

RESOLUTION NUMBER R- 310689

DATE OF FINAL PASSAGE SEP 13 2016

Item # 333
SUB-B
9/13/16

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING SITE DEVELOPMENT PERMIT NO.
1452419 FOR ST. ANDREWS – PROJECT NO. 360649.

WHEREAS, Gregg Hamann, Trustee of Gregg Hamann Family Trust and Jeffery C. Hamann, Trustee of the J.C. Hamann Trust Family Trust, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit No. 1452419 to subdivide the existing two parcel lots with environmentally sensitive lands into six parcel lots for future light industrial development known as the St. Andrews Tentative Map project, located south of Otay Mesa Road, east of Alisa Court, and west of Otay Mesa Center Road, and legally described as Parcels 1 and 2 in the City of San Diego, County of San Diego, State of California, according to Map No. 21121, filed in the Office of the San Diego County Recorder, April 16, 2014, in the IL-3-1 Zone and Community Plan Implementation Overlay Zone (CPIOZ) within the Otay Mesa Community Plan area; and

WHEREAS, on June 30, 2016, the Planning Commission of the City of San Diego considered Site Development Permit No. 1452419, and pursuant to Resolution No. 4788-PC voted to recommend City Council approval of the Permit; and

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

WHEREAS, the matter was set for public hearing on September 13, 2016, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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

**SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0504]**

1. Findings for all Site Development Permits:

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

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

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

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

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

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

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

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

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

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

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

land forms. Minimal grading will be required for site development and therefore, will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

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

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

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

The Addendum to the Final PEIR for the OMCPU's MMRP identifies Biology, Archaeology, and Paleontology measures that will specifically apply to this project. Therefore, the proposed development has been sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

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

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

proposed project will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

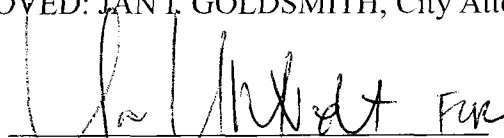
f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The development shall be required to comply with the mitigation measures outlined within the Addendum to Otay Mesa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

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

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

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Shannon M. Thomas
Deputy City Attorney

SMT:als
07/15/2016
08/18/2016 Cor.Copy
09/08/2016 Cor.Copy.1
09/14/2016 Rev. Copy
Or.Dept:DSD
Doc. No.: 1322144_4

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

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004476

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

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

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide the existing two parcel lots with environmentally sensitive lands into six parcel lots for future light industrial development as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 13, 2016, on file in the Development Services Department.

The project shall include:

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

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

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by September 13, 2019.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 (ESA) and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service (USFWS) pursuant to Section 10(a) of the federal Endangered Species

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

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

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

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

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

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void,

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

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

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

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

Biological, Historical (Archaeology), and Paleontological Resources

AIRPORT REQUIREMENTS:

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

17. Prior to the issuance of any construction permits, the Owner/Permittee shall grant an avigation easement to the City of San Diego as the operator of Brown Field Municipal Airport for the purposes of aircraft operations, noise and other effects caused by the operation of aircraft,

and for structure height if the same would interfere with the intended use of the easement. The Owner/Permittee shall use the avigation easement form provided by the City of San Diego.

18. Prior to submitting building plans to the City for review, the Owner/Permittee shall place a note on all building plans indicating that an avigation easement has been granted across the property to the airport operator. The note shall include the County Recorder's recording number for the avigation easement.

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

ENGINEERING REQUIREMENTS:

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

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

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

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

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

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

26. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance

with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

27. The Owner/Permittee shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

28. The Owner/Permittee shall indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of public drainage that enters private property.

PLANNING/DESIGN REQUIREMENTS:

29. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

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

31. The Owner/Permittee shall post a copy of each approved discretionary Permit or Tentative Map in its sales office for consideration by each prospective buyer.

32. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

33. Prior to the issuance of any construction permit, in the event St. Andrews Avenue to the east of the subject property has not been constructed and accepted by the City Engineer, the Owner/Permittee shall provide a temporary on-site or off-site 50 foot curb radius cul-de-sac with an asphalt berm and a 5 feet asphalt sidewalk at the eastern end of St. Andrews Court within 60 feet radius, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any building structure occupancy permit.

34. In the event a temporary cul-de-sac was constructed on St. Andrews Avenue on this property by the owner of the property to the east of the subject property, after the construction and acceptance by the City Engineer of San Andrews Avenue, the Owner/Permittee shall remove the temporary 50 foot curb radius cul-de-sac with an asphalt berm at the eastern end of St. Andrews Court within 60 feet radius and replace it with a 4-lane street with 64 feet of pavement curb to curb including noncontiguous 5 feet wide sidewalks, curb and gutter, all satisfactory to the City Engineer.

35. All bicycle lanes fronting the project site along Otay Mesa Road, Ailsa Court, and proposed St. Andrews Avenue shall be properly striped consistent with the adopted Otay Mesa Community Plan's Mobility Element, Bicycle Network Classification, in a manner satisfactory to the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

36. Prior to the issuance of any building permit, Owner/Permittee shall: (1) install components of the Permanent Pump Station 23; (2) install components of the permanent Pump Station 23 and contribute proportionately based on the project size and impact to upgrade the affiliated sewer infrastructure; or (3) contribute proportionately based on the project size and impact to upgrade the affiliated sewer infrastructure, all in a manner satisfactory to the Public Utilities Director and the City Engineer. The components or contributions required shall be determined pursuant to the Permanent Pump Station 23 Sewer Basin Study in effect at the time of building permit application.

37. Prior to the issuance of any building permit the Owner/Permittee shall provide evidence to the Public Utilities Director and the City Engineer indicating that all on-site sewer and off-site sewer basin requirements have been satisfied.

38. Prior to the issuance of any construction permits, including grading, the Owner/Permittee shall provide evidence to the Public Utilities Director and the City Engineer indicating that approval has been obtained from the Otay Water District for water service to the site.

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

GEOLOGY REQUIREMENTS:

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

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

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all

conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.
- The Owner/Permittee acknowledges that the sewer study typically takes into consideration existing rights to capacity, even if that capacity is unused at the time of the study.
- When completed, the Permanent Pump Station 23 Sewer Basin Study will be an update to the Otay Mesa Trunk Sewer Refinement and Phasing Report (May 2009).

APPROVED by the City Council of the City of San Diego on SEP 13 2016, by Resolution Number R-310689.

Permit Type/PTS Approval No.: SDP No. 1452419

Date of Approval: SEP 13 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Tim Daly
Development Project Manager

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

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

**GREGG HAMANN, TRUSTEE OF GREGG
HAMANN FAMILY TRUST**
Owner/Permittee

By: _____
NAME:
TITLE:

**JEFFERY C. HAMANN, TRUSTEE OF THE
J.C. HAMANN TRUST FAMILY TRUST**
Owner/Permittee

By: _____
NAME:
TITLE:

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

Passed by the Council of The City of San Diego on SEP 13 2016, 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"/>
Lorie Zapf	<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"/>
Chris Cate	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 13 2016.

(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 *Gina Dravin*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310689