



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: September 9, 2014

REPORT NO: 14-57

ATTENTION: Council President and City Council

SUBJECT: Old Otay Mesa Road Improvements, PTS 287806, Council District 8, Process CIP 5

REQUESTED ACTION: Land Use approvals for roadway improvements to a 3,700-foot long section of Otay Mesa Road between Hawken Drive and Crescent Bay Drive within the Otay Mesa Community Plan area.

STAFF RECOMMENDATION's:

1. **Certify** Mitigated Negative Declaration No. 287806, and Adopt the Mitigation Monitoring and Reporting Program (MMRP);
2. **Approve** Site Development Permit No. 1013229, Open Space Easement Vacation No. 1322903; and
3. **Adopt** an Ordinance to allow road improvements through dedicated parkland, pursuant to City Charter Section 55.

SUMMARY:

Background:

The project area includes a 3,700-foot long section of Old Otay Mesa Road located south of State Route 905 and east of Interstate 805, within the Otay Mesa Community Planning area. Portions of the project site are located within an open space easement and dedicated parkland.

Over the last several years portions of Old Otay Mesa Road have been improved as various housing developments have been constructed; however those improvements have not reached the project area of Old Otay Mesa Road between Hawken Drive and Crescent Bay Drive. There are currently no sidewalks, bike lanes, curb, gutters, or street lighting along this unimproved section of Otay Mesa Road, which is the main corridor between two large residential developments and San Ysidro Elementary School and San Ysidro High School.

The objective of this project is to redesign the unimproved section of Old Otay Mesa Road to be consistent with current City street design standards. The improvements include: realigning the road by increasing the maximum curve radius along the roadway; constructing Class II bike lanes; sidewalks on each side of the road; black vinyl chain-link fencing along the edge of the canyon; new guardrails; installing street lighting, as well as other standard street improvements in accordance with the City's Street Design Manual.

To achieve the necessary improvements, several discretionary approvals are required: a Site Development Permit (SDP) for impacts to sensitive biological resources and steep hillsides; a City Council Ordinance, in accordance with City Charter Section 55, to authorize the opening and maintenance of streets and highways over, through, and across City “fee-owned” land dedicated in perpetuity for parkland (1.89 acres); and an Open Space Easement Vacation to vacate approximately 11,000 square feet (0.25 acres) of existing open space on one of the two parcels affected by the project. On this parcel, the City was granted an open space easement from Pardee Homes as part of a previous private development project agreement. Both the open space easement and a separate conservation easement (discussed further below) are maintained by the Open Space Division of the City’s Park and Recreation Department (Attachments 5, 6 and 10).

In addition there is a conservation easement in favor of the State of California within the jurisdiction of California Department of Fish and Wildlife (CDFW) over one of the two parcels. The City has contacted CDFW regarding the conservation easement and has begun the process to acquire the State’s interest in the conservation easement. This process will be required to be completed prior to construction, and will occur independently of these City Council actions (Attachment 10, pg. 3 of 3).

Project Description:

The project proposes to improve a 3,700-foot long section of Old Otay Mesa Road between Hawken Drive and Crescent Bay Drive. The roadway improvements will include widening and realigning an existing 26-foot wide, two-lane, undivided road to a 36-foot wide modified two-lane local collector in accordance with the City of San Diego Street Design Manual. To accommodate the road widening and re-alignment, approximately 1.89 acres of additional public right-of-way (ROW) and drainage easements/set asides will be recorded on City fee-owned land (i.e. dedicated City open space). Associated improvements will include two striped 11-foot wide vehicular travel lanes; with a two 2-foot buffer, two 5-foot wide, Class II bicycle lanes; two sidewalks with curb and gutter; driveways; pedestrian ramps; street signage; utility relocations and adjustments; crib and faux-rock wall systems; a new storm water drainage and treatment system; an associated permanent maintenance access path including a locking gate for maintenance of storm water facilities (i.e. bio-retention basin) and a gate restricting access to maintenance personnel. New guardrails and a six-foot tall, black-coated, vinyl chain-link fence will be constructed along the north side of Otay Mesa Road for increased pedestrian accessibility. Street lighting will be also installed at 300-foot intervals along the improved roadway.

Site Development Permit:

All proposed work occurs within or adjacent to environmentally sensitive lands which, according to the San Diego Municipal Code, requires a Site Development Permit (SDP). Construction of the roadway widening and re-alignment will require grading and installation of new retaining walls. Along the northerly edge of the roadway, approximately 2,000 linear feet of earth-tone (i.e. tan) colored crib walls will be installed with varying heights ranging up to a maximum height of 25 feet (Attachment 3 & 4).

Two soil nail walls with a textured faux rock finish and earth-tone coloring will be constructed on the southerly edge of the roadway at a maximum height of 10 feet. Cut slopes will be required up to heights of an additional 60 feet above the soil nail retaining walls (Attachment 12).

The existing concrete brow ditch, storm drain inlet, and a storm drain outlet located at the easterly end of the project site will be removed and a new storm drain and hydro-modification management and treatment control system will be installed. A new driveway and permanent maintenance access path equipped with a secured gate entrance will be constructed on the north side of the roadway east of the intersection of Hawken Drive and Otay Mesa Road, and will extend northeast along the canyon slope down to the new bio-retention basin. The maintenance access path, bio-retention basin, and new storm drain pipe will be located within new drainage easements/set asides and totaling approximately 0.59 acres.

Construction of the retaining walls, roadway improvements, storm water facilities (e.g. bio-retention basin), and permanent maintenance access path would impact both steep hillsides and sensitive biological resources (e.g. coastal sage scrub, non-native grasslands, Otay tarplant) requiring a SDP.

City Charter Section 55:

The proposed roadway improvements and associated drainage facilities will be constructed within dedicated City parkland. Therefore, the project will require an ordinance approved by City Council in accordance with San Diego Charter Section 55 (Section 55) to authorize the opening and maintenance of streets and highways over, through, and across City “fee owned” land dedicated in perpetuity by ordinance or statute for park and recreation purposes as recommended by the Mayor, pursuant to Article XV of the San Diego Charter and when the public interest demands it.

Section 55 provides that all real property owned “in fee” by the City may be dedicated in perpetuity by ordinance of the City Council or by statute of the State Legislature for park and recreation purposes. Governor Jerry Brown approved Senate Bill No. 1169 (SB 1169) on September 7, 2012, which amended the California Department of Fish and Game Code Section 2831 to provide that lands designated as “open space lands” in a document entitled “Declaration of the Dedication of Land” (Declaration) be dedicated for park and recreation purposes under Section 55. SB 1169 further provides that such approval of the Declaration is to be by resolution of the City Council in the same manner in which the City Council processes approval of dedicated “open space”, reserving to the City Council the authority to grant easements for utility purposes in, under, and across dedicated property, if those easements and facilities to be located thereon do not significantly interfere with the park and recreational use of the property.

Section 55 provides that “whenever the City Manager recommends it, and the City Council finds that the public interest demands it, the City Council may, without a vote of the people, authorize the opening and maintenance of streets and highways over, through and across City fee-owned land which has heretofore or hereafter been formally dedicated in perpetuity by ordinance or statute for park, recreation and cemetery purposes.”

On November 30, 2012, the City Council approved Resolution No. 307902 in association with a larger effort to dedicate parkland, which dedicated 6,567.27 acres of real property owned “in fee” by the City for park and recreation purposes pursuant to SB 1169, which included both parcels affected by this project. Therefore, an Ordinance in accordance with Section 55 has been prepared as part of the project’s approvals (Attachment 7 and 8).

Community Plan Analysis:

Old Otay Mesa Road is located within the Otay Mesa Community Planning Area of the City of San Diego and is identified as a two-lane local collector within the Circulation Element of the Otay Mesa Community Plan (OMCP). All future roadway classifications on Figure 3-2 of the OMCP are anticipated to be developed to their full classification consistent with the Street Design Manual. The roadway is surrounded by lands dedicated as parkland, and is considered an essential public facility (Attachment 13).

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

Improvements to this roadway would be consistent with the policies of the OMCP and the Multiple Species Conservation Program (MSCP) Subarea Plan, as the MSCP allows development of collector streets essential for area circulation within the Multiple Habitat Planning Area (MHPA). The path of the existing Old Otay Mesa Road is already established and the widening of the road would not cause significant disruption of wildlife. The open space easement vacation would allow for development of the roadway to its full classification per the Street Design Manual and provide safer movement of pedestrians and cyclists. The roadway development would implement policies and recommendations within the Mobility Element of the Otay Mesa Community Plan that call for adequate sidewalk width and separation from travel lanes for major pedestrian routes connecting activity centers; implementation of the Bicycle Master Plan that designates a Class II bikeway on the road; and prioritization of connections that link activity centers and create safe routes to schools.

The roadway development would also help implement the Plan’s Urban Design Element policy that recommends implementation of pedestrian-oriented design principles at the project-level to activate the street and promote walkability.

Environmental Analysis:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas: Biological Resources, Land Use (MHPA Land Use Adjacency), Paleontological Resources, and Archaeological Resources. The project as presented now avoids or mitigates the potentially significant environmental effects identified. Mitigated Negative Declaration (MND) No. 287806 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared, and implementation of the MMRP would reduce any potentially significant environmental impacts identified during the environmental review process to below a level of significance.

The proposed project will impact 2.2 acres of sensitive Tier II habitat and 1.9 acres of Tier IIIB habitat. Mitigation requirements for these upland habitat impacts will be met either through the purchase of mitigation credits in the appropriate ratios from the Cornerstone Lands Conservation Bank or by the use of mitigation credits available at the City's Wruck Canyon parcel.

Potential impacts associated with bird breeding season may result due to project construction and construction-related noise impacts. Implementation of the pre-construction nesting surveys and U.S. protocol surveys will reduce potential impacts to these resources, as discussed in Section V of the MND.

Construction of the bio-retention basin would impact 25 individuals of the Otay tarplant. A translocation plan will be required mitigating impacted individuals at a 4:1 ratio (i.e. 100 Otay tar plants). Several San Diego barrel cacti would also be translocated per the translocation plan. Additionally, impacts to sensitive plant species and potential impacts to avian species discussed in Section IV of the MND will also be reduced to below a level of significance (Attachment 9).

The project will also require revegetation and erosion control of all temporary disturbed areas occurring as a result of project implementation in accordance with the City's Landscape Standards Temporary irrigation will aid plant establishment. Erosion control measures, such as straw wattles and silt fencing, will be installed as needed to help control erosion while the seed and plantings become established. Maintenance and monitoring will be required per the approved revegetation plan.

Impacts to areas outside of the City of San Diego's jurisdiction (i.e. Waters of the U.S./State) will be addressed directly with the outside resource agencies and is included in the MMRP conditions.

FISCAL CONSIDERATIONS: The total estimated project cost is \$11,536,672 which includes design and construction of this project. The project is funded through OTAY MESA FACILITIES BENEFIT ASSESSMENT (FBA) – WEST fund No. 400093 in the amount of \$4,954,000, OTAY MESA–WESTERN Development Impact Fee (DIF) fund No.400102 in the amount of \$546,000, PROP A fund No. 400156 in the amount of \$39,346 and TRANSNET fund No. 400169 in the amount of \$5,997,326.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: The Consultant Agreement for the project's design was approved by the City Council on March 26, 2010, by Resolution No 305678.

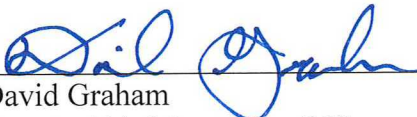
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: City staff has worked closely with the Otay Mesa and San Ysidro Community Planning Groups during the design phase. That partnership will be continued during the construction phase. The project was recommended for approval by the Otay Mesa Community Planning Group on July 16, 2014.

KEY STAKEHOLDERS (& Projected Impacts if applicable):

The City of San Diego, the Otay Mesa and San Ysidro Communities, US Army Corps of Engineers (USACE), San Diego Regional Water Quality Control Board (RWQCB), the California Department of Fish and Wildlife (CDFW), and San Diego Gas and Electric.



Robert A. Vacchi
Director, Development Services Department



David Graham
Deputy Chief Operating Officer:
Neighborhood Services

Attachments:

1. Community Plan Land Use Map
2. Project Location Map
3. Draft Site Development Permit Resolution
4. Draft Site Development Permit with Conditions
5. Draft Open Space Easement Vacation Resolution
6. Open Space Easement Vacation Exhibit
7. Draft Charter Section 55 Ordinance
8. Charter Section 55 Exhibit
9. Draft Environmental Resolution with Mitigation Monitoring and Reporting Program (MMRP)
10. Approval overview graphics (1-3)
11. Project plans
12. Visual simulation of wall
13. Roadway classification graphic
14. Community Group Meeting Minutes