

293943

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

ADOPTED ON OCT 03 2000

WHEREAS, McMillin NTC, LLC, submitted an application to the Planning and Development Review Department for a Precise Plan and Local Coastal Plan, Amendments to the Peninsula Community Plan and the City of San Diego Progress Guide and General Plan, zoning of previously unzoned land, Master Plan Development Permit, Coastal Development Permit, Conditional Use Permit, and Vesting Tentative Map for the redevelopment of the former Naval Training Center [NTC]; and

WHEREAS, the City of San Diego Metropolitan Wastewater Department submitted an application to the Planning and Development Review Department for a Site Development Permit in connection with the redevelopment of the former Naval Training Center; and

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

WHEREAS, the issue was heard by the Council on OCT 03 2000; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 99-1076; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is certified that Mitigated Negative Declaration No. 99-1076, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations 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 the report,

together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the above mentioned land use actions for the redevelopment of the former Naval Training Center.

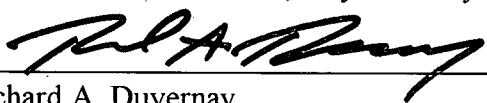
BE IT FURTHER RESOLVED, that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached as Attachment A hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to mitigation measure LU-4 previously adopted by the Redevelopment Agency of the City of San Diego on February 1, 2000 in *Environmental Impact Report for the NTC Redevelopment Project* (SCH No. 99081140) and mitigation measure LU-5 previously adopted by the City of San Diego on October 20, 1998 in *California Environmental Impact Statement/Environmental Impact Report No. LDR No. 96-0255*, the City Manager is authorized and directed to convey a limited aviation easement to the Unified Port District of San Diego in a form substantially similar to Attachment B for the land which is legally described and depicted in Attachment C to this Resolution. This area includes the property at NTC which is located within the 1999 65 dB or greater CNEL contour of the Lindbergh Field Airport Influence Area. The limited aviation easement shall acknowledge the noise, inconvenience, and property value impacts caused by airport noise and thus serve to fully

satisfy the City and Redevelopment Agency's mitigation obligations with respect to airport noise impacts. Conveyance of this easement is further intended to fully satisfy noise compatibility requirements contained in the Comprehensive Land Use Plan (CLUP) for Lindbergh Field and California Law [Chapter 2.5, Subchapter 6, Title 21 of the California Code of Regulations] by achieving a status of "conditional compatibility" for all future development and use at NTC which conforms with the Precise Plan. The easement shall be conveyed within thirty days for those parcels of land presently in City ownership, depicted on Attachment D as Parcels II/III-A. For those parcels of land within the Naval Training Center Precise Plan which are presently owned by United States of America but scheduled for disposition to the City of San Diego in accordance with a certain approved Memorandum of Agreement by and between the City of San Diego and the United States, on file in the Office of the City Clerk as Document No. RR-293212, the City Manager is authorized and directed to convey easements for those parcels without further City Council action no later than thirty days after the deeds for the respective parcels are signed and recorded in favor of the City establishing that the property is owned by the City of San Diego. The parcels to be conveyed in the future which wholly or partially fall within the easement area are depicted on Attachment D to this resolution as Parcels: VI, VII, VIII and X.

APPROVED: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

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09/21/00  
09/29/00 COR.COPY  
Or.Dept:P&DR  
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## ATTACHMENT A

### MITIGATION MONITORING AND REPORTING PROGRAM

NTC PRECISE PLAN AND LOCAL COASTAL PLAN & RELATED ENTITLEMENTS/  
LDR NO. 99-1076

MWWD ENVIRONMENTAL MONITORING AND TECHNICAL SERVICES LAB  
LDR NO. 40-0750

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 Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (LDR No. 99-1076) shall be made conditions of Master Plan Development Permit/Coastal Development Permit/Conditional Use Permit No. 99-1076, Vesting Tentative Map No. 99-1076, and Site Development Permit No. 40-0750 as may be further described below.

#### Historical Resources

1. Prior to the issuance of any building permit or grading permit which would affect historic buildings or landscape elements within the designated NTC Historic District, including the redesign/expansion of the Sail Ho Golf Course, the Master Developer (McMillin NTC, LLC) shall provide evidence to the satisfaction of the City Manager that the preservation, rehabilitation, restoration, reconstruction or new construction is consistent with the adopted version of the *Naval Training Center San Diego Guidelines for the Treatment of Historic Properties*, prepared by Architect Milford Wayne Donaldson, FAIA and KTU+A, *The Secretary of the Interior's Standards for the Treatment of Historic Properties (June 2000)*, and *The Secretary of the Interior's Standards for Rehabilitation*, as applicable.
2. Prior to the recordation of the first final map and/or issuance of the first grading permit, the Master Developer (McMillin NTC, LLC) shall provide a letter of verification to the Environmental Review Manager of LDR stating that a qualified archaeologist and/or archaeological monitor, as defined in the City of San Diego Historical Resources Guidelines, have been retained to implement the monitoring program. Archaeological monitoring shall be required during grading within project areas west of the 1850 mean high tide line; monitoring shall not be required in areas east (bayward) of the 1850 mean high tide line. The requirement for archaeological monitoring shall be noted on the grading plans. ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.

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- a. The qualified archaeologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the archaeological monitoring program with the construction manager.
- b. The qualified archaeologist or archaeological monitor shall be present on site full-time during grading.
- c. **WHEN REQUESTED BY THE ARCHAEOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT GROUND DISTURBANCE ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW EVALUATION OF POTENTIALLY SIGNIFICANT CULTURAL RESOURCES. THE ARCHAEOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** The significant of the discovered resources shall be determined by the archaeologist, in consultation with LDR and the Native American community where appropriate. LDR must concur with the evaluation before grading activities will be allowed to resume. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before grading activities in the area of discovery will be allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.
- d. All cultural materials collected shall be cleaned, catalogued, and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate.
- e. Prior to the release of the grading bond, a monitoring results report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to and approved by the Environmental Review Manager of LDR. For significant cultural resources, a Research Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant cultural resources, if required, shall be submitted to and approved by the Environmental Review Manager of LDR prior to the release of the grading bond.

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Paleontological Resources

3. Prior to the recordation of the first final map and/or issuance of the first grading permit, the Master Developer (McMillin NTC, LLC) shall provide a letter of verification to the Environmental Review Manager of LDR stating that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program as ~~defined in the City of San Diego Paleontological Guidelines.~~ Paleontological monitoring shall occur during excavation of the subterranean portion of the parking structure. The requirement for paleontological monitoring shall be noted on the grading plans. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**
  - a. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager.
  - b. The paleontologist or paleontological monitor shall be on site full-time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
  - c. **WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.
  - d. The paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and submittal of a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.
  - e. Prior to the release of the grading bond, a monitoring results report, with appropriate graphics, summarizing the results, analysis, and conclusions of the

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paleontological monitoring program shall be submitted to and approved by the Environmental Review Manager of LDR.

Transportation/Circulation/Parking

4. Prior to the issuance of the first building permit, the applicant shall assure the following ~~transportation improvements to the satisfaction of the City Engineer and consistent with~~ the provisions and conditions of the Disposition and Development Agreement and the Cooperation Agreement:
  - a. At the intersection of Rosecrans Street and Worden Road, construction of an additional southbound left-turn lane.
  - b. At the intersection of Rosecrans Street and Nimitz Boulevard, construction of southbound left-turn and right-turn lanes and a northbound left-turn lane.
  - c. At the intersection of Rosecrans Street and Lytton Street, construction of an eastbound shared left/through lane, a westbound left-turn lane, a northbound through lane, and a southbound through lane.
  - d. At the intersection of Rosecrans Street and Laning Road, construction of a westbound right-turn lane, a westbound shared left-turn/through lane, and a northbound right-turn lane. (NOTE: Pursuant to the Redevelopment Plan MMRP the U.S. Navy (or its developer/contractor in connection with the development and construction of the Navy's military housing) has assumed the obligation to design and construct these traffic improvements).
  - e. Construction of an additional northbound lane on Rosecrans Street along the project's frontage from Laning Road (Bainbridge Street) to Lytton Street.
  - f. Construction of Laning Road from Rosecrans Street to Cushing Road as a modified two-lane collector and south of Cushing Road to North Harbor Drive as a four-lane modified collector. (NOTE: Pursuant to the Redevelopment Plan MMRP the U.S. Navy (or its developer/contractor in connection with the development and construction of the Navy's military housing) has assumed the obligation to design and construct these traffic improvements).
  - g. Construction of traffic signals at the following intersections:
    - i. Rosecrans Street with Worden Road, Roosevelt Road (signal modifications only), and Laning Road. Construction of a traffic signal interconnect along Rosecrans Street from Nimitz Boulevard to Lytton Street.

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- ii. Laning Road with Cushing Road and North Harbor Drive (signal modification only).
  - iii. North Harbor Drive with McCain Road (NOTE: Pursuant to Appendix G of the NTC Reuse Plan ("San Diego Unified Port District Agreement") the San Diego Unified Port District has assumed the obligation to spend a minimum of Two Million Dollars (\$2,000,000) for the design and construction of improvements related to airport needs on those portions of Camp Nimitz conveyed to the City).
5. Prior to the issuance of the first building permit within Units 3 through 6, the Master Developer (McMillin NTC, LLC) shall execute a shared parking agreement, and provide a parking management plan, including phasing for the construction of a parking structure(s) (if the intensity of use actually developed warrants the construction of such parking structure or structures) to accommodate up to approximately 3,750 parking spaces, to assure adequate supply of parking on site, satisfactory to the City Engineer. The parking management plan shall include the requirement for annual parking studies, through build-out of Units 3 through 6, to evaluate impacts of non-park users on parking spaces provided within the public park areas, and NTC generated users on adjacent residential streets west of Rosecrans Street. The first parking study shall be submitted to the City Engineer within one year of issuance of the first building permit. If, based on the results of any submitted parking study, it is determined that impacts of non-park users to parking spaces within the public park areas are occurring, or impacts of NTC generated users on adjacent residential streets west of Rosecrans Street are occurring, the Master Developer (McMillin NTC, LLC) shall provide an internal shuttle transit system connecting the parking structure and other shared parking facilities to uses within Units 3 through 6 (including the public park areas), or some other alternative, satisfactory to the City Engineer and the City Park and Recreation Director.

Noise

6. Prior to the issuance of any building permits for new residential structures, the Master Developer (McMillin NTC, LLC) shall prepare an acoustical analysis to the satisfaction of the City Manager. The City Manager shall verify that all measures identified in the approved analysis which are necessary to achieve an interior noise level of 45 dBA Community Noise Equivalent Level (CNEL) within all habitable rooms of new residential structures and a noise level of 65 dBA CNEL within all usable exterior areas of new residential developments have been incorporated into the proposed design. All required noise attenuation design features shall be contained on the applicable construction plans. Based upon the preliminary noise assessment, it is anticipated that 6-foot to 7-foot high noise walls would be required to attenuate traffic noise levels to 65 dBA CNEL at residential exterior useable areas affected by Rosecrans Street.

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Geology/Soils

7. Prior to the recordation of the first final map and/or issuance of the first grading permit, the Master Developer (McMillin NTC, LLC) shall submit an updated report addressing site specific soil and groundwater contamination to the Environmental Review Manager of LDR for review and approval. The report shall address health and safety impacts for any ~~excavations required for construction of structures or utilities in areas mapped with~~ contaminants that were left in place based on maps provided in the "Document Review Summary, Naval Training Center, San Diego," dated March 17, 2000, prepared by Geocon, Inc. The lead agency for this site, the Regional Water Quality Control Board, shall concur with the new land uses, type of excavations, and any health and safety plans.

Water Quality

8. Prior to the issuance of each grading permit and recordation of each final map, the Master Developer (McMillin NTC, LLC) shall assure the provision of adequate water quality Best Management Practices, generally consistent with those facilities (grassed swale biofilters) and devices (catch basin filtration devices) depicted in Exhibits A, B and C of this Mitigation Monitoring and Reporting Program, and shall enter into an agreement with the City to assure the long term maintenance of such facilities/devices in accordance with manufacturer specifications or industry/regulatory agency standards, as appropriate, satisfactory to the City Engineer.
9. Prior to the preconstruction meeting for the Metropolitan Wastewater Department (MWWD) Environmental Monitoring and Technical Services Laboratory, the Environmental Review Manager of the Land Development Review Division (LDR) shall verify that the construction drawings include stormwater interceptors within on-site storm drain inlets. Long-term maintenance of these devices in accordance with manufacturer specifications will be the responsibility of MWWD.
10. Prior to the preconstruction meeting for the Metropolitan Wastewater Department (MWWD) Pier and Boat Docks Project within the NTC Boat Channel, the Environmental Review Manager of the Land Development Review Division (LDR) shall verify that the construction drawings and contract specifications state that pile driving operations related to construction of the pier within the soft bottom areas of the NTC Boat Channel shall require the use of sedimentation curtains in order to minimize the suspension of toxic sediment and metals that may exist along the channel bottom.

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Visual Quality/Aesthetics

11. Prior to the issuance of any grading or building permit associated with the remodeling of the Sail Ho Golf Course, the City Manager shall verify that the following features are specified where appropriate on grading, landscape, and/or building plans, in substantial conformance with the approved Exhibit "A" for Conditional Use Permit No. 99-1076:
  - a. Installation of new deflection netting fence parallel to and approximately 100 feet south of the existing fence. Installation of new deflection netting fencing along Rosecrans Street, behind existing mature trees, and along the southern boundary of the driving range.
  - b. Retention of existing healthy, mature eucalyptus and pine trees along Lytton Street and Rosecrans Street adjacent to the golf course.
  - c. Addition of new eucalyptus and pine trees, both inside and outside of the new deflection netting fencing.

Biological Resources

12. Prior to the preconstruction meeting for the Metropolitan Wastewater Department (MWWD) Pier and Boat Docks Project within the NTC Boat Channel, the Environmental Review Manager of the Land Development Review Division (LDR) shall verify that the construction drawings and contract specifications incorporate the MMRP, which will contain the following biological mitigation, monitoring and reporting program requirements:
  - a. Prior to the preconstruction meeting, MWWD shall provide a letter of verification to the Environmental Review Manager of LDR stating that a qualified biologist has been retained to implement the required eelgrass (*Zostera Marina*) mitigation program for this project, to consist of transplantation within the project study area based on the report entitled, "Eelgrass Survey for the Environmental Monitoring and Technical Services Laboratory Project for the City of San Diego MWWD, NTC Channel, San Diego Bay, California," dated May 18, 2000, prepared by Merkel & Associates, Inc. Mitigation at a ratio of 1.2:1 shall be provided for all impacts to eelgrass resulting from the project. It is anticipated that the project would impact 1,821 square feet of eelgrass beds, which would require 2,185 square feet of mitigation.
  - b. Within 120 days prior to the start of construction within the NTC Boat Channel, MWWD shall submit to the Environmental Review Manager of LDR a preconstruction eelgrass survey report, prepared by a qualified biologist, to

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document the extent of and percent coverage of eelgrass within the project impact area.

- c. Prior to the start of construction, MWWD shall submit to the Environmental Review Manager of LDR copies of all state and federal permits obtained for the proposed construction work within the Boat Channel and a final eelgrass ~~transplantation plan which outlines the proposed eelgrass mitigation program.~~ The final plan shall be approved by all appropriate state and federal agencies and the City and shall identify the eelgrass donor and mitigation control sites, the transplantation receiver site(s), planting plan, transplant method, monitoring program, and mitigation success criteria.
  - d. Within 30 days after the completion of project construction, a post-construction eelgrass survey shall be conducted by a qualified biologist and a report documenting the findings of the survey submitted to the Environmental Review Manager of LDR. The report shall delineate and quantify the extent of eelgrass impacts that resulted from project construction and shall specify the total amount of mitigation that is required for the project.
  - e. Upon completion of the transplantation work, a monitoring program shall be initiated and shall continue for a 60-month (5-year) period, to be carried out by a qualified biologist. Areas that do not meet the established success criteria shall be revegetated and monitored for a subsequent five-year period. Should replanting of portions or all of the mitigation area fail to meet the established success criteria, the implementation of an alternative mitigation program acceptable to the appropriate state and federal agencies and the City will be necessary.
  - f. MWWD shall comply with the following requirements:
    - i. Notification shall be provided to the Environmental Review Manager of LDR, California Coastal Commission, U.S. Army Corps of Engineers, California Department of Fish and Game, National Marine Fisheries Service, and U.S. Fish and Wildlife Service ten or more days prior to the start of the mitigation work, along with a schedule of mitigation activities.
    - ii. Monitoring reports shall be submitted to the Environmental Review Manager of LDR, California Coastal Commission, U.S. Army Corps of Engineers, California Department of Fish and Game, National Marine Fisheries Service, and U.S. Fish and Wildlife Service for each monitoring interval within thirty days of the completion of monitoring surveys.
13. Prior to the preconstruction meeting, a qualified biologist shall determine the potential for sensitive bird species protected under the Migratory Bird Treaty Act to occur within or adjacent to the project impact area throughout the anticipated construction period. If any

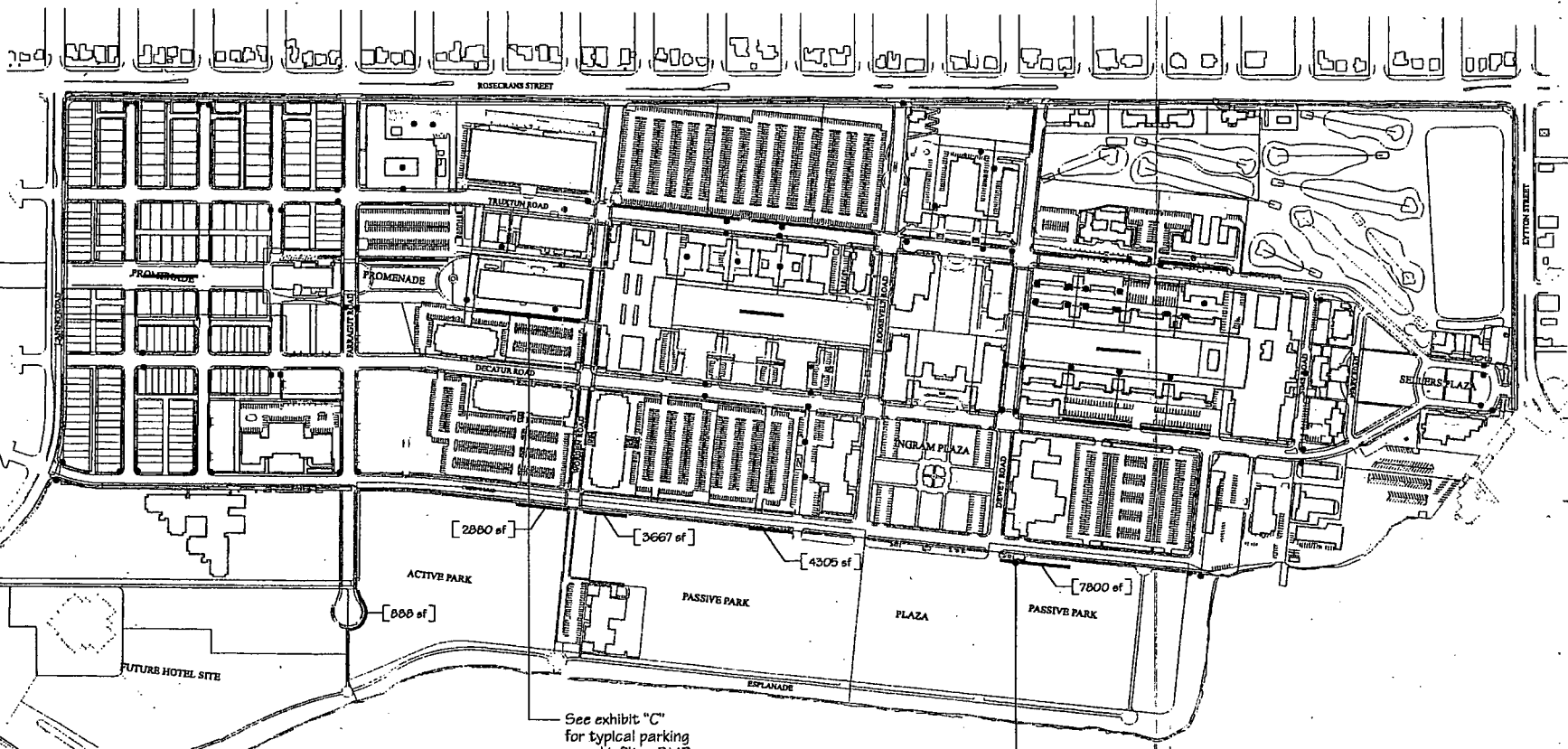
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areas are identified as having the potential to be breeding, roosting or foraging areas for such species, including the rip rap along the NTC Boat Channel, appropriate construction buffers, to be determined by the qualified biologist, City, and appropriate state and federal agencies, shall be provided.

General

14. The Mitigation, Monitoring and Reporting Program (MMRP) shall require the Master Developer (McMillin NTC, LLC) to submit a deposit of \$5,000 prior to the issuance of the first building permit, first grading permit, or prior to the recordation of the first final map to cover the City's costs associated with implementation of the MMRP.

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See exhibit "C" for typical parking area biofilter BMP

See exhibit "B" for typical park biofilter BMP

**BMP legend:**

- Indicates a biofilter drainage swale
- Indicates a catch basin filtration device
- [1000 sf] Indicates a biofilter drainage swale area

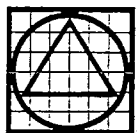
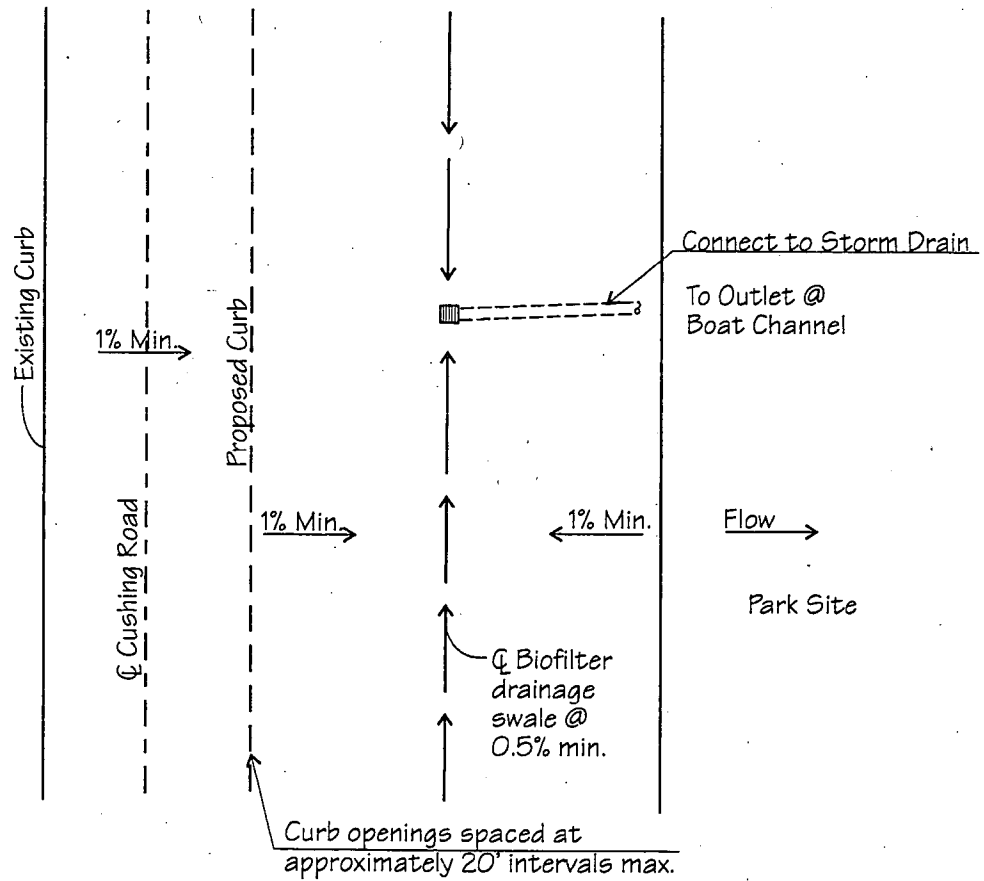
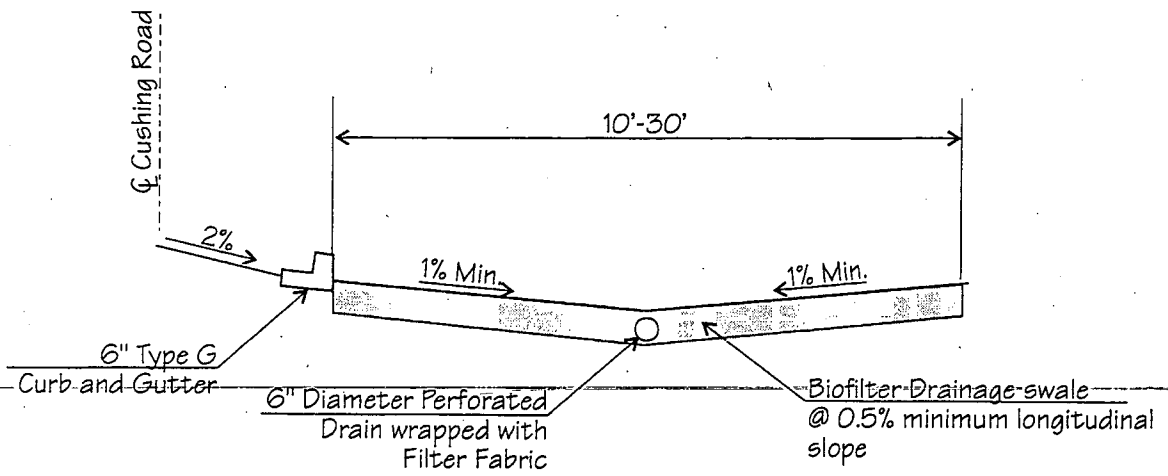
**Notes:**

1. Biofilter drainage swales shown are preliminary and may change in final design.
2. Catch basin filtration device locations shown are approximate in location and may change in final design.

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No Scale/July 31, 2000



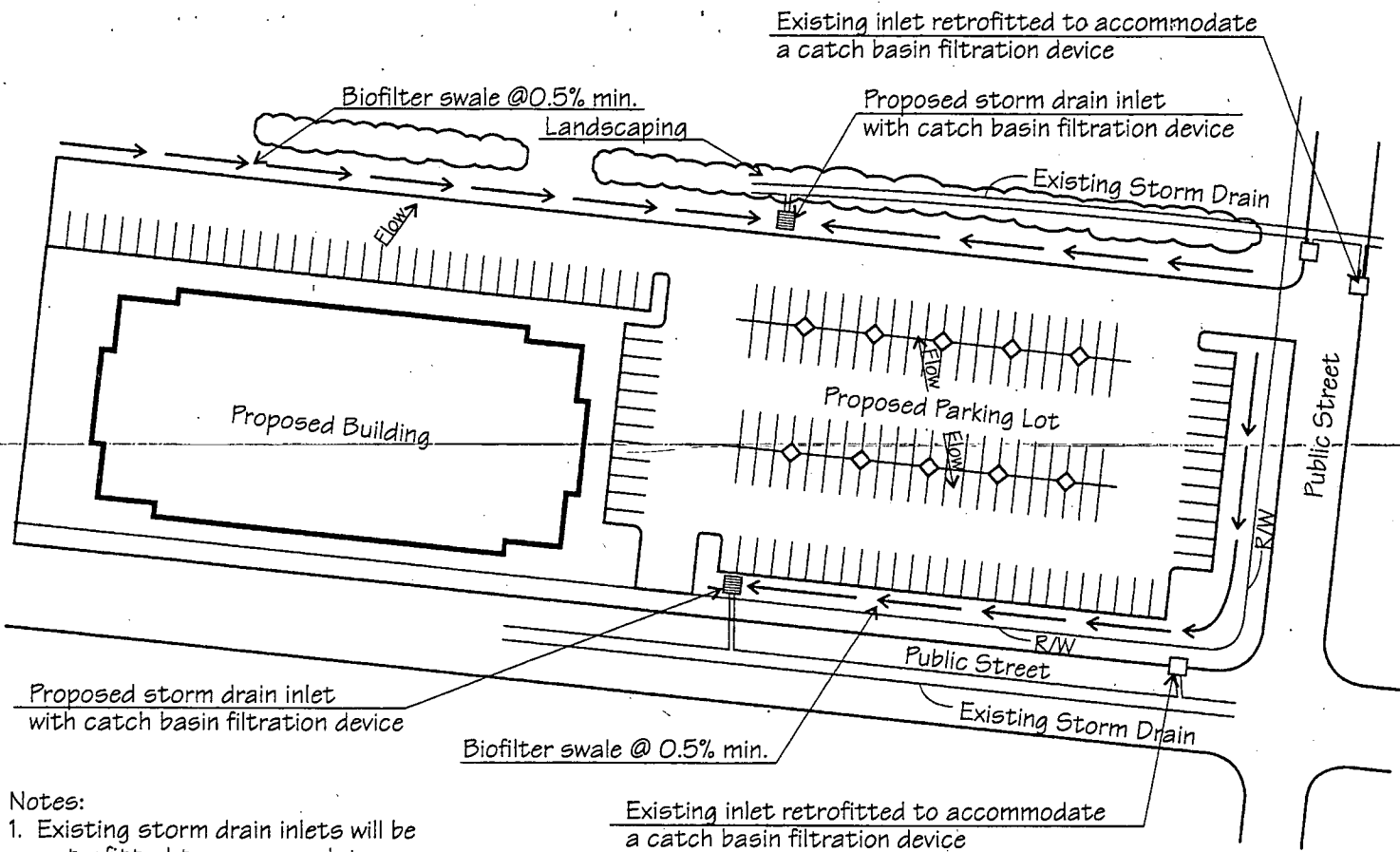
**RICK  
ENGINEERING  
COMPANY**

No Scale/July 31, 2000

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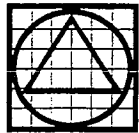
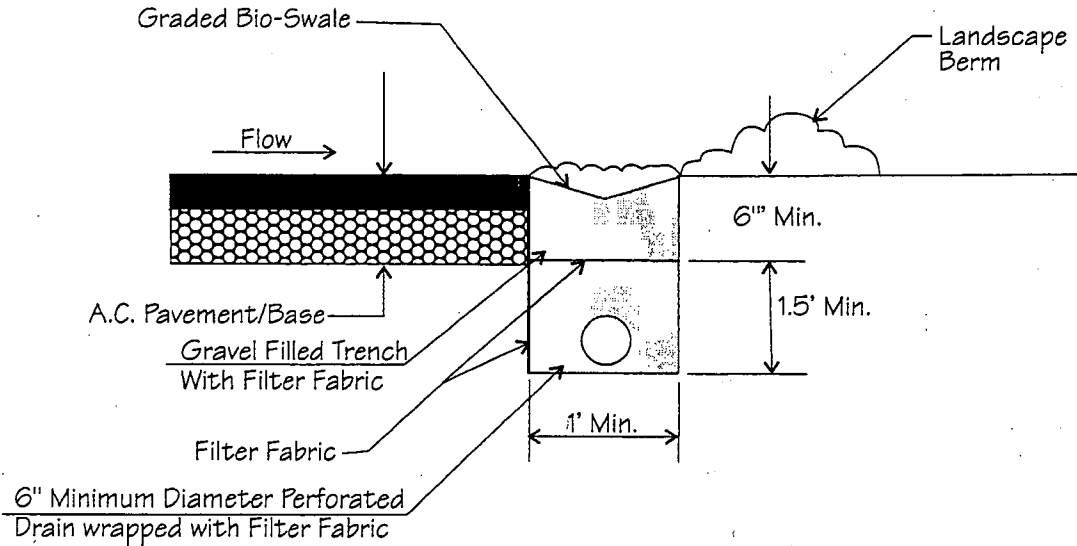
Naval Training Center  
Typical Park Site Biofilter Drainage Swale  
for Post Construction  
Best Management Practices (BMP's)

Exhibit "B"



Notes:

1. Existing storm drain inlets will be retrofitted to accommodate a fossil filter installation
2. The biofilter swales will have capacity for 0.6 inch or 0.2 in/hr of storm runoff.



**RICK  
ENGINEERING  
COMPANY**

No Scale/July 31, 2000

Naval Training Center  
Typical Parking Area BioFilter  
for Post Construction  
Best Management Practices (BMP's)

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Exhibit "C"

Recording requested by:

SAN DIEGO UNIFIED PORT DISTRICT

and when recorded mail to:

District Clerk  
San Diego Unified Port District  
P.O. Box 120488  
San Diego, CA 92112-0488

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### GRANT OF AVIGATION EASEMENT

WHEREAS:

1. The City of San Diego, a governmental entity organized under the laws of the United States of America and possessing political authority ("Grantor"), is the owner of the fee simple estate in and to that certain real property situated in the County of San Diego, State of California commonly described as a portion of the former Naval Training Center ("NTC") San Diego and more particularly described and depicted in Exhibit A attached to this avigation easement and incorporated by this reference ("the Subject Property").

2. It is the desire of Grantor to grant to the San Diego Unified Port District ("the District"), a governmental entity organized under the laws of the State of California and possessing political authority, and the federally certificated owner and operator of San Diego International Airport ("SDIA" or "the Airport"), an air and avigation easement, also known as a perpetual air, flight or noise easement, on, upon, over, across, and above the Subject Property, and to all of the airspace above the Subject Property, whereby Grantor relinquishes certain rights relative to the Subject Property, as described in this grant of avigation easement;

3. The purpose of this grant of easement, and its acceptance by the District, includes granting the District, its successors and assigns, an avigation easement permitting the unencumbered and unrestricted flight of aircraft, to or from SDIA, and any and all consequential effects of such operations without liability to the District, to the aircraft operator, or to any other person lawfully operating aircraft to or from SDIA in the navigable airspace of the United States (as defined at 49 U.S.C.S. 40102(a)(30), and as that section of the United States Code (and the referenced regulations) existed on the effective date of this grant of easement, and in accordance with relevant regulations of the United States



of America and the State of California, pursuant to the authority granted to the District by the people and the State of California; and

4. The grant of avigation easement shall be recorded in the chain of title in the County Recorder's Office and shall be in favor of the District under which SDIA is the dominant tenement.

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged:

#### WARRANTIES AND COVENANTS

1. Grantor, for itself, its heirs, administrators, executors, successors, and assigns, does hereby warrant and covenant to the District that as of the date hereof:

2. Grantor holds the entire fee simple interest in the Subject Property with the exception to those parcels as more particularly described in Exhibit A to this grant of avigation easement;

3. Grantor shall not convey its interest in the property, or execute, deliver, comply or permit recordation of any interest in the property, or any lien or encumbrance against the property (or any interest therein) until this grant of avigation easement has been properly executed by Grantor, accepted by the District, and recorded by the San Diego County Recorder.

#### GRANT OF AVIGATION EASEMENT

Grantor, for itself, its heirs, administrators, executors, successors and assigns, does hereby grant to the District, its heirs, administrators, executors, successors and assigns, a perpetual air, flight or noise easement, commonly referred to as an avigation easement, on, upon, over, across, above the Subject Property, and to all airspace which overlies the Subject Property.

This easement conveys to the District the use of such airspace above the surface of the Subject Property to permit the operation of aircraft above, or in the air space of the Subject Property, the imposition upon the Subject Property, and its use by any person for any and all purposes, of all noise, vibration, fumes, dust, fuel particles, discomfort,

inconvenience, interference with the use and enjoyment and any consequent reduction of market value of Subject Property due directly or indirectly to the operation of aircraft to and from SDIA.

This grant of easement is for the use of such airspace by any aircraft, present or future, in whatever form or type, during operations at, on, to or from SDIA, including any future change or increase in the volume or pattern of aircraft traffic or aircraft noise, by all existing or future types of aircraft.

This grant of easement and all rights appertaining to Grantee, its successors, assigns, lessees, sublessees, licensees and invitees, shall be effective until SDIA shall be abandoned and shall cease to be used for public airport purposes, it being understood and agreed that these covenants and agreement shall run with the land.

This easement constitutes an enforceable restriction pursuant to the provisions of California law, including, but not limited to, Section 21652 of the CALIFORNIA PUBLIC UTILITIES CODE, and shall bind Grantor, Grantor's successors and assigns, and each and all of them, and shall be appurtenant to, and for the benefit of the real property commonly known as SDIA, which is more particularly described in Exhibit C attached to this aviation easement and hereby incorporated by this reference.

Executed this \_\_\_\_\_ day of: \_\_\_\_\_ 2000

GRANTOR:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

(Grantor Acknowledgement)

(Title)

STATE OF CALIFORNIA)

ss.

COUNTY OF SAN DIEGO)

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

WITNESS my hand and official seal.

Signature \_\_\_\_\_

CERTIFICATE OF ACCEPTANCE

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In accordance with Section 27281 of the California Government Code, this is to certify that the interest in real property conveyed by this Grant of Height and Use Easement, dated \_\_\_\_\_, 2000, from \_\_\_\_\_ to the SAN DIEGO UNIFIED PORT DISTRICT, a public corporation, is hereby accepted by the undersigned officer on behalf of the Board of Port Commissioners of the San Diego Unified Port District pursuant to authority conferred by Resolution No. 83-43 of said Board adopted February 18, 1983, and the Grantee consents to recordation thereof by its duly authorized officer.

DATED: \_\_\_\_\_ 2000 SAN DIEGO UNIFIED PORT DISTRICT

By \_\_\_\_\_  
Executive Director

---

(FOR USE BY SAN DIEGO UNIFIED PORT DISTRICT)

STATE OF CALIFORNIA)

COUNTY OF SAN DIEGO)

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

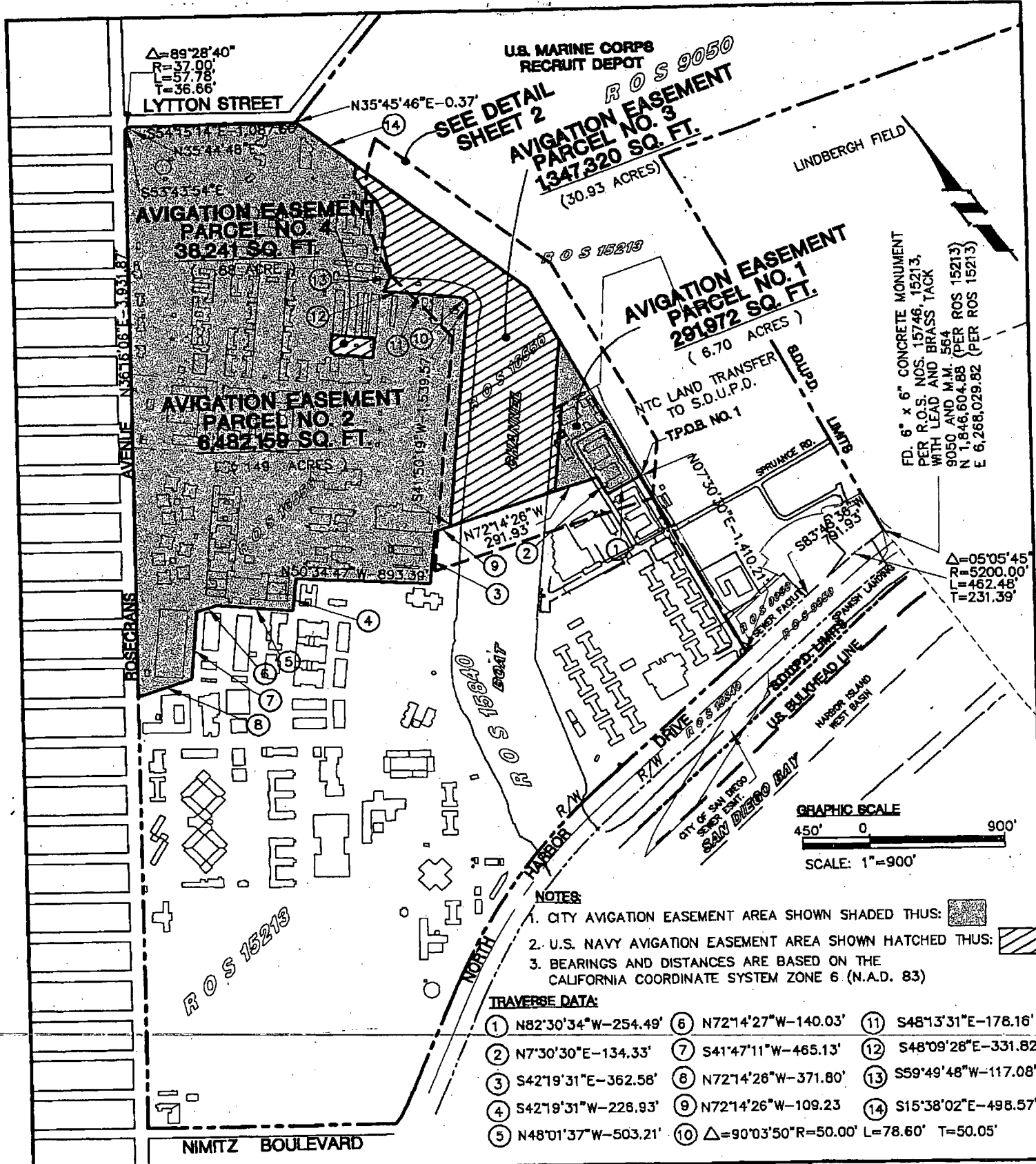
WITNESS my hand and official seal.

---

Signature \_\_\_\_\_

## EXHIBIT C

All those lands lying between the line of mean high tide of San Diego Bay and the pierhead line of said bay, and between an irregular westerly boundary being an irregular line beginning at Government Station 488 on the combined pierhead and bulkhead line and proceeding northerly; thence easterly; thence northerly; thence easterly, thence northeasterly along the boundary of the United States Marine Corps Base to the point where such boundary intersects the mean high tide line in the vicinity of Washington Street and Pacific Highway, and the northwesterly boundary lines of the United States Naval Station between the mean high tide line and the United States Pierhead line being an irregular line, omitting therefrom, the United States Coast Guard Base lying southerly of North Harbor Drive and in the vicinity of SDIA; and the Civic Center lying between North Harbor Drive and Pacific Highway and between Grape and Ash Streets; and the United States Naval Supply Center consisting of four parcels, (1) the block between Broadway and "E" Street and between North Harbor Drive and Pacific Highway, (2) the block lying between "B" and "F" Streets and between North Harbor Drive and Pacific Highway, (3) a portion of a block between "F" and Market Streets and North Harbor Drive and Pacific Highway, (4) the United States Naval Pier at the foot of "E" Street; and adding portions of fractional blocks 18 and 19, New San Diego, according to the Map thereof No. 456, lying above the mean high tide line; such boundaries, roadways, easements and omissions being shown in detail upon engineering drawings Nos. 4, 5, 6, 6a, 6b, 6c, 7, 8, 8a, 8b, 9, 9a, 9b, 9c, 9d, 9e, 10, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h, 11, 12, 12a, 13, 13a, 13b, 13c, 14c, 14d, 14e, 14f, 15c, 15d, 15e, 15f, 16e, 16f, 14g, 15g, 16c, 16d, and 16g.



**NOTES**

1. CITY AVIGATION EASEMENT AREA SHOWN SHADED THUS: [shaded box]
2. U.S. NAVY AVIGATION EASEMENT AREA SHOWN HATCHED THUS: [hatched box]
3. BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 6 (N.A.D. 83)

**TRAVERSE DATA:**

- |                       |   |                       |
|-----------------------|---|-----------------------|
| ① N82°30'34"W-254.49' | ⑥ N72°14'27"W-140.03'                   | ⑪ S48°13'31"E-178.16' |
| ② N7°30'30"E-134.33'  | ⑦ S41°47'11"W-465.13'                   | ⑫ S48°09'28"E-331.82' |
| ③ S42°19'31"E-362.58' | ⑧ N72°14'26"W-371.80'                   | ⑬ S59°49'48"W-117.08' |
| ④ S42°19'31"W-226.93' | ⑨ N72°14'26"W-109.23'                   | ⑭ S15°38'02"E-498.57' |
| ⑤ N48°01'37"W-503.21' | ⑩ Δ=90°03'50"R=50.00' L=78.60' T=50.05' |                       |

DRAWN ASNOR SANTONIL  
 CHECKED \_\_\_\_\_  
 REVIEWED \_\_\_\_\_  
 APPROVED \_\_\_\_\_  
 SR. DIRECTOR / FACILITIES DIVISION

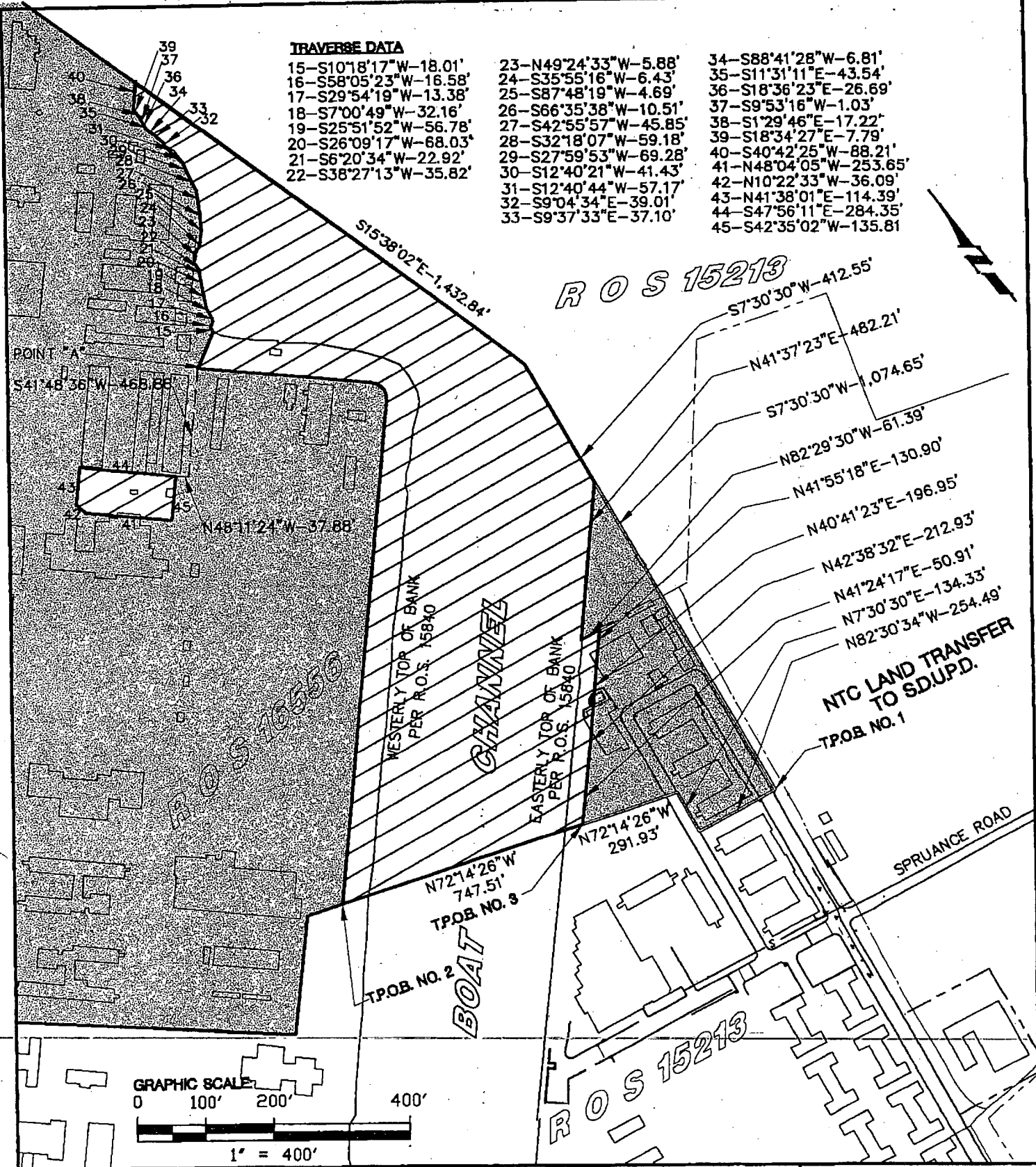
**SAN DIEGO UNIFIED PORT DISTRICT  
 AVIGATION EASEMENT  
 WITHIN CORPORATE LIMITS OF SAN DIEGO  
 SAN DIEGO UNIFIED PORT DISTRICT**

DATE 28 SEPT.2000  
 SCALE 1"=900'  
 REF. ROS 15213, 15840,16556  
 DRAWING NO. SHEET 1 OF 2  
**510-003**

ATTACHMENT C

R-293943

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**TRAVERSE DATA**

- |                       |                       |                        |
|-----------------------|-----------------------|------------------------|
| 15-S10°18'17"W-18.01' | 23-N49°24'33"W-5.88'  | 34-S88°41'28"W-6.81'   |
| 16-S58°05'23"W-16.58' | 24-S35°55'16"W-6.43'  | 35-S11°31'11"E-43.54'  |
| 17-S29°54'19"W-13.38' | 25-S87°48'19"W-4.69'  | 36-S18°36'23"E-26.69'  |
| 18-S7°00'49"W-32.16'  | 26-S66°35'38"W-10.51' | 37-S9°53'16"W-1.03'    |
| 19-S25°51'52"W-56.78' | 27-S42°55'57"W-45.85' | 38-S1°29'46"E-17.22'   |
| 20-S26°09'17"W-68.03' | 28-S32°18'07"W-59.18' | 39-S18°34'27"E-7.79'   |
| 21-S6°20'34"W-22.92'  | 29-S27°59'53"W-69.28' | 40-S40°42'25"W-88.21'  |
| 22-S38°27'13"W-35.82' | 30-S12°40'21"W-41.43' | 41-N48°04'05"W-253.65' |
|                       | 31-S12°40'44"W-57.17' | 42-N10°22'33"W-36.09'  |
|                       | 32-S9°04'34"E-39.01'  | 43-N41°38'01"E-114.39' |
|                       | 33-S9°37'33"E-37.10'  | 44-S47°56'11"E-284.35' |
|                       |                       | 45-S42°35'02"W-135.81' |

*ROS 15213*

S15°38'02"E-1,432.84'

S7°30'30"W-412.55'

POINT A  
S41°48'36"W-465.88'

WESTERLY TOP OF BANK  
PER R.O.S. 15840

*CHANNEL*

EASTERLY TOP OF BANK  
PER R.O.S. 15840

NTC LAND TRANSFER  
TO SDUPD.  
TPOB NO. 1

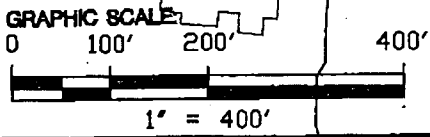
N72°14'26"W  
747.51'  
TPOB NO. 8

TPOB NO. 2  
*BOAT*

N72°14'26"W  
291.93'

SPRUANCE ROAD

*ROS 15213*



DRAWN	ASNOR SANTONIL
CHECKED	_____
REVIEWED	_____
APPROVED	_____
BR. DIRECTOR / FACILITIES DIVISION	

**SAN DIEGO UNIFIED PORT DISTRICT**  
**AVIGATION EASEMENT**  
 WITHIN CORPORATE LIMITS OF SAN DIEGO  
**SAN DIEGO UNIFIED PORT DISTRICT**

DATE 28 SEPT.2000  
 SCALE 1"=400'  
 REF. ROS 15213, 15840,16556

DRAWING NO.  
 SHEET 2 OF 2  
**510-003**

*R* - 293943

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**PARCEL NO. 1**

Commencing at the 6"x 6" concrete Monument being at a corner on the easterly boundary of the U.S. Naval Training Center and the northerly right-of-way line of North Harbor Drive as shown on Record of Survey 15213, filed in the Office of the County Recorder of San Diego County, June 14, 1996; said Monument also being an angle point on the boundary between United States Navy Land and the San Diego Unified Port District as shown on Miscellaneous Map No. 564 filed in the Office of the San Diego County Recorder May 28, 1976; thence leaving said Monument, as said monument also is the beginning of a curve concave to the south having a radius of 5,200.00 feet, the center of which bears south 1°05'39" east; thence westerly along the arc of said curve through a central angle of 5°05'45", an arc distance of 462.48 feet to a point which bears north 6°11'24" west from the center of said curve; thence continuing westerly south 83°48'36" west a distance of 791.93 feet; thence north 7°30'30" east a distance of 1,410.21 feet to the TRUE POINT OF BEGINNING of Parcel No. 1; thence north 82°30'34" west a distance of 254.49 feet; thence north 7°30'30" east a distance of 134.33 feet; thence north 72°14'26" west a distance of 291.93 feet; thence north 41°24'17" east a distance of 50.91 feet; thence north 42°38'32" east a distance of 212.93 feet; thence north 40°41'23" east a distance of 196.95 feet; thence north 41°55'18" east a distance of 130.90 feet; thence north 82°29'30" west a distance of 61.39 feet; thence north 41°37'23" east a distance of 482.21 feet; thence south 7°30'30" west a distance of 1,074.65 feet; thence north 82°30'34" west a distance of 254.49 feet; thence north 7°30'30" east a distance of 134.33 feet to the TRUE POINT OF BEGINNING of Parcel No. 1, containing 291,972 square feet or 6.70 acres of land area.

**PARCEL NO. 2**

Commencing at the True Point of Beginning of Parcel No. 1; thence north 82°30'34" west a distance of 254.49 feet; thence north 7°30'30" east a distance of 134.33 feet; thence north 72°14'26" west a distance of 291.93 feet; thence continuing north 72°14'26" west a distance of 747.51 feet to the TRUE POINT OF BEGINNING of Parcel No. 2; thence continuing north 72°14'26" west a distance of 109.23 feet; thence south 42°19'31" east a distance of 362.58 feet; thence north 50°34'47" west a distance of 893.39 feet; thence south 42°19'31" west a distance of 226.93 feet; thence north 48°01'37" west a distance of 503.21 feet; thence north 72°14'27" west a distance of 140.03 feet; thence south 41°47'11" west a distance of 465.13 feet; thence north 72°14'26" west a distance of 371.80 feet to a point on the northeasterly right-of-way line of Rosecrans Avenue; thence continuing along said right-of-way north 36°16'06" east a distance of 3,931.87 feet to the beginning of a curve concave to the south having a radius of 37.00 feet, the center of which bears south 53°43'54" east; thence easterly along the arc of said curve through a central angle of 89°28'40", an arc distance of 57.78 feet to a point on the southwesterly right-of-way line of Lytton Street; thence tangentially along said right-of-way

DRAWN	AS/np
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REVIEWED	
APPROVED	
SIC. DIRECTOR / PUBLIC WORKS	

**SAN DIEGO UNIFIED PORT DISTRICT**  
 AVIGATION EASEMENTS  
 WITHIN CORPORATE LIMITS OF SAN DIEGO  
 SAN DIEGO UNIFIED PORT DISTRICT

DATE	28 September 2000
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south 54°15'14" east a distance of 1,087.60 feet; thence leaving said right-of-way north 35°45'46" east distance of 0.37 feet; thence south 15°38'02" east a distance of 498.57 feet; thence south 40°42'25" east a distance of 88.21 feet; thence south 18°34'27" east a distance of 7.79 feet; thence south 1°29'46" east distance of 17.22 feet; thence south 9°53'16" west a distance of 41.03 feet; thence south 18°36'23" east a distance of 26.69 feet; thence south 11°31'11" east a distance of 43.54 feet; thence south 88°41'28" west a distance of 6.81 feet; thence south 9°37'33" east a distance of 37.10 feet; thence south 9°04'34" east a distance of 39.01 feet; thence south 12°40'44" west a distance of 57.17 feet; thence south 12°40'21" west a distance of 41.43 feet; thence south 27°59'53" west a distance of 69.28 feet; thence south 32°18'07" west a distance of 59.18 feet; thence south 42°55'57" west a distance of 45.85 feet; thence south 66°35'38" west a distance of 10.51 feet; thence south 87°48'19" west a distance of 4.69 feet; south 35°55'16" west a distance of 6.43 feet; thence north 49°24'33" west a distance of 5.88 feet thence south 38°27'13" west a distance of 35.82 feet; thence south 6°20'34" west a distance of 22.92 feet; thence south 26°09'17" west a distance of 68.03 feet; thence south 25°51'52" west a distance of 56.78 feet; thence south 7°00'49" west a distance of 32.16 feet; thence south 29°54'19" west a distance of 13.38 feet; thence south 58°05'23" west a distance of 16.58 feet; thence south 10°18'17" west a distance of 18.01 feet; thence south 59°49'48" west a distance of 117.08 feet; thence south 48°09'28" east a distance of 331.82 feet; thence south 48°13'31" east a distance of 178.16 feet; to the beginning of a tangent curve concave to the west having a radius of 50.00 feet; thence along the arc of said curve through a central angle of 90°03'50" an arc distance of 78.60 feet to a point of tangency; thence south 41°50'19" east a distance of 1,539.57 feet to the TRUE POINT OF BEGINNING of Parcel No. 2, containing 6,482,159 square feet or 148.80 acres of land area.

Excepting therefrom:

The area subsequently described in this legal description as Parcel No. 4.

**PARCEL NO. 3**

Commencing at the True Point of Beginning of Parcel No. 1; thence north 82°30'34" west a distance of 254.49 feet; thence north 7°30'30" east a distance of 134.33 feet; thence north 72°14'26" west a distance of 291.93 feet; thence continuing north 72°14'26" west a distance of 747.51 feet to the TRUE POINT OF BEGINNING of Parcel No. 3; thence north 41°50'19" east a distance of 1,539.57 feet to the beginning of a tangent curve concave to the west and having a radius of 50.00 feet; thence along the arc of said curve through a central angle of 90°03'50" an arc distance of 78.60 feet to a point of tangency; thence north 48°13'31" west a distance of 178.16 feet; thence north 48°09'28" west a distance of 331.82 feet to a point hereinafter known as point "A"; thence north 59°49'48" east a distance of 117.08 feet; thence north 10°18'17" east a distance of 18.01 feet; thence north 58°05'23" east a distance of 16.58 feet; thence north

DRAWN _____ AS/np CHECKED _____ REVIEWED _____	<b>SAN DIEGO UNIFIED PORT DISTRICT</b> AVIGATION EASEMENTS WITHIN CORPORATE LIMITS OF SAN DIEGO SAN DIEGO UNIFIED PORT DISTRICT	DAT 28 September 2000 7843
APPROVED _____ SR. DIRECTOR / PUBLIC WORKS	DRAWING NO. 510-003	

*J* 293943

29°54'19" east a distance of 13.38 feet; thence north 7°00'49" east a distance of 32.16 feet; thence north 25°51'52" east a distance of 56.78 feet; thence north 26°09'17" east a distance of 68.03 feet; thence north 6°20'34" east a distance of 22.92 feet; thence north 38°27'13" east a distance of 35.82 feet; thence south 49°24'33" east a distance of 5.88 feet; thence north 35°55'16" east a distance of 6.43 feet; thence north 87°48'19" east a distance of 4.69 feet; thence north 66°35'38" east a distance of 10.51 feet; thence north 42°55'57" east a distance of 45.85 feet; thence north 32°18'07" east a distance of 59.18 feet; thence north 27°59'53" east a distance of 69.28 feet; thence north 12°40'21" east a distance of 41.43 feet; thence north 12°40'44" east a distance of 57.17 feet; thence north 9°04'34" west a distance of 39.01 feet; thence north 9°37'33" west a distance of 37.10 feet; thence north 88°41'28" east a distance of 6.81 feet; thence north 11°31'11" west a distance of 43.54 feet; thence north 18°36'23" west a distance of 26.69 feet; thence north 9°53'16" east a distance of 41.03 feet; thence north 1°29'46" west a distance of 17.22 feet; thence north 18°34'27" west a distance of 7.79 feet; thence north 40°42'25" east a distance of 88.21 feet; thence south 15°44'09" east a distance of 1,434.03 feet; thence south 7°30'30" west a distance of 412.55 feet; south 41°37'23" west a distance 482.21 feet; thence south 82°29'30" east a distance of 61.39 feet; thence south 41°55'18" west a distance of 130.90 feet; thence south 40°41'23" west a distance of 196.95 feet; thence south 42°38'32" west a distance of 212.93 feet; thence south 41°24'17" west a distance of 50.91 feet thence north 72°14'26" west a distance of 747.51 feet to the TRUE POINT OF BEGINNING of Parcel No. 3, containing 1,347,320 square feet of 30.93 acres of land area.

**PARCEL NO. 4**

Commencing at the above described Point "A"; thence south 41°48'36" west a distance of 468.86 feet; thence north 48°11'24" west a distance of 37.88 feet to the TRUE POINT OF BEGINNING of Parcel No. 4; thence north 48°04'05" west a distance of 253.65 feet; thence north 10°22'33" west a distance of 36.09 feet; thence north 41°38'01" east a distance of 114.39 feet; thence south 47°56'11" east a distance of 284.35 feet; thence south 42°35'02" west a distance of 135.81 feet to the TRUE POINT OF BEGINNING of Parcel No. 4, containing 38,241 square feet or 0.88 acre of land area.








Bearings and distances in the above legal description are based upon the California Coordinate System (N.A.D. 83) Zone 6.

The above described avigation easement area is that delineated on Drawing No. 510-003, dated 28 September 2000, and made a part of this agreement.

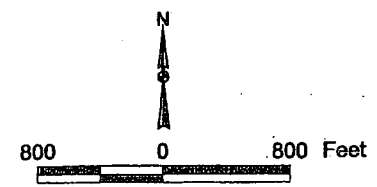
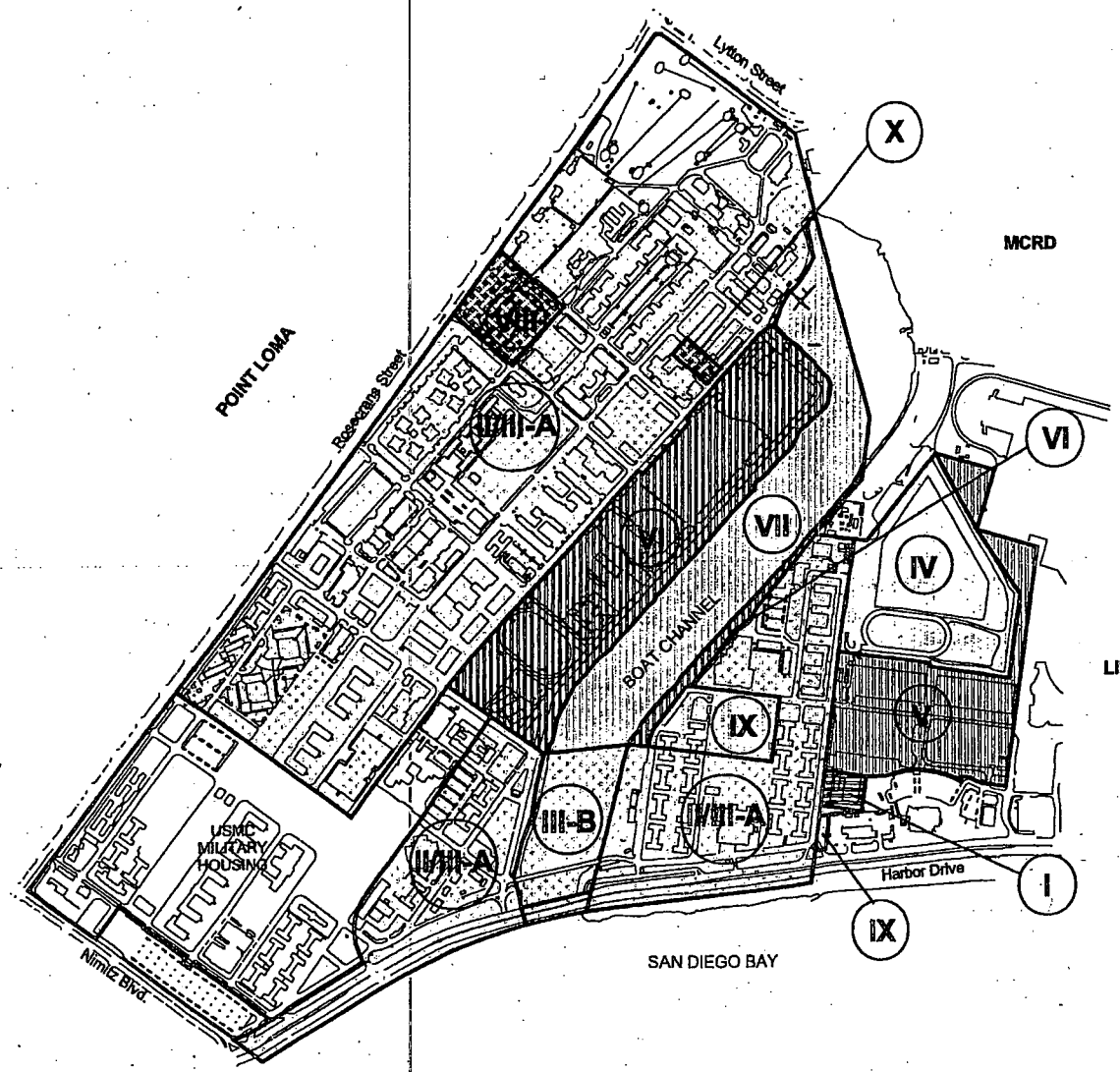
DRAWN <u>AS/np</u> CHECKED _____ REVIEWED _____	<b>SAN DIEGO UNIFIED PORT DISTRICT</b>  AVIGATION EASEMENTS WITHIN CORPORATE LIMITS OF SAN DIEGO SAN DIEGO UNIFIED PORT DISTRICT	DAT <u>28 September 2000</u>  <u>7843</u>
APPROVED _____  SR. DIRECTOR / PUBLIC WORKS	DRAWING NO. <b>510-003</b>	

*R* 293943

**LEGEND**

-  BUILDINGS
-  PARCEL BOUNDARY
-  NTC BOUNDARY
-  ECONOMIC DEVELOPMENT CONVEYANCE
-  FEDERAL TRANSFER
-  PUBLIC BENEFIT CONVEYANCE
-  PARCEL DESIGNATION

NOTE:  
PARCEL I TRANSFERED IN 1998.



Southwest Division Naval Facilities Engineering Command		
Former Naval Training Center, San Diego, CA		
Map of Disposal Parcels		
File No.	Exhibit A	Date
168L5238		4/6/00

ATTACHMENT D  
 203943