

RESOLUTION NUMBER R- 310690

DATE OF FINAL PASSAGE SEP 13 2016

ITEM # 333  
SNE-C  
9/13/16

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING TENTATIVE MAP NO. 1279297  
AND PUBLIC RIGHT OF WAY VACATION FOR THE  
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, Subdivider, and Ramon J. Spear, Surveyor, submitted an application to the City of San Diego for a tentative map, Tentative Map No.1279297 and public right-of-way vacation for the St. Andrews Tentative Map to subdivide two existing parcel lots with and create six parcel lots for light industrial development. The project site is located south of Otay Mesa Road, east of Alisa Court, and west of Otay Mesa Center Road in the IL-3-1 and Community Plan Implementation Overlay Zone (CPIOZ) Zones within the Otay Mesa Community Plan. The property is legally described as Parcels 1 and 2 in the City of San Diego, County of San Diego, State of California, according to Map No. 21121, filed in the Office of the San Diego County Recorder, April 16, 2014; and

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

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

WHEREAS, on June 30, 2016, the Planning Commission of the City of San Diego considered Tentative Map No. 1279297 and Public Right-of-Way Vacation, and pursuant to Resolution 4788-PC , the Planning Commission voted to recommend City Council approval of the map; and

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

WHEREAS, on September 13, 2016, the City Council of the City of San Diego considered Tentative Map No. 1279297, and Public Right-of-Way Easement Vacation and pursuant to San Diego Municipal Code section(s) 125.0440, and 125.0430, 125.094, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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

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

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

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

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

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

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

However, if conditions change prior to project grading, BUOW could move onto the site and impacts to BUOW and their habitat would be potentially significant. Therefore, in accordance with the Addendum to Otay Mesa Community Plan Update Final PEIR (SCH No. 2004651076), 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 Addendum to OMCPU Final PEIR mitigation

frameworks, potential impacts to BUOW would be reduced to below a level of significance. Therefore, the design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

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

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

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

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

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

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

**9. There is no present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated. (San Diego Municipal Code § 125.0941(a)).** The public right-of-way was to facilitate development of the subdivision adjoining on the east and was meant to be temporary until the development of the subject property completed the missing link of St. Andrews Avenue. With the imminent construction of St. Andrews Avenue to the east and the construction of St. Andrews Avenue for the proposed subdivision, the right-of-way for a cul-de-sac is no longer needed.

**10. The public will benefit from the vacation through improved use of the land made available by the vacation. (San Diego Municipal Code § 125.0941(b)).** The right-of-way to be vacated was for a street cul-de-sac for a street with a temporary dead end that will be eliminated by the proposed street improvements located within the proposed subdivision. Therefore the public will benefit by the return of a portion of the vacated area to private use for development purposes as specified in the land use plan for the betterment of the community.

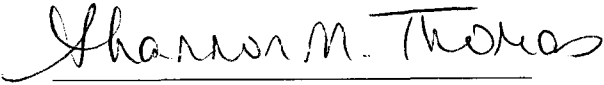
**11. The vacation does not adversely affect any applicable land use plan. (San Diego Municipal Code § 125.0941(c)).** The vacation does not adversely affect any applicable land use plan in that the replacement street right-of-way dedication is in conformance with the Transportation Element of the Otay Mesa Community Plan for this area.

**12. The public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation. (San Diego Municipal Code § 125.0941(d)).** The public facility, St. Andrews Avenue, will not be detrimentally affected as the existing right-of-way to be vacated, intended for a cul-de-sac, will not be needed as the proposed subdivision design extends St. Andrews Avenue to existing street facilities to the west.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Tentative Map No. 1279297, and Public Right of Way Vacation is hereby granted to Gregg Hamann, Trustee of Gregg Hamann Family Trust and Jeffery C. Hamann, Trustee of

the J.C. Hamann Trust Family Trust subject to the attached conditions which are made a part of  
this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
07/15/2016  
08/04/2016 Cor. Copy  
09/08/2016 Cor. Copy.1  
Or.Dept:DSD  
Doc. No.: 1322123\_3

CITY COUNCIL

CONDITIONS FOR TENTATIVE MAP NO. 1279297  
**ST. ANDREWS TENTATIVE MAP PROJECT NO. 360349**

ADOPTED BY RESOLUTION NO. R-310690 ON SEP 13 2016

**GENERAL**

1. This Tentative Map will expire September 13, 2019.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Final Map shall conform to the provisions of Site Development Permit No. 1452419.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**AIRPORT**

6. Prior to recordation of the Final Map, the Subdivider shall grant an avigation easement to the City of San Diego as the operator of Brown Field Municipal Airport for the purposes of aircraft operations, noise and other effects caused by the operation of aircraft, and for structure height if the same would interfere with the intended use of the easement. The Subdivider shall use the avigation easement form provided by the City of San Diego.

**ENGINEERING**

7. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.

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

### **LANDSCAPING**

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

### **TRANSPORTATION**

14. With the Final Map, the Subdivider shall dedicate and shall assure by permit and bond the construction of St. Andrews Avenue along the project frontage as a four-lane street with 64 feet of pavement curb to curb in 92 feet right-of-way including 14-foot parkways with noncontiguous 5-foot sidewalks, curb and gutter, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any building structure occupancy permit.
15. In the event a temporary cul-de-sac is constructed on St. Andrews Avenue on this property by the owner of the property to the east of the subject property; after the construction and acceptance by the City Engineer of St. Andrews Avenue, the Subdivider shall remove the temporary 50 feet curb radius cul-de-sac with an asphalt berm at the eastern end of St. Andrews Court within 60 feet radius and replace it with a four-lane street with 64 feet of pavement curb to curb in 92-foot right-of-way with a noncontiguous 5 feet wide sidewalks in a 14-foot parkway, curb and gutter, all satisfactory to the City Engineer.



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

### **MAPPING**

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

### **PUBLIC UTILITIES**

22. The Subdivider shall construct all off-site sewer improvements as required per the accepted sewer study to provide service to the proposed development. The Permanent Pump Station 23 Sewer Basin Study in effect prior to the approval of the Public Improvement Drawings shall be the accepted sewer study.
23. The proposed development is currently subject to the following reimbursement fees: The Otay Mesa Sewer Surcharge fee of \$1,821.75 per occupied unit plus 6% simple interest from March 12, 2008 (21351-D-O).

24. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the construction permit's building plan check.
25. All proposed public water and sewer facilities must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

**INFORMATION:**

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

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 Ginda Bruen, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310690