



THE CITY OF SAN DIEGO

## Report to the Planning Commission

DATE ISSUED: June 23, 2016 REPORT NO. PC-16-055

HEARING DATE: June 30, 2016

SUBJECT: ST. ANDREWS TENTATIVE MAP.  
Process Five Decision

PROJECT NUMBER: [360649](#)

OWNER/APPLICANT: Gregg Hamann, Owner/ Applicant

### SUMMARY:

Issue: Should the Planning Commission recommend to City Council approval of the six lot commercial subdivision with the vacation of Irrevocable Offer to Dedicate (IOD) Right-of-Way on a 16.66-acre vacant lot located on the southeast corner of Otay Mesa Road and Ailsa Court in the Otay Mesa Community Plan?

### Staff Recommendations:

1. ADOPT Addendum to Program Environmental Impact Report No. 30330/304032 and ADOPT MMRP; and
2. **APPROVE** Tentative Map No. 1279297 and Site Development Permit No. 1452419.

Community Planning Group Recommendation: On March 18, 2015, the Otay Mesa Planning Group voted 12-0-1 to recommend approval of the project with no additional conditions (Attachment 12).

Environmental Review: Addendum to Program Environmental Impact Report No. 30330/304032 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to below a level of significance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The project proposes the subdivision of an existing lot for individual commercial/light industrial development ownership opportunities.

## BACKGROUND

The vacant 16.66-acre site is located south of Otay Mesa Road, north of State Route (SR) 905, east of Ailsa Court and in between the eastern and western portions of St. Andrews Avenue within the IL-3-1 (Industrial-Light) Zone, Community Plan Implementation Overlay Zone (CPIOZ) Type A, Brush Management, Very High Fire Hazard Severity Zones, Airport Land Use Compatibility Overlay Zone, ALUCP Noise Contours (CNEL), Airport Safety Zones, Airport Influence Area (Review Area 1), and the Federal Aviation Administration (FAA) Part 77 Notification of the Otay Mesa Community Planning Area.

The project site is relatively level; elevation on the site ranges from 504 feet above mean sea level (amsl) in the northern portion of the project site to 494 feet amsl in the southern portion. The project site is an urban community in a neighborhood setting of similar uses, and is currently served by existing public services and utilities. The surrounding uses include Otay Mesa Road and Brown Field Municipal Airport (across Otay Mesa Road) to the north, commercial warehouses to the west, a vacant lot to the east with commercial buildings and industrial automotive uses adjacent to the east of the vacant lot, and SR 905 to the south. Southwestern College Higher Education Center at Otay Mesa and commercial areas are located further to the south across SR 905.

## DISCUSSION

### Project Description:

The project proposes to subdivide the project site into six lots for the future development of individual commercial/light industrial uses, and to allow construction of a public roadway extension, street and utility improvements, and on-site bio-retention basins. Proposed Lots 1 and 2 would be created on the northern portion of the site, which would be approximately 4.03 and 4.35 net acres. The southern portion of the site would be divided into proposed Lots 3, 4, 5, and 6, with Lot 3 encompassing approximately 2.50 net acres and the remaining three lots (Lots 4, 5, and 6) encompassing approximately 1.50 net acres each.

The project also proposes to vacate the Irrevocable Offer of Dedication (IOD) for St. Andrews Avenue for a cul-de-sac improvement. With the IOD vacation, St. Andrews would be extended eastward from its existing terminus at Ailsa Court to the eastern site boundary and would bisect the project site. The proposed roadway extension would include a 92-foot-wide public right-of-way comprised of 64 feet of pavement (two travel lanes), 9-foot wide landscaped parkway on each side, and 5-foot wide sidewalks on each side. Seven curb cuts would be constructed along St. Andrews Avenue. Stop signs would be added at all three approaches at the Ailsa Court and St. Andrews Avenue intersection, with handicapped-access ramps installed at the project sidewalk entrances to the intersection.

A bio-retention basin would be constructed on each proposed lot and associated storm drain

pipelines would be constructed to connect to existing storm drain systems in the project area. Utility services would be provided through existing utility infrastructure in the surrounding area with associated manholes, signal boxes, and meters. A power pole would be installed near the northeastern corner of the project site on the Otay Mesa Road sidewalk. A fire hydrant would be installed adjacent to Otay Mesa Road.

Proposed project landscaping would include the aforementioned 9-foot wide landscaped parkway on each side of the St. Andrews Avenue extension; the project would provide street trees meeting the requirements of the City of San Diego Municipal Code (SDMC) Section 142.0409 on this parkway. The bio-retention basins would also be vegetated, which would be underlain by hardwood mulch and permeable soil.

Project grading would encompass approximately 16.66 acres and would include the project site and street frontages. Earthwork would be balanced with approximately 50,000 cubic yards (cy) of cut and 50,000 cy of fill. The maximum cut depth for grading would be 9 feet and the maximum fill depth would be 5 feet. Slopes would be at a maximum gradient of 2:1. Trenching for utilities would also occur, with approximately 1,500 cy of remedial grading for installation of wet utilities. The maximum cut depth for sewer, potable water, and storm drain trenching would be approximately 10, 4, and 6 feet, respectively.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a tentative map be processed for the subdivision of land. Also, SDMC section 125.0910(a) allows the public right-of-way vacation by filing a tentative map and a parcel map or final map pursuant to the Subdivision Map Act Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2. In addition, the project requires a Site Development Permit pursuant to SDMC section 126.0502(d)(3) for a premises that contains environmentally sensitive lands or habitat, as noted below in the Environmental Analysis section of this report. Pursuant to SDMC section 125.0430, the tentative map with a public right-of-way vacation and Site Development Permit is a Process Five, City Council decision with a recommendation from the Planning Commission.

#### Community Plan Analysis:

The project site is designated "Heavy Commercial" in the Otay Mesa Community Plan. This designation allows for heavier commercial uses such as wholesale, distribution, storage, and vehicular sales and service. Once subdivided, the future uses on the site would be required to be consistent with the land use designation. Furthermore, uses would be required to be consistent with the applicable policies contained in the Otay Mesa Community Plan. The project is zoned as IL-3-1 (Industrial-Light) and uses on the site would be required to adhere with the development regulations of the IL-3-1 zone.

The General Plan designates the area as Commercial Employment, Retail, & Services, with adjacent land use designations to the west being Industrial Employment. The future light industrial uses of the project would be compatible with these land use designations.

The project site is located within Review Area I of the Airport Influence Area, Airport Safety Zones, 60

65 dBA CNEL Noise Contours, and the FAA Part 77 Notification Area for Brown Field Municipal Airport (as shown in its ALUCP). Due to the project's location, future development on site would need to comply with FAA height notification requirements. With notification to the FAA, the project would not conflict with the ALUCP.

Based on the foregoing, the proposed project would not conflict with applicable land use plans, policies, or regulations.

#### Environmental Analysis:

The Final Program Environmental Impact Report (PEIR) for the Otay Mesa Community Plan Update (OMCPU) was certified by the City of San Diego in March 2014. In accordance with State CEQA Guidelines Section 15168, the PEIR examined the environmental impacts of the OMCPU, which is comprised of a series of actions, and the combined actions are characterized as one large project. The PEIR serves to (1) provide decision-makers, public agencies, and the public with detailed information about the potential significant adverse environmental impacts associated with implementation of the OMCPU; and (2) identify a mitigation framework (in the Mitigation Monitoring and Reporting Program [MMRP]) which provides ways to substantially lessen or avoid significant effects, whenever feasible.

Implementation of the OMCPU requires subsequent approval of public or private development proposals (i.e., future development) to carry out the land use plan and demonstrate compliance with policies presented in the OMCPU. In accordance with State CEQA Guidelines Section 15168(c), when subsequent activities are proposed, the City will examine those activities to determine whether the effects have been adequately addressed in the PEIR. If, in examining these future actions, the City finds no new effects could occur, or no new mitigation measures would be required other than those analyzed and/or required in the PEIR, the City can approve the activity as being within the scope covered by the PEIR, and no new environmental documentation would be required. If additional analysis is required, it can be streamlined by tiering from the PEIR pursuant to CEQA Guidelines Sections 15152, 15153, and 15168 through preparation of a Mitigated Negative Declaration, Addendum, or Focused EIR.

The proposed project is considered a future development proposal that would implement the OMCPU that was programmatically evaluated in the Final PEIR. As such, the City examined the project in light of OMCPU and associated Final PEIR, and determined that additional refined analysis for the project-specific action that implements the OMCPU should be conducted to demonstrate that (1) potential impacts resulting from the proposed project were previously identified in the Final PEIR, (2) project impacts would not be substantially more severe than identified in the Final PEIR, and (3) the proposed project and project-specific mitigation would implement and be consistent with the mitigation framework identified in the Final PEIR and MMRP. The Addendum to the Final PEIR for the OMCPU serves as the subsequent CEQA documentation for the proposed project.

The following environmental issues were considered during review of this project relative to the OMCPU Final PEIR and determined to be potentially significant and required subsequent analysis and or discussion as part of this Addendum: land use, visual effects/neighborhood



character/aesthetics, air quality/odor, biological resources, human health/public safety/hazardous materials, hydrology/water quality, geology/soils, energy conservation, noise, paleontological conditions, traffic/circulation, public services, utilities, water supply, population and housing, agricultural and mineral resources, and greenhouse gases. The analysis provided in the project's Addendum indicates that there are no new significant impacts that would result from the project and that all project-level impacts can be fully mitigated.

Although no sensitive plant or animal species have been observed or detected on the disturbed project site, a single Burrowing Owl (BUOW) was observed off the site in the survey area buffer north of Otay Mesa Road on the Brown Field Municipal Airport property. BUOW (*Athene cunicularia*) is a MSCP Covered Species and a California Species of Special Concern. Despite the owl's nearby occurrence, the potential for the species to occur on the project site is considered low based on confirmation during surveys over multiple years that BUOW habitat is absent from the project site. There has been no evidence that BUOW has the potential to occupy the site and there are no resources on the project site that would suggest BUOW would use the site for regularly foraging. However, the site could be used temporarily by BUOW during dispersal only. Therefore, the project would not result in the loss of BUOW foraging habitat. Impacts to potential dispersal habitat that is not occupied and does not provide foraging habitat would be less than significant.

However, if conditions change prior to project grading, BUOW could move onto the site and impacts to BUOW and their habitat would be potentially significant. In accordance with OMCPU Final PEIR mitigation frameworks BIO-1 and BIO-2, take avoidance surveys shall be conducted prior to grading and species- and habitat-based mitigation shall be implemented if burrowing owls are found to occupy the site during take avoidance surveys, as detailed in the Section VI, MMRP. With implementation of the OMCPU Final PEIR mitigation frameworks, potential impacts to BUOW would be reduced to below a level of significance.

The Project shall be required to comply with all mitigation measures outlined within the Mitigation, Monitoring and Reporting Program (MMRP) of the previously certified OMCPU Final PEIR (SCH No. 2004651076) and the project-specific subsequent technical studies required. The Addendum to the Final PEIR for the OMCPU's MMRP identifies Biology, Archaeology, and Paleontology measures that will specifically apply to this project.

#### Conclusion:

City staff have reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff have provided the draft findings to support approval of the proposed development, draft conditions of approval, and draft map resolution and conditions. City staff is recommending the Planning Commissioners recommend to City Council the approval of this project.

#### ALTERNATIVES

1. Recommend approval of Tentative Map No. 1279297 and Site Development Permit No. 1452419, with modifications.

2. Recommend denial of Tentative Map No. 1279297 and Site Development Permit No. 1452419, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Elyse Lowe  
Deputy Director  
Development Services Department

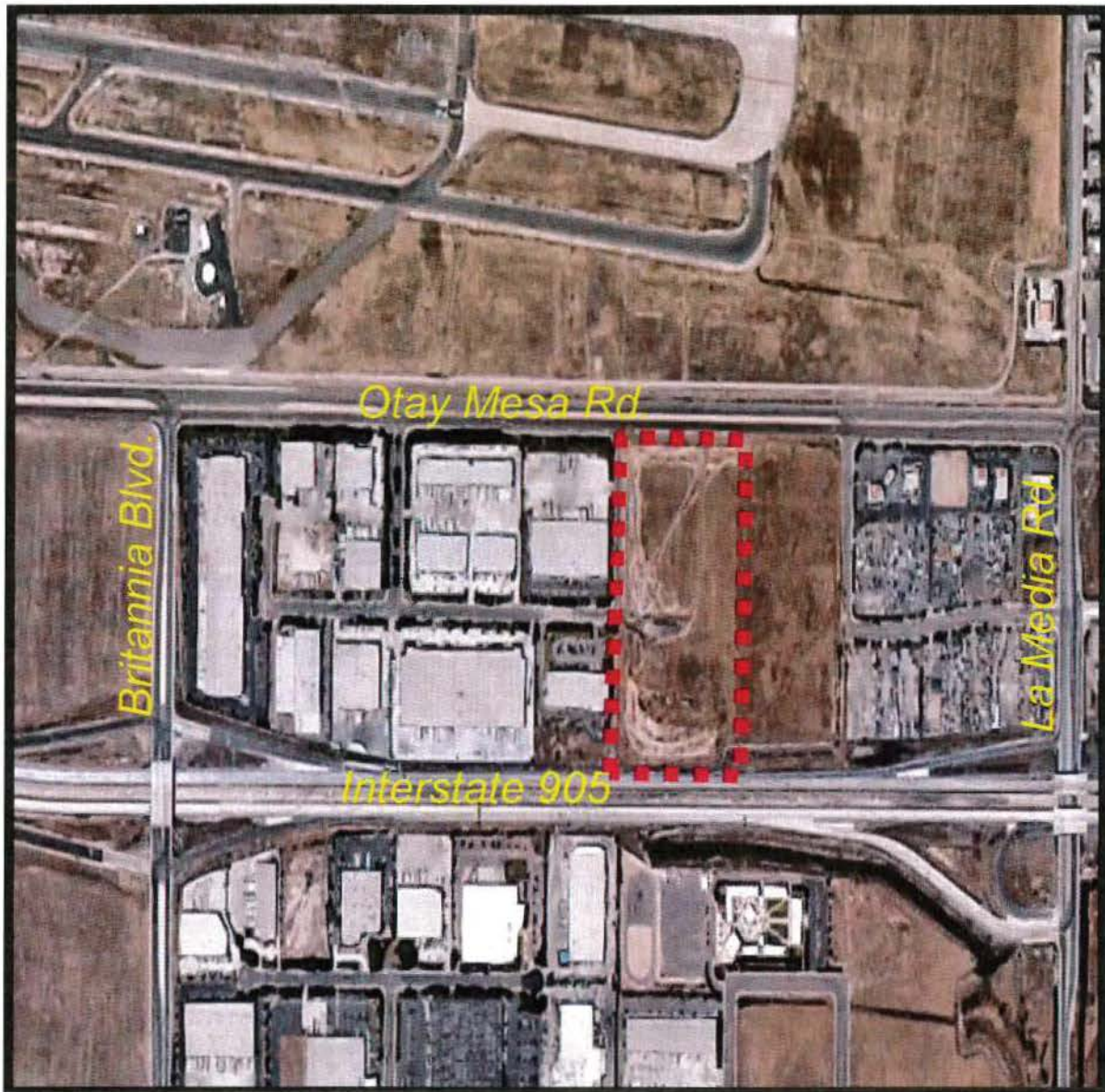


Tim Daly  
Development Project Manager  
Development Services Department

VACCHI/TPD

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Draft Permit Resolution with Findings
5. Draft Permit with Conditions
6. Draft Map Resolution with Findings
7. Draft Map Conditions
8. Draft Environmental Resolution with MMRP
9. Map Exhibit
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement

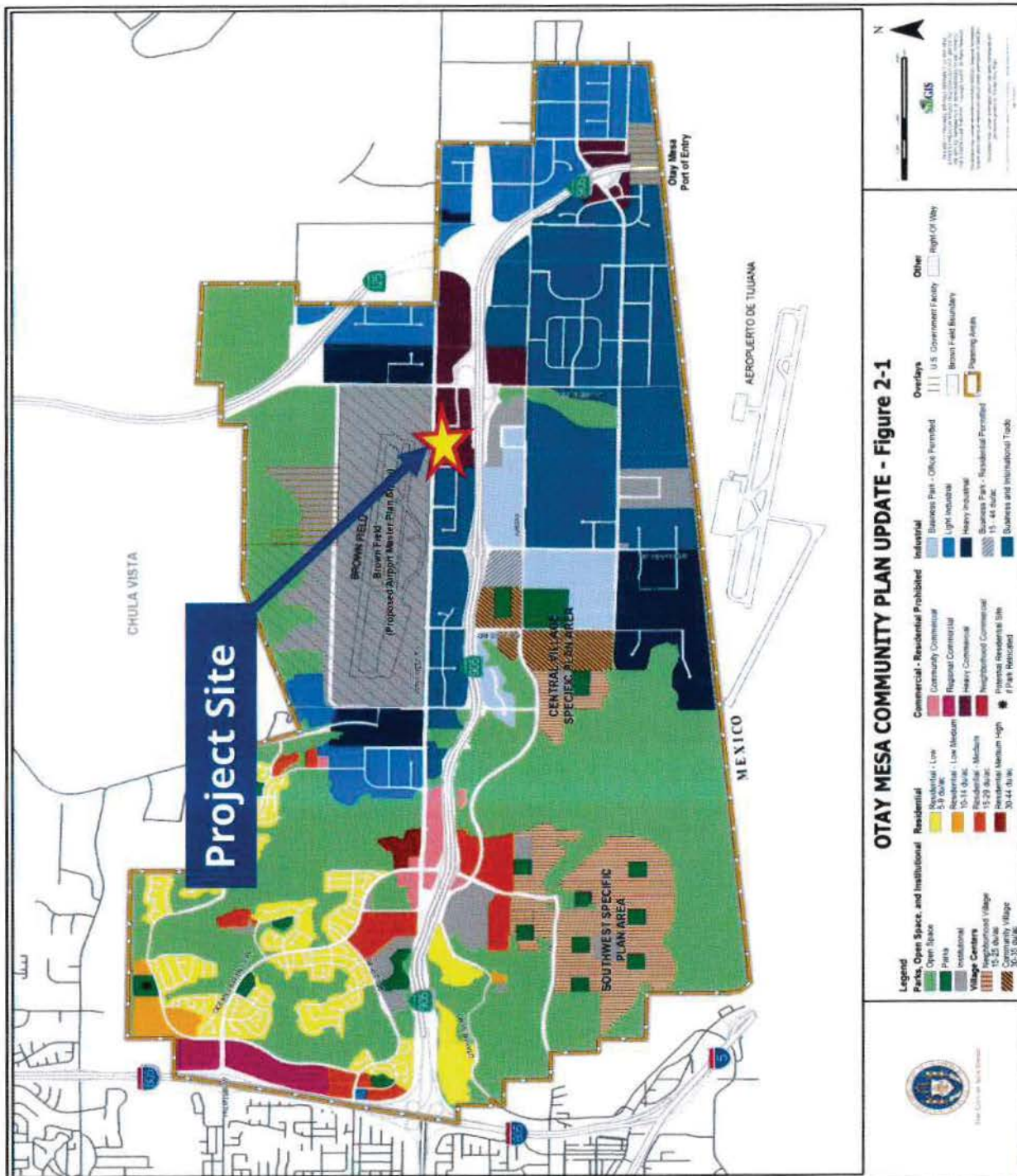


## **Aerial Photo**

St. Andrews Tentative Map, Project No. 360649  
Southeast corner Otay Mesa Rd. and Alisa Ct.

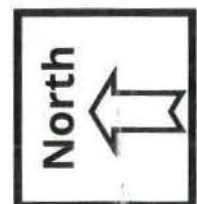






# Otay Mesa Community Land Use Map

St. Andrews Tentative Map, Project No. 360649  
Southeast corner Otay Mesa Rd. and Alisa Ct.







## **Project Location**

**St. Andrews Tentative Map, Project No. 360649  
Southeast corner Otay Mesa Rd. and Alisa Ct.**



CITY COUNCIL RESOLUTION NO. \_\_\_\_\_  
SITE DEVELOPMENT PERMIT NO. 1452419  
**ST. ANDREWS TENTATIVE MAP - PROJECT NO. 360649 [MMRP]**

WHEREAS, Gregg Hamann, Trustee of Gregg Hamann Family Trust and Jeffery C. Hamann, Trustee of the J.C. Hamann Trust Family Trust, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit No. 1452419 to subdivide the existing two parcel lots with environmentally sensitive lands into six parcel lots for commercial development known as the St. Andrews Tentative Map project, located south of Otay Mesa Road, east of Alisa Court, and west of Otay Mesa Center Road, and legally described as Parcels 1 and 2 in the City of San Diego, County of San Diego, State of California, according to Map No. 21021, filed in the Office of the San Diego County Recorder, April 16, 2014, in the IL-3-1 Zone and Community Plan Implementation Overlay Zone (CPIOZ) within the Otay Mesa Community Plan area; and

WHEREAS, on June 30, 2016, the Planning Commission of the City of San Diego considered Site Development Permit No. 1452419, and pursuant to Resolution No. XXXXX-PC voted to recommend City Council approval of the Permit; and

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

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



BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 1452419:

**A. SITE DEVELOPMENT PERMIT [SDMC 126.0504]**

**1. Findings for all Site Development Permits:**

**a. The proposed development will not adversely affect the applicable land use plan.** The proposed development on a 16.66-acre site is located south of Otay Mesa Road, east of Alisa Court, and west of Otay Mesa Center Road in the IL-3-1 and Community Plan Implementation Overlay Zone (CPIOZ) Zones within the Otay Mesa Community Plan. The site is designated "Heavy Commercial" in the Otay Mesa Community Plan. This designation allows for heavier commercial uses such as wholesale, distribution, storage, and vehicular sales and service. Future uses on the site would be required to be consistent with the land use designation. Furthermore, future light industrial uses would be required to be consistent with the applicable policies contained in the Otay Mesa Community Plan and the development regulations of the IL-3-1 zone.

The General Plan designates the area as Commercial Employment, Retail, & Services, with adjacent land use designations to the west being Industrial Employment. The future light industrial uses of the project would be compatible with these land use designations. The project shall meet all of the development standards within the Land Development Code (LDC) Chapter 13. Therefore, the proposed development will not adversely affect the applicable land use plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** The project proposes to subdivide the 16.66-acre site into six lots for the future development of light industrial uses, and to allow construction of a public roadway extension, street and utility improvements, and on-site bio-retention basins. The future light industrial uses would be required to be consistent with the applicable policies contained in the Otay Mesa Community Plan and the development regulations of the IL-3-1 zone.

The permit prepared for this project includes various conditions and exhibits of approval relevant to achieving compliance with the regulations of the Land Development Code in effect for the project site; and such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety, and general welfare of the persons residing, working, or attending in the area. Therefore, the proposed subdivision for a commercial development would not have a detrimental impact on public health, safety, and welfare.

c. **The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** The project proposes to subdivide the 16.66-acre site into six lots for the future development of light industrial uses, and to allow construction of a public roadway extension, street and utility improvements, and on-site bio-retention basins. The future light industrial uses would be required to be consistent with the applicable policies contained in the Otay Mesa Community Plan and the development regulations of the IL-3-1 zone. The subdivision and future commercial development does not request and deviations to the Land Development Code. Therefore, the proposed development will comply with the regulations of the Land Development Code.

## 2. **Supplemental Findings – Environmentally Sensitive Lands**

a. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The project proposes to subdivide the 16.66-acre site into six lots for the future development of light industrial uses, and to allow construction of a public roadway extension, street and utility improvements, and on-site bio-retention basins.

Although no sensitive plant or animal species have been observed or detected on the disturbed project site, a single Burrowing Owl (BUOW) was observed off the site in the survey area buffer north of Otay Mesa Road on the Brown Field Municipal Airport property. BUOW (*Athene cunicularia*) is a MSCP-Covered Species and a California Species of Special Concern. Despite the owl's nearby occurrence, the potential for the species to occur on the project site is considered low based on confirmation during surveys over multiple years that BUOW habitat is absent from the project site. There has been no evidence that BUOW has the potential to occupy the site and there are no resources on the project site that would suggest BUOW would use the site for regularly foraging. However, the site could be used temporarily by BUOW during dispersal only. Therefore, the project would not result in the loss of BUOW foraging habitat. Impacts to potential dispersal habitat that is not occupied and does not provide foraging habitat would be less than significant.

However, if conditions change prior to project grading, BUOW could move onto the site and impacts to BUOW and their habitat would be potentially significant. Therefore, in accordance with OMCPU Final PEIR mitigation frameworks BIO-1 and BIO-2, take avoidance surveys shall be conducted prior to grading and species- and habitat-based mitigation shall be implemented if burrowing owls are found to occupy the site during take avoidance surveys, as detailed in the Section VI, MMRP. With implementation of the OMCPU Final PEIR mitigation frameworks, potential impacts to BUOW would be reduced to below a level of significance.

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



**b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The existing terrain is gently sloping with no prominent or natural land forms. Minimal grading will be required for site development and therefore, will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

**c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The proposed development is sited in an area of existing intense development consisting of adjacent roadways and industrial facilities. The adjacent land to the east, although vacant, is fully entitled and approved for industrial development.

Although no sensitive plant or animal species have been observed or detected on the disturbed project site, a single Burrowing Owl (BUOW) was observed off the site in the survey area buffer north of Otay Mesa Road on the Brown Field Municipal Airport property. BUOW (*Athene cunicularia*) is a MSCP Covered Species and a California Species of Special Concern. Despite the owl's nearby occurrence, the potential for the species to occur on the project site is considered low based on confirmation during surveys over multiple years that BUOW habitat is absent from the project site. There has been no evidence that BUOW has the potential to occupy the site and there are no resources on the project site that would suggest BUOW would use the site for regularly foraging. However, the site could be used temporarily by BUOW during dispersal only. Therefore, the project would not result in the loss of BUOW foraging habitat. Impacts to potential dispersal habitat that is not occupied and does not provide foraging habitat would be less than significant.

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The Project shall be required to comply with all mitigation measures outlined within the Mitigation Monitoring and Reporting Program (MMRP) of the previously certified OMCPU Final PEIR (SCH No. 2004651076) and the project-specific subsequent technical studies required. The Addendum to the Final PEIR for the OMCPU's MMRP identifies Biology, Archaeology, and Paleontology measures that will specifically apply to this project. Therefore, the proposed development has been sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

**d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The project site is not located within or adjacent to the MSCP's MHPA. The closest MHPA land is 0.42 mile to the south at La Media Road and Airway Road. No impacts to the MHPA would occur, and mitigation would not be required. Therefore, the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

**e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The project site is located approximately 8.5 to 12 miles inland and not located within the coastal overlay zone. Thus, the proposed project will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The development shall be required to comply with all mitigation measures outlined within the Mitigation, Monitoring and Reporting Program of the previously certified Olay Mesa Community Plan Update Final PEIR (SCH No. 2004651076) and the project-specific subsequent technical studies required. Therefore, the proposed development's nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 1452419 is granted to Gregg Hamann, Trustee of Gregg Hamann Family Trust and Jeffery C. Hamann, Trustee of the J.C. Hamann Trust Family Trust, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.



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

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004476

SITE DEVELOPMENT PERMIT NO. 1452419  
**ST. ANDREWS TENTATIVE MAP PROJECT NO. 360649**  
CITY COUNCIL

This Site Development Permit No. 1452419 is granted by the City Council of the City of San Diego to Gregg Hamann, Trustee of Gregg Hamann Family Trust and Jeffery C. Hamann, Trustee of the J.C. Hamann Trust Family Trust, Owners and Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 16.66-acre site is located south of Otay Mesa Road, east of Alisa Court, and west of Otay Mesa Center Road in the IL-3-1 and Community Plan Implementation Overlay Zone (CPIOZ) Zones within the Otay Mesa Community Plan. The project site is legally described as Parcels 1 and 2 in the City of San Diego, County of San Diego, State of California, according to Map No. 21121, filed in the Office of the San Diego County Recorder, April 16, 2014.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide the existing two parcel lots with environmentally sensitive lands into six parcel lots for commercial development as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated \_\_\_\_\_, on file in the Development Services Department.

The project shall include:

- a. The creation of six parcel lots for commercial development:
  - Lot 1 with 4.031 net acres;
  - Lot 2 with 4.347 net acres;
  - Lot 3 with 2.496 net acres;
  - Lot 4 with 1.5 net acres;
  - Lot 5 with 1.5 net acres; and
  - Lot 6 with 1.5 net acres;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;

- d. Public Right-of-Way improvements to construct portions of St. Andrews Avenue, east of Alisa Court; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

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



Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

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

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

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

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

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to



cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

12. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

#### **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

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

14. The mitigation measures specified in the MMRP and outlined in Addendum to Program Environmental Impact Report No. 30330/304032, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in Addendum to Program Environmental Impact Report No. 30330/304032, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Biological, Historical (Archaeology), and Paleontological Resources

#### **AIRPORT REQUIREMENTS:**

16. Prior to issuance of construction permit, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

17. Prior to the issuance of any construction permits, the Owner/Permittee shall grant an aviation easement to the City of San Diego as the operator of Brown Field Municipal Airport for the purposes of aircraft operations, noise and other effects caused by the operation of aircraft, and for structure height if the same would interfere with the intended use of the easement. The Owner/Permittee shall use the aviation easement form provided by the City of San Diego.

18. Prior to submitting building plans to the City for review, the Owner/Permittee shall place a note on all building plans indicating that an aviation easement has been granted across the



property to the airport operator. The note shall include the County Recorder's recording number for the aviation easement.

19. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.

#### **ENGINEERING REQUIREMENTS:**

Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

20. The Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

21. The Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

22. The drainage system for this project will be subject to approval by the City Engineer.

23. Prior to issuance of any construction permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

24. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-00090DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2007-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

25. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

26. The Owner/Permittee shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-



296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

#### **PLANNING/DESIGN REQUIREMENTS:**

27. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
28. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.
29. The Owner/Permittee shall post a copy of each approved discretionary Permit or Tentative Map in its sales office for consideration by each prospective buyer.
30. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

#### **TRANSPORTATION REQUIREMENTS**

31. Prior to the issuance of any construction permit, in the event St. Andrews Avenue to the east of the subject property has not been constructed and accepted by the City Engineer, the Owner/Permittee shall provide a temporary on-site or off-site 50 foot curb radius cul-de-sac with an asphalt berm and a 5 feet asphalt sidewalk at the eastern end of St. Andrews Court within 60 feet radius, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any building structure occupancy permit.
32. In the event a temporary cul-de-sac was constructed on St. Andrews Avenue on this property by the owner of the property to the east of the subject property, after the construction and acceptance by the City Engineer of San Andrews Avenue, the Owner/Permittee shall remove the temporary 50 foot curb radius cul-de-sac with an asphalt berm at the eastern end of St. Andrews Court within 60 feet radius and replace it with a 4-lane street with 64 feet of pavement curb to curb including noncontiguous 5 feet wide sidewalks, curb and gutter, all satisfactory to the City Engineer.

#### **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

33. Prior to the issuance of any construction permits, the Owner/Permittee shall design and construct one segment of the Otay Mesa Trunk Sewer just to the south of existing Manhole No. 200 where the pipe size changes from the newly constructed 42-inch diameter to an existing 10-inch diameter in a manner satisfactory to the Public Utilities Director and the City Engineer.
34. Prior to the issuance of any construction permits, including grading, the Owner/Permittee shall provide evidence to the Public Utilities Director and the City Engineer indicating that approval has been obtained from the Otay Water District for water service to the site.



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

**GEOLOGY REQUIREMENTS:**

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

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

**INFORMATION ONLY:**

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

APPROVED by the City Council of the City of San Diego on \_\_\_\_\_ and Resolution Number \_\_\_\_\_.

Permit Type/PTS Approval No.: SDP No. 1452419  
Date of Approval: XXXXXXXXX

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Tim Daly  
Development Project Manager

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

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

Gregg Hamann, Trustee of Gregg Hamann Family Trust  
**Owner/Permittee**

By \_\_\_\_\_

NAME:

TITLE:

Jeffery C. Hamann, Trustee of the J.C. Hamann Trust Family Trust  
**Owner/Permittee**

By \_\_\_\_\_

NAME:

TITLE:

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



## CITY COUNCIL RESOLUTION NUMBER R-\_\_\_\_\_

TENTATIVE MAP NO. 1279297, ST. ANDREWS TENTATIVE MAP PROJECT NO. 360349 [MMRP].

WHEREAS, Gregg Hamann, Trustee of Gregg Hamann Family Trust and Jeffery C. Hamann, Trustee of the J.C. Hamann Trust Family Trust, Subdivider, and Ramon J. Spear, Surveyor, submitted an application to the City of San Diego for a tentative map, Tentative Map No. 1279297 and public right-of-way vacation for the St. Andrews Tentative Map to subdivide two existing parcel lots with and create six parcel lots for industrial development. The project site is located south of Otay Mesa Road, east of Alisa Court, and west of Otay Mesa Center Road in the IL-3-1 and Community Plan Implementation Overlay Zone (CPIOZ) Zones within the Otay Mesa Community Plan. The property is legally described as Parcels 1 and 2 in the City of San Diego, County of San Diego, State of California, according to Map No. 21121, filed in the Office of the San Diego County Recorder, April 16, 2014; and

WHEREAS, the Map proposes the Subdivision of a 16.66-acre site into six lot(s) for industrial development; and

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

WHEREAS, on June 30, 2016, the Planning Commission of the City of San Diego considered Tentative Map No. 1279297 and Public Right-of-Way Vacation, and pursuant to Resolution No. XXXXXXXX, the Planning Commission voted to recommend City Council approval of the map; and

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

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

WHEREAS, on \_\_\_\_\_, the City Council of the City of San Diego considered Tentative Map No. 1279297, and Public Right-of-Way Easement Vacation and pursuant to San Diego Municipal Code section(s) 125.0440, and 125.0430, 125.094, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 1279297:

**1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.**

The proposed subdivision would create six lots from two existing lots consistent with the applicable zoning and development regulations of the Land Development Code within the IL-3-1 Zone. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan in that the proposed subdivision does not change existing uses or introduce new uses inconsistent with the adopted Otay Mesa Community Plan.

**2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.**

The proposed subdivision would create six lots from two existing lots consistent with the applicable zoning and development regulations of the Land Development Code within the IL-3-1 Zone and no deviations are requested. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code in that the increase in the number of lots is in conformance with the applicable IL-3-1 zoning and development regulations of the Land Development Code. The proposed uses are the same as the existing uses allowed in the IL-3-1 Zone.

**3. The site is physically suitable for the type and density of development.**



The project proposes to subdivide the 16.66-acre site into six lots for the future development of light industrial uses, and to allow construction of a public roadway extension, street and utility improvements, and on-site bio-retention basins. The future light industrial uses would be required to be consistent with the applicable policies contained in the Otay Mesa Community Plan and the development regulations of the IL-3-1 zone.

The project site is relatively level; elevation on the site ranges from 504 feet above mean sea level (amsl) in the northern portion of the project site to 494 feet amsl in the southern portion. Surrounding uses include Otay Mesa Road and Brown Field Municipal Airport (across Otay Mesa Road) to the north, commercial warehouses to the west, a vacant lot to the east with commercial buildings and industrial automotive uses adjacent to the east of the vacant lot, and SR 905 to the south. Southwestern College Higher Education Center at Otay Mesa and commercial areas are located further to the south across SR 905. Surrounding zoning includes IBT-1-1 (Industrial—Business and Trade) on the adjacent western properties, unzoned for Brown Field Municipal Airport adjacent to the north, IL-3-1 (Industrial-Light) for the adjacent eastern properties, and IP-1-1 (Industrial—Park) for the properties beyond SR 905 to the south.

The site is physically suitable for the type and density of development of the proposed subdivision in that the project site is not limited by terrain or site configuration. There are no proposed physical changes to the site with the exception of the construction of an in-fill section of St. Andrews Avenue, which upon completion will enhance access to the proposed lots.

**4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The proposed development is sited in an area of existing intense development consisting of adjacent roadways and industrial facilities. The adjacent land to the east, although vacant, is fully entitled and approved for industrial development. Although no sensitive plant or animal species have been observed or detected on the disturbed project site, a single Burrowing Owl (BUOW) was observed off the site in the survey area buffer north of Otay Mesa Road on the Brown Field Municipal Airport property. BUOW (*Athene cunicularia*) is a MSCP Covered Species and a California Species of Special Concern. Despite the owl's nearby occurrence, the potential for the species to occur on the project site is considered low based on confirmation during surveys over multiple years that BUOW habitat is absent from the project site. There has been no evidence that BUOW has the potential to occupy the site and there are no resources on the project site that would suggest BUOW would use the site for regularly foraging. However, the site could be used temporarily by BUOW during dispersal only. Therefore, the project would not result in the loss of BUOW foraging habitat. Impacts to potential dispersal habitat that is not occupied and does not provide foraging habitat would be less than significant.

However, if conditions change prior to project grading, BUOW could move onto the site and impacts to BUOW and their habitat would be potentially significant. Therefore, in accordance with OMCPU Final PEIR mitigation frameworks BIO-1 and BIO-2, take avoidance surveys shall be conducted prior to grading and species- and habitat-based mitigation shall be implemented if burrowing owls are found to occupy the site during take avoidance surveys, as detailed in the



Section VI, MMRP. With implementation of the OMCPU Final PEIR mitigation frameworks, potential impacts to BUOW would be reduced to below a level of significance.

In addition, the development shall be required to comply with all mitigation measures outlined within the Mitigation, Monitoring and Reporting Program of the previously certified Otay Mesa Community Plan Update Final PEIR (SCH No. 2004651076) and the project-specific subsequent technical studies required. Therefore, the design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.**

The project proposes to subdivide the 16.66-acre site into six lots for the future development of light industrial uses, and to allow construction of a public roadway extension, street and utility improvements, and on-site bio-retention basins. The future light industrial uses would be required to be consistent with the applicable policies contained in the Otay Mesa Community Plan and the development regulations of the IL-3-1 zone.

The tentative map and permit prepared for this project includes various conditions and exhibits of approval relevant to achieving compliance with the regulations of the Land Development Code in effect for the project site; and such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety, and general welfare of the persons residing, working, or attending in the area. Therefore, the proposed design of the subdivision for a commercial development would not have a detrimental impact on public health, safety, and welfare.

**6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.**

The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The proposed design of the subdivision will only enhance the ability of the public to utilize the property or surrounding properties by means of the dedication of a section of St. Andrews Avenue traversing the property from the easterly boundary to the westerly boundary.

**7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.**

The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in that the design of the proposed subdivision does not diminish the opportunities for future passive or natural heating and cooling as no physical improvements are proposed for the new lots.

**8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.**



The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources in that the proposed subdivision being industrial in nature with no increase in existing square footage will have no effect on the housing needs of the region and will have no need for additional public services or the available fiscal and environmental resources.

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

BE IT FURTHER RESOLVED, that portions of St. Andrews Avenue, located within the project boundaries as shown in Tentative Map No. 1279297, shall be vacated, contingent upon the recordation of the approved Final Map for the project, and that the following findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

**9. There is no present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated. (San Diego Municipal Code § 125.0941(a))**

The public right-of-way was to facilitate development of the subdivision adjoining on the east and was meant to be temporary until the development of the subject property completed the missing link of St. Andrews Avenue. With the imminent construction of St. Andrews Avenue to the east and the construction of St. Andrews Avenue for the proposed subdivision, the right-of-way for a cul-de-sac is no longer needed.

**10. The public will benefit from the vacation through improved use of the land made available by the vacation. (San Diego Municipal Code § 125.0941(b))**

The right-of-way to be vacated was for a street cul-de-sac for a street with a temporary dead end that will be eliminated by the proposed street improvements located within the proposed subdivision. Therefore the public will benefit by the return of a portion of the vacated area to private use for development purposes as specified in the land use plan for the betterment of the community.

**11. The vacation does not adversely affect any applicable land use plan. (San Diego Municipal Code § 125.0941(c))**

The vacation does not adversely affect any applicable land use plan in that the replacement street right-of-way dedication is in conformance with the Transportation Element of the Otay Mesa Community Plan for this area.

**12. The public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation. (San Diego Municipal Code § 125.0941(d))**

The public facility, St. Andrews Avenue, will not be detrimentally affected as the existing right-of-way to be vacated, intended for a cul-de-sac, will not be needed as the proposed subdivision design extends St. Andrews Avenue to existing street facilities to the west.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Tentative Map No. 1279297, and Public Right of Way Vacation is hereby granted to Gregg Hamann, Trustee of Gregg Hamann Family Trust and Jeffery C. Hamann, Trustee of the J.C. Hamann Trust Family Trust subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

\_\_\_\_\_  
[Attorney]  
Deputy City Attorney

[Initials]:[Initials]  
[Month]/[Day]/[Year]  
Or, Dept:[Dept]  
R-R-[Reso Code]

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24004476



CITY COUNCIL CONDITIONS FOR TENTATIVE MAP NO. 1279297,  
ST. ANDREWS TENTATIVE MAP PROJECT NO. 360349 [MMRP]  
ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON \_\_\_\_\_

**GENERAL**

1. This Tentative Map will expire \_\_\_\_\_.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Final Map shall conform to the provisions of Site Development Permit No. 1452419..
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 65499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**AIRPORT**

6. Prior to recordation of the Final Map, the Subdivider shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.
7. Prior to recordation of the Final Map, the Subdivider shall grant an avigation easement to the City of San Diego as the operator of Brown Field Municipal Airport for the purposes of aircraft operations, noise and other effects caused by the operation of aircraft, and for structure height if the same would interfere with the intended use of the easement. The Subdivider shall use the avigation easement form provided by the City of San Diego.

**ENGINEERING**

8. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
9. The Subdivider shall construct City standard curb ramps with truncated domes at all streets intersections adjacent to the project site.
10. The Subdivider shall indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of public drainage that enters private property.
11. The Subdivider shall grant to the City of San Diego flood water storage easements. The Subdivider shall construct drainage detention basins, the design, location, and size of which are subject to approval by the City Engineer. The Subdivider shall provide for the maintenance of the drainage detention facilities within a flood storage easement, satisfactory to the City Engineer.
12. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
13. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
14. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

**LANDSCAPING**

15. Prior to the recordation of the Final Map, the Subdivider shall submit complete landscape plans, for the required right-of-way improvements. Improvements shall be designed so as not to prohibit the placement of street trees.

**TRANSPORTATION**

16. With the Final Map, the Subdivider shall dedicate and shall assure by permit and bond the construction of St. Andrews Avenue along the project frontage as a four-lane street with 64 feet of pavement curb to curb in 92 feet right-of-way including 14-foot parkways with noncontiguous 5-foot sidewalks, curb and gutter, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any building structure occupancy permit.



17. In the event a temporary cul-de-sac is constructed on St. Andrews Avenue on this property by the owner of the property to the east of the subject property; after the construction and acceptance by the City Engineer of St. Andrews Avenue, the Subdivider shall remove the temporary 50 feet curb radius cul-de-sac with an asphalt berm at the eastern end of St. Andrews Court within 60 feet radius and replace it with a four-lane street with 64 feet of pavement curb to curb in 92-foot right-of-way with a noncontiguous 5 feet wide sidewalks in a 14-foot parkway, curb and gutter, all satisfactory to the City Engineer.

#### **MAPPING**

18. Prior to the expiration of the Tentative Map, a Final Map to subdivide the 16.66-acre site into six (6) commercial lots shall be recorded in the Office of the County Recorder of San Diego County.
19. The easements shown on the Tentative Map exhibit will be vacated pursuant to section 66434(g) of the Subdivision Map Act.
20. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
21. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
22. The Final Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true meridian (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

#### **PUBLIC UTILITIES**

23. The Subdivider shall construct all off-site sewer improvements as required per the accepted sewer study to provide service to the proposed development.
24. The proposed development is currently subject to the following reimbursement fees: The Otay Mesa Sewer Surcharge fee of \$1,821.75 per living unit plus 6% simple interest from March 12, 2008 (21351-D-O).

25. Prior to recordation of the Final Map, the Subdivider shall sign and provide to the City a letter acknowledging their obligation and intent to create, via CC&Rs on each unit's title, provisions for the continuous future operation and maintenance of the development's private sewer main in a manner satisfactory to the Public Utilities Director and the City Engineer.
26. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the construction permit's building plan check.
27. All proposed public water and sewer facilities, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

**INFORMATION:**

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24004476



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

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

WHEREAS, the City of San Diego undertook a comprehensive update to the 1981 Otay Mesa Community Plan, which project includes amendments to the Otay Mesa Community Plan and General Plan and Implementation Plan, amendments to the Land Development Code, an update of the Otay Mesa Public Facilities Financing Plan, and related actions; and

WHEREAS, on March 25, 2014, the City Council adopted Resolution No. R-308809, certifying the Environmental Impact Report No. 30330/304032, SCH NO. 2004651076 for the Comprehensive Otay Mesa Community Plan Update, a copy of which is on file in the Office of the City Clerk in accordance 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.); and

WHEREAS, on May 5, 2014, Gregg Hamann, Trustee of Gregg Hamann Family Trust and Jeffery C. Hamann, Trustee of the J.C. Hamann Trust Family Trust submitted an application to Development Services Department for a Tentative Map (TM) with a Vacation of an Irrevocable Offer to Dedicate (IOD) Public Right-of-Way Vacation and Site Development Permit (SDP) for the St. Andrews Tentative Map Project; and

WHEREAS, on May 5, 2016, Gregg Hamann, Trustee of Gregg Hamann Family Trust and Jeffery C. Hamann, Trustee of the J.C. Hamann Trust Family Trust submitted an application to the Development Services Department for approval of minor technical changes or additions to the Project; and

WHEREAS, State CEQA Guidelines section 15164(a) allows a lead agency to prepare an Addendum to a final Environmental Impact Report if such Addendum meets the requirements of CEQA; and

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

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

1. That the information contained in the final Environmental Impact Report No. 30330/304032 along with the Addendum thereto, including any comments received during the public review process, has been reviewed and considered by this City Council prior to making a decision on the Project.
2. That there are no substantial changes proposed to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions in the Environmental Impact Report for the Project.

3. That no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in the Environmental Impact Report or that any significant effects previously examined will be substantially more severe than shown in the Environmental Impact Report.

4. That no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline to adopt, or that there are any considerably different mitigation measures or alternatives not previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt.

5. That pursuant to State CEQA Guidelines Section 15164, only minor technical changes or additions are necessary, and therefore, the City Council adopts Addendum to Environmental Impact Report No. 30330/304032, SCH NO. 2004651076 with respect to the Project, a copy of which is on file in the office of the Development Services Department.

6. That pursuant to CEQA Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

7. That Development Services Staff is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: [JAN GOLDSMITH, CITY ATTORNEY or DEVELOPMENT PROJECT MANAGER]

By:  
[NAME], [DEPUTY CITY ATTORNEY]



**EXHIBIT A****MITIGATION MONITORING AND REPORTING PROGRAM****Tentative Map with a Vacation of an Irrevocable Offer to Dedicate (IOD) Public Right-of-Way (PROW) and a Site Development Permit**

PROJECT NO. 360649

Addendum No. 360649 to Environmental Impact Report (EIR) No. 30330/304032/SCH No. 2004651076

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 Addendum to Environmental Impact Report No. 30330/304032, SCH No. 2004651076 shall be made conditions of Tentative Map with a Vacation of an Irrevocable Offer to Dedicate (IOD) Public Right-of-Way (PROW) Vacation and a Site Development Permit as may be further described below.

**VI. MITIGATION, MONITORING, AND REPORTING PROGRAM (MMRP) INCORPORATED INTO THE PROJECT**

The St. Andrews Tentative Map shall be required to comply with all mitigation measures outlined within the Mitigation, Monitoring and Reporting Program of the previously certified OMCPU Final PEIR (SCH No. 2004651076) and the project-specific subsequent technical studies required. The following MMRP identifies measures those that specifically apply to this project.

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

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction-related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements 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: <http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

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

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

- **Qualified Paleontologist**
- **Qualified Biologist**
- **Qualified Archaeologist**
- **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, applicant is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 360649 and/or Environmental Document Number 360649, 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: Not Applicable.
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 Development Services 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
Biology	Biology Reports	Biology site surveys
Archaeology	Archaeology Reports	Archaeology/Historic Site Observation
Paleontology	Paleontology Reports	Paleontology Site Observation
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

**C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS****BIOLOGICAL RESOURCES****BIOLOGICAL RESOURCE PROTECTION DURING CONSTRUCTION****I. Prior to Construction**

- A. **Biologist Verification** – The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), 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 MMC verifying that any special mitigation reports including but not limited to maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); Endangered Species Acts (ESAs); and/or other local, state or federal requirements.
- D. **BCME** – The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and 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 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. **Avian Protection Requirements** – To avoid any direct impacts to raptors and/or any native/migratory birds, 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 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 nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 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 nesting birds are detected, a letter report or mitigation plan 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 or mitigation plan 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 or mitigation plan are in place prior to and/or during construction.

F. **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 & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.

G. **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, etc.).

II. **During Construction 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 pre-construction surveys. In addition, the Qualified Biologist shall

document field activity via the Consultant Site Visit Record (CSVR). The CSVR shall be e-mailed to MMC on the 1<sup>st</sup> 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.

- A. **Subsequent Resource Identification** – The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., 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, State 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.

### D. **BURROWING OWLS**

**Species Specific Mitigation (Required to meet MSCP Subarea Plan Conditions of Coverage) for Potential Impacts to Western Burrowing Owl (BUOW) and Associated Habitat located OUTSIDE the MHPA (BUOW and associated habitat impacts within the MHPA MUST BE AVOIDED)**

#### **PRECONSTRUCTION SURVEY ELEMENT**

##### **I. Prior to Permit or Notice to Proceed Issuance:**

- A. As this project has been determined to be BUOW occupied or to have BUOW occupation potential, the Permit Holder shall submit evidence to the ADD of Entitlements 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 CDFG 2012, Staff Report), has been retained to implement a burrowing owl construction impact avoidance program.
- B. 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.



## II. Prior to Start of Construction:

- A. The 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.
- B. The pre-construction survey shall follow the methods described in CDFG 2012, Staff Report -Appendix D *(please note, in 2013, CDFG became California Department of Fish and Wildlife or CDFW)*.
- C. 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 Mitigation Monitoring and Coordination (MMC) Section. If results of the preconstruction surveys have changed and BUOW are present in areas not previously identified, immediate notification to the City and WA's shall be provided prior to ground disturbing activities.

## III. During Construction:

- A. **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.
- B. **On-going BUOW Detection** – If BUOWs or active burrows are not detected during the pre-construction surveys, Section 1 below shall be followed. If BUOWs or burrows are detected during the pre-construction surveys, Section 2 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.
  1. **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 Appendix D protocol 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*)

- a. 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.
- b. If no active burrows are found but BUOWs are observed during follow up monitoring to repeatedly (4 or more sightings) use the site for roosting or foraging, the City's Mitigation Monitoring and Coordination (MMC) Section shall be notified and any portion of the site where owls have been sites and that has not been graded or otherwise disturbed shall be avoided until further notice.
- c. 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.
- d. Any actions other than these require the approval of the City and the Wildlife Agencies.

**2. 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*).

- a. This section (2) 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.**
- b. 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 Section shall be contacted. The City's 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.

- (1) **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 and written concurrence from the Wildlife Agencies for eviction is obtained prior to implementation.
- (2) **During Breeding Season** – If a BUOW is using a burrow on-site during the breeding season (Feb 1- Aug 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 written concurrence from the Wildlife Agencies prior to implementation.

- C. **Survey Reporting During Construction** – Details of construction surveys and evictions (if applicable) carried out shall be immediately (within five working days or sooner) reported to the City's MMC Section and the Wildlife Agencies and must be provided in writing (as by email) and acknowledged to have been received by the required Agencies and DSD staff member(s).

#### IV. **Post Construction:**

- A. Details of the 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 off all previous reports for the site; and maps of the project site and BUOW locations on aerial photos.

### E. **HISTORICAL RESOURCES (ARCHAEOLOGY)**

#### I. **Prior to Permit Issuance**

##### A. **Entitlements Plan Check**

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall

verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

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

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

**II. Prior to Start of Construction**

**A. Verification of Records Search**

1. The PI shall provide Verification to MMC that a site specific records search (1/4-mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4-mile radius.

**B. PI Shall Attend Preconstruction Meetings**

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Preconstruction 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 Preconstruction 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 Preconstruction Meeting, the Applicant shall schedule a focused Preconstruction 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 AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
- b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

## 3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

# III. During Construction

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

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the**

**RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**

2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVr). The CSVr's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

#### B. Discovery Notification Process

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



## C. Determination of Significance

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

## IV. Discovery of Human Remains

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

## A. Notification

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

## B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
  - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
  - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
  - c. In order to protect these sites, the Landowner shall do one or more of the following:
    - (1) Record the site with the NAHC;



- (2) Record an open space or conservation easement on the site;
- (3) Record a document with the County.

d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

**D. If Human Remains are NOT Native American**

- 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
- 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
- 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

**V. Night and/or Weekend Work**

**A. If night and/or weekend work is included in the contract**

- 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Preconstruction meeting.
- 2. The following procedures shall be followed.

**a. No Discoveries**

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.

**b. Discoveries**

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.

c. Potentially Significant Discoveries

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

- d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

## VI. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

- d. 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.

**F. PALEONTOLOGICAL RESOURCES**

**I. Prior to Permit Issuance**

**A. Entitlements Plan Check**

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

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

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.



## II. Prior to Start of Construction

### A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

### B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, RE, BI, if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM, or BI, if appropriate, prior to the start of any work that requires monitoring.

### 2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

### 3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant

information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

### III. During Construction

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

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the 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 Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

#### C. Determination of Significance

1. The PI shall evaluate the significance of the resource.



- a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
- b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
- c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

#### IV. Night and/or Weekend Work

##### A. If Night and/or Weekend Work is Included in the Contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the pre-con meeting.
2. The following procedures shall be followed.

##### a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via fax by 8AM on the next business day.

##### b. Discoveries

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

##### c. Potentially Significant Discoveries

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

- d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

**B. If night work becomes necessary during the course of construction**

- 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
- 2. The RE, or BI, as appropriate, shall notify MMC immediately.

**C. All other procedures described above shall apply as appropriate.**

**V. Post Construction**

**A. Preparation and Submittal of Draft Monitoring Report**

- 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.

- a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.

- b. **Recording Sites with the San Diego Natural History Museum**

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

- 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
- 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.



4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

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

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

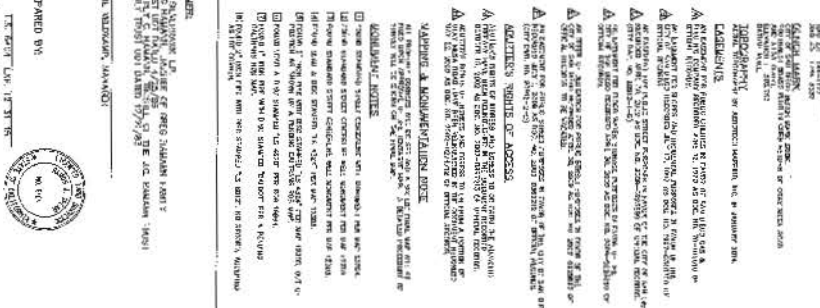
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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

ECB COMMERCIAL DEVELOPMENT



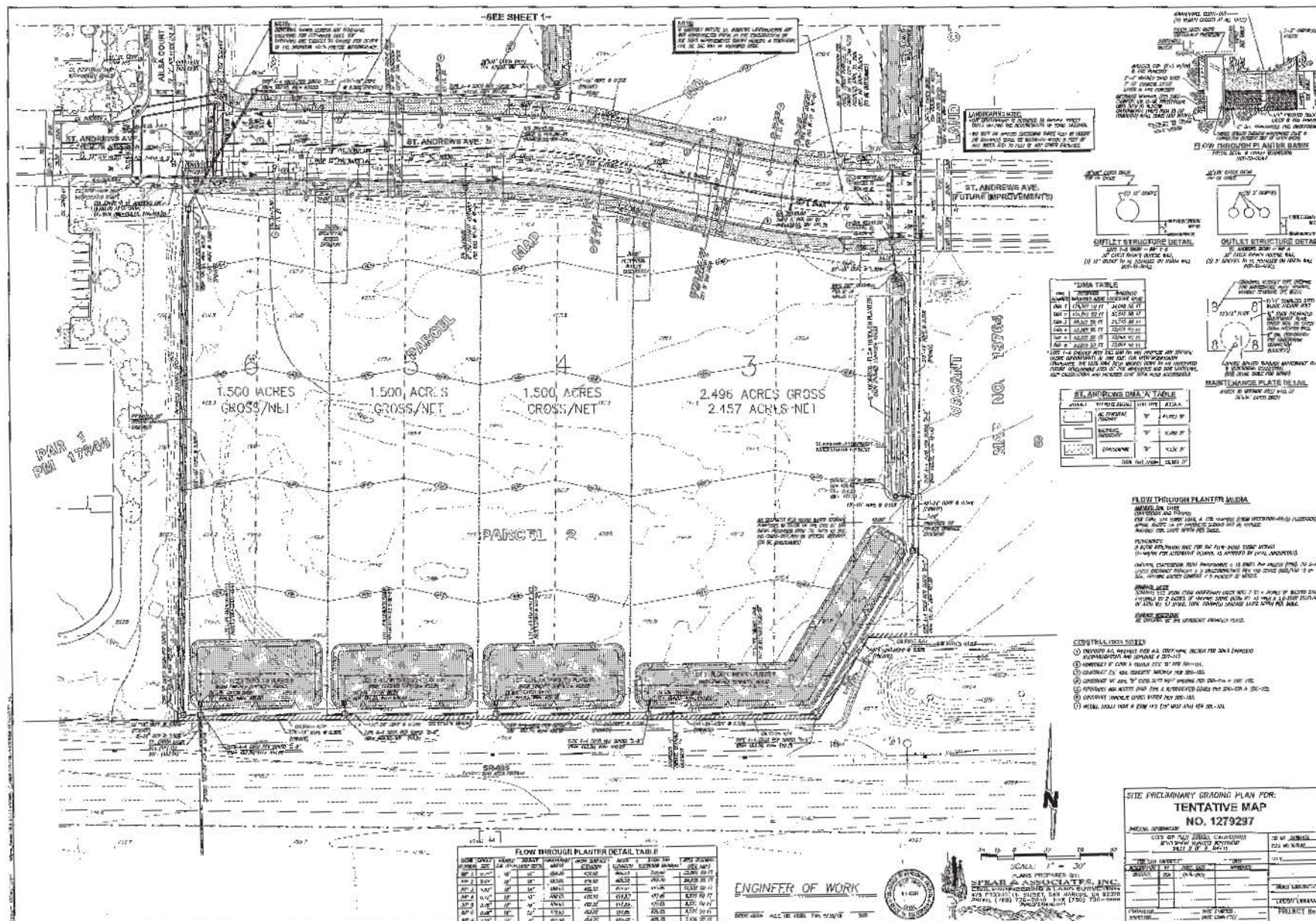
This is a detailed architectural drawing of a building facade. The drawing shows a large arched entrance with a smaller arched window above it. The drawing includes various annotations and labels, such as 'FACADE' and 'SECTION'. The drawing is oriented vertically, with the top of the building at the bottom of the page.

[illegible][illegible]

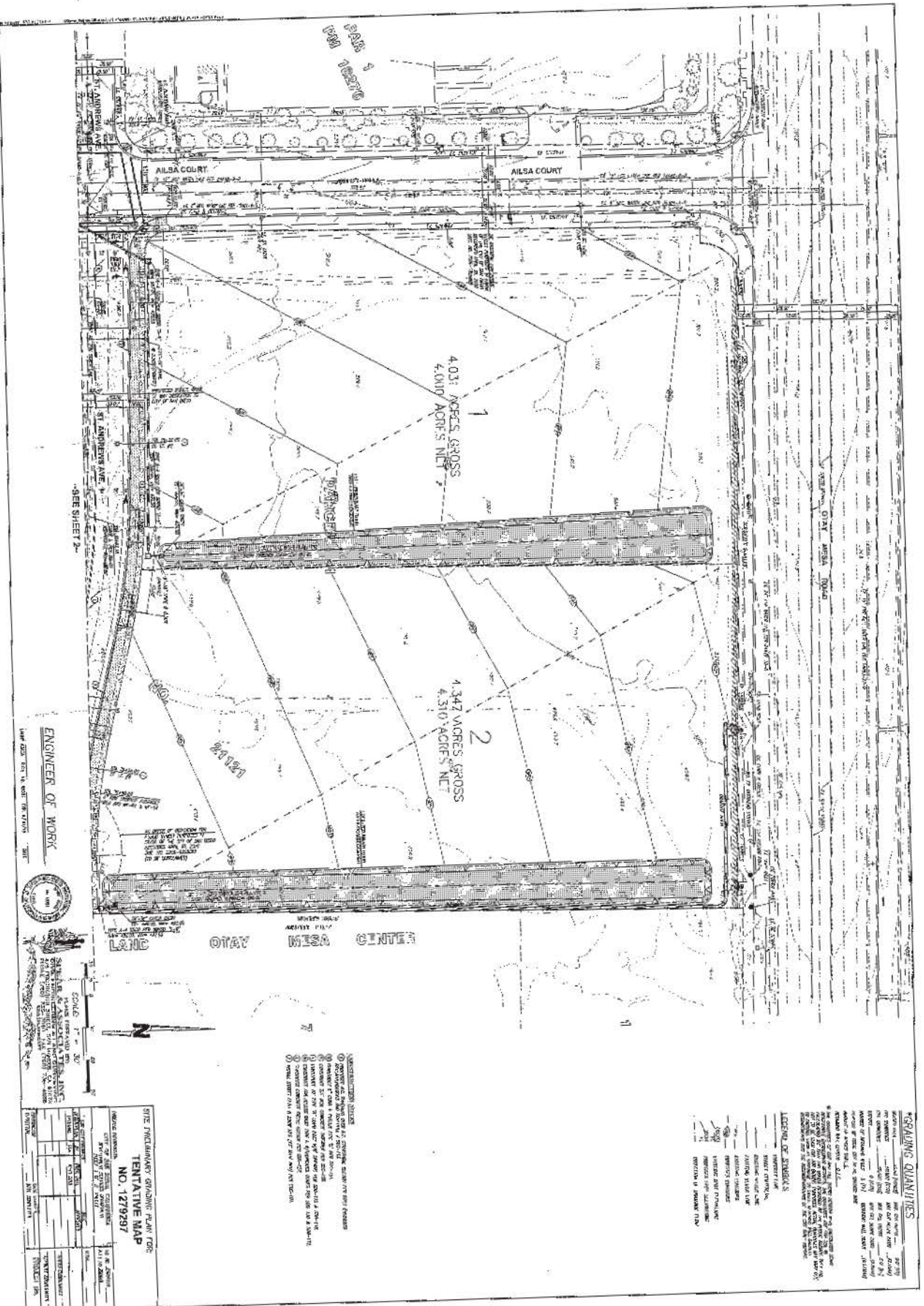
12. Which word is **not** a synonym for *deceptive*?  
 A. cunning  
 B. evasive  
 C. elusive  
 D. evasive  
 E. elusive

[illegible]











# OTAY MESA PLANNING GROUP

Established by the  
City of San Diego  
February 21, 1990  
Resolution #90-018

March 20, 2015

Linda Richardson  
Hamann Companies  
1000 Pioneer Way  
El Cajon, CA 92020

RE: Approval of Tentative Map No. 1279297

Dear Linda:

The Otay Mesa Planning Group voted on March 18, 2015 to approve Tentative Map No. 1279297 at Otay Mesa Road and Ailsa Court. The vote was 12 in favor with one abstention. Please let me know if you have any additional questions or if you want me to redirect this letter to your project manager.

Sincerely,  
OTAY MESA PLANNING GROUP



Rob Hixson  
Chair

Planning Group  
meetings are held on  
the 3<sup>rd</sup> Wednesday  
of every month at  
OTAY MESA-NESTOR  
BRANCH LIBRARY  
3003 Coronado Ave.  
San Diego, CA 92154  
(619) 424.0474



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

## Ownership Disclosure Statement

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

**Project Title**

St. Andrews Parcel Map

**Project No. For City Use Only**

360649

**Project Address:**

Ailsa Court/St. Andrews

### Part I: To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

**Additional pages attached** ☐ Yes ☒ No

**Name of individual (type or print):**

Jeffrey C. Hamann, Trustee of the J.C. Hamann Family Trust

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

**Street Address:**

1000 Pioneer Way

**City/State/Zip:**

El Cajon, CA 92020

**Phone No:**

(619) 440-7424

**Fax No:**

**Signature:**

**Date:**

2/12/14

**Name of individual (type or print):**

Gregg Hamann, Trustee of Gregg Hamann Family Trust

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

**Street Address:**

1000 Pioneer Way

**City/State/Zip:**

El Cajon, CA 92020

**Phone No:**

(619) 440-7424

**Fax No:**

**Signature:**

**Date:**

2/12/14

**Name of individual (type or print):**

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

**Street Address:**

**City/State/Zip:**

**Phone No:**

**Fax No:**

**Signature:**

**Date:**

**Name of individual (type or print):**

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

**Street Address:**

**City/State/Zip:**

**Phone No:**

**Fax No:**

**Signature:**

**Date:**



Project Title:	Project No. (For City Use Only) <u>360649</u>
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**Part II - To be completed when property is held by a corporation or partnership.**

**Legal Status (please check):**

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

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** ☐ Yes ☐ No

Corporate/Partnership Name (type or print): <u>JJB Silverhawk L.P.</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: <u>1508 W. Mission Road</u> City/State/Zip: <u>Escondido, CA 92029</u> Phone No: <u>760-745-0556</u> Fax No: <u>760-740-9556</u> Name of Corporate Officer/Partner (type or print): <u>Arnold Veldkamp</u> Title (type or print): <u>Secretary</u> Signature: <u><i>Arnold Veldkamp</i></u> Date: <u>2/6/14</u>	Corporate/Partnership Name (type or print):  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address:  City/State/Zip:  Phone No:    Fax No:  Name of Corporate Officer/Partner (type or print):  Title (type or print):  Signature :    Date:
Corporate/Partnership Name (type or print):  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address:  City/State/Zip:  Phone No:    Fax No:  Name of Corporate Officer/Partner (type or print):  Title (type or print):  Signature :    Date:	Corporate/Partnership Name (type or print):  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address:  City/State/Zip:  Phone No:    Fax No:  Name of Corporate Officer/Partner (type or print):  Title (type or print):  Signature :    Date:
Corporate/Partnership Name (type or print):  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address:  City/State/Zip:  Phone No:    Fax No:  Name of Corporate Officer/Partner (type or print):  Title (type or print):  Signature :    Date:	Corporate/Partnership Name (type or print):  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address:  City/State/Zip:  Phone No:    Fax No:  Name of Corporate Officer/Partner (type or print):  Title (type or print):  Signature :    Date: