

RESOLUTION NUMBER R- 309227

DATE OF FINAL PASSAGE SEP 16 2014

ITEM # 334

SUB-B

9/16/14

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SITE DEVELOPMENT PERMIT NO. 1013229 FOR OLD OTAY MESA ROAD IMPROVEMENTS - PROJECT NO. 287806.

WHEREAS, the City of San Diego, Owner, City of San Diego Public Works-Engineering and Capital Projects, Permittee, filed an application with the City of San Diego for a Site Development Permit to improve a 3,700-foot long section of Otay Mesa Road between Hawken Drive and Crescent Bay Drive. The roadway improvements will include widening and realigning an existing 26-foot wide, two-lane, undivided road to a 36-foot wide modified two-lane local collector in accordance with the City of San Diego Street Design Manual. Associated improvements will include two striped 11-foot wide vehicular travel lanes; with a two 2-foot buffer, two 5-foot wide, Class II bicycle lanes; two sidewalks with curb and gutter; driveways; pedestrian ramps; street signage; utility relocations and adjustments; crib and faux-rock wall systems; and a new storm water drainage and treatment system and associated permanent maintenance access path for storm water facilities and a gate restricting access to maintenance personnel. New guardrails and a six-foot tall, black-coated, vinyl chain-link fence will be constructed along the north side of Otay Mesa Road for increased pedestrian accessibility. Street lighting will be also installed at 300-foot intervals along the improved roadway located at 4831 Otay Mesa Road between Hawken Drive and Crescent Bay Drive, in the Otay Mesa Community Plan area, in the AR-1-1 and RM-2-4 zones; and

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

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

WHEREAS, the matter was set for public hearing on September 16, 2014, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 1013229:

A. FINDINGS FOR SITE DEVELOPMENT PERMIT SDMC SECTION 126.0504

1. The proposed development will not adversely affect the applicable land use plan. Old Otay Mesa Road is located within the Otay Mesa Community Planning Area of the City of San Diego and is identified as a two-lane local collector within the Circulation Element of the Otay Mesa Community Plan (OMCP). All future roadway classifications on Figure 3-2 of the OMCP are anticipated to be developed to their full classification consistent with the Street Design Manual. The roadway is surrounded by designated parkland, and is considered an essential public facility.

State law requires that cities address complete streets and plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel. The City's General Plan Mobility Element as adopted in 2008 meets this requirement as it includes multi-modal goals and policies that promote a balanced, multi-modal transportation network and address pedestrian orientation, bicycle facilities, and streets. The City's OMCP, adopted in March 2014, is used in conjunction with all applicable policies from the General Plan and includes recommendations for pedestrian safety, the provision of bicycle facilities, and Complete Streets that provide a more balanced street environment that prioritizes walking and bicycling over private vehicle movement.

Improvements to this roadway would be consistent with the policies of the OMCP and the Multiple Species Conservation Program (MSCP) Subarea Plan, as the MSCP allows development of collector streets essential for area circulation within the Multiple Habitat Planning Area (MHPA). The path of the existing Old Otay Mesa Road is already established and the widening of the road would not cause significant disruption of wildlife. The open space easement vacation would allow for development of the roadway to its full classification per the Street Design Manual and provide safer movement of pedestrians and cyclists. The roadway development would implement policies and recommendations within the Mobility Element of

the OMCP that calls for adequate sidewalk width and separation from travel lanes for major pedestrian routes connecting activity centers; implementation of the Bicycle Master Plan that designates a Class II bikeway on the road; and prioritization of connections that link activity centers and create safe routes to schools.

The roadway development would also help implement the Plan's Urban Design Element policy that recommends implementation of pedestrian-oriented design principles at the project-level to activate the street and promote walkability. Therefore proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The roadway is currently a 26 foot wide, undivided paved roadway without bike lanes or accessible sidewalks. Pedestrians utilize a dirt path along the side of the roadway located immediately adjacent to the canyon edge to the north of the roadway. The objective of this project is to redesign the unimproved Otay Mesa Road and bring it up to current City street design standards.

The project will improve a 3,700-foot long section of Otay Mesa Road between Hawken Drive and Crescent Bay Drive. The roadway improvements will include widening and realigning the existing road to a 36-foot wide modified two-lane local collector in accordance with the City of San Diego Street Design Manual. To accommodate the road widening and re-alignment, approximately 55,950 square feet (1.28 acres) of additional public right-of-way (ROW) will be dedicated on City fee-owned land (i.e. dedicated City open space). Associated improvements will include two striped 11-foot wide vehicular travel lanes; with a two 2-foot buffer, two 5-foot wide, Class II bicycle lanes; sidewalks (to improve pedestrian accessibility) with curb and gutter; driveways; pedestrian ramps; and street signage. A guardrail and six-foot high, black-coated, chain-link fencing will be constructed along the north side of Otay Mesa Road. Street lighting will be installed at 300-foot intervals along the improved roadway.

This project will greatly improve the existing conditions for drivers, bicyclists, and accessibility for pedestrians using Otay Mesa Road by investing in the proposed improvements in accordance with the City of San Diego's Street Design Manual. Therefore it will not be detrimental to public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code. The project will improve a 3,700-foot long section of Old Otay Mesa Road between Hawken Drive and Crescent Bay Drive. The roadway improvements will include widening and realigning an existing 26-foot wide, two-lane, undivided road to a 36-foot wide modified two-lane local collector in accordance with the City of San Diego Street Design Manual. To accommodate the road widening and re-alignment, approximately 1.89 acres of additional public right-of-way and drainage easements/set asides will be recorded on City fee-owned land (i.e. dedicated parkland). The project as proposed will comply with the Otay Mesa Community Plan, the California Environmental Quality Act, the MSCP Subarea Plan, Biology Guidelines and all other applicable regulations of the Land Development Code and as

conditioned by the environmental Mitigation Monitoring and Reporting Program and this permit. There are no proposed deviations to the land Development Code proposed.

B. Supplemental Findings--Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The project will improve a 3,700-foot long section of Otay Mesa Road between Hawken Drive and Crescent Bay Drive. The roadway improvements will include widening and realigning the existing 26-foot wide, two-lane, undivided road to a 36-foot wide modified two-lane local collector in accordance with the City of San Diego Street Design Manual. More specifically, the improvements required will include two striped 11-foot wide vehicular travel lanes; with a two 2-foot buffer, two 5-foot wide, Class II bicycle lanes; two sidewalks with curb and gutter; driveways; pedestrian ramps; street signage; utility relocations and adjustments; and a new storm water drainage system and maintenance road. Cut slopes and retaining walls are required to facilitate the widening of the road. A guardrail and six-foot high, black-coated, chain-link fencing will be constructed along the north side of Otay Mesa Road. Street lighting will be installed at 300-foot intervals along the improved roadway.

Roads constructed within the MHPA are limited to those identified in the Community Plan Circulation Elements, collector streets essential for area circulation, and necessary maintenance/emergency access roads. Where possible, roads within the MHPA should be narrowed from existing design standards to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. Roads must be located in lower quality habitat or disturbed areas to the extent possible. For the most part, existing roads and utility lines are considered a compatible use within the MHPA.

Otay Mesa Road is identified within the Circulation Element of the OMCP, and is considered an essential public facility. Improvements to this roadway would be consistent with the policies of the OMCP and the MSCP Subarea Plan. The proposed maintenance access path has been designed to be the shortest feasible route to the bio-retention basin, taking into account the steep slopes leading down into the canyon from the road, and would not cross the bottom of the canyon. It has been designed to minimize impacts to sensitive biological resources to the greatest extent practicable. The access road would primarily impact non-native grassland, which is the least sensitive habitat tier requiring mitigation, as well as some lemonade-berry dominated coastal sage scrub, and disturbed habitat. The path of the existing Old Otay Mesa Road is already established and the widening of the road would not cause significant disruption of wildlife. The new maintenance path is not anticipated to significantly disrupt wildlife movement due to its short length and location along the contours of the canyon slope. In addition, the maintenance path would be gated to prevent unauthorized use and is not expected to be used by maintenance vehicles more than twice a year.

The project will also require hydro-modification, which requires the construction of a Low Impact Development (LID) facility (i.e. bio-retention basin). The LID will collect, treat, and slowly release runoff from the roadway preventing downstream impacts from erosion.

The slopes and topography along the south side of Old Otay Mesa Road are an infeasible location for a bio-retention basin. Locating the bio-retention basin on the north side of the road at a lower elevation than the roadway allows it to capture the greatest amount of runoff for treatment prior to discharge into the canyon. The lower northwesterly portion of the canyon adjacent to the roadway meets all of the necessary storm water requirements pursuant the Hydromodification Management Plan within the Standard Urban Storm Water Mitigation Plan

The location and design of the bio-retention basin and maintenance access path minimizes grading impacts within the canyon, avoids sensitive biological resources to the greatest extent feasible, achieves the minimum surface area necessary to meet the bio-retention basin volume requirements for hydro-modification, minimizes impacts to Waters of the U.S., and maintains an adequate buffer from wetlands which are located west of the proposed drainage improvements.

The bio-retention basin and maintenance access road also minimize grading and impacts to native vegetation by locating the basin at the base of the canyon abutting the canyon slope, and constructing the maintenance access road to follow the contours of the canyon slope leading down from Otay Mesa Road to the basin. The maintenance access road uses the minimum roadway width and length needed to provide safe access for maintenance crews and equipment.

The retaining wall system minimizes grading including cut and fill slopes. Along the northerly edge of the roadway, approximately 2,000 linear feet of earth-tone (i.e. tan) colored crib walls will be installed with varying heights ranging up to a maximum height of 25 feet. Two soil nail walls with a textured faux rock finish and earth-tone coloring will be constructed on the southerly edge of the roadway at a maximum height of 10 feet. Cut slopes will be required up to heights of an additional 60 feet above the soil nail retaining walls. Revegetation of all disturbed slopes (exception of developed ROW) with native plant materials will occur in accordance with the City's Landscape Standards and Land Development Manual (25-month revegetation and erosion control).

The road improvements proposed are to an existing substandard road. The location is physically suitable for the design and siting and with the design proposed the development will result in minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. Pursuant to the recommendations of the geotechnical evaluation, proper design, construction of retaining walls, and re-compaction of soils would stabilize the site and steep hillsides.

The proposed retaining wall systems significantly reduce the amount of grading and alteration to the adjacent slopes minimizing the amount of cut, fill, fill slope and cut slope. For instance, the cut slope on the south can remain steeper instead of additional grading due to the addition of the retaining walls. Cutting deeper into the south slope to allow for the widening and realignment also minimizes the need to expand the roadway to the north thus requiring significant amounts of fill.

No active faults are known to cross the project vicinity. The site is not underlain by known active or potentially active faults. No landslides or ancient landslides have been previously mapped in the project area or were encountered during the geotechnical excavations.

The location and design of the bio-retention basin and maintenance access road were chosen to minimize grading impacts within the canyon, avoid sensitive biological resources to the greatest extent feasible, achieve the minimum area necessary to meet the bio-retention basin volume requirements for hydro-modification, minimize impacts to Waters of the U.S., and maintain an adequate buffer from wetlands which are located west of the proposed drainage improvements.

The project is not located within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. A new storm water system would be installed that has been designed to the capacity needs of the project, which would also improve the existing storm drain system and minimize downstream erosion.

No combustible/flammable materials or structures are proposed, and maintenance of storm water facilities should not present a fire hazard.

Therefore the overall design, features and location of the proposed roadway improvements will minimize the alteration of the natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The project will improve a 3,700-foot long section of Old Otay Mesa Road between Hawken Drive and Crescent Bay Drive. The roadway improvements will include widening and realigning the existing 26-foot wide, two-lane, undivided road to a 36-foot wide modified two-lane local collector in accordance with the City of San Diego Street Design Manual. More specifically, the improvements required will include two striped 11-foot wide vehicular travel lanes; with a two 2-foot buffer, two 5-foot wide, Class II bicycle lanes; two sidewalks with curb and gutter; driveways; pedestrian ramps; street signage; utility relocations and adjustments; and a new storm water drainage system and maintenance road. Cut slopes and retaining walls are required to facilitate the widening of the road. A guardrail and six-foot high, black-coated, chain-link fencing will be constructed along the north side of Otay Mesa Road. Street lighting will be installed at 300-foot intervals along the improved roadway.

Roads constructed within the MHPA are limited to those identified in the Community Plan Circulation Elements, collector streets essential for area circulation, and necessary maintenance/emergency access roads. Where possible, roads within the MHPA should be narrowed from existing design standards to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. Roads must be located in lower quality habitat or disturbed areas to the extent possible. Existing roads and utility lines are considered a compatible use within the MHPA.

Otay Mesa Road is identified within the Circulation Element of the OMCP, and is considered an essential public facility. Improvements to this roadway would be consistent with the policies of the OMCP and the MSCP Subarea Plan. The proposed maintenance access path has been designed to be the shortest feasible route to the bio-retention basin, taking into account the steep slopes leading down into the canyon from the road, and would not cross the bottom of the canyon. The maintenance access road has been designed to minimize impacts to sensitive biological resources to the greatest extent practicable. The access road would primarily impact non-native grassland, which is the least sensitive habitat tier requiring mitigation, as well as some lemonade-berry dominated coastal sage scrub, and disturbed habitat. The path of the existing Otay Mesa Road is already established and the widening of the road would not cause significant disruption of wildlife. The new maintenance road is not anticipated to significantly disrupt wildlife movement due to its short length and location along the contours of the canyon slope. In addition, the access road would be gated to prevent unauthorized use and is not expected to be used by maintenance vehicles more than twice a year.

The project will also require hydro-modification, which requires the construction of a Low Impact Development (LID) facility (i.e. bio-retention basin). The LID will collect, treat, and slowly release runoff from the roadway preventing downstream impacts from erosion.

The slopes and topography along the south side of Otay Mesa Road are an infeasible location for a bio-retention basin. Locating the bio-retention basin on the north side of the road at a lower elevation than the roadway allows it to capture the greatest amount of runoff for treatment prior to discharge into the canyon. The lower northwesterly portion of the canyon adjacent to the roadway meets all of the necessary storm water requirements pursuant the Hydromodification Management Plan within the Standard Urban Storm Water Mitigation Plan

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The bio-retention basin and maintenance access road also minimize grading and impacts to native vegetation by locating the basin at the base of the canyon abutting the canyon slope, and constructing the maintenance access road to follow the contours of the canyon slope leading down from Otay Mesa Road to the basin. The maintenance access road uses the minimum roadway width and length needed to provide safe access for maintenance crews and equipment.

A retaining wall system was designed to minimize grading including cut and fill slopes. Along the northerly edge of the roadway, approximately 2,000 linear feet of earth-tone (i.e. tan) colored crib walls will be installed with varying heights ranging up to a maximum height of 25 feet. Two soil nail walls with a textured faux rock finish and earth-tone coloring will be constructed on the southerly edge of the roadway at a maximum height of 10 feet. Cut slopes will be required up to heights of an additional 60 feet above the soil nail retaining walls. Revegetation of all disturbed slopes (except the developed ROW) with native plant materials will occur in

accordance with the City's Landscape Standards and Land Development Manual (25-month revegetation and erosion control).

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. Roads constructed within the Multiple Habitat Planning Area (MHPA) are limited to those identified in the Community Plan Circulation Elements, collector streets essential for area circulation, and necessary maintenance/emergency access roads. Where possible, roads within the MHPA should be narrowed from existing design standards to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. Roads must be located in lower quality habitat or disturbed areas to the extent possible. Existing roads and utility lines are considered a compatible use within the MHPA.

Otay Mesa Road is identified within the Circulation Element of OMCP, and is considered an essential public facility. Improvements to this roadway would be consistent with the policies of the OMCP and the MSCP Subarea Plan. The proposed maintenance access path has been designed to be the shortest feasible route to the bio-retention basin, taking into account the steep slopes leading down into the canyon from the road, and would not cross the bottom of the canyon. The maintenance access path has been designed to minimize impacts to sensitive biological resources to the greatest extent practicable. The access path would primarily impact non-native grassland, which is the least sensitive habitat tier requiring mitigation, as well as some lemonade-berry dominated coastal sage scrub, and disturbed habitat. The path of the existing Otay Mesa Road is already established and the widening of the road would not cause significant disruption of wildlife. The new maintenance path is not anticipated to significantly disrupt wildlife movement due to its short length and location along the contours of the canyon slope. In addition, the maintenance access path would be gated to prevent unauthorized use and is not expected to be used by maintenance vehicles more than twice a year.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed improvements to Old Otay Mesa Road between Hawken Drive and Crescent Bay Drive are in excess of six miles from the nearest beach or local shoreline. A new drainage system would be constructed to collect and treat runoff. The project is compliant with the regulations within the City's Storm Water Standards and consistent with the City's Storm Water Design Manual. Therefore, the proposed improvements will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas: Biological Resources, Land Use (MHPA Land Use Adjacency), Paleontological Resources, and Archaeological Resources. The project as presented now avoids or mitigates the potentially significant environmental effects identified. Mitigated Negative Declaration (MND) 287806 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation Monitoring and Reporting Program (MMRP) has been

prepared and implementation would reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

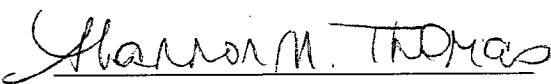
Implementation of the MMRP will reduce potential impacts to Biological resources, Historical Resources (Archaeology and Paleontology), and Land Use (MHPA) to below a level of significance. The proposed project will impact (2.2) acres of sensitive Tier II habitat and (1.9) acres of Tier IIIB habitat. Habitat mitigation and implementation is discussed in Section V of the MND. Potential impacts associated with bird breeding season may result due to project construction. Implementation of the MMRP will reduce potential impacts to these resources. Additionally, impacts to sensitive plant species and potential impacts to avian species discussed in Section IV of the MND will also be reduced to below a level of significance.

The environmental analysis was specific to the impacts of the proposed project and the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 1013229 is granted to City of San Diego, Owner, and City of San Diego Public Works-Engineering and Capital Projects, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
8/25/14
Or.Dept:DSD
Doc. No.: 848170

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE
INTERNAL ORDER NUMBER: WBS No. S-00870.02.06

SITE DEVELOPMENT PERMIT NO. 1013229
OLD OTAY MESA ROAD IMPROVEMENTS
PROJECT NO. 287806 [MMRP]
City Council

This Site Development Permit 1013229 is granted by the City Council of the City of San Diego to the City of San Diego, Owner, and City of San Diego Public Works-Engineering and Capital Projects, Permittee, pursuant to San Diego Municipal Code (SDMC) section 143.0110. The 3,700 foot long section of improvements to Otay Mesa Road are located at 4831 Otay Mesa Road between Hawken Drive and Crescent Bay Drive in the AR-1-1 (Agricultural – Residential) and RM-2-4 (Residential – Multiple Unit) zone(s) of the Otay Mesa Community Planning area.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to improve a 3,700-foot long section of Otay Mesa Road between Hawken Drive and Crescent Bay Drive. Roadway improvements will include widening and realigning an existing 26-foot wide, two-lane, undivided road to a 36-foot wide modified two-lane local collector in accordance with the City of San Diego Street Design Manual. To accommodate the road widening and re-alignment, approximately 1.89 acres of additional public ROW and drainage easements will be recorded on City fee-owned land (i.e. dedicated City open space). Associated improvements will include two striped 11-foot wide vehicular travel lanes; with a two 2-foot buffer, two 5-foot wide, Class II bicycle lanes; two sidewalks with curb and gutter; driveways; pedestrian ramps; street signage; utility relocations and adjustments; crib and faux-rock wall systems; a new storm water drainage and treatment system and an associated permanent maintenance access path for maintenance of storm water facilities (i.e. bio-retention basin). New guardrails and a six-foot tall, black-coated, vinyl chain-link fence will be constructed along the north side of Otay Mesa Road for increased pedestrian accessibility. Street lighting will be also installed at 300-foot intervals along the improved roadway described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 16, 2014 on file in the Development Services Department.

The project shall include:

- a. two striped 11-foot wide vehicular travel lanes; with a two 2-foot buffer, two 5-foot wide, Class II bicycle lanes; two sidewalks with curb and gutter; driveways; pedestrian ramps; street signage; utility relocations and adjustments; and a new storm water drainage system and maintenance path with locking gate. A guardrail and six-foot high, black-coated, chain-link fencing will be constructed along the north side of Otay Mesa Road;
- b. Street lighting installed at approximately 300-foot intervals along the improved roadway;
- c. Landscaping and re-vegetation;
- d. Approximately 2,000 linear feet of earth-tone (i.e. tan) colored crib walls with varying heights ranging up to a maximum height of 25 feet;
- e. Two soil nail walls with a textured faux rock finish and earth-tone coloring will be constructed on the southerly edge of the roadway at a maximum height of 10 feet;
- f. Cut slopes up to heights of an additional 60 feet above the soil nail retaining walls; and
- g. Public 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:

This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by September 9, 2017.

1. 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.
2. 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.
 3. 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.
 4. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
 5. 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.).
 6. 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.
 7. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

8. 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.

9. The mitigation measures specified in the MMRP and outlined in **Mitigated Negative Declaration, No. 287806**, shall be noted on the construction plans and specifications under the heading **ENVIRONMENTAL MITIGATION REQUIREMENTS**.

10. The Owner/Permittee shall comply with the MMRP as specified in **Mitigated Negative Declaration, No. 287806**, to the satisfaction of the Development Services Department and the City Engineer. Prior to the issuance of the "Notice to Proceed" with construction, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer.

All mitigation measures described in the MMRP shall be implemented for the following issue areas: **Biological Resources, Land Use (MHPA Land Use Adjacency), Paleontological Resources, and Archaeological Resources.**

ENGINEERING REQUIREMENTS:

11. The City Engineer shall ensure the incorporation of 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.

12. The City Engineer shall ensure the incorporation of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.

13. The City Engineer shall ensure that any export material be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

14. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-009 DWQ and the Municipal Storm Water Permit, Order No. 2009-009(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

15. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB

Order No. 2009-009 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-009 DWQ.

INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on September 16, 2014 and Resolution No. R-309227

Site Development Permit No. 1013229
Date of Approval: September 9, 2014

16

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Helene Deisher
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.

CITY OF SAN DIEGO
Owner/Permittee

By _____
NAME
TITLE

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

Passed by the Council of The City of San Diego on SEP 16 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 16 2014

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By *Mary Hernandez*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309227

2014 10 10

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