

THE CITY OF SAN DIEGO

### **Report to the Planning Commission**

DATE ISSUED:	May 25, 2016	REPORT NO. PC-16-014
HEARING DATE:	June 2, 2016	
SUBJECT:	ROWLAND AUTO DISMANTING FACILITY. Process Four Decison	-
PROJECT NUMBER:	93389	
REFERENCE:	Planning Commission Report No. P-94-195 (Workshop on Auto Dismantling Operations in the Otay Mesa Area).	
OWNER/ APPLICANT:	Rowland Family Properties II, LLC	

#### **SUMMARY**

<u>Issue</u>: Should the Planning Commission approve a Conditional Use Permit and a Site Development Permit to maintain an existing automobile wrecking and dismantling facility located at 920-985 Heritage Road in the Otay Mesa Community Plan area?

### Staff Recommendations:

- 1. **Certify** Mitigated Negative Declaration No. 93389 and **Adopt** the Mitigation, Monitoring and Reporting Program and;
- 2. Approve Conditional Use Permit No. 1256220;
- 3. Approve Site Development Permit No. 1256222.

<u>Community Planning Group Recommendation</u>: On February 20, 2008 the Otay Mesa Planning Group voted 6-3-2 to recommend approval of the project with no conditions (Attachment 8).

<u>Environmental Review</u>: Mitigated Negative Declaration No. 93389 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) 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.

<u>Fiscal Impact Statement</u>: None associated with this action. All costs associated with the processing for this project are paid by the applicant.

<u>Code Enforcement Impact</u>: Prior code violations have been reported on the site and the facility has been operating without a valid Conditional Use Permit. Approval of this project will remedy the code violations and requirement to operate with a Conditional Use Permit.

### BACKGROUND

The project proposes to maintain an existing automobile wrecking and dismantling facility on a 17.4 acre site located at 920-985 Heritage Road within the IL-2-1 zone within the Otay Mesa Community Plan. Surrounding the site is Brown Field to the south and east, a container storage facility to the north, and to the west is the "Street Auto Dismantling" facility which is currently in process for a Conditional Use Permit/Site Development Permit (Project No. 91725). The Multi-Habitat Planning area is adjacent to the east. The project requires a Conditional Use Permit (CUP) for the facility in accordance with San Diego Municipal Code (SDMC) section 141.1008. The project also requires an Otay Mesa Development District Permit (OMDD) for a project in which a tentative map has not been approved subsequent to March 14, 1985 in accordance with SDMC section 1517.0202 and a Multi-Habitat Planning Area (MHPA) Boundary Line Correction. The facility has been at this site since the 1980's and was entitled in 1986 under CUP No. 86-0529 for a maximum five year period for a 26.23acre site. In January 1992, Extension of Time No. 91-0460 was granted allowing the use to continue for an additional five years. In 1995, the current request to extend the use was deemed complete and submitted as CUP No. 95-0313. The project was reduced from 26.23 acres to its current 17.4 acres. The facility currently has 17 leaseholds each operating as a separate business with an office trailer. The facility operates from 7:00 AM to 7:00 PM, Monday through Saturday, and 10:00 AM to 4:00 PM, Sundays.

The function of an auto dismantler in accordance with California Vehicle Code includes a business which is engaged in buying, selling and/or dealing in registered vehicles including non-repairable vehicles, for the purposes of dismantling the vehicles in order to sell parts and components. The parts which cannot be salvaged are crushed or shredded, melted down and sold to factories to be manufactured into other products. An automotive dismantling yard is considered to be part of the automotive recycling program because once the automobile is dismantled, the automobiles are sold and/or transported off site for metal scraps and plastic resin recycling. The facility includes accessory uses including recycling, retail sales of uses and new automobile parts, sales of salvaged vehicles, glass or specialized parts sales, export sales, motorcycle and parts sales, and smog certification.

### Planning Commission Workshop:

In 1994, the Planning Commission conducted a workshop with City staff and the area auto dismantling facility operators to discuss the future of the auto dismantling facilities in the Otay Mesa community. Issues discussed were the compatibility with future developments sunset clauses for previously approved "temporary" CUP's and the wrecking and automobile dismantling facilities lack of permanent private and public improvements and design standards. To address the concerns, the Planning Commission provided the following direction:

1) Construct solid walls located along public roadways. Chain link with solid material screening along interior roadways is required.

- Install landscaping of sufficient size and material along all perimeter fencing and walls adjacent to public roadways to screen and buffer the facilities from adjacent property and public views.
- 3) Require public right-of-way improvements per City standards for public roads. Install paved parking areas.

The proposed project will be consistent with these objectives.

### Project Processing:

The proposed project application was submitted and deemed complete in 1995. Originally the request was to extend the use for an additional five years. However, during the review process and after direction from the aforementioned 1994 Planning Commission workshop, the project was reviewed as a permanent use, resulting in permanent public and private improvements and infrastructure pursuant to the Land Development Code. The project was delayed in part by the revised processing direction to review the facility as a permanent use, and complex issues related to Heritage Road roadway classification and alignment potentially changing as a result of the proposed Otay Mesa Community Plan Update. These issues required resolution as they affected site design, site access issues and public improvement requirements. Additionally, as the Update was pending, the Planning Department determined that additional land use analysis was required to determine if the location of the existing and future proposed facilities was appropriate at this location in the community. Further, due to the timeframe in processing, previously accepted technical reports were required to be updated based on current standards. Significant coordination with adjoining operators of other facilities was also necessary to resolve issues relating to the realignment of Heritage Road, public sewer connections, and the timing and phasing of infrastructure improvements.

At the time of the project's initial submittal or deemed complete date the project was within the Otay Mesa Planned District and zoned Otay Mesa Development District (OMDD)-I (Industrial) and designated Industrial within the Otay Mesa Community Plan adopted in 1981. In 2014, the Otay Mesa Community Plan Update was adopted by the City Council. The actions redesignated the site from Industrial to Light Industrial and rezoned the site from OMDD-I to the city-wide IL-2-1 zone. Similar developed sites in the immediate area were also redesignated and rezoned accordingly to support the continued use and establishment of these facilities within the western part of the Otay Mesa Community. Both the 1981 Community Plan and the 2014 Otay Mesa Community Plan designate the entire project site for industrial development. The project is subject to the previous land use designation policies and the old OMDD - I zoning.

### DISCUSSION

### Project Description:

Project implementation requires balanced grading of approximately 5,700 cubic yards of cut at a maximum depth of two feet, and 5,700 cubic yards of fill at a maximum depth of two feet. Landscaping includes the installation of broad headed canopy trees and ground cover on the perimeter of the site and in conformance with the City's Landscape Standards. An eight-foot high vinyl coated chain link fence covered with a green shade cloth would be installed behind the landscaped areas and the perimeter of the site. A total of 55 parking spaces (including 2 standard accessible spaces and 1 van accessible space) and 2 motorcycle spaces would be provided onsite, where a minimum of 52 parking spaces is required. Ingress and egress would be provided from Heritage Road and a private drive. Public improvements will include the installation of water and sewer lines to serve the facility, street improvements on Heritage Road including road widening, new curb, gutter, and sidewalk; and the installation of a paved driveway on an existing access easement. Private improvements will include the installation of private site driveways, installation of private domestic water systems, the removal and replacement of non-compliant trailers and installation of paved parking along with updated private water and sewer hook ups with each new office and the installation of two hydromodification basins to capture runoff from the site.

The facility is also regulated by the County of San Diego Department of Environmental Health (DEH) Land and Water Quality Division which requires bi-monthly monitoring by an independent consulting firm to monitor hazardous material storage and placement.

### Community Plan Analysis:

The proposed facility, with the associated site improvements and corresponding development intensity, complies with the development regulations, standards, and policies in effect for the project site per the Otay Mesa Development District Ordinance and the 1981 Otay Mesa Community Plan subject to approval of a Site Development Permit and Conditional Use Permit, and compliance with all other City regulations, policies, guidelines, design standards and adopted land use plans applicable to this site.

The project site is designated as Industrial within the 1981Otay Mesa Community Plan. Otay Mesa remains a prime location for industrial uses including heavy industrial uses and is one of San Diego's last remaining viable spaces where wrecking and auto dismantling facilities can locate free of sensitive receptor conflicts such as open space, residential developments, and educational facilities. One of the design objectives of the Industrial Element of the 1981 Otay Mesa Community Plan requires aesthetically pleasing design and landscaping for all development proposals. The project implements this objective by providing abundant perimeter landscaping around the facility consisting of canopy trees, drought tolerant shrubs, ground cover, and a vinyl coated chain link fence covered with green shade cloth to help minimize the visual impact of the auto storage and dismantling yard and help implement the objective of the 1981 Otay Mesa Community Plan recommends each development insure a healthful and safe environment that facilitates high design standards. Under point (d) Street Treatment, the plan recommends that sidewalks vary in their relative placement to the curb and to the street trees in the parkway. The project proposes new curb, gutter, and sidewalks with applicable street trees on Heritage Road abutting the site.

### Environmental Analysis

A Mitigated Negative Declaration was prepared for the project as it was determined that the proposed development could have a significant impact to Multiple Habitat Planning Area Land Use Adjacency and Historical Resources. Because mitigation measures are required to be applied to the project in accordance with Section V of the associated Mitigation, Monitoring, and Reporting Program, the project now avoids or mitigates any potentially significant environmental impacts in accordance with the CEQA.

### Conclusion:

Staff has 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 San Diego Municipal Code. Staff has provided draft findings to support approval of the project and draft conditions of approval (Attachments 5-7). Staff recommends the Planning Commission approved the project.

### ALTERNATIVES:

- 1. **Approve** Conditional Use Permit No. 1256220 and Site Development Permit No. 1256222, with modifications.
- 2. **Deny** Conditional Use Permit No. 1256220 and Site Development Permit No. 1256222, if the findings required to approve the project cannot be affirmed.

Elyse Lowe Deputy Director Development Services Department

William Zounes, Development Project Manager Development Services Department

### Attachments:

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

### Attachment 1 Aerial Photograph of Site







### Attachment 3 Project Location Map



Street Auto Dismantling Project No. 91725 920-985 Heritage Road



### Attachment 4 Project Data Sheet

### **PROJECT DATA SHEET**

PROJECT NAME:	Rowland Auto Dismantling		
PROJECT DESCRIPTION:	Conditional Use Permit/Site Development Permit/Otay Mesa Development Permit for an auto dismantling facility located at 920-985 Heritage Road covering 17-acres.		
COMMUNITY PLAN AREA:	Otay Mesa		
DISCRETIONARY ACTIONS:	Conditional Use Permit/Otay Mesa Development Permit/Site Development Permit		
COMMUNITY PLAN LAND USE DESIGNATION:	Industrial		

### **ZONING INFORMATION:**

ZONE: OMDD-I

HEIGHT LIMIT: N/A

LOT SIZE: 17-acres

FLOOR AREA RATIO: 2.0

FRONT SETBACK: 20 feet

SIDE SETBACK: 15 feet

STREETSIDE SETBACK: 20 feet

**REAR SETBACK:** 25 feet

**PARKING:** 55 parking spaces shall be provide where 52 is required.

ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE		
NORTH:	Open Space; AR-1-1/City of Chula Vista	Undeveloped Land		
SOUTH:	Brown Field/Business; Unzoned	Brown Field		
EAST:	Brown Field; Unzoned	Brown Field		
WEST:	Heavy Industrial; IH-1-1	Auto Dismantling Facility		
DEVIATIONS OR VARIANCES REQUESTED:	None			
COMMUNITY PLANNING GROUP RECOMMENDATION:	On February 20, 2008 the Otay Mesa Community Planning Group voted 6-3-2 to recommend approval of the project.			

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

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23950313

### CONDITIONAL USE PERMIT NO. 1256220 SITE DEVELOPMENT PERMIT NO. 1256222 ROWLAND AUTO DISMANTLING PROJECT NO. 93389 [MMRP] PLANNING COMMISSION

This Conditional Use Permit No. 1256220 and Site Development Permit No. 1256222 is granted by the Planning Commission of the City of San Diego to ROWLAND FAMILY PROPERTIES II, LLC, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 1517.0202, 143.0110, and 141.1008. The 17.4-acre site is located at 920-985 Heritage Road in the IL-2-1 zone of the Otay Mesa Community Plan. The project site is legally described as: a portion of Lot 4, west half of the northwest quarter of Section 28, Township 18 south range 1 west, S.B.M., in the City of San Diego, County of San Diego, State of California;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the operation of an automobile wrecking and dismantling facility described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 2, 2016, on file in the Development Services Department.

The project shall include:

- a. 17 lease spaces operating an automobile wrecking and dismantling facility and accessory uses including the following:
  - i. Storage of automobiles and parts;
  - ii. Sales of new and used automobiles and parts;
  - iii. Sales of salvaged vehicles;
  - iv. Glass or specialized parts sales;

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- v. Export sales;
- vi. Motorcycle and parts sales;
- vii. Smog certification service;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. 8'-0" high vinyl coated chain link fence with green cloth at perimeter of property;
- e. Hours of operation 7:00 a.m. to 7:00 p.m., Monday through Saturday, and 10:00 a.m. to 4:00 p.m., Sundays;
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

### STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/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. 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.

8. 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.

9. All of the conditions contained in this Permit have been considered and were determinednecessary 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" conditions(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.

10. 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.

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

11. 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.

12. The mitigation measures specified in the MMRP and outlined in the Mitigated Negative Declaration No. 93389 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 93389 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 implemented to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Multi-Habitat Planning Area (MHPA) Land Use Adjacency and Historical Resources (Archaeology).

### **ENGINEERING REQUIREMENTS:**

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

15. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

17. 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.

18. The drainage system proposed for this development is private, shall be privately maintained and subject to approval by the City Engineer.

### LANDSCAPE REQUIREMENTS:

19. Prior to issuance of any engineering permits, construction documents shall be submitted in accordance with the Landscape Standards and to the satisfaction of the Development Services

Department. The plans shall provide a minimum root zone of 40 square feet in area unencumbered by utilities and hardscape for all trees. All plans shall be in substantial conformance to this permit (including Environmental Conditions) and Exhibit "A," on file in the Office of the Development Services Department.

20. Prior to issuance of any building permits, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

21. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

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

### PLANNING/DESIGN REQUIREMENTS:

23. Prior to issuance of any construction permit(s) the following note shall be included on the title sheet of all construction plans: Each commercial coach shall obtain a building permit, be placed on a permanent foundation, and connected to water and sewer lines.

24. Prior to issuance of any construction permit(s) the following note shall be included on the title sheet of all construction plans: There shall be no portable toilets allowed on the site.

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

26. 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.

27. The Owner/Permittee shall be responsible for the maintenance of all fencing along the perimeter of the property as shown on the approved Exhibit "A". This includes the repair and/or replacement of damaged fences and the repair and/or replacement of damaged (torn) shade cloth within 72 hours.

28. Prior to recordation of the permit, the owners/permittees shall submit a litter control plan and a pest control plan for review and approval by the Development Services and Airport Department.

### TRANSPORTATION REQUIREMENTS

29. A minimum of 52 automobile spaces (including two standard accessible spaces and one van accessible space) and two motorcycle spaces shall be provided as required by the Land Development Code. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate decision maker.

30. After the existing 46 foot Irrevocable Offer of Dedication (IOD) is accepted by the City and prior to issuance of any building permit for a modular building, the Owner/Permittee shall dedicate an additional four feet, for a total of a 50-foot dedication and assure by permit and bond the improvement of Heritage Road to a half-width of 40 feet curb to centerline, with new curb, gutter, and a minimum 5.5 foot wide sidewalk, within a 10-foot curb to property line distance, satisfactory to the City Engineer. The improvements shall be completed and accepted by the City Engineer prior to first occupancy.

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

31. The proposed development is currently subject to the following sewer reimbursement fee: The Otay Mesa Sewer Surcharge fee of \$1821.75 per living unit plus 6% simple interest from March 2008 (21351-D-O).

32. Prior to the issuance any construction permit the Owner/Permittee shall execute a written agreement acceptable to the City, that provides the Owner/Permittee will participate in the formation of a Community Facilities District (CFD), to construct the improvements identified in the Otay Mesa Master Plan Revisions, dated December 2008.

33. Prior to issuance of any engineering permits, the Owner/Permittee shall obtain an Encroachment and Maintenance Removal Agreement (EMRA) for all applicable encroachments into and public service easement, for private sewer forcemains in Heritage Road and connecting private 10" PVC sewer main/lateral to the public 18-inch trunk sewer at Heritage and Datsun Street.

34. Prior to issuance of any Certificates of Occupancy, the Owner/Permittee shall provide Covenants, Conditions, and Restrictions (CCR) for the business/homeowner's association outlining the responsibility and maintenance requirements for the on-site private pump station and onsite/off-site private system for your project. A separate plumbing permit will be required for construction and inspection of any on-site private system up to mains shown on a public improvement drawing.

35. All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego Sewer Design Guide.

36. All proposed private sewer facilities that serve more than one lot are to be designed and constructed in accordance with established criteria in the most current City of San Diego Sewer Design Guide.

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

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

### **COUNTY OF SAN DIEGO DEPARTMENT OF ENVIORNMENTAL HEALTH REQUIREMENTS**

39. All tenants on site must continue to comply with the Alliance for Compliance requirements.

40. The facilities on site must continue to comply with all Certified Unified Program Agency and the California Department of Toxic Substances Control regulations regarding auto dismantling and storage and handling of hazardous wastes generated during dismantling operations.

41. Any spills to soil on site are to be cleaned **up** immediately, and contaminated soil is to be removed and disposed of as hazardous waste.

42. Future proposals for any surface grading, construction on site, or proposed changes in site use will require review and re-evaluation of site conditions under the County's Voluntary Assistance Program (VAP) and site mitigation may be required.

### FACILITY FINANCING REQUIREMENTS

43. Development Impact Fees (DIF) or Facilities Benefit Assessments (FBA) are required at building permit issuance based on increased non-residential development and/or a change to existing land use.

44. Housing Impact Fees (HIF) on non-residential development are required at building permit issuance based on increased non-residential development and/or a change to existing land use.

### **MULTIPLE SPECIES CONSERVATION PROGRAM REQUIREMENTS**

46. The issuance of this permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.). In accordance with authorization granted to the City of San Diego from the USFWS pursuant to Sec. 10(a) of the ESA and by the CDFG pursuant to Fish & Game Code sec. 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the

future by the City of San Diego, USFWS or CDFG, except in the limited circumstances described in Section 9.6 and 9.7 of the IA. For lands identified as mitigation but not yet dedicated, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

### **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 Planning Commission of the City of San Diego on June 2, 2016.

Permit Type/PTS Approval No.:

SDP No. 1256222 and CUP No. 1256220 Date of Approval: June 2, 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

William Zounes 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.

**Owner/Permittee** 

Ву \_\_\_\_

ROWLAND FAMILY PROPERTIES II, LLC

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

### PLANNING COMMISSION RESOLUTION NO. CONDITIONAL USE PERMIT NO. 1256220 SITE DEVELOPMENT PERMIT NO. 1256222 **ROWLANDS AUTO DISMANTLING PROJECT NO. 933689 [MMRP]**

WHEREAS, ROWLAND FAMILY PROPERTIES II, LLC, Owner/Permittee, filed an application with the City of San Diego for a permit for an automobile wrecking and dismantling facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1256220 and 1256222), on portions of a 17.4-acre site;

WHEREAS, the project site is located at 920-985 Heritage Road in the IL-2-1 zone of the previous Otay Mesa Development District – Industrial zone of the Otay Mesa Community Plan;

WHEREAS, the project site is legally described as a portion of Lot 4, west half of the northwest quarter of Section 28, Township 18 south range 1 west, S.B.M., in the City of San Diego, County of San Diego, State of California;

WHEREAS, on June 2, 2016, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 1256220 and Site Development Permit No. 1256222 pursuant to the Land Development Code of the City of San Diego;

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

That the Planning Commission adopts the following written Findings, dated June 2, 2016.

FINDINGS:

### Conditional Use Permit - Section 126.0305

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

The proposed facility, with the associated site improvements and corresponding development intensity, complies with the development regulations, standards, and policies in effect for the project site per the 1981 Otay Mesa Community Plan and the underlying Otay Mesa Development District-Industrial Zone subject to approval of a Site Development Permit and Conditional Use Permit, and all other City regulations, policies, guidelines, design standards and adopted land use plans applicable to this site.

Otay Mesa remains a prime location for industrial uses including heavy industrial uses and is one of San Diego's last remaining viable spaces where wrecking and auto dismantling facilities can locate free of sensitive receptor conflicts such as open space, residential developments, and educational facilities. One of the design objectives of the Industrial Element of the 1981 Otay Mesa Community Plan requires aesthetically pleasing design and landscaping for all development proposals. The project implements this objective by providing abundant perimeter landscaping around the facility consisting of canopy trees, drought tolerant shrubs, ground cover, and a vinyl coated chain link fence covered with green shade cloth to help minimize the visual impact of the auto storage and dismantling yard and help implement the objectives of the Industrial Element. The Community Environmental and Design Element objective of the 1981 Otay Mesa

### Attachment 6 Draft Permit Resolution with Findings

Community Plan recommends that each project insure a healthful and safe environment that facilitates high design standards for each development. Under point (d) Street Treatment, the plan recommends that sidewalks vary in their relative placement to the curb and to the street trees in the parkway. The project proposes new curb, gutter, and sidewalks with applicable street trees on Heritage Road abutting the site. Therefore the proposed development will not adversely affect the land use plan.

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

A Mitigated Negative Declaration was prepared for the project which included a review of a water quality technical report, drainage study, biology study, green house gas report, sewer study, archeology study, and a noise survey. The facility is also regulated by the County of San Diego Department of Environmental Health Voluntary Assistance Program. The technical reports concluded that mitigation measures were required only for potential impacts to Multi-Habitat Planning Area Land Use Adjacency and Historical Resources. Mitigation measures include the monitoring of grading and ensuring that the project meets the requirements of the Multiple Species Conservation Program Subarea Plan - Land Use Adjacency guidelines which include restrictions to grading/land development, drainage, toxics/project staging areas/equipment storage, lighting, barriers along the Multi-Habitat Planning Area boundary, prohibiting invasive plant species, brush management, and noise. Additional mitigation includes archaeological and Native American monitoring by a qualified archaeological monitor during grading.

The permit prepared for this project includes various conditions and corresponding exhibits of approvals relevant to achieving compliance with the regulations of the Municipal Code and California Building Codes for grading and construction. Conditions required for the project include but are not limited to storm water and general runoff requirements, landscaping, public improvements including widening Heritage Road to current standards, a new private sewer facility, lighting, and parking. The project must comply with the County of San Diego Department of Environmental Health requirement for bi-monthly inspections by an independent firm to monitor hazardous material, storage, and placement. The project is required to continue to implement Best Management Practices to minimize discharges to soil and surface waters, including storing engines off the ground, use of concrete pads with berms for auto dismantling, and storing hazardous waste in a covered space with an impervious floor. All Uniform Building, Fire, Plumbing, Electrical and Mechanical Codes governing the construction and continued operation of the development apply to this site to prevent adverse effects. Therefore, the project will not be detrimental to the public health, safety and welfare.

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

The project requires a Conditional Use Permit (CUP) for a wrecking and auto dismantling facility and an Otay Mesa Development District Permit (OMDD) processed as a Site Development Permit (SDP) for a project in which a tentative map has not been approved subsequent to March 14, 1985 in accordance with SDMC section 1517.0202. Additionally the project requires a Multi-Habitat Planning Area (MHP A) Boundary Line Correction to be implemented at with the approval of the subject Conditional Use Permit .

The Development Permits prepared for this project include various conditions and corresponding exhibits of approvals relevant to achieving compliance with the regulations of the Land Development Code and California Building Codes for grading and construction. The project was reviewed in accordance with the OMDD Development District and San Diego Municipal Code requirements for Wrecking and Dismantling of Motor Vehicles. No deviations from the governing codes are required for this project. Conditions required for the project include but are not limited to storm water and general runoff requirements, landscaping, public improvements, private sewer facilities, signage, lighting, fencing, and parking. Therefore the proposed

development will comply to the maximum extent feasible with the regulations of the Land Development Code.

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

At the time of project submittal, the project was within the Otay Mesa Planned District and zoned Otay Mesa Development District-Industrial (OMDD-I) and designated Industrial within the Otay Mesa Community Plan. In January 2014, the Otay Mesa Community Plan Update was adopted by the City Council. The actions redesignated the site from Industrial to Light Industrial and rezoned the site from OMDD-I to the city-wide Industrial Light-2-1 (IL-2-1) zone. Similar developed sites in the immediate area were also redesignated and rezoned accordingly to support the continued use and establishment of automobile wrecking and dismantling facility within the eastern and western part of the Otay Mesa Community. The project is subject to the 1981 land use designation policies and the old OMDD-I zoning.

The Otay Mesa Community Plan recommends heavy industrial uses such as the existing auto dismantling facility provide adequate land use buffers and/or distance separation from residential uses. Additionally, the Plan indicates that heavy industrial projects should consider design elements that include, but are not limited to, landscape, site orientation and fencing.. The proposed project will upgrade its existing facility and construct public improvements such as new curb, gutter and sidewalks and expansion along Heritage Road. This includes the installation of a landscape buffer consisting of trees and shrubs to surround the facility and an eight-foot high chain link fence covered with green shade cloth located behind the landscape buffer to screen the wrecking and auto dismantling use from the public right-of-way. Other private improvements include the installation of private sewer systems, paving of private driveways, installation of private domestic water systems, and the removal and replacement of non-compliant trailers and installation of paved parking along with private water and sewer hook ups with each new office. Public right-of-way improvements include the widening of Heritage Road with parking spaces, curb, gutter and sidewalk to current city standards. Therefore, the proposed use is appropriate at the proposed location.

### Site Development Permit – Section 126.0504

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

The proposed facility, with the associated site improvements and corresponding development intensity, complies with the development regulations, standards, and policies in effect for the project site per the 1981 Otay Mesa Community Plan and the underlying Otay Mesa Development District-Industrial Zone subject to approval of a Site Development Permit and Conditional Use Permit, and all other City regulations, policies, guidelines, design standards and adopted land use plans applicable to this site.

Otay Mesa remains a prime location for industrial uses including heavy industrial uses and is one of San Diego's last remaining viable spaces where wrecking and auto dismantling facilities can locate free of sensitive receptor conflicts such as open space, residential developments, and educational facilities. One of the design objectives of the Industrial Element of the 1981 Otay Mesa Community Plan requires aesthetically pleasing design and landscaping for all development proposals. The project implements this objective by providing abundant perimeter landscaping around the facility consisting of canopy trees, drought tolerant shrubs, ground cover, and a vinyl coated chain link fence covered with green shade cloth to help minimize the visual impact of the auto storage and dismantling yard and help implement the objectives of the Industrial Element. The Community Environmental and Design Element objective of the 1981 Otay Mesa Community Plan recommends that each project insure a healthful and safe environment that facilitates high design standards for each development. Under point (d) Street Treatment, the plan recommends that sidewalks vary in their relative placement to the curb and to the street trees in the parkway. The project

proposes new curb, gutter, and sidewalks with applicable street trees on Heritage Road abutting the site. Therefore, the proposed project and its associated site improvements fully satisfy the general intent of the adopted Land Use Plan.

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

A Mitigated Negative Declaration was prepared for the project which included a review of a water quality technical report, drainage study, biology study, green house gas report, sewer study, archeology study, and a noise survey. The facility is also regulated by the County of San Diego Department of Environmental Health Voluntary Assistance Program. The technical reports concluded that mitigation measures were required only for potential impacts to Multi-Habitat Planning Area Land Use Adjacency and Historical Resources. Mitigation measures include the monitoring of grading and ensuring that the project meets the requirements of the Multiple Species Conservation Program Subarea Plan - Land Use Adjacency guidelines which include restrictions to grading/land development, drainage, toxics/project staging areas/equipment storage, lighting, barriers along the Multi-Habitat Planning Area boundary, prohibiting invasive plant species, brush management, and noise. Additional mitigation includes archaeological and Native American monitoring by a qualified archaeological monitor during grading.

The permit prepared for this project includes various conditions and corresponding exhibits of approvals relevant to achieving compliance with the regulations of the Municipal Code and California Building Codes for grading and construction. Conditions required for the project include but are not limited to storm water and general runoff requirements, landscaping, public improvements including widening Heritage Road to current standards, a new private sewer facility, lighting, and parking. The project must comply with the County of San Diego Department of Environmental Health requirement for bi-monthly inspections by an independent firm to monitor hazardous material, storage, and placement. The project is required to continue to implement Best Management Practices to minimize discharges to soil and surface waters, including storing engines off the ground, use of concrete pads with berms for auto dismantling, and storing hazardous waste in a covered space with an impervious floor. All Uniform Building, Fire, Plumbing, Electrical and Mechanical Codes governing the construction and continued operation of the development apply to this site to prevent adverse effects. With the conditions applied in the permit to address potential adverse effects associated with the proposed use, the project will not be detrimental to the public health, safety and welfare.

# 3. The proposed development will comply with the applicable regulations of the land development code

The project requires a Conditional Use Permit (CUP) for a wrecking and auto dismantling facility and an Otay Mesa Development District Permit (OMDD) processed as a Site Development Permit (SDP) for a project in which a tentative map has not been approved subsequent to March 14, 1985 in accordance with SDMC section 1517.0202. Additionally the project requires a Multi-Habitat Planning Area (MHP A) Boundary Line Correction to be implemented at with the approval of the subject Conditional Use Permit .

The Development Permits prepared for this project include various conditions and corresponding exhibits of approvals relevant to achieving compliance with the regulations of the Land Development Code and California Building Codes for grading and construction. The project was reviewed in accordance with the OMDD Development District and San Diego Municipal Code requirements for Wrecking and Dismantling of Motor Vehicles. No deviations from the governing codes are required for this project. Conditions required for the project include but are not limited to storm water and general runoff requirements, landscaping, public improvements, private sewer facilities, signage, lighting, fencing, and parking. Therefore the proposed

development will comply to the maximum extent feasible with the regulations of the Land Development Code.

### Findings For Otay Mesa Development District Permit (Section 103.1102(B)(3)):

### 1. The application is complete and conforms to all city regulations, policies, guidelines, design standards and density

The design and use of this site for an automobile wrecking and dismantling facility with the associated site improvements comply with the development regulations, standards, and policies in effect for the project site per the OMDD-I of the Otay Mesa Development District Ordinance, the Otay Mesa Community Plan, and all other City regulations, policies, guidelines, design standards and adopted land use plans applicable to this site. The project complies with the applicable regulations of the Land Development Code. Therefore, the application is complete and conforms to all city regulations, policies, guidelines, design standards and density.

# 2. The proposed use and project design meet the purpose and intent of the Otay Mesa development district and the Otay Mesa community plan

The proposed facility, with the associated site improvements and corresponding development intensity, complies with the development regulations, standards, and policies in effect for the project site per the Otay Mesa Development District Ordinance, the 1981 Otay Mesa Community Plan, the underlying Otay Mesa Development District-Industrial Zone subject to approval of a Site Development Permit and Conditional Use Permit, and all other City regulations, policies, guidelines, design standards and adopted land use plans applicable to this site.

Otay Mesa remains a prime location for industrial uses including heavy industrial uses and is one of San Diego's last remaining viable spaces where wrecking and auto dismantling facilities can locate free of sensitive receptor conflicts such as open space, residential developments, and educational facilities. One of the design objectives of the Industrial Element of the 1981 Otay Mesa Community Plan requires aesthetically pleasing design and landscaping for all development proposals. The project implements this objective by providing abundant perimeter landscaping around the facility consisting of canopy trees, drought tolerant shrubs, ground cover, and a vinyl coated chain link fence covered with green shade cloth to help minimize the visual impact of the auto storage and dismantling yard and help implement the objectives of the Industrial Element. The Community Environmental and Design Element objective of the 1981 Otay Mesa Community Plan recommends that each project insure a healthful and safe environment that facilitates high design standards for each development. Under point (d) Street Treatment, the plan recommends that sidewalks vary in their relative placement to the curb and to the street trees in the parkway. The project proposes new curb, gutter, and sidewalks with applicable street trees on Heritage Road abutting the site. Therefore, the proposed use and project design meet the purpose and intent of the Otay Mesa development district and the Otay Mesa community plan.

# 3. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other properties in the vicinity.

A Mitigated Negative Declaration was prepared for the project which included a review of a water quality technical report, drainage study, biology study, green house gas report, sewer study, archeology study, and a noise survey. The facility is also regulated by the County of San Diego Department of Environmental Health

### **Attachment 6**

### **Draft Permit Resolution with Findings**

Voluntary Assistance Program. The technical reports concluded that mitigation measures were required only for potential impacts to Multi-Habitat Planning Area Land Use Adjacency and Historical Resources. Mitigation measures include the monitoring of grading and ensuring that the project meets the requirements of the Multiple Species Conservation Program Subarea Plan - Land Use Adjacency guidelines which include restrictions to grading/land development, drainage, toxics/project staging areas/equipment storage, lighting, barriers along the Multi-Habitat Planning Area boundary, prohibiting invasive plant species, brush management, and noise. Additional mitigation includes archaeological and Native American monitoring by a qualified archaeological monitor during grading.

The permit prepared for this project includes various conditions and corresponding exhibits of approvals relevant to achieving compliance with the regulations of the Municipal Code and California Building Codes for grading and construction. Conditions required for the project include but are not limited to storm water and general runoff requirements, landscaping, public improvements including widening Heritage Road to current standards, a new private sewer facility, lighting, and parking. The project must comply with the County of San Diego Department of Environmental Health requirement for bi-monthly inspections by an independent firm to monitor hazardous material, storage, and placement. The project is required to continue to implement Best Management Practices to minimize discharges to soil and surface waters, including storing engines off the ground, use of concrete pads with berms for auto dismantling, and storing hazardous waste in a covered space with an impervious floor. All Uniform Building, Fire, Plumbing, Electrical and Mechanical Codes governing the construction and continued operation of the development apply to this site to prevent adverse effects. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other properties in the vicinity.

### 4. The proposed use will comply with the relevant regulations in the land development code.

The project requires a Conditional Use Permit (CUP) for a wrecking and auto dismantling facility and an Otay Mesa Development District Permit (OMDD) processed as a Site Development Permit (SDP) for a project in which a tentative map has not been approved subsequent to March 14, 1985 in accordance with SDMC section 1517.0202. Additionally the project requires a Multi-Habitat Planning Area (MHP A) Boundary Line Correction to be implemented at with the approval of the subject Conditional Use Permit .

The Development Permits prepared for this project include various conditions and corresponding exhibits of approvals relevant to achieving compliance with the regulations of the Land Development Code and California Building Codes for grading and construction. The project was reviewed in accordance with the OMDD Development District and San Diego Municipal Code requirements for Wrecking and Dismantling of Motor Vehicles. No deviations from the governing codes are required for this project. Conditions required for the project include but are not limited to storm water and general runoff requirements, landscaping, public improvements, private sewer facilities, signage, lighting, fencing, and parking. Therefore the proposed use will comply with the relevant regulations in the land development code.

# 5. A plan for the financing of public facilities as provided in section 1517.0204 (Financing of Public Facilities) of the Otay Mesa Development District has been approved by the City Engineer.

The Facilities Benefits Assessment for this area is based upon an estimate of project-induced impacts to the Otay Mesa Community requiring additional transportation, fire and/or police facilities. Additional fees to cover public facilities will be calculated and due upon issuance of the first construction permit.

The project/use has been conditioned in the associated permit to fully comply with the applicable development impact fees in effect for this portion of the Otay Mesa Community.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 1256220 and Site Development Permit No. 1256222 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1256220 and 1256222, a copy of which is attached hereto and made a part hereof.

William Zounes Development Project Manager Development Services

Adopted on: June 2, 2016

Job Order No. 23950313

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

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

WHEREAS, on June 8, 1995, David Rowland submitted an application to Development Services Department for a Site Development Permit for Environmentally Sensitive Lands, Otay Mesa Development District Permit and Conditional Use Permit for the Rowland Auto Dismantling Project; and

WHEREAS, the matter was set for a Public Hearing to be conducted by the Planning Commission of the City of San Diego; and

WHEREAS, the issue was heard by the Planning Commission on June 2, 2016; and

WHEREAS, the Planning Commission considered the issues discussed in Mitigated Negative Declaration No. <u>93389</u> (Declaration) prepared for this Project; NOW THEREFORE,

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

BE IT FURTHER RESOLVED, that the Planning Commission finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment

previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

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

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, California 92101.

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

By:

William Zounes, Development Project Manager

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

### **EXHIBIT A**

### MITIGATION MONITORING AND REPORTING PROGRAM

Site Development Permit for Environmentally Sensitive Lands, Otay Mesa Development District Permit, and Conditional Use Permit

#### PROJECT NO. <u>93389</u>

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No.<u>93389</u> shall be made conditions of Site Development Permit for Environmentally Sensitive Lands, Otay Mesa Development District Permit, and Conditional Use Permit as may be further described below.

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

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the 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.

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### 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 Biologist Qualified Archaeologist Qualified Native American Monitor

### Note:

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

### CONTACT INFORMATION:

a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200** 

b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360** 

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) # <u>93389</u> and /or Environmental Document # <u>93389</u>, 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.

### County of San Diego Department of Environmental Health

### 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:

Issue Area	Document submittal	Assoc Inspection/Approvals INotes
General	Consultant Qualification Letters	Prior to Pre-construction
	Meeting	
General	Consultant Const. Monitoring Exhibit	ts Prior to or at the Pre-
		Construction meeting
Biology	Biologist Limit of Work Verification	Limit of Work inspection
Archaeology	Archaeology Reports	Archaeology/Historic site
		observation
Land Use	Land Use Adjacency issues CSVRs	Land Use Adjacency issue
		site observations
Bond Release	Request for Bond Release letter	Final MMRP inspections
		prior to Bond Release Letter

### **Document Submittal/Inspection Checklist**

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

### MSCP SUBAREA PLAN-LAND USE ADJACENCY GUIDELINES:

I. Prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify the Applicant has accurately represented the project's design in or on the Construction Documents (CD's/CD's consist of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects) are in conformance with the associated discretionary permit conditions and Exhibit "A", and also the City's Multi-Species

### -PAGE 5 OF 15-

Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines. The applicant shall provide an implementing plan and include references on/in CD's of the following:

- A. **Grading/Land Development/MHPA Boundaries** MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. DSD Planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
- B. **Drainage** All new and proposed parking lots and developed areas in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
- C. **Toxics/Project Staging Areas/Equipment Storage** Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Where applicable, this requirement shall incorporated into leases on publicly-owned property when applications for renewal occur. Provide a note in/on the CD's that states: *"All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."*
- D. **Lighting** Lighting within or adjacent to the MHPA shall be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.
- E. **Barriers** New development within or adjacent to the MHPA shall be required to provide barriers (e.g., non-invasive vegetation; rocks/boulders; 6-foot high, vinyl-coated chain link or equivalent fences/walls; and/or signage) along the MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.

F. Invasives- No invasive non-native plant species shall be introduced into

areas within or adjacent to the MHPA.

G. **Noise** - Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: California Gnatcatcher(3/1-8/15). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. If protocol surveys are not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring.

When applicable (i.e., habitat is occupied or if presence of the covered species is assumed), adequate noise reduction measures shall be incorporated as follows:

### COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)

Prior to the issuance of any grading permit the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:

- A. A Qualified Biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the coastal California gnatcatcher. Surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If coastal California gnatcatchers are present, then the following conditions must be met:
  - Between March 1 and August 15, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and
  - 2. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise

levels exceeding 60 dB(A) hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or

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

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

B. If coastal California gnatcatchers are not detected during the protocol survey, the Qualified Biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:

- 1. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.3 shall be adhered to as specified above.
- 2. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

### HISTORICAL RESOURCES (ARCHAEOLOGY)

### I. Prior to Permit Issuance

- A. Entitlements Plan Check
  - 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 inhouse, a letter of verification from the PI stating that the search was completed.
  - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
  - 3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.
- B. PI Shall Attend Precon Meetings
  - Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
- 2. Identify Areas to be Monitored
  - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the 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
  - 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
  - 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 Bl, as appropriate.
  - 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
  - 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
  - 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
  - 1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
    - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
    - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
    - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

## IV. Discovery of Human Remains

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

## A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner

in the Environmental Analysis Section (EAS) of the 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 precon meeting.
- 2. The following procedures shall be followed.
  - a. No Discoveries

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

b. Discoveries

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

c. Potentially Significant Discoveries

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

- d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
  - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

## VI. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
  - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the

Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.

- a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
- b. Recording Sites with State of California Department of Parks and Recreation The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
- 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
- 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
- 4. MMC shall provide written verification to the PI of the approved report.
- 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
  - 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
  - 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
  - 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
  - 1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
  - 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
  - 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV Discovery of Human Remains, Subsection 5.
- D. Final Monitoring Report(s)

- 1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
- The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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

April 5, 2012

Will Zounes City of San Diego Development Project Manager 1222 First Ave MS 401 San Diego, CA 92101

RE: Rowland Auto Dismantling, Project No. 99389

Dear Will:

On Wednesday February 20<sup>th</sup>, 2008 the Otay Mesa Planning Group reviewed the Rowland Auto Dismantling Program No. 93389 and voted in favor to give them a 10-year Conditional Use Permit with a vote of six to three with Jimmy Ayala and myself abstaining.

Sincerely, OTAY MESA PLANNING GROUP

Hippon

Rob Hixson

	Attachment 9 Ownership Disclosure Statement				
OPECATION LAND HOTO Dr.	EMANTLING Project No. (For City Use Only)				
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egal Status (please check):					
Corporation KLimited Liability -or- General) What Partnership	State? <u>CA</u> Corporate Identification No				
s identified above, will be filed with the City of San Diego on the property. Please list below the names, titles and address therwise, and state the type of property interest (e.g., tenant in a partnership who own the property). <u>A signature is requir</u> roperty. Attach additional pages if needed. <b>Note:</b> The applic wnership during the time the application is being processed	acknowledge that an application for a permit, map or other matter, the subject property with the intent to record an encumbrance agains es of all persons who have an interest in the property, recorded or s who will benefit from the permit, all corporate officers, and all partne ed of at least one of the corporate officers or partners who own the ant is responsible for notifying the Project Manager of any changes in or considered. Changes in ownership are to be given to the Project subject property. Failure to provide accurate and current ownership (dditional pages attached Yes No				
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City/State/Zip: CITULA VISTA. CA. 91914	City/State/Zip:				
Phone No: 619-912-3581 651-8967	Phone No: Fax No:				
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	A	ttachment 10			
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