitat, as well as the open space and potential recreational opportunities of the south bay area, are considered valuable resources. The City is committed to and supports the long-term operation of the salt works. Inclusion of all or part of the salt works within a habitat management program, a wildlife refuge or other resource management plan is not intended to interfere with the ongoing operation of the salt works. Over the years the City has received many preliminary inquiries about various development schemes along the bayfront, although none have been pursued or approved to date. Any future development proposals for this area should ensure the continued salt evaporation operations and the preservation of the unique natural and cultural resources.

The area located south of Main Street contains discontinued salt ponds, vacant undeveloped parcels, fallow agriculture land, several residences and properties developed with interim uses. The area north of Main Street is comprised of magnesium chloride ponds, which hold the waste material remaining after the salt evaporation process.



The salt ponds area and portions of the Nestor Creek and Otay Valley floodplains west and east of I-5 are located within the Coastal zone. The State-California Coastal Commission (SCC) has designated this a deferred certification area due to current industrial zoning, salt extraction operations and the uncertainty of future plans for the area. The preparation of a comprehensive Special Study Report, that addresses habitat protection, floodplain management and proposed development, is required prior to any plan land use changes in the area. Future permit authority may be transferred to the City when appropriate amendments to zoning and the Special Study community plan land use are adopted by the City and also approved by the SCC.

An existing Class II bicycle lane is located on the section of Palm Avenue between Saturn Boulevard and the Imperial Beach boundary. This congested stretch of road is not an appropriate environment for a safe, comfortable and enjoyable bicycle riding experience. It has long been the desire of community residents to reroute this bicycle link between Imperial Beach and the community. The multi-jurisdictional Bayshore Bikeway Policy Advisory Committee, coordinated by SANDAG, is planning a bicycle route around San Diego Bay.

This committee also recommends rerouting the community's connection from Palm Avenue to the vicinity of the Salt Ponds, north of Palm Avenue. Alternative routes utilizing the SDG&E railroad easement are being considered. A specific route location must consider potential impacts to sensitive biological habitat, connections with existing or planned Bayshore Bikeway sections in Imperial Beach and Chula Vista, and linkage with future OVRP bicycle trails.



The Western Salt Company's 1930's era wooden salt processing building, located on Bay Boulevard, is a local landmark signifying over eight decades of the company's presence (since 1914) and almost a century-and-a-half of salt extraction from seawater in south San Diego Bay. This elegant expression of functional industrial architecture should be preserved and maintained in working condition.

## STRATEGIES

- Encourage and permit the Western Salt Company to continue the salt extraction operation. Continuation of this industry is consistent with the City's natural resource conservation and open space preservation goals. Inclusion of all or part of the salt works within a habitat management program, a wildlife refuge or other resource management plan is not intended to interfere with the ongoing operation of the salt works. Encourage the long-term operation of the salt works by supporting the extension of Western Salt's leases with the State Lands Commission of land used in the operation.
- 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.
- Require the preparation and adoption of a [Site-Specific](#) Special Study [Report](#) for property located within the Special Study Area overlay designation prior to any [proposed community plan](#) land use changes.
- Deny any requests from adjacent cities for jurisdictional boundary adjustments in the south bay area that would jeopardize the integrity of the natural resource and open space systems or result in loss of development potential for the City.
- Plan and implement a section of the Bayshore Bikeway route in the vicinity of the Salt Ponds or open space areas north of Palm Ave. Maintain the existing bike lane located on Palm Avenue between Saturn Boulevard and Imperial Beach until a new section of the Bayshore Bikeway route is implemented. Provide a bicycle trail linkage connecting the Bayshore Bikeway route to the future OVRP bicycle trail system in the Otay Valley.
- Preserve the Western Salt Company's salt processing building. Evaluate its historical significance and consider designating it an historic structure. In conjunction with the planning and improvements for the OVRP and the Refuge, create an interpretive center in this general vicinity to educate the public about the unique natural resources of south San Diego Bay and the history and operations of the evaporative salt production industry.





## RESPONSIBILITY

Community Plan Implementation Team, community members, the Fenton-Western Properties/Western Salt Company, regulatory agencies including the US Fish and Wildlife Service, State-California Coastal Commission, State-California Department of Fish and Game, and the San Diego Unified Port District, the OVRP Joint Staff and the Bayshore Bikeway Policy Advisory Committee (SANDAG).

## FUNDING

Encourage public acquisition and private dedication of land and trail easements within the proposed OVRP, MSCP and Refuge areas. Explore leases and cooperative use agreements, in addition to purchases.

## SCHEDULE

Resource preservation and park improvements are ongoing and should be coordinated with the OVRP, MSCP and Refuge planning and acquisition efforts.

## LAND USE

Open Space and Special Study Area overlay designation. The intent, application and criteria ~~of for~~ the Site-Specific Special Study Area are presented in detail in **Appendix 1b, Salt-Ponds Special Study Area**.

The approximately ten-acre salt plant site, where the salt processing buildings are located, is designated Salt Works. Any change of use of this site will require analysis as part of the Site-Specific Special Study Report.

Amend this Plan, to achieve consistency if necessary, upon adoption of the future OVRP Concept Plan.

## ZONING

Maintain the M-2 industrial zoning on the Salt Works site as long as the Salt Works designation is maintained. Future rezones may be required to achieve consistency with the future OVRP Concept Plan.

## GUIDELINES

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.

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**Reference:** Topic 1a, Otay Valley Regional Park; Topic 2c, Palm Avenue West; Appendix 1a, Otay Valley Regional Park; Appendix 1b, Special Study Area Salt Ponds; Appendix C, View Corridors and View Points; Appendix H, Local Coastal Program.



## TOPIC 2A PALM CITY

### VISION

*A 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. This site will be redeveloped as a cohesively planned transit-oriented development, providing linkages and access to the Otay Valley Regional Park, and transit serving residential and shopping opportunities.*

### ISSUES

Palm City, centered at Palm Avenue and Hollister Street, is one of the oldest neighborhoods of the community. It is characterized by a multitude of inconsistent land use designations, zones, and existing uses. Land divisions are comprised of many small, irregularly shaped lots. Existing development includes light industrial and warehousing, automobile repair shops, a variety of commercial uses, bars, religious facilities, single-family and multifamily residential and mobile home parks, and motels. The quality of existing development ranges from poorly maintained to well maintained. Landscaping, including street trees, is minimal, and a variety of signage types contributes to the general lack of visual cohesiveness. It is well served by transit, including the Palm Avenue trolley station, and has great potential for revitalization. It is an ideal location for pedestrian-oriented developments incorporating commercial, residential and civic uses.



*See the Community Land Use Map for planned land use designations in this area.*

In 2023, the Bella Mar Community Plan Amendment redesignated 14.62 acres from Open Space to Medium Density Residential (15-<30 du/net acre). This site had been used as an off-road racetrack and was previously graded. The site is within the flood fringe area. The City Environmental Sensitive Lands Regulations allows development in the flood fringe area where the development will not significantly adversely affect the existing sensitive biological resources onsite or offsite and is capable of withstanding flooding and does not require or cause the construction of offsite flood protective works, nor will it increase or expand a Flood Insurance Rate Maps Zone A published by the Federal Emergency Management Agency.

### STRATEGIES

- ~~0.1.~~ Improve this area as one of the community's key mixed-use neighborhood centers through physical rehabilitation and economic revitalization.
- ~~1.2.~~ Redevelopment of this area shall be pedestrian/transit-oriented and be based on Transit-Oriented Development (TOD) guidelines.



## Otay Mesa-Nestor Community Plan

3. Develop the Palm Avenue transit center site, including the Park-and-Ride lot and, if possible, other adjoining parcels, as the cornerstone of the Palm City neighborhood center.

~~a.b.~~ Plans shall incorporate the trolley station and shall consider a mix of commercial, residential, civic, public plaza, and shared parking uses.

- ~~2.4.~~ Consider preservation, reconfiguration and relocation options for the existing mobile home parks in this area, and integrate these sites with planned redevelopment. Explore undeveloped areas in Otay Mesa as possible sites for mobile home relocation.

### RESPONSIBILITY

Community ~~Plan Implementation Team, community~~ members, landowners and business owners working with City Departments ~~and Sections (including Planning, Economic Development, Redevelopment, Park and Recreation, and Arts and Culture)~~ and other responsible agencies including ~~MTDB-MTS~~ and the Housing Commission.

### FUNDING

1. Pursue City Capital Improvement Project (CIP) allocations and private investment.
- ~~4.2.~~ Pursue Community Development Block Grant (CDBG) funds, Federal transportation planning grants and formation of a Business Improvement District or other similar entity.

### SCHEDULE

~~To be determined.~~ On going

### LAND USE

1. Mixed-Use Commercial. A Planned Commercial Development permit (PCD) shall be required for all sites developed within the Mixed-Use designated areas.
- ~~4.2.~~ Designate the Bella Mar site for multifamily residential.

### ZONING

1. Use Citywide zones to implement the community plan land use designations.
- ~~4.2.~~ Apply a zone that implements the Transit-Oriented Development intent, permitted uses, design standards and criteria. Condition rezones upon approval of a PCD.
- ~~2.3.~~ Consider removal of the Mobile Home Park Overlay Zone if relocation of a mobile home park is considered as part of a proposed site redevelopment.

### GUIDELINES

- ~~3.1.~~ Any redevelopment or improvement in this area shall incorporate Transit-Oriented Development (TOD) Guidelines, (Appendix A).
- ~~4.2.~~ Ensure that TOD guidelines, pedestrian orientation, and streetscape recommendations are incorporated into the design for future improvements to Hollister Street.
3. Development of sites located north of Palm Avenue, adjacent to the Otay Valley shall be required to meet specific development criteria (see Topic 1a, Otay Valley Regional Park).

**Reference:** Topic 1a, Otay Valley Regional Park; Topic 2c, Palm Avenue West; Appendix 1a, Otay Valley Regional Park; Appendix 1b, ~~Salt Ponds~~ Special Study Area; Appendix C, View Corridors and View

*Otay Mesa-Nestor Community Plan*



Points; Appendix H, Local Coastal Program; [Bella Mar Special Study Report](#).





## **IV. APPENDICES**

- 1A OTAY VALLEY REGIONAL PARK**
- 1B SPECIAL STUDY AREA~~SALT PONDS~~**
- 4 COMMUNITY FACILITIES AND SERVICES**
- 6 TRANSPORTATION FACILITIES**
- A TRANSIT-ORIENTED DEVELOPMENT**
- B OTAY MESA-NESTOR STREET TREE PLAN**
- C VIEW CORRIDORS AND VIEW POINTS**
- D GENERAL RECOMMENDATIONS AND GUIDELINES**
- E EXISTING ZONING AND REZONING**
- F LEGISLATIVE FRAMEWORK**
- G RELATIONSHIP TO THE GENERAL PLAN**
- H LOCAL COASTAL PROGRAM**
- I PLAN UPDATE AND AMENDMENT PROCESS**
- J LIST OF REFERENCES AND SUPPLEMENTAL DOCUMENTS**



## APPENDIX 1A OTAY VALLEY REGIONAL PARK

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This appendix consists of the Otay Valley Regional Park Focused Planning Area map, park planning history and goal statement.

### PLANNING HISTORY

This Otay Valley Regional Park (OVRP, Regional Park) Concept Plan is the result of a multi-jurisdictional planning effort in the Otay River Valley by the County of San Diego and the Cities of Chula Vista and San Diego. In 1990, the jurisdictions entered into a Joint Exercise of Powers Agreement (JEPA) for coordinated planning, acquisition, and design for OVRP. The JEPA established a 3-member Policy Committee (PC) of elected officials and a 30-member Citizen Advisory Committee (CAC). In 1995 the PC and the CAC reviewed a draft map for the Concept Plan and directed that the Concept Plan be completed after additional public review and comment. The plan was adopted in 1997, revised in 2001, and revised again in 2016. In 2006, the JEPA was rescinded and a new JEPA was adopted with added provisions to address management, maintenance, and operations between jurisdictions, and set a term of 25 years for the enforcement of the JEPA. In 2012, the JEPA was amended to reduce the number of CAC members to 21, seven per jurisdiction. In 2016, the Concept Plan was reviewed and updated for changes in existing conditions and potential Regional Park enhancements. The Joint Exercise of Powers Agreement (JEPA), dated January 30, 1990, between the cities of San Diego and Chula Vista and the county of San Diego, was adopted by the City Council on April 30, 1990. This Agreement established a framework for coordinated planning, design and acquisition for the regional park. The JEPA created a three-member Policy Committee, comprised of one elected official from each jurisdiction, to act as the decision-making body on matters concerning park planning. A thirty-member Citizen's Advisory Committee provides a forum for public input and advises the Policy Committee. The multi-jurisdictional Joint Staff team is responsible for the ongoing park planning and acquisition effort.

The majority of the property in the FPA is currently privately owned. During 1993-1994 a total of 78.07 acres were acquired for permanent inclusion in the regional park. Sixty-six and one-third acres of this property are located in several sites within the community planning area; the remaining 11.74 acres are located adjacent to some of these sites, in Chula Vista. These acquisitions were made possible by a State of California Coastal Conservancy grant. The property was acquired specifically for restoration and enhancement of wetland and riparian habitat.

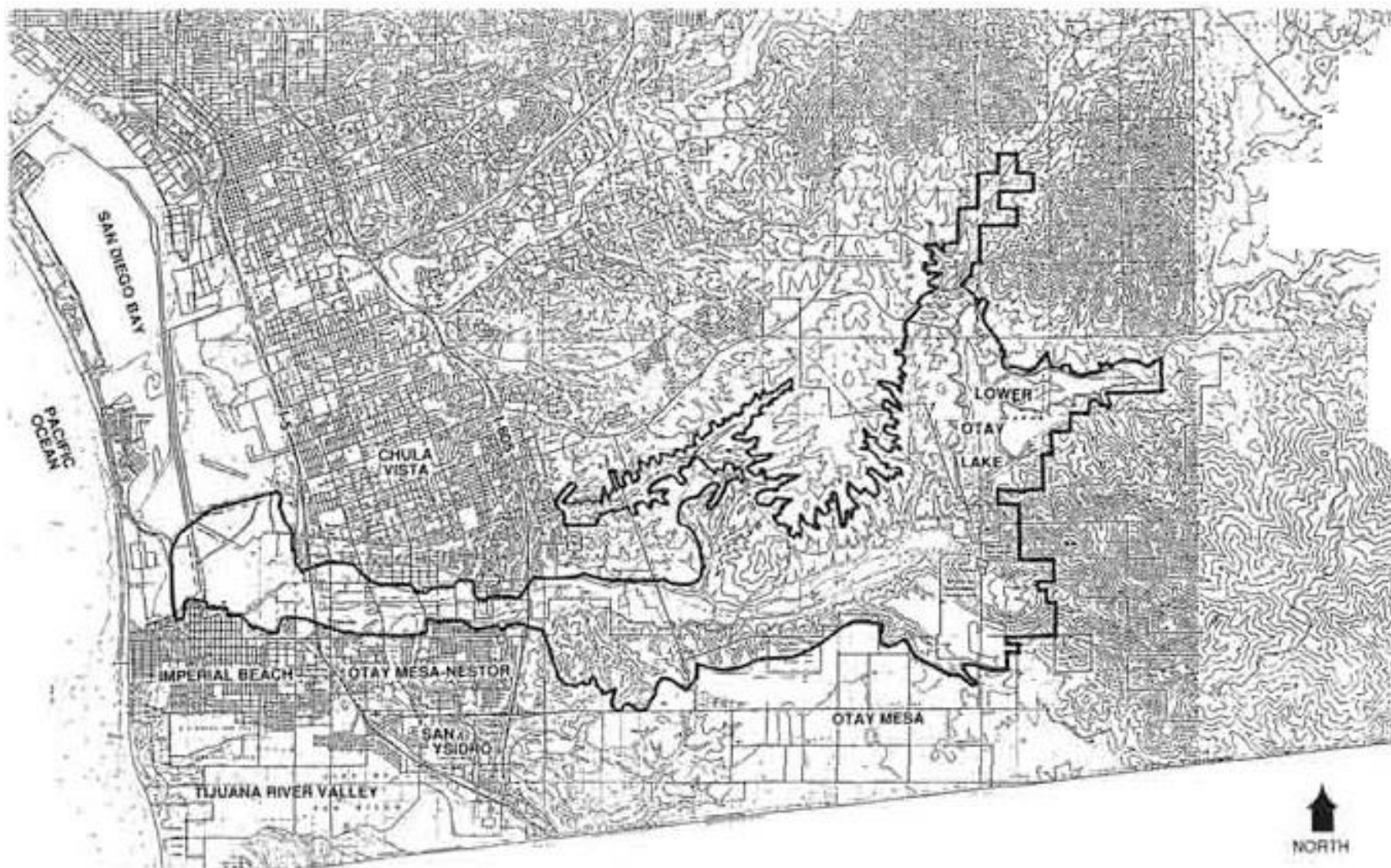
Planning and acquisition for the regional park is ongoing. To date, the Otay Valley Regional Park Progress Plan (accepted by the Policy Committee in October, 1990) and the preliminary draft Concept Plan (November, 1996) have been prepared as preliminary planning documents for the regional park. Several technical documents which address various portions of the FPA have assisted Joint Staff in preparation of the draft Concept Plan.



## GOAL STATEMENT

The Otay Valley Regional Park Focused Planning Area (FPA) boundary and Goal Statement were established by the Policy Committee on June 1, 1990, and were subsequently adopted by the San Diego City Council on December 8, 1992. The goal statement provides policy direction for the ongoing park planning, design and acquisition effort. The Goal Statement follows:

*"Otay Valley Regional Park will represent one of the major open space areas within the southern area of San Diego County linking south San Diego Bay with lower Otay Lake. The park will fulfill the need to provide a mix of active and passive recreational activities while protecting environmentally sensitive areas, protecting cultural and scenic resources, and encouraging compatible agricultural uses in the park."*



Otay Valley Regional Park Focused **Concept** Planning Area

Otay Mesa - Nestor Community Plan

3

FIGURE

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*To ensure that Otay Valley Regional Park meets the diverse goals of a regional park, attention shall be focused not only on providing facilities and protecting resources, but on adjacent land uses to ensure compatible development, buffering, and linkages with other regional resources.*

*A comprehensive management plan shall be implemented that will not only address the long-term management of the park, but will also provide for the protection of visitors and park neighbors, develop environmental and recreational programs, and enhance park/open space activities and resources."*



## APPENDIX 1B ~~SALT PONDS~~SPECIAL STUDY AREA

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### SPECIAL STUDY AREA (SSA)

The following is a description of the Definition and Intent, Application, and Criteria for the Special Study Area:

#### DEFINITION AND INTENT

When the Community Plan was adopted, Until more detailed information is known was needed about the resource and environmental value of lands located within the Special Study Area (SSA), it is The intent was for intended that these lands to retain their current uses, and Open Space land use designation, until a Special Study Report was comprehensively prepared for the entire SSA. Since the Community Plan was adopted a majority of tThe SSA should- become wholly or partially has been 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. Those These areas included should have or are planned to be restored and managed as natural resource areas, regional recreation areas or part of the salt production industry.

In 2023, a Special Study was prepared for the Bella Mar Community Plan Amendment which compressively addressed the SSA by following the criteria established by the Community Plan. The Special Study Report provided an ecological analysis of the SSA. The analysis addressed biological resources, habitat value, and hydrology within the entire SSA and can be used as a basis for additional analysis for future community plan amendments within the SSA.

At the time the Special Study Report was prepared, only 91 acres (23 percent of the SSA) in the SSA were in private ownership. Those areas, not included for natural resource areas, regional recreation areas, or part of the salt production industry, 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. At the time the Special Study Report was prepared 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. Aa All properties within the SSA ~~are-were in~~ Coastal Commission Deferred Certification Areas.

This Plan supports sensitive development in the SSA, including but not limited to the ongoing salt production industry, as long as such development is designed to achieve the variety of objectives identified below. It recognizes that a process exists whereby the landowner(s) have the right to propose other uses than those which exist today.

In order to ensure that Pproposed development of any property within the area consider the following in a comprehensive manner, the SSA overlay designation has been appliedshould prepare a study for the development area that uses the criteria in this appendix; the biological,



~~sensitive natural resource, and habitat values and protection; regional habitat and open space connectivity issues; hydrological considerations including floodplain management; creation of new development opportunities; potential to provide new revenue sources; improvement to traffic circulation; ability to enhance design qualities and aesthetics in the community; recreational potential; and potential environmental mitigation requirements.~~

~~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.~~

## **APPLICATION**

The SSA overlay designation is delineated on the community plan Land Use map. An SSA has been ~~created~~retained to provide the property owners with the potential for more flexibility in pursuing development proposals by preparing site-specific study reports using the criteria in this appendix.

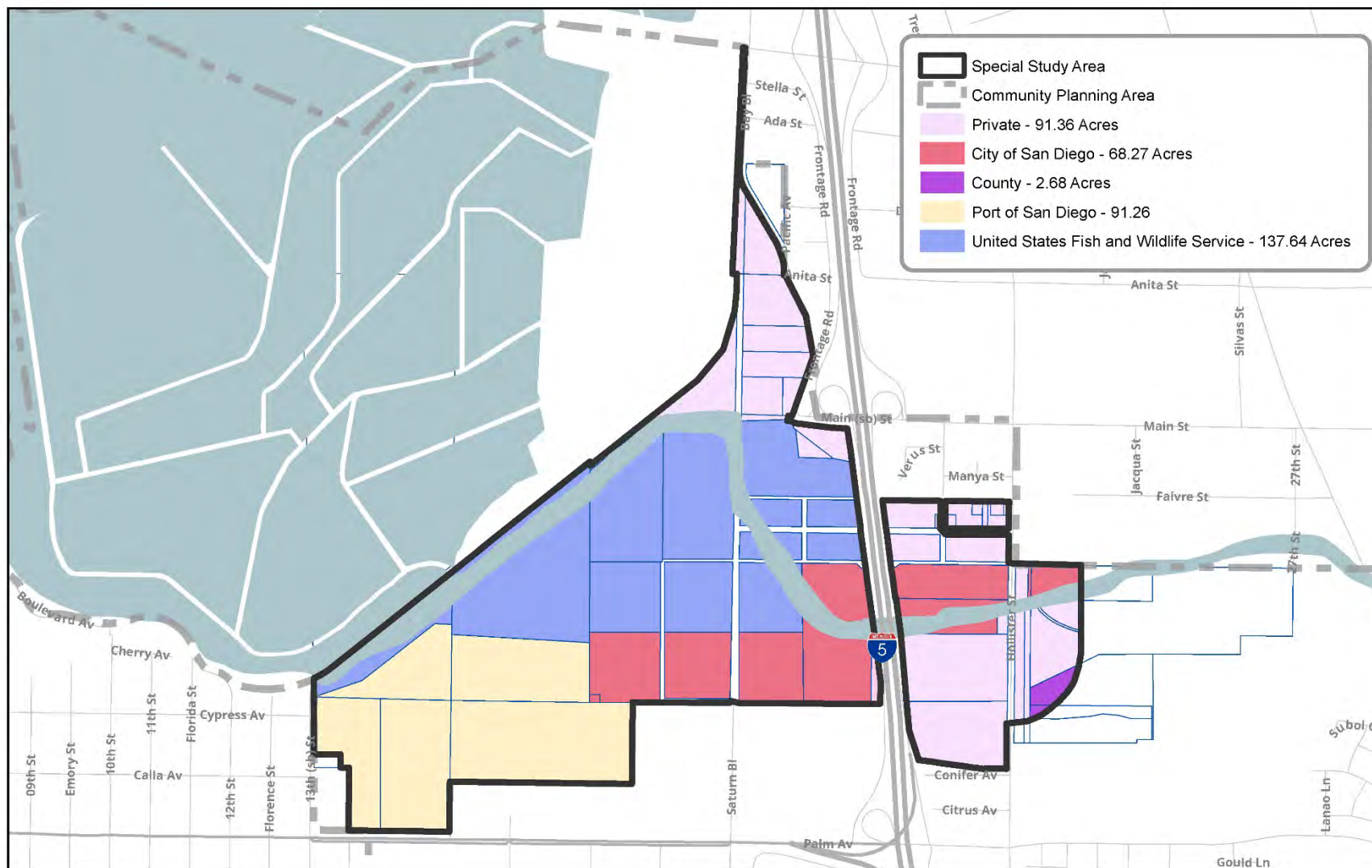
~~The area located south of Main Street contains discontinued salt ponds, vacant undeveloped parcels, fallow agriculture land, several residences and properties developed with interim uses. The area north of Main Street is comprised of magnesium chloride ponds, which hold the waste material remaining after the salt evaporation process.~~

~~salt ponds, vacant undeveloped parcels, fallow agriculture land, several residences and properties developed with interim uses. The area north of Main Street is comprised of magnesium chloride ponds, which hold the waste material remaining after the salt evaporation process.~~

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Special Study Area Parcel Ownership

Otay Mesa - Nestor Community Plan

3a  
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~~The Special Study is intended to be an ecological analysis of the SSA. The analysis should address biological resources, habitat value, and hydrology within the entire SSA and shall be used as a basis for determining land uses.~~

The following application requirements and criteria apply to the SSA:

1. A site-specific Special Study will not be required for development in the SSA that is consistent with the regulations of the ~~following~~ existing underlying open space and agricultural zones: ~~FW; A-1-10 and A-1-1, with FPF overlay zone where applied.~~
  - ~~—~~ The ten-acre Salt Works site ~~shall be considered to be~~ included in the SSA.
  - ~~•~~ Development (on-site expansion or modification) necessary for the continued salt plant operation shall be allowed consistent with the M-2 underlying industrial zone, without the requirement of a site-specific Special Study.

Any other development proposals (change in use) of this site shall require a site-specific Special Study (regardless of the M-2 underlying industrial zone).
2. The site-specific Special Study will be required ~~prior to or~~ in conjunction with proposals and application for discretionary actions for properties in private ownership including, but not limited to, the following:
  - Plan amendments.
  - Rezones.
  - ~~Planned Development or Special Development~~ Permits (~~PCDs, PIDs, PRDs, etc.~~).
  - Conditional Use Permits (CUPs) and CUP amendments. Due to the variety of land uses and the duration of CUPs that may be applied for, the requirement for a Special Study will be determined on a case-by-case basis.
3. Any land use proposal for an individual property in the SSA shall not require the concurrent planning of all other properties in the SSA to a community plan level. This shall be accomplished by those other property owners or, if necessary, by the City. It shall not be the responsibility of any property owner to process land use proposals for any other property owner.

~~Reference: Bella Mar Community Plan Amendment Special Study Report~~

## CRITERIA FOR PREPARATION OF THE SITE-SPECIFIC SPECIAL STUDY REPORTS



~~B.A.~~ Site Specific Special Study Reports for land use proposals should address the following~~The Special Study shall:~~

~~Comprehensively address all the property located within the designated SSA boundary.~~

- ~~2.1.~~ Assess the biological, sensitive natural resource, natural habitat, and regional habitat and open space connectivity values ~~with the SSA~~of development site. Potential on and offsite habitat restoration ~~need be assessed only on~~ related to the development of the site.~~those properties owned by the parties preparing the Special Study.~~
- ~~2.~~ Assess the hydrological conditions within the ~~SSA~~development site and describe the relationship of these areas with those adjacent to the ~~SSA~~development site. Describe the watershed(s) and drainage characteristics within the ~~SSA~~development site; For proposed developments within the Salt Ponds, explain whether the southern SSA and the Magnesium Pond SSA are linked hydrologically. Determine wetland areas. Provide recommendations for floodplain management to meet the needs of proposed development.
- ~~3.~~ 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 where applicable.
- ~~4.~~ 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.
- ~~5.~~ Address the goals of the Otay Valley Regional Park (OVRP), including where appropriate to provide opportunities for enhanced public use of this area, and enhance the park experience.
- ~~6.~~ Where appropriate, contain criteria for provision of public access, circulation, view points, 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.
- ~~7.~~ Contain general design criteria, and criteria for the development of individual projects, addressing site design, architecture, landscaping, public amenities, and signage.
- ~~8.~~ Be in conformance with applicable local, state, and federal regulations and policies.

~~C.B.~~ Site Specific Special Study Reports for ~~The Special Study~~ shall serve as the basis for establishing land uses in the ecommunity plan amendments for proposed developments, should also including the following:

- ~~1.~~ Identification of appropriate areas for preservation, enhancement, and restoration. Describe and locate the boundaries on site of the open space preserved areas and public park (OVRP) areas.



*Otay Mesa-Nestor Community Plan*

- 2.1. Identification and designation of appropriate areas for development. Describe and locate the proposed land uses, densities and intensities. ~~Facilitate the revitalization of the Palm Avenue corridor by incorporating appropriate provisions dealing with architecture and site design, landscaping, and signage.~~
2. Illustration of the relationship of proposed land uses with adjacent land uses.
  - a. Land uses which facilitate the economic revitalization of the community are encouraged.
  - b. Describe how land uses will relate to other existing or planned land uses such as Palm Avenue West, Nestor Town Center, and Palm City.
- 4.3. Provision of a continuous connection between the Otay Valley, the Salt works, and San Diego Bay. Where necessary to maintain an important existing connectivity, the Special Study Report should incorporate a habitat element in a design and alignment which respects the value and function of that connectivity.
4. Description of the proposed circulation systems, including road and street alignment and classifications, and the proposed public transit system.
  - a. Designate where appropriate public trail corridors (bicycle, pedestrian, and equestrian).
  - b. Trail corridors should be designed to link public open space areas with each other and also to link with other modes of transportation.
  - c. Address the impact of proposed development on the community's existing circulation system.
  - e.d. Provide 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.
- 6.5. Addressing the provision of public facilities and services and provide a development phasing plan where appropriate.



Specific land use proposals shall:

1. ~~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.~~
2. ~~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.~~
3. ~~Address the goals of the Otay Valley Regional Park (OVRP), including where appropriate to provide opportunities for enhanced public use of this area, and enhance the park experience.~~
4. ~~Where appropriate, contain criteria for provision of public access, circulation, view points 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.~~
5. ~~Contain general design criteria, and criteria for the development of individual projects, addressing site design, architecture, landscaping, public amenities, and signage.~~
6. ~~Be in conformance with applicable local, state, and federal regulations and policies.~~
7. ~~Describe conformance with related planning efforts and adopted plans including the Multiple Species Conservation Program, Otay Valley Regional Park, and the South San Diego National Wildlife Refuge.~~



## APPENDIX C VIEW CORRIDORS AND VIEW AND ACCESS POINTS

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Provide opportunities for residents and visitors to enjoy and appreciate features of the natural and built environment that make this community unique by preserving, enhancing, and creating public view corridors, and view and access points. View Corridors, and View and Access Points, are listed in the accompanying map and table.

In addition to providing a sense of openness and delineation of the boundaries of urban development, views to landmarks help to create a sense of place and orient the viewer within the community. View opportunities include the Otay River Valley; the Western Salt Company's building, salt ponds and salt stacks, and the downtown San Diego skyline across San Diego Bay; and the riparian habitat, farmlands, and horse stables of the rural Tijuana River Valley terminated by the steep hillside bluffs which form the border with Mexico.

### VIEW CORRIDORS

View corridors may be any length, and include streets, alleys, street right-of-ways and edges of development. Examples include Thermal Street, which offers continuous views between the Otay and Tijuana River Valleys; Rodear Road, a small corridor that offers views both south to the Tijuana Valley and north to rural style residential development including horse corrals; and Granger Street, a portion of which is an unused right-of-way that is a proposed mini park.

- 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. An excellent example of site planning and landscaping that reinforces view corridors is the parallel plantings of mature palm trees located in the Capri Trailer Lodge mobile home park on Palm Avenue.

### VIEW AND ACCESS POINTS

View and access points are designated in areas where view corridors do not exist, and are intended as places that encourage and invite public use. They are described in more detail, below:

- View points should be developed with seating and lighting. Signage should be provided at access points indicating the location of parking areas, trailheads, public stairways, and public parks and open spaces, as appropriate.
- Several Otay River Valley view and access points are proposed as amenities to augment the Otay Valley Regional Park (Topic 1a). These locations may provide opportunities for incorporating access, trailheads, and passive viewing areas into the future park.



### **View and Access Points: Otay River Valley**

- A. Palm Avenue Transit Center/Park-and-Ride: Provide a viewpoint overlooking the valley, north of the trolley station parking lot. Provide physical access, via a stairway, into the valley.
- B. Midway Baptist Church: Encourage the Church to provide a public viewpoint overlooking the valley.
- C. Palm Avenue: This site is the only area between I-5 and I-805 that provides direct views into the valley from Palm Avenue. Preserve visual access and provide a public viewpoint from Palm Avenue. Provide public trail and vehicular access along the existing unimproved road alignment from Palm Avenue into the valley.
- D. Montgomery High School: Provide pedestrian access through the school campus to the sites north of the ball fields and stadium. Improve this area of natural bluffs overlooking the valley as a passive recreation and viewing area.
- E. Cochran Avenue: This site is proposed as a mini park (Topic 4e). Provide a public viewpoint overlooking the valley, including landscaping and seating. Design of this area should prevent vehicular access north of Lindbergh Street, and should discourage and prevent trash dumping over the cliff.
- F. Finney Elementary School: Provide pedestrian access through the school campus to the sites north of the ball field and playground. Improve this area of natural bluffs overlooking the valley and finger canyons as a passive viewing area.
- G. Murrieta Circle: An existing utility easement road provides access from Murrieta Circle down to the valley. Work with SDG&E to provide public access to this trailhead and viewpoint overlooking the valley.

### **View and Access Points: Tijuana River Valley**

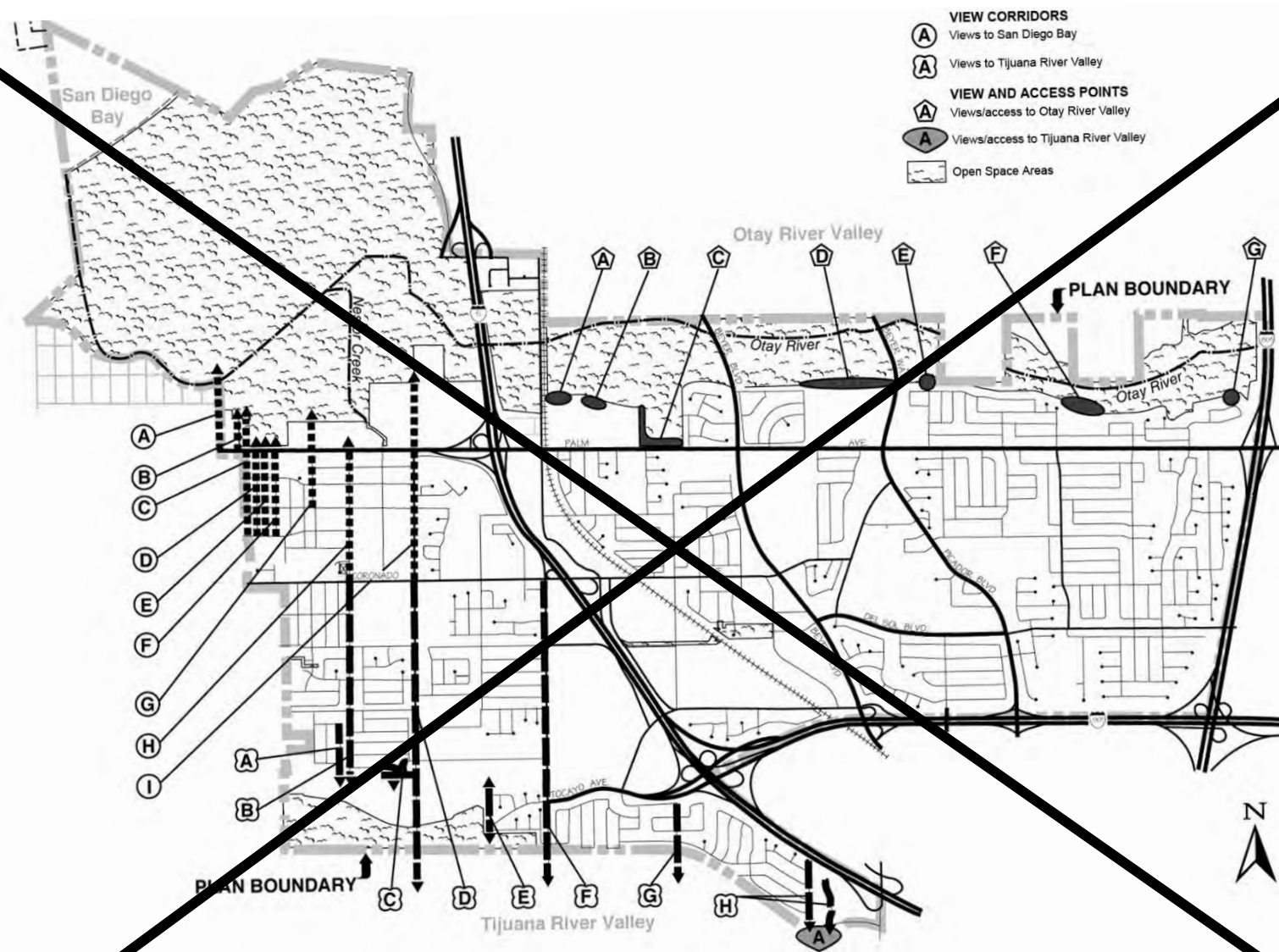
- A. Servando Avenue: Provide viewpoints along the alignments of Valentino Street and Bluehaven Court by clearing non-sensitive vegetation along the south side of this street, adjacent to the Tijuana River Valley. The viewpoints will provide aesthetic enjoyment for local residents and assist the U.S. Border Patrol in their operations.





View Corridor or View and Access Point	Location
<b>San Diego Bay:</b> View Corridor	A. 13 <sup>th</sup> Street B. Georgia Street C. Alley between Georgia Street and 14 <sup>th</sup> Street D. 14 <sup>th</sup> Street E. Alley between 14 <sup>th</sup> Street and Granger Street F. Granger Street G. 16 <sup>th</sup> Street H. Thermal Avenue I. Saturn Boulevard
<b>Tijuana River Valley:</b> View Corridor	A. Bubbling Well Drive B. Thermal Avenue C. Leon Avenue/Tremaine Way D. Saturn Boulevard E. Rodear Road F. Hollister Street G. International Road H. Valentino Street and Bluehaven Court
<b>Otay River Valley:</b> View and Access Points	A. Palm Avenue Transit Center/Park and Ride B. Midway Baptist Church C. Palm Avenue D. Montgomery High School E. Cochran Avenue F. Finney Elementary School G. Murietta Circle
<b>Tijuana River Valley:</b> View and Access Points	A. Servando Avenue

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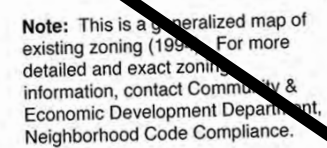


View Corridors Map  
Otay Mesa-Nestor Community Plan

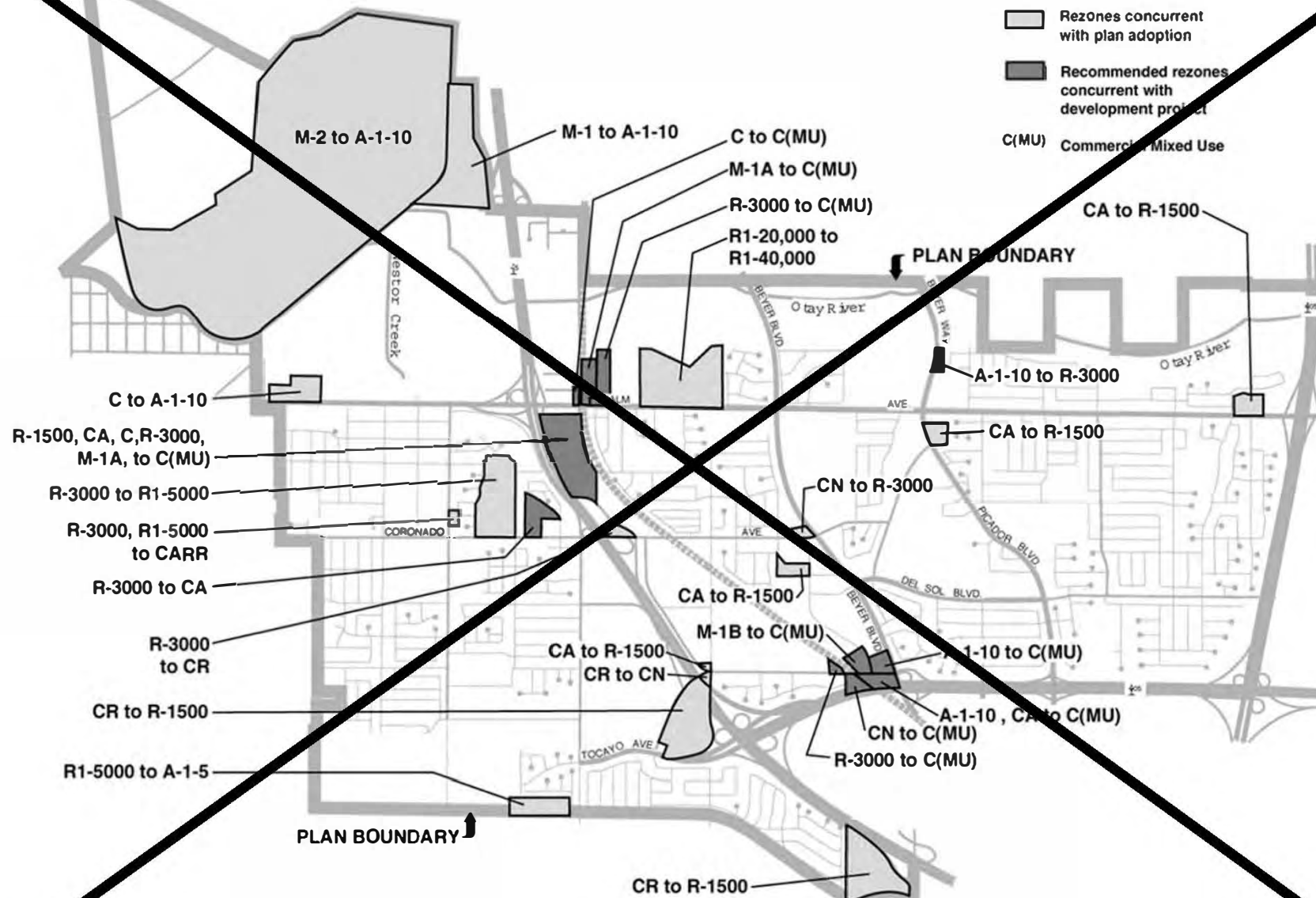
9  
FIGURE







**Existing Zoning (1994) Map** **10**  
**Otay Mesa-Nestor Community Plan** **FIGURE**





## APPENDIX F LEGISLATIVE FRAMEWORK

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The Otay Mesa-Nestor Community Plan was prepared within the context of laws enacted at the federal, state and local levels. Some of the more significant areas of legislation are discussed below:

- Section 65450 of the Government Code of the State of California (State Planning and Zoning Act) gives authority for the preparation of Community Plans and specifies the elements that must appear in each plan. It also provides the procedure for adoption and administration of these plans.
- The California Environmental Quality Act of 1970 (CEQA), as amended, requires that environmental analysis be prepared for all community plans. Separate, detailed environmental review is also required for all projects that may significantly affect the environment, including actions related to implementing this Plan.
- The California Coastal Act of 1976 requires that all local jurisdictions that include lands located within the designated Coastal Zone develop a Local Coastal Program that is consistent with the Coastal Resources Planning and Management Policies as set forth in Chapter 3 of the Act.
- Part of the community planning area, including a small portion of the Otay River and the southern end of San Diego Bay, is located within the planning jurisdiction of the Port of San Diego. This plan's designation of these areas as open space is consistent with the Port Master Plan's designated conservation uses including wetlands and estuary.
- The General Plan establishes citywide goals, guidelines, standards and recommendations which serve as the basis for the goals and recommendations of this plan. Should differences occur between this Plan and the ~~Progress Guide and~~ General Plan, they may be resolved during the course of related public hearings. ~~This procedure is consistent with the intent of City Council Policy 600-7.~~
- The citywide zoning and subdivision ordinances regulate the development and subdivision of land in the City.
- In addition to legislation and ordinances, the City Council has adopted a series of policies to serve as guidelines in the decision-making process. Many of the policies relate directly to planning issues and are used in implementing community plan recommendations.





## APPENDIX H LOCAL COASTAL PROGRAM

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The California Coastal Act of 1976 established a coastal zone boundary and mandated that all jurisdictions within that boundary prepare a Local Coastal Program (LCP). This Otay Mesa-Nestor Community Plan and LCP Land Use Plan brings the City's planning process into conformance with the 1976 Coastal Act. Approximately 20 percent of the community is located in the Coastal Zone ([see Figure 11 Coastal Jurisdiction Map](#)). The Plan 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, as summarized below:

### **PUBLIC ACCESS TO THE BAY**

The Transportation Facilities Topic, the Salt Ponds Topic and the Otay Valley Regional Park Topic incorporate recommendations for improving vehicular, bicycle, and pedestrian access to the south San Diego Bay and coastal resource areas. The Plan also provides for improved public access to the Tijuana River Valley to the south of the community.

### **PROVISION OF COMMUNITY PARKS AND RECREATION AREAS**

The Otay Valley Regional Park Topic recommends developing the Otay Valley, including its coastal areas, as an open space park providing both recreational opportunities and resource protection.

### **RECREATION AND VISITOR SERVING FACILITIES AND SERVICES**

The Palm Avenue West Topic recommends retention and rehabilitation of the existing hotels, retail, and visitor-oriented commercial areas along the southern edge of the San Diego Bay in order to maintain visitor-oriented uses and public access to coastal resources.

### **HERITAGE RESOURCES**

The Salt Ponds Topic encourages the preservation of the Western Salt company building and creation of educational and interpretive programs addressing the salt works and San Diego Bay.

### **ENVIRONMENTALLY SENSITIVE HABITAT AREAS**

Otay Mesa Nestor has approximately 990 acres designated as open space within the Coastal Zone. Approximately 890 acres of the open space area consists of the San Diego Bay Preserve which is comprised of wetland habitat, and one of the community's major natural resources.

The Otay Valley Regional Park Topic and the Salt Ponds Topic both contain strategies to preserve and restore the natural resources and habitat in the Otay Valley and lower San Diego Bay. The Salt Ponds Topic and Appendix 1b address the application of a Special Study Area overlay designation which requires comprehensive-site-specific analysis of sensitive resources, habitat, and hydrology in the undeveloped coastal areas of lower San



Diego Bay prior to approval of development proposals. By designating properties in the southern portion of the planning area for very low-density residential development and open space, the Plan complements the low-intensity uses in the Tijuana River Valley Plan.

### **MULTIPLE SPECIES CONSERVATION PROGRAM**

Some lands within the coastal zone are within the Multiple Species Conservation Program (MSCP) and Multi Habitat Planning Area (MHPA). The Multiple Species Conservation Program (MSCP) is a comprehensive habitat conservation planning program for southwestern San Diego County. The MSCP preserves a network of habitat and open space, protecting biodiversity, and enhancing the region's quality of life.

### **ENVIRONMENTALLY SENSITIVE LANDS (ESL) REGULATIONS**

The purpose of the City's Environmentally Sensitive Lands (ESL) regulations are to protect, preserve, and where damaged, restore, the environmentally sensitive lands of San Diego and the viability of the species supported by those lands. The ESL regulations, as part of the Land Development Code, and the accompanying Biology, Steep Hillside, and Coastal Bluffs and Beach's Guidelines serve as standards for the determination of impacts and mitigation under the California Environmental Quality Act and the California Coastal Act. These standards also serve to implement the Multiple Species Conservation Program by placing priority on the preservation of biological resources within the Multiple Habitat Planning Area, as identified in the City of San Diego Subarea Plan. Within wetland areas, state, and federal laws and regulations regulate adverse impacts to wetlands and listed species habitat.

### **FLOODPLAIN**

As shown on Figure 12, a portion of the community is within the 100 -year floodplain of the Otay River and is mapped by the Federal Emergency Management Agency (FEMA). The ESL regulations apply to all development proposing to encroach into a Special Flood Hazard Area, including both the floodway and flood fringe areas. A floodplain is comprised of the floodway and the flood fringe areas. The floodway includes the channel and adjacent overbank areas necessary to effectively convey floodwaters.

The ESL regulations allow permanent structures and fill for permanent structures, roads, and other development in the flood fringe area only in limited circumstances when certain conditions are met. These generally include where the development: would not significantly adversely affect the existing sensitive biological resources onsite or offsite, would be capable of withstanding flooding without requiring or causing the construction of offsite flood protective works, would not cause flooding of properties upstream or downstream, would not increase or expand Flood Insurance Rate Maps (FIRM) Zone A (areas of higher risk of flooding), would limit grading and fill to the minimum amount necessary, would minimize harm to environmental values and peak flow storage capacity in the floodplain, would maintain wetlands hydrology, would not significantly increase or contribute to downstream bank erosion and sedimentation, would not cause an increase in flood flow velocity or volume, and would ensure compliance with National Pollutant Discharge Elimination System (NPDES) requirements.

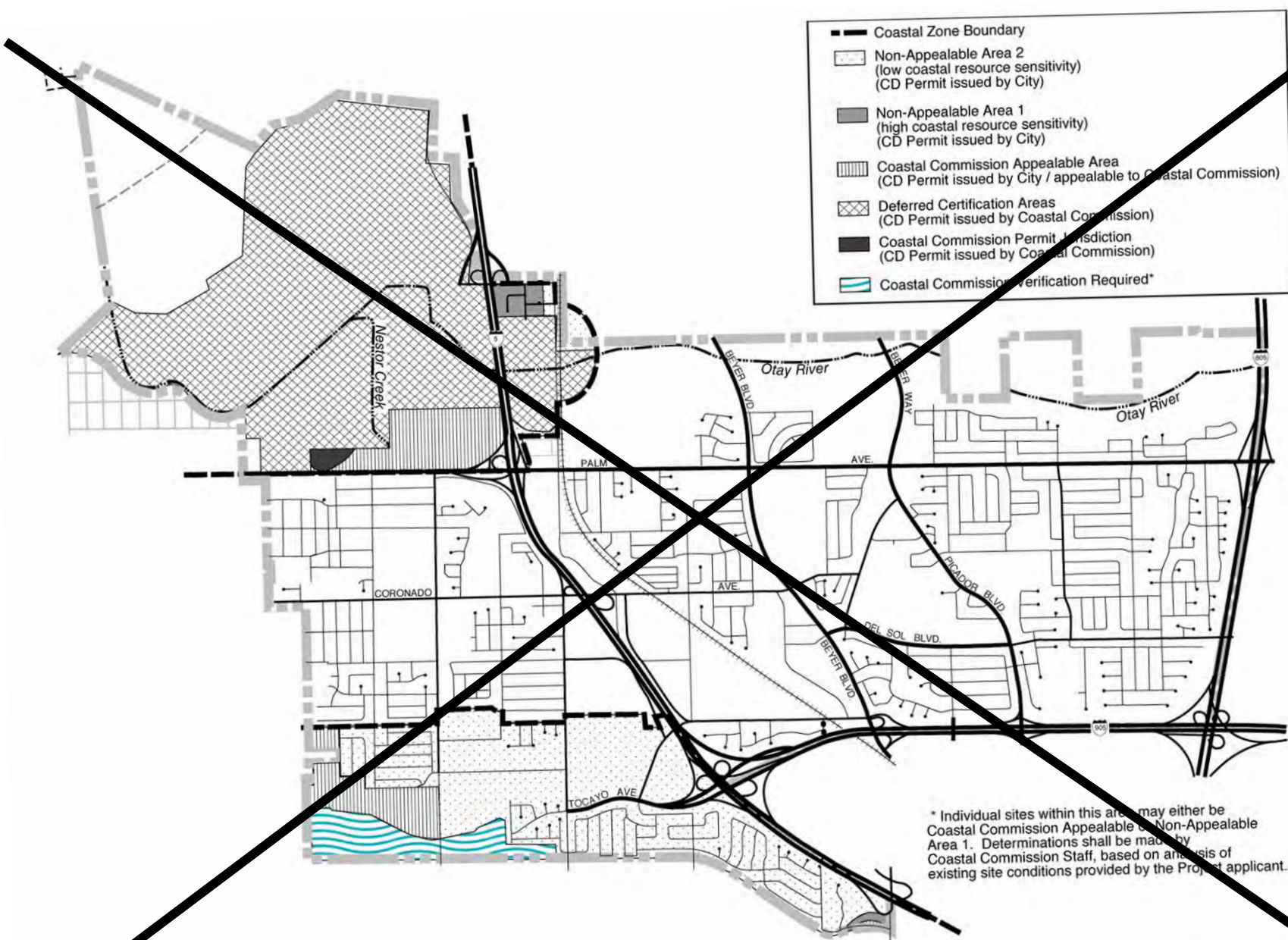


### **CONDITIONAL LETTER OF MAP REVISION**

A Conditional Letter of Map Revision (CLOMR) is a letter from FEMA commenting on whether a proposed project, if constructed per the design submitted to and approved by FEMA, would justify a revision to the FIRM. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the flood map. Once a project has been completed, a request to revise to the FIRM to reflect a project needs to be submitted to FEMA to receive a Letter of Map Revision (LOMR).

### **NO-RISE CERTIFICATION**

FEMA requires that any project in a floodway must be reviewed to determine if the project will increase flood heights. An engineering analysis must be conducted before a permit can be issued. The project must have a record of the results of this analysis, which can be in the form of a No-Rise Certification. The No-Rise Certification must be supported by technical data and signed by a registered professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the FIRM or Flood Boundary and Floodway Map (FBFM).

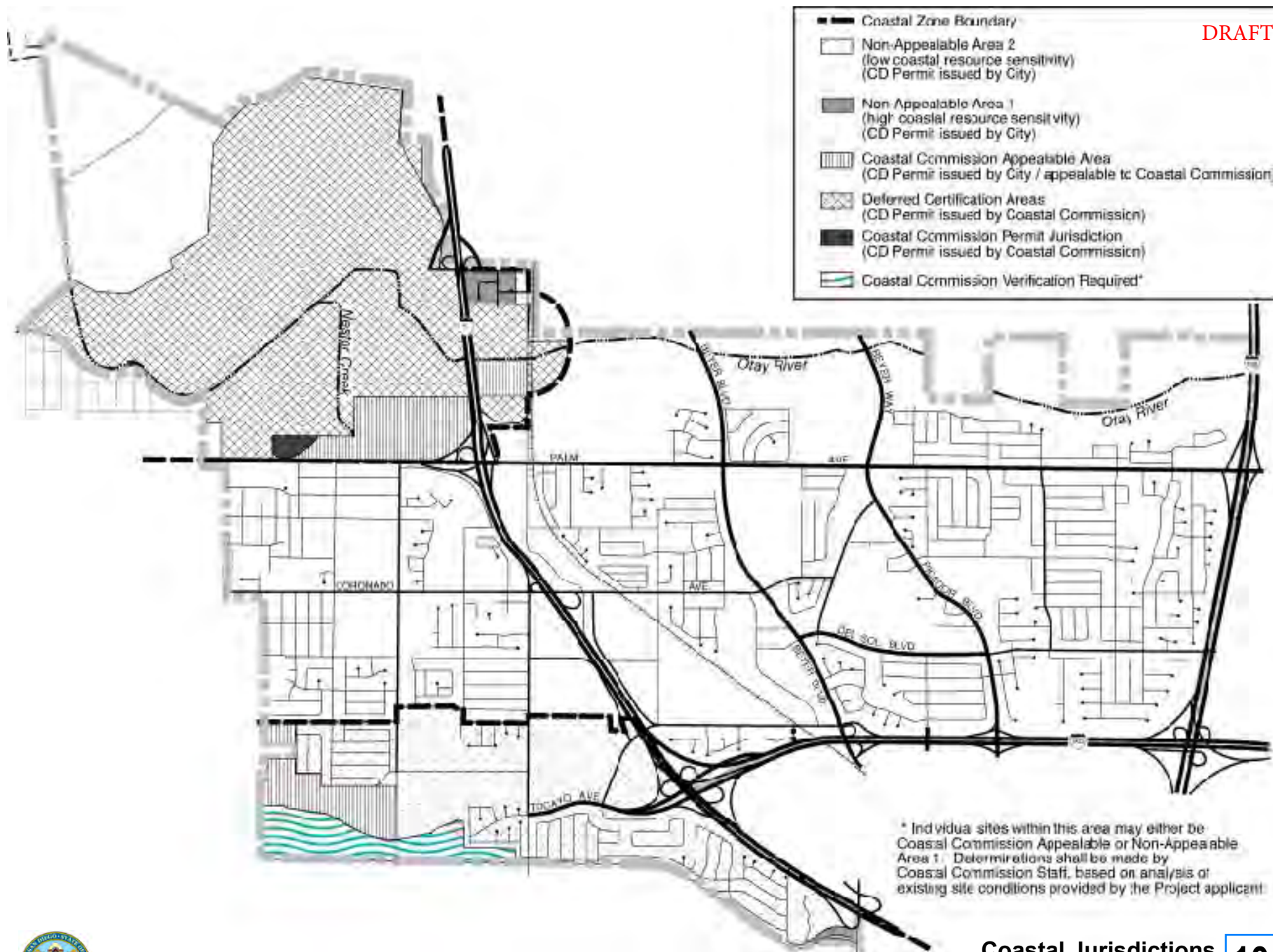


**Coastal Jurisdictions**  
**Olay Mesa-Nestor Community Plan**





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Otay Mesa - Nestor Community Plan

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## **APPENDIX J Bella Mar Community Plan Amendment**

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In 2023, the Bella Mar Community Plan Amendment (CPA) redesignated 14.62 acres from Open Space to Medium Density Residential (15-<30 du/net acre). The site is within the Federal Emergency Management Agency (FEMA) 100-year flood fringe of the Otay River. This site has been previously graded but remains undeveloped with a history of use as an off-road racetrack. In 2003, a RV park was proposed for the site. The Coastal Commission's review of the proposal focused on whether the development within the flood fringe could withstand periodic flooding, would not impede the flow of floodwaters, and would not require the development off-site flood protective works.

### **SPECIAL STUDY AREA REPORT**

The Special Study Area Report prepared for the Bella Mar CPA concluded that, through compliance with the Environmental Sensitive Land (ESL) regulations applicable to development within the flood fringe, the development will not impact hydrological conditions throughout the special study area. The ESL regulations for flood fringe development will ensure consistency with Coastal Act Section 30236 by protecting on and off-site biological and hydrological resources through ensuring that channelization or fill within the flood fringe does not substantially change or redirect stream flows. The flood fringe development regulations will ensure that the Bella Mar development will not constitute a dangerous condition or an impediment to the flow of flood waters.

The SSA Report concluded that the Bella Mar development, which is in the flood fringe, will not alter the Otay River or tributary streams. The analysis for SSA Report concluded that the Bella Mar development will not change the 100-year floodplain elevations nor flow velocities on-site, downstream, or upstream. It also concluded that the development will not alter the hydraulic conditions of on-site or off-site sensitive resources, will not increase on-site or off-site flooding, and will not hydraulically impact coastal resources. The analysis determined that the 100-year flow rates, flow velocities, and flow volumes will remain essentially unchanged following development.

In accordance with the ESL floodplain development regulations, the development's permanent structures will be elevated at least 2-feet above the 100-year floodplain. This would be above the flood level with a factor of safety and would not be impacted by flood events. The fill placed on-site to elevate the structures will be entirely within the flood fringe and does not involve any off-site protective works. The Bella Mar development received a CLOMR that includes hydraulic analyses showing no impacts and that the development is in conformance with the floodplain and floodway regulations. The Bella Mar development also received a No-Rise Certification which certified that, based on technical data conducted, the Bella Mar Development will not have an impact to the 100-year flood elevation, floodway elevation, or floodway width.

## APPENDIX JK LIST OF REFERENCE AND SUPPLEMENTAL DOCUMENTS

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*Otay Mesa-Nestor Community Plan*, 1979 (December 1978), City of San Diego Planning Department.

*Otay Mesa/Nestor Community Conditions Report*, October 1993, City of San Diego Planning Department.

*Otay Mesa-Nestor Community Plan Update Project Citizen Survey*, distributed with the Chula Vista Star News, and available at the Otay Mesa Public Library and Montgomery-Waller Park Recreation Center, January 1994, City of San Diego Planning Department.

*City of San Diego Land Guidance System, Transit-Oriented Development Design Guidelines*, August 4, 1992, prepared by Calthorpe associates for the City of San Diego.

*A Plan For Equestrian Trails and Facilities*, February 6, 1975, City of San Diego Planning Department.

*Progress Guide and General Plan*, June 1989, City of San Diego Planning Department.

*California Coastal Act of 1976*, as of January 1994, California Coastal Commission.

*Bella Mar Community Plan Amendment Special Study Report*, 2022, RECON Environmental

(O-\_\_\_\_\_)

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 14.62-ACRES LOCATED AT 408 HOLLISTER STREET WITHIN THE OTAY MESA-NESTOR COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE OF-1-1 (OPEN SPACE – FLOODPLAIN) AND AR-1-2 (AGRICULTURAL – RESIDENTIAL) ZONES TO THE RM-2-5 (RESIDENTIAL MULTIPLE-UNIT) ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0205, 131.0303, AND 131.0406; REPEALING SAN DIEGO ORDINANCE NO. O-12554 (NEW SERIES), ADOPTED JANUARY 22, 1979, AND SAN DIEGO ORDINANCE NO. O-10862 (NEW SERIES), ADOPTED June 29, 1972, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HERewith; AND AMENDING THE LOCAL COASTAL PROGRAM.

WHEREAS, RTA PHAIR/HOLLISTER, LLC, a Delaware Limited Liability Company, requested to rezone approximately 14.62-acres of land located at 408 Hollister Street, within the Otay Mesa-Nestor Community Plan area, from the OF-1-1 (Open Space – Floodplain) zone and AR-1-2 (Agricultural – Residential) zones to the RM-2-5 (Residential Multiple- Unit) zone; and

WHEREAS, the matter was set for a public hearing to be conducted by the San Diego City Council (City Council); and

WHEREAS, on \_\_\_\_\_, the Planning Commission of the City of San Diego considered the rezoning of the property and pursuant to Resolution No. \_\_\_\_-PC voted to recommend the City Council approve the rezoning; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate;

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public

hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on evidence presented; NOW, THEREFORE,

BE IT ORDAINED, by the City Council of the City of San Diego, as follows:

Section 1. That 14.62 acres located at 408 HOLLISTER STREET, and legally described as the South Half of the Northeast Quarter of the Southeast Quarter, excepting the South 40.00 feet all being in Section 21, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the official plat thereof. Excepting therefrom that portion thereof lying westerly of a line described as follows: Beginning at a point on the northerly line of Coughlin Subdivision, according to Map Thereof No. 1806, filed in the Office of the County Recorder of San Diego County, October 23, 1924, distant along said northerly line north  $81^{\circ}29'22''$  west 21.20 feet from the northeasterly corner of Lot 62 of said Coughlin Subdivision; thence north  $13^{\circ}22'42''$  west 9.09 feet; thence north  $14^{\circ}53'19''$  west 276.24 feet; thence north  $06^{\circ}42'47''$  west 411.70 feet; thence north  $07^{\circ}51'19''$  west 487.97 feet; thence north  $07^{\circ}19'00''$  west 26.73 feet to a point on the north line of distant along said last north line  $89^{\circ}24'21''$  west 1059.90 feet from the northeast corner of said south half. Also excepting therefrom all oil, gas and other materials in and under said land, expressly excluding therefrom, any and all rights of ingress and egress to enter upon or use all or any part of the surface of the land at a depth of less than 500 feet to exercise the mineral rights so that grantor shall have the free, complete and uninterrupted use of the surface of the land and such area at a depth of less than 500 feet. Said oil, gas and other minerals having been conveyed to PCA Mineral Rights, LLC, a Delaware Limited Liability Company by deed recorded March 28, 2016, as Instrument No. 2016-0138942 of Official Records, in the Otay Mesa-Nestor Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4363, filed in the office of the City Clerk as Document No. OO- \_\_\_\_\_, are

rezoned from the OF-1-1 (OPEN SPACE – FLOODPLAIN) and AR-1-2 (AGRICULTURAL - RESIDENTIAL) zones to the RM-2-5 (RESIDENTIAL - MULTIPLE-UNIT) described and defined by San Diego Municipal Code Chapter 13 Article 1 Divisions 2, 3 and 4. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That San Diego Ordinance No. O-12554 (NEW SERIES), adopted on January 22, 1979, and Ordinance No. O-10862 (NEW SERIES), adopted on June 29, 1972, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. The provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission certifies this ordinance as a Local Coastal Program amendment. If this ordinance is not certified or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void.

Section 5. No building permits for development inconsistent with the provisions of this Ordinance shall be issued unless an application was made prior to the date of adoption of this Ordinance.

APPROVED: MARA W. ELLIOTT, City Attorney

By \_\_\_\_\_  
Attorney name  
Deputy City Attorney

Initials~  
Date~  
Or.Dept: DSD

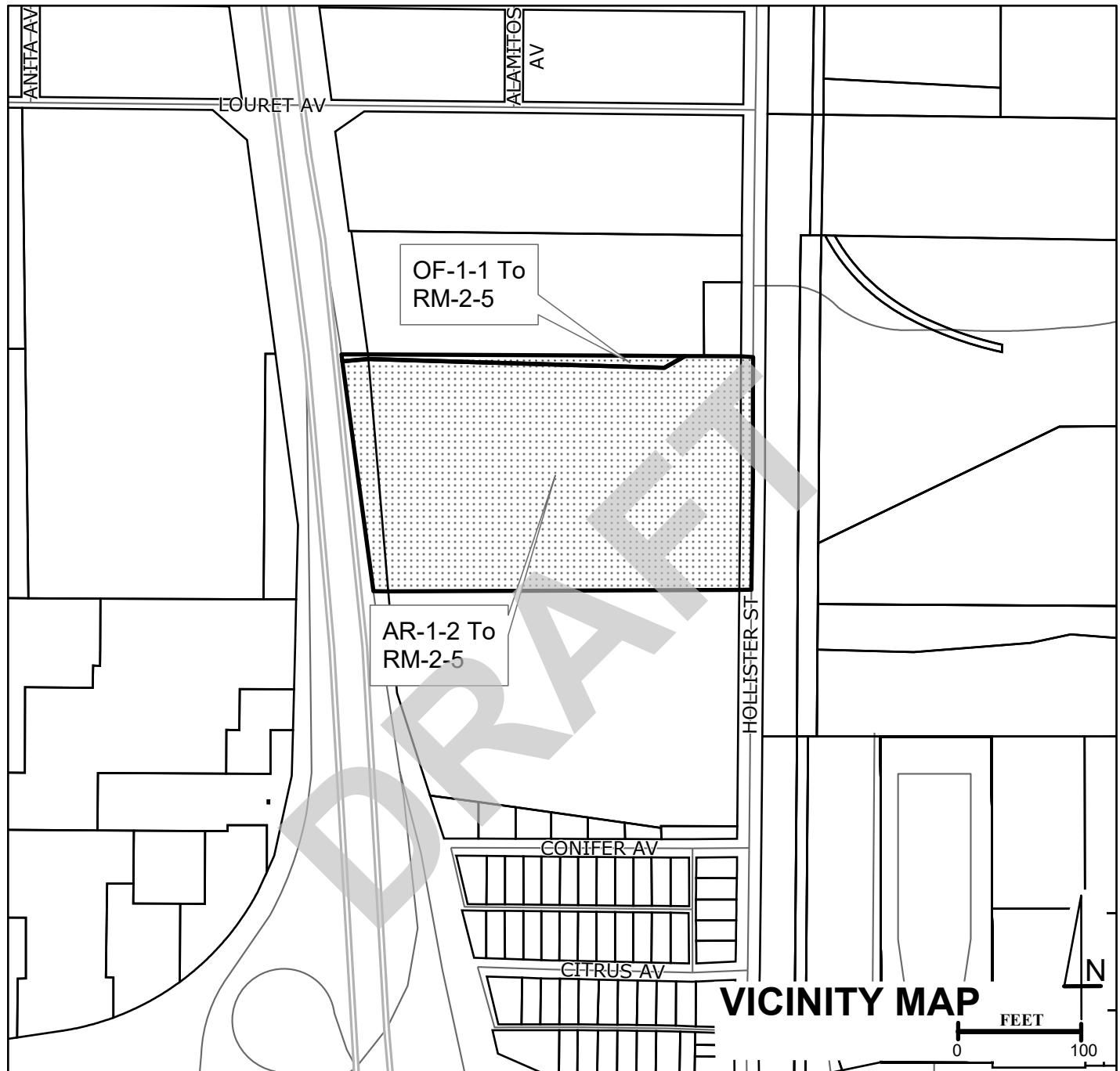
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CITY OF SAN DIEGO • DEVELOPMENT SERVICES

# PROPOSED REZONING



VICINITY MAP

## LEGAL DESCRIPTION

ORDINANCE NO. \_\_\_\_\_  
 EFF. DATE ORD. \_\_\_\_\_  
 ZONING SUBJ. TO \_\_\_\_\_  
 BEFORE DATE \_\_\_\_\_  
 EFF. DATE ZONING \_\_\_\_\_  
 MAP NAME AND NO. \_\_\_\_\_

REQUEST **RM-2-5**

PLANNING COMM.  
RECOMMENDATION

CITY COUNCIL  
ACTION

CASE NO.

DEVELOPMENT SERVICES MANAGER

**B-4363**

APN:

(218-1707)



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(O-\_\_\_\_\_)

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2, DIVISION 4 OF  
THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 132.0402,  
RELATING TO THE OTAY MESA-NESTOR COMMUNITY PLAN, LOCAL  
COASTAL PROGRAM AND THE BELLA MAR APARTMENT PROJECT

WHEREAS, the matter was set for a public hearing to be conducted by the San Diego City  
Council (City Council); and

WHEREAS, on \_\_\_\_\_, the Planning Commission of the City of San Diego considered the  
rezone of the property and pursuant to Resolution No. \_\_\_\_-PC voted to recommend the City  
Council approve the rezone; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the  
information provided by City staff, including information provided by affected third parties and  
verified by City staff, with the understanding that this information is complete, true, and accurate;

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

BE IT ORDAINED, by the City Council of the City of San Diego, as follows:

Section 1. That 14.62 acres located at 408 HOLLISTER STREET, and legally described as the  
South Half of the Northeast Quarter of the Southeast Quarter, excepting the South 40.00 feet all  
being in Section 21, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San  
Diego, County of San Diego, State of California, according to the official plat thereof. Excepting

therefrom that portion thereof lying westerly of a line described as follows: Beginning at a point on the northerly line of Coughlin Subdivision, according to Map Thereof No. 1806, filed in the Office of the County Recorder of San Diego County, October 23, 1924, distant along said northerly line north  $81^{\circ}29'22''$  west 21.20 feet from the northeasterly corner of Lot 62 of said Coughlin Subdivision; thence north  $13^{\circ}22'42''$  west 9.09 feet; thence north  $14^{\circ}53'19''$  west 276.24 feet; thence north  $06^{\circ}42'47''$  west 411.70 feet; thence north  $07^{\circ}51'19''$  west 487.97 feet; thence north  $07^{\circ}19'00''$  west 26.73 feet to a point on the north line of distant along said last north line  $89^{\circ}24'21''$  west 1059.90 feet from the northeast corner of said south half. Also excepting therefrom all oil, gas and other materials in and under said land, expressly excluding therefrom, any and all rights of ingress and egress to enter upon or use all or any part of the surface of the land at a depth of less than 500 feet to exercise the mineral rights so that grantor shall have the free, complete and uninterrupted use of the surface of the land and such area at a depth of less than 500 feet. Said oil, gas and other minerals having been conveyed to PCA Mineral Rights, LLC, a Delaware Limited Liability Company by deed recorded March 28, 2016, as Instrument No. 2016-0138942 of Official Records, in the Otay Mesa-Nestor Community Plan area, in the City of San Diego, California, as shown on Coastal Overlay Zone Certification Map Drawing No. C-1028, filed in the office of the City Clerk as Document No. OO- \_\_\_\_\_, are redesignated from the Coastal Deferred Certification Overlay Zone described and defined by San Diego Municipal Code Chapter 13 Article 2 Divisions 4. This action amends the Official Coastal Overlay Zone Certification Map Drawing No. C-730.1, filed in the office of the City Clerk as Document No. OO-17067-1, adopted on October 17, 1988.

Section 2. That San Diego Ordinance No. O-17067 (NEW SERIES) adopted on October 17, 1988 and Ordinance No. O-21164 (NEW SERIES) adopted on March 10, 2021, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the redesignation of the land.

Section 3. That this Ordinance contains a notice that a full reading of this Ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. The provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission certifies this ordinance as a Local Coastal Program amendment. If this ordinance is not certified or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void.

Section 5. No building permits for development inconsistent with the provisions of this Ordinance shall be issued unless deemed complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective, which date is determined above.

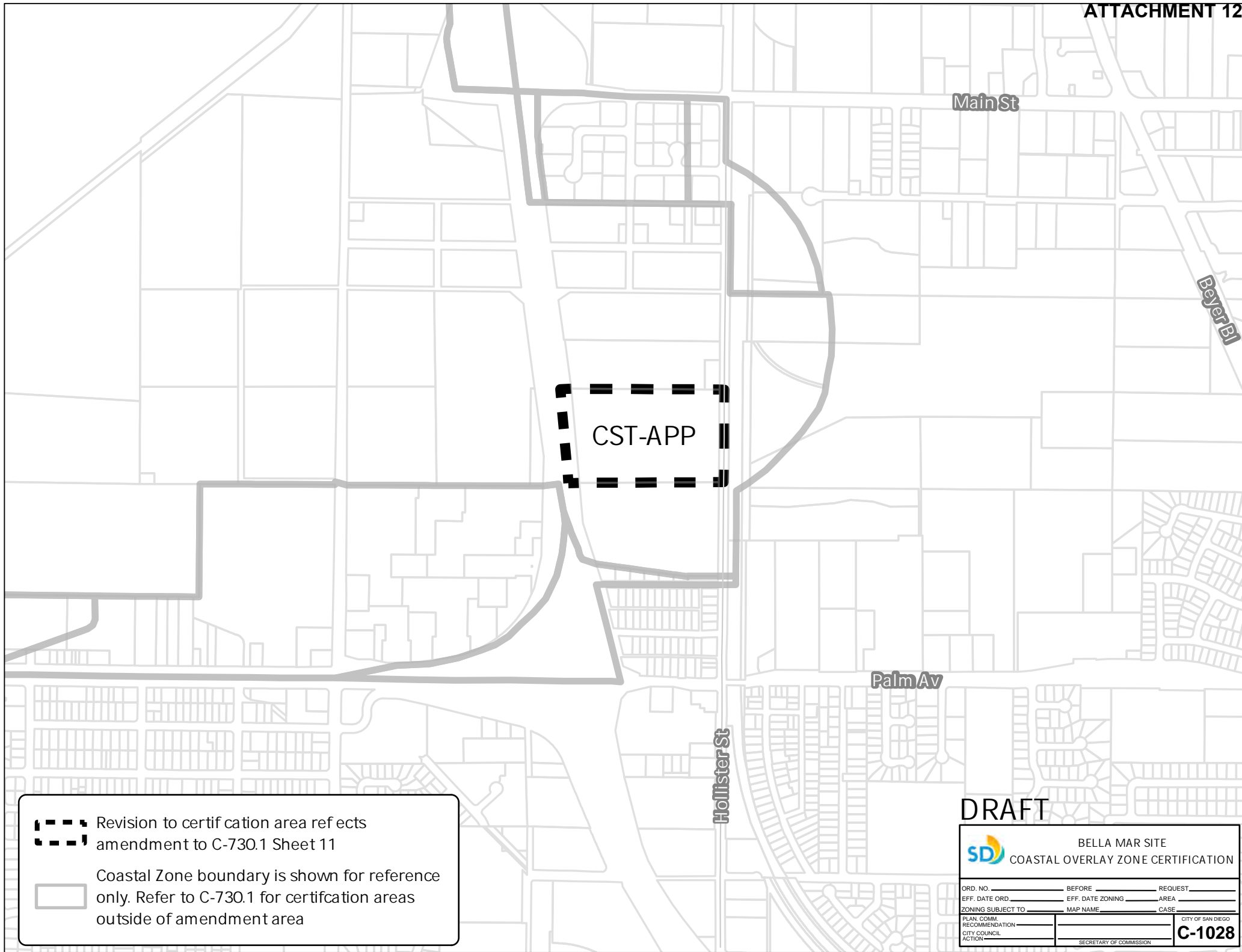
A complete copy of this Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.


APPROVED: MARA W. ELLIOTT, City Attorney


By \_\_\_\_\_  
Attorney name  
Deputy City Attorney

Initials~  
Date~  
Or.Dept: DSD  
O-INSERT~

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 Revision to certification area reflects amendment to C-730.1 Sheet 11

 Coastal Zone boundary is shown for reference only. Refer to C-730.1 for certification areas outside of amendment area

DRAFT



BELLA MAR SITE  
COASTAL OVERLAY ZONE CERTIFICATION

ORD. NO. _____	BEFORE _____	REQUEST _____
EFF. DATE ORD _____	EFF. DATE ZONING _____	AREA _____
ZONING SUBJECT TO _____	MAP NAME _____	CASE _____
PLAN COMM. RECOMMENDATION _____	CITY OF SAN DIEGO	
CITY COUNCIL ACTION _____	SECRETARY OF COMMISSION _____	<b>C-1028</b>

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PLANNING COMMISSION RESOLUTION NO. \_\_\_\_-PC

RECOMMENDING TO THE CITY COUNCIL ADOPTION OF MITIGATED NEGATIVE DECLARATION NO. 631240/STATE CLEARINGHOUSE NO. 2022040642, ADOPTION OF THE MITIGATION, MONITORING AND REPORTING PROGRAM; APPROVAL OF THE AMENDMENTS TO THE GENERAL PLAN, OTAY MESA-NESTOR COMMUNITY PLAN AND LOCAL COASTAL PROGRAM NO. 2609704; ADOPTION OF AN AMENDMENT TO THE SAN DIEGO MUNICIPAL CODE; ADOPTION OF REZONE NO. 2278306; AND RESCISION OF CONDITIONAL USE PERMIT NO. 367052 AND SITE DEVELOPMENT PERMIT NO. 367053 (EXTENSION OF TIME AND AMENDMENT TO CONDITIONAL USE PERMIT AND MULTIPLE HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT NO. 96-7318);

**BELLA MAR APARTMENTS - PROJECT NO. 631240 [MMRP]**

WHEREAS, on DATE, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of the City of San Diego adoption of the project Mitigated Negative Declaration (MND); adoption of a Mitigation, Monitoring and Reporting Program (MMRP); approval of the amendments to the General Plan, Otay Mesa-Nestor Community Plan and Local Coastal Program; adoption of an amendment to the San Diego Municipal Code; adoption of a Rezone Ordinance; and rescission of Conditional Use Permit No. 367052 and Site Development Permit No. 367053 (Extension of Time and Amendment to Conditional Use Permit and Multiple Habitat Planning Area Boundary Line Adjustment No. 96-7318); and

WHEREAS, BELLA MAR LAND INVESTORS, LLC, a California Limited Liability Company, OWNER, and RTA PHAIR/HOLLISTER, LLC, a Delaware Limited Liability Company, PERMITTEE, filed an application with the City of San Diego for amendments to the General Plan and Otay Mesa-Nestor Community Plan and Local Coastal Program No. 2609704; adoption of an amendment to the San Diego Municipal Code; adoption of Rezone No. 2278306; for the Bella Mar Apartments project (Project) proposing the subdivision of a 14.62-acre site located at 408 Hollister Street, into two lots (north and south neighborhood) and for the construction of a residential development for 380 multi-family dwelling units (DUs), consisting of 280 market rate multi-family DUs within 14 three-story buildings, a clubhouse/leasing office building, and a pool and spa area (north neighborhood); 100 affordable housing multi-family DUs within a four-story building (south neighborhood); amenity areas, and associated site improvements; and

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends to the Council of the City of San Diego ADOPT Mitigated Negative Declaration No. 631240/SCH No. 2022040642, ADOPT the Mitigation, Monitoring and Reporting Program; APPROVE the amendments to the General Plan and the Otay Mesa-Nestor Community Plan and Local Coastal Program No. 2609704; ADOPT an amendment to the San Diego Municipal Code; ADOPT Rezone No. 2278306; and RESCIND Conditional Use Permit No. 367052 and Site Development Permit No. 367053 (Extension of

## ATTACHMENT 13

Time and Amendment to CUP and Multi-Habitat Planning Area Boundary Line Adjustment No. 96-7318).

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Martin R. Mendez  
Development Project Manager  
Development Services Department

Dated: DATE

By a vote of: X:X:X

DRAFT

**OMITTED ATTACHMENT 14**

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