

ORDINANCE NUMBER O- **20905** (NEW SERIES)

DATE OF FINAL PASSAGE **FEB 26 2018**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING SITE DEVELOPMENT PERMIT NO. 2034245 (AMENDMENT TO SITE DEVELOPMENT PERMIT NO. 1134892) FOR AMENDMENTS TO THE MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM.

WHEREAS, the City of San Diego Transportation & Storm Water Department, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit to amend the City's Master Storm Water System Maintenance Program (MMP) (Site Development Permit No. 1134892), to permit prior emergency maintenance and to perform future maintenance of the additional concrete channel segments by incorporating the following new storm water facilities into the MMP: Reservoir Drive Channel (Map No. 64a); 4004 Via de la Bandola (Map 130a); add two new segments to the San Carlos Creek (Map 54); and make technical corrections to locations and descriptions of the following Maps: Camino del Arroyo (Map 52), Alvarado Creek Channel (Map 64), Nestor Creek Channel (Map 132), known as the MMP Amendment project, located within several channels where the locations can be found within the MMP Amendment in the College Area, Navajo, and San Ysidro Community Plan areas (Project); and

WHEREAS, on December 14, 2017, the Planning Commission of the City of San Diego considered Site Development Permit No. 2034245, and pursuant to Resolution No. 4912-PC voted to recommend approval of the Permit; and

WHEREAS, all other provisions of the SDP No. 1134892 will remain in full force and effect; and

WHEREAS, under Charter section 280(a)(2), this Ordinance 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 FEB 13 2018,

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 ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That it adopts the following findings with respect to Site Development Permit No. 2034245:

SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE SECTION 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The storm water facilities to be added to the MMP are part of a vast network of storm water facilities maintained by the City's Transportation & Storm Water Department. These facilities are designed to convey storm water flows protecting the life and safety of its citizens and to control flooding. These facilities also convey urban runoff from development, protect water quality, and support natural resources. The channels being added to the MMP (Reservoir Drive Channel (Map No. 64a) within the College area and 4004 Via de la Bandola (Map 130a) within San Ysidro area, and two segments to the San Carlos Creek (Map 54) in the Navajo community planning area) have all undergone emergency maintenance which necessitates this after-the-fact permit and the amendment to include them in the MMP for any future

maintenance. The Project also includes technical corrections to locations and descriptions of the following: Camino del Arroyo (Map 52), Alvarado Creek Channel (Map 64), Nestor Creek Channel (Map 132) contained within the MMP. The long-term performance of storm water facilities is dependent upon ongoing and proper maintenance. The purpose of the MMP is to permit and implement a comprehensive, annual approach to the maintenance of existing storm water facilities. The facilities being added to the MMP will be maintained under the same programmatic approach.

The applicable land use plans for the MMP maintenance activities are the City's General Plan (March 2008), and College Area, Navajo, and San Ysidro Community Plans. The applicable environmental goals, objectives, and guidelines identified in the General Plan and the applicable community plans can be generally characterized as follows: (1) maintain natural drainages; (2) minimize disturbance to natural habitat and the wildlife it supports; (3) protect water quality; and (4) create and maintain recreation opportunities associated with natural drainages. The MMP's goals and objectives are to maintain both natural and man-made drainages, minimize disturbance to natural habitat and the wildlife it supports, and protect water quality.

Maintain Natural Drainages

Maintenance activities would not alter the configuration of the natural drainage courses included in the MMP. While the MMP does provide for removal of accumulated sediment and overgrown vegetation that interfere with conveyance of floodwater, it would not allow any physical modifications of the underlying drainage.

Minimize Disturbance to Natural Habitat and the Wildlife It Supports

Maintenance activities would disturb wetland vegetation found within the storm water facilities and the wildlife it supports. Due to the impedance to flood water associated with wetland habitat, achieving the primary goal of the MMP to reduce flood risk, maintenance is

expected to remove portions of wetland vegetation located within storm water facilities included in the MMP. However, protocols in the MMP, combined with biological mitigation required by Program Environmental Impact Report (PEIR) No. 42891/SCH No. 2004101032 and the associated Mitigation Monitoring and Reporting Program (MMRP) would minimize impacts to natural habitat and wildlife.

Protect Water Quality

Maintenance of storm water facilities could adversely affect water quality by reducing the ability of sediment and vegetation within those facilities to remove and retain urban pollutants from surface water. The removal of sediment and/or vegetation in the course of maintenance could diminish the pollutant removal function of these components until they naturally re-establish between maintenance events. On the other hand, maintenance can improve water quality by eliminating the pollutants that have accumulated in a channel. Removal of the pollutants retained in sediment and plants would avoid the potential for them to be transported downstream during high runoff flows. Maintenance would also improve water quality by removing illegally dumped materials such as trash, appliances, furniture, shopping carts, and tires. The MMP requires Best Management Practices (BMPs) and mitigation in accordance with the PEIR and MMRP. Water quality measures would be implemented when channel maintenance activities are conducted.

The MMP supports and maintains the goals of both the General Plan and the community plans where the channels are located. The emergency maintenance that has been conducted utilized the protocols of the MMP and future maintenance would also follow the same measures. Therefore, adding these channels to the MMP would not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The channels being added to the MMP (Reservoir Drive Channel (Map No. 64a), 4004 Via de la Bandola (Map 130a), and two segments to the San Carlos Creek (Map 54)) have all undergone emergency maintenance using the MMP protocols which necessitates this after-the-fact permit and the amendment to include them in the MMP for any future maintenance. The purpose of the MMP is to assure that the storm water facilities managed by Transportation & Storm Water Department minimize the risk of flooding on adjacent property. The addition of these channels in the MMP will facilitate this goal. The MMP describes the maintenance techniques to be employed as well as the protocols to be followed to minimize the impacts to environmental resources.

Maintenance of concrete-lined and earthen channels may include the removal of vegetation (cover), sedimentation, and trash/debris that attract vagrants, high concentrations of pollutants, and other vector-controlled insects/mammals such as mosquitoes and rats. On an annual basis, the Transportation & Storm Water Department receives numerous documented telephone calls and several damage claims against the City from property owners and businesses adjacent to unmaintained channels that are directly affected by associated storm event flooding, vectors, odors, and vagrancy nuisances.

Implementation of the MMP within these channels will protect and promote the public's health, safety, and welfare by providing the means to eliminate detrimental health and safety concerns that result from improperly maintained storm water facilities.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. The channels being added to the MMP (Reservoir Drive Channel (Map No. 64a), 4004

Via de la Bandola (Map 130a), and two segments to the San Carlos Creek (Map 54)) have all undergone emergency maintenance which necessitates this after-the-fact permit and the added amendment to include them in the MMP for any future maintenance. The work performed was and is subject to the City's Environmentally Sensitive Lands (ESL) regulations (Section 143.0101 et seq. of the Land Development Code (LDC)) because the emergency maintenance and future maintenance would occur within sensitive biological resources, wetlands and floodplains which cannot be avoided due to the nature of the facilities. Maintenance conducted under the MMP allows for a substantial conformance review, process two review and approval provided the applicable protocols in the MMP, combined with biological mitigation required by Program Environmental Impact Report (PEIR) No. 42891/SCH No. 2004101032 and the associated MMRP are followed.

Therefore, the development would comply with the regulations for the Land Development Code including any allowable deviations pursuant to the Land Development Code.

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 channels being added to the MMP (Reservoir Drive Channel (Map No. 64a), 4004 Via de la Bandola (Map 130a), and two segments being added to the San Carlos Creek (Map 54)) were designed to convey storm water. Implementation of the MMP will ensure that the design and siting of future storm water maintenance activities will minimize disturbance to environmentally sensitive lands. Future maintenance will include a detailed hydrology and hydraulic study for each storm water facility to determine the minimum amount of vegetation and sediment removal needed to achieve the desired flood conveyance capacity. Once this is

determined, an Individual Maintenance Plan (IMP) will be prepared to define the limits, approach to maintenance and appropriate protocols to control impacts of the maintenance on biological resources, historic resources and/or water quality. Applicable mitigation would be required by the Mitigation Monitoring and Reporting Program to offset impacts associated with the proposed maintenance based on the IMP, biology, historic, and noise studies conducted.

These activities would then be subject to the MMP's SCR process to assure that the applicable protocols and MMRP mitigation measures are incorporated into each individual maintenance activity. The SCR package would include an Individual Maintenance Plan (IMP); Individual Biological Assessment (IBA); Individual Historical Assessment (IHA); Individual Hydrologic and Hydraulic Assessment (IHHA); and an Individual Noise Assessment (INA). An SCR package would be prepared for each storm water facility prior to maintenance to evaluate the current capacity and the condition and extent of sensitive resources within the facility, and maintenance activity details such as method(s) and equipment to be used, maintenance requirements, and schedule. The SCR Package would be evaluated by designated City departments as well as state and federal agencies to confirm that the proposed maintenance activities would be consistent with the MMP and that environmental impacts would be mitigated pursuant to the MMRP.

Therefore, the sites are physically suitable for this development as they were designed for the purpose of storm water conveyance and following the MMP's PIER and MMRP will ensure that maintenance activities will result in the 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. The channels being added to the MMP (Reservoir Drive Channel (Map No. 64a), 4004 Via de la Bandola (Map 130a), and two segments to the San Carlos Creek (Map 54)) have all undergone emergency maintenance which necessitates this after-the-fact permit and the added amendment to include them in the MMP for any future maintenance. The channels subject to this permit are existing channels and were designed to convey storm water. The MMP only allows maintenance of storm water facilities and does not permit the expansion or modification of the underlying drainages. Therefore, the proposed maintenance activities will not alter the natural landform or geology. The MMP also establishes a series of protocols to be carried out during maintenance activities to minimize impacts related to soil and erosion. Therefore, the maintenance activities will not result in undue geologic or erosional forces.

Implementation of the MMP would reduce flood hazards within the affected areas by removing sedimentation, which often carries pollutants that have either dropped within the channel bottoms from surface run-off and/or wetland vegetation which interferes with the efficient conveyance of storm. Furthermore, removal of vegetation under the MMP prevents fire hazards to residents and businesses adjacent to channels that could be prone to fire hazards because of the fire load (vegetation).

Therefore, the maintenance and the addition of these channels to the MMP 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.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The existing channels being added to the MMP (Reservoir Drive Channel (Map No. 64a), 4004 Via de la Bandola (Map 130a), and two segments to the San Carlos Creek (Map 54)) have all undergone emergency maintenance

which necessitates this after-the-fact permit and the added amendment to include them in the MMP for any future maintenance. Future maintenance activities will take place within the existing storm water facilities which have been maintained in the past and does not permit the expansion or modifications to the storm water facilities beyond their existing configuration. With respect to biologically sensitive lands, the MMP includes a series of protocols specifically designed to minimize the impact of maintenance on environmentally sensitive lands within as well as adjacent to maintenance activities. A series of water quality protocols are included in the MMP to ensure that areas downstream of maintenance activities do not experience increased sedimentation or diminished water quality. Biology protocols will require that sensitive biological areas adjacent to maintenance areas be protected during maintenance. IHHA's are required by the MMP to identify the minimum amount of environmentally sensitive vegetation which must be removed to increase the capacity of storm water facilities to convey storm water.

Although significant historic resources are not expected to be encountered during maintenance, the MMRP requires monitoring whenever the PEIR identifies a moderate to high potential for buried historic resources to occur within proposed maintenance areas. This monitoring will assure that any significant resources present within or adjacent to maintenance will be detected and mitigation carried out to retain valuable information associated with historic resources.

The channels are existing and the goal of maintenance is to maintain the storm water flow within the channels. The proposed development will be sited and designed to prevent adverse impacts to any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The channels being added to

the MMP (Reservoir Drive Channel (Map No. 64a), 4004 Via de la Bandola (Map 130a), and two segments to the San Carlos Creek (Map 54)) have all undergone emergency maintenance which necessitates this after-the-fact permit and the added amendment to include them in the MMP for any future maintenance. The PEIR's analysis of the consistency of the MMP with the MSCP Subarea Plan (Table 4.1-3) concluded that maintenance would be consistent with the various general planning policies as well as adjacency guidelines. With respect to general MSCP policies, the maintenance activities would be consistent for the following reasons:

- The natural configuration of the storm water facilities would not be modified other than to remove accumulated sediment and vegetation would be expected to reestablish between maintenance intervals.
- Except for short-term erosion control, maintenance would not introduce new berming, rip rap, channelization or similar features within natural drainages.
- Access routes will use existing roadways or be designed to minimize disturbance within MHPA areas.
- Maintenance activities would be of limited durations and would occur during daylight hours when wildlife movement is limited.
- Wherever possible, maintenance activities would avoid breeding seasons for sensitive bird species. Where avoidance during the breeding season is not possible, noise reductions measures would be incorporated into the maintenance activities.

The MMP contains maintenance protocols which prohibit the use of invasive plants in revegetation efforts as well as measures to limit the spread of existing invasive species into

downstream areas during maintenance. In addition, invasive species would be removed during maintenance.

Therefore, the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. None of the existing channels being added to the MMP (Reservoir Drive Channel (Map No. 64a), 4004 Via de la Bandola (Map 130a), and two segments to the San Carlos Creek (Map 54)) are within the coastal zone. Storm water facility maintenance at these sites will not contribute to erosion of public beaches or impact the supply of beach sand. Although maintenance often involves the removal of sediment, the sediment is mostly comprised of various types of material and not just sand. Thus, the removal of sediment would not deprive local beaches of a sand, contribute to erosion or otherwise adversely impact the local shoreline.

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 biological mitigation measures included in the PEIR and accompanying MMRP are specifically designed to adequately mitigate for impacts resulting from storm water facility maintenance. In particular, the mitigation ratios required by the PEIR and MMRP are consistent with the requirements of the City's Biological Guidelines and mitigation traditionally imposed by state and federal agencies with regulatory authority over the biological resources potentially impacted by maintenance. In addition, the SDP as amended incorporates the mitigation ratios included in the CDP issued by the Coastal Commission. The adequacy of mitigation measures for biological resources will be reviewed by state and federal resource

agencies as well as DSD staff to assure that the proposed mitigation is sufficient to reduce maintenance impacts to below a level of significance.

On an annual basis, the City will determine the amount of vegetation impacts based on the final IMPs. Based on these calculations, the City will define and implement compensation actions in accordance with the mitigation measures identified in the PEIR and the SDP as amended. The mitigation program will also be reviewed by the State and Federal regulatory agencies to assure that adequate compensation is carried out.

With respect to historical resources, the monitoring and subsequent data recovery required by the PEIR and MMRP will be specifically designed to mitigate for significant historic resources encountered during maintenance.

Therefore, 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.

C. Supplemental Findings--Environmentally Sensitive Lands Deviations

1. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands. The existing channels being added to the MMP (Reservoir Drive Channel (Map No. 64a), 4004 Via de la Bandola (Map 130a), and two segments to the San Carlos Creek (Map 54)) have all undergone emergency maintenance which necessitates this after-the-fact permit and the added amendment to include them in the MMP for any future maintenance. The channels were designed to convey storm water and vegetation will grow where there is an available water source. The PEIR includes a specific discussion of alternatives to minimize the flood risk to adjacent life and property including: widening existing channels, constructing berms and walls on top of the existing banks and implementing measures

outside of the storm water facilities to reduce the amount of runoff entering the facilities. After evaluating each of these alternatives, they were determined to be infeasible.

The MMP requires a rigorous effort to reduce biological impacts associated with maintenance. As discussed earlier, the MMP requires detailed hydrology and hydraulic studies to be performed before maintenance plans are prepared to make sure that the minimum amount of vegetation is removed to achieve flood control objectives. Mature trees spaced more than 50 feet apart are required to be retained during maintenance where feasible. In addition, the PEIR identifies a broad range of mitigation measures to reduce potential environmental impacts associated with storm water facilities. No other feasible mitigation measures were identified during public review or testimony which would be more effective than those included in the MMRP.

Therefore, there are no additional feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.

2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making. Storm water channel maintenance is essential to protect life and property. The proposed deviations are unavoidable because storm water facilities by their very nature and function are located within wetlands and the removal of vegetation to clean and maintain them could potentially impact sensitive biological and historical resources. The PEIR identifies a broad range of mitigation measures intended to reduce potential impacts to biological and/or historic resources associated with storm water facilities and is designed to balance any necessary impacts in order to maintain this existing and essential infrastructure.

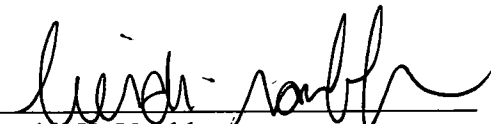
The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

Section 2. That Site Development Permit No. 2034245 (amending Site Development Permit No. 1134892) is granted to the City Transportation & Storm Water Department, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this Ordinance.

Section 3. That a full reading of this Ordinance is dispensed with prior to its passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Heidi K. Vonblum
Deputy City Attorney

HKV:nja
01/24/18
Or.Dept: Transportation & Storm Water Dept.
Doc. No.: 1674386

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A
Or

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Internal Order No. 21003732

SITE DEVELOPMENT PERMIT NO. 2034245
MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM AMENDMENT
PROJECT NO. 528126
(AMENDMENT TO SITE DEVELOPMENT PERMIT NO. 1134892)
CITY COUNCIL

This Site Development Permit (SDP) No. 2034245 amending SDP No. 1134892 is granted by the City Council of the City of San Diego to City of San Diego Transportation & Storm Water Department, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0501. The project locations are identified in the Master Storm Water System Maintenance Program (MMP) maps as Reservoir Drive Channel (Map No. 64a) within the College area, 4004 Via de la Bandola (Map 130a) within the San Ysidro area, the San Carlos Creek Channel (Map 54) in the Navajo area, Camino del Arroyo (renamed to Navajo Road) (Map 52) within the Navajo area, the Alvarado Creek Channel (Map 64) in the College area, and the Nestor Creek Channel (Map 132) in the San Ysidro area.

Subject to the terms and conditions set forth in this Permit, permission is granted to City of San Diego Transportation & Storm Water Department, Owner/Permittee, to include the following additional locations for storm water facilities maintenance into the MMP: Reservoir Drive Channel (Map No. 64a); 4004 Via de la Bandola (Map 130a); and two additional segments to the San Carlos Creek Channel (Map 54); and to make technical corrections to locations and descriptions to the following Maps: Camino del Arroyo (Map 52), Alvarado Creek Channel (Map 64), and Nestor Creek Channel (Map 132), as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, on file in the Development Services Department. All terms and conditions set forth in Site Development Permit No. 1134892 shall remain in full force and effect.

The project, as more particularly shown in Exhibit "A," shall include:

- a. Addition to the MMP of the channels noted above to allow for past emergency maintenance as well as future maintenance in the channels as described in Exhibit "A": Reservoir Drive Channel (Map No. 64a); 4004 Via de la Bandola (Map 130a); and two additional segments to the San Carlos Creek Channel (Map 54); and

- b. Technical corrections to the MMP to change the reference name of the Camino del Arroyo facility (Map 52) to the Navajo Road to more accurately describe the facility and location; and
- c. Technical corrections to the MMP to change correct the map number assigned to this channel in Appendix B of the original MSWSMP (Map 63) to accurately reflect Appendix A of the MMP; and
- d. Technical corrections to the MMP to change the storm water facility depicted in Map 132 to the correct facility. The facility shown in Map 132 of the original program was a duplicate of the facility shown in Map 134; and
- e. Construct 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 expires five years from the Effective Date of the Settlement Agreement and Release regarding *San Diegans for Open Government et al. v. City of San Diego*, San Diego Superior Court Case No. 37-2011-00101571 (expires September 27, 2018).
2. All terms and conditions in Site Development Permit No. 1134892 and the MMP shall remain in full force and effect and apply to this amended permit.
3. 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.
4. 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.
5. 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.

6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. 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.).

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

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. 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.

11. The mitigation measures specified in the MMRP and outlined in Program Environmental Impact Report (PEIR) No. 42891/SCH No. 2004101032 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

12. The Owner/Permittee shall comply with the MMRP as specified in Program Environmental Impact Report (PEIR) No. 42891/SCH No. 2004101032, 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; Historical Resources; Water Quality; Land Use Policies; and Paleontological Resources.

APPROVED by the City Council of the City of San Diego on FEB 26 2018 and approved by Ordinance No. 0-20905.

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.

Transportation & Storm Water Department
Owner/Permittee

By _____
Andrew Kleis
Deputy Director, Transportation & Storm Water

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

Passed by the Council of The City of San Diego on FEB 26 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 26 2018

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *[Signature]*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 13 2018

, and on FEB 26 2018

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *[Signature]*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O-_____

20905