

RESOLUTION NUMBER R- 313737

DATE OF FINAL PASSAGE OCT. 05 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE PLANNED DEVELOPMENT PERMIT NO. 2324693/TIJUANA CROSS BORDER AMENDMENT - PROJECT NO. 597523 [MMRP] (AMENDMENT TO PLANNED DEVELOPMENT PERMIT NO. 609801 - PROJECT NO. 169652).

WHEREAS, OTAY-TIJUANA VENTURE, LLC, a California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for Planned Development Permit 2324693 to reconfigure allowable Retail Sales and Commercial Services uses within the development lots and deviate from the Land Development Code requirement for lots to have a minimum of frontage on a public street. The project site is located at 2745 Otay Pacific Drive and is in the IBT-1-1 Zone (International Business and Trade) within the Otay Mesa Community Plan and is legally described as Lots 1 through 30 of Otay Business Park Map No. 15548; and

WHEREAS, on May 13, 2021, the Planning Commission of the City of San Diego considered Planned Development Permit 2324693, and pursuant to Resolution No. 5141-PC voted to recommend City Council approve 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 October 5, 2021, 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 Planned Development Permit 2324693:

A. PLANNED DEVELOPMENT PERMIT [SDMC section 126.0605]

1. Findings for all Planned Development Permits:

a. The proposed development will not adversely affect the applicable land use plan.

The Tijuana Cross Border Amendment Project (Project) consists of minor modifications to the Otay-Tijuana Cross Border Facility project (Project No. 169652), previously approved by the City Council on January 10, 2012 to construct a U.S. Customs and Immigration Processing Facility ("cross border facility"), industrial office/warehouse uses, commercial uses, and hotel uses within the Otay Mesa Community Plan (Community Plan).

The approval allowed for the phased development of a 95,000 square-foot, two-level cross border facility, a 772,000 square-foot, four-level parking structure to provide approximately 2,239 parking spaces, and up to 402,000 square feet of industrial use, 34,000 square feet of specialty retail use, 340 hotel rooms, a 12-pump gas station with convenience market and car wash, and 6,000 square feet of restaurant use on the 63.8-acre project site.

The Project site has been previously graded in accordance with Project No. 169652 and is currently being developed with the Otay-Tijuana Cross Border Facility Development Project. The Cross-Border Xpress (CBX) Facility has been constructed in the southwest corner of the Project site on Lot 8 and has been operational since 2015. Surface parking to serve the CBX Facility has been constructed north and east of the Facility on Lots 1-7, Lot 9, and Lot 10. A permanent parking lot is constructed on Lot 9 (northeast of the terminal) and east and west of the terminal on Lot 8. Lots 12-16 and 19-30 are currently used as temporary parking, and Lots 11, 17, and 18 have been graded. Public water mains, sewer mains, and storm drains traverse along Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive and currently serve the CBX Facility. The Community Plan designates the CBX property as "Institutional" which allows for the existing permitted development of a private airport terminal and supporting commercial uses.

The Project proposes a General Plan/Community Plan Amendment and subdivision to vacate existing public streets, including Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive and remove them from the Otay Mesa Community Plan Mobility Element; create a new lot for those vacated portions of streets as private drives with one-way circulation; and move allowable Retail Sales and Commercial Services uses from lots 1 and 2 to lots 17 and 18 at 2745 Otay Pacific Drive, in the IBT-1-1 Zone. The project will establish a public storm drain easement with recordation of the Project's Final Map.

The proposed subdivision with public right-of-way vacations includes a General Plan/Community Plan Amendment (CPA) to remove the three improved streets from the community plan's classified streets network:

- Otay Pacific Drive which is classified as a 4-lane major road;
- Otay Pacific Place which is classified as a 4-lane collector street; and
- Las Californias Drive which is classified as a 2-lane collector street.

The right-of-way vacations and removal of these three streets from the streets network does not adversely affect Community Plan goals and policies related to circulation, access, and public services for the CBX Facility. Streets within the Community Plan's classified network are intended to provide connectivity throughout the community as well as maintain regional access. The specific street classifications are also intended to support traffic volumes for public streets at levels of service evaluated in the Environmental Impact Report for the Community Plan. These three streets do not provide through access to adjacent properties or connectivity to other areas of the community. The streets are located entirely within property owned by the applicant and provide internal circulation to the development from Siempre Viva Road. Vehicular, bicycle, and pedestrian access to the site will be maintained, and the private drives will remain open to the public. Private facilities are not included within the Community Plan's classified roadway network.

Facilitating operation of the Cross-Border Facility is supported by General Plan and OMCP policies related to economic prosperity, specifically international business and trade. The Community Plan specifically identifies the Cross-Border Facility to provide secure and convenient access to air travelers using Mexico's Rodriguez International Airport as an alternative to existing Ports of Entry. Land uses in this portion of the community are also intended to promote international business and trade. Facilitating operation of the CBX development supports international business and trade.

The Project also proposes to change two of the six development lots where Retail Sales and Commercial Services uses are permitted from Lots 1 and 2 to Lots 17 and 18. This proposed land use change is requested due to the proposed change to one-way circulation. The development also requires a deviation from the Land Development Code requirement for lots to have a minimum of frontage on

a public street since internal circulation will now be private. The project is conditioned to require a Reciprocal Access Agreement to be recorded to assure vehicular access to all lots with frontage on the three streets proposed for the vacation. The Project does not change the mix of land uses within the previously approved project site and is consistent with the previously approved project. Therefore, the proposed development will continue to not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety and welfare.

The proposed project development will not be detrimental to the public health, safety and welfare. The project permit contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. Permit requirements includes assure by permit and bond the installation of a traffic signal at the intersection of Siempre Viva Road/Las Californias Drive; installing dual westbound left-turn lanes at the intersection of Otay Pacific Drive/Siempre Viva Road; installing dual southbound left-turn lanes at the intersection of Otay Pacific Drive/Otay Pacific Place; restriping Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive to provide parking, bicycle lanes, travel lanes, and a City standard curb, gutter, and sidewalk; installing appropriate private back flow prevention devices on each water service (domestic, fire and irrigation); requiring that no trees or shrubs exceeding three feet in height at maturity be installed within ten feet of any sewer facilities and five feet of any water facilities; and assure by permit and bond the disconnection of the main of any existing unused water service.

The project plans will also be reviewed for compliance with all applicable building, electrical, mechanical, plumbing and fire Code requirements, including for grading and public improvements. Compliance with these regulations during and after construction will be enforced through building inspections completed by the City's building inspectors. The Project has also been reviewed pursuant to the California Environmental Quality Act, and the environmental analysis did not find any significant impacts to the public health and safety beyond those which have been addressed by previous permits, environmental documents, or Statements of Overriding Consideration. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

- c. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.**

The Project proposes a General Plan/Community Plan Amendment, Vesting Tentative Map with Public right of Way Vacation, and an Amendment to Planned Development Permit No. 609801 to vacate existing public streets, including Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive and remove them from the Otay Mesa Community Plan Mobility Element, create a new lot for those streets as private drives with one-way circulation, move allowable Retail Sales and Commercial Services uses from lots 1 and 2 to lots 17 and 18, and establish a public storm drain easement at 2745 Otay Pacific Drive.

The Project complies with the regulations of the Land Development Code (LDC), as applicable, including the Planned Development Permit Regulations, Tentative Map Regulations, and the Public Right of Way Vacation Regulations, as well as the entitlements in the original Planned Development Permit No. 609801 and Site Development Permit 896755, except as herein amended by this permit. Specifically, the Project addresses all applicable zoning regulations, except where deviations are allowed herein pursuant to SDMC Section 126.0602(b)(1).

The Project requests a deviation to allow lots to have no frontage on a public street, where at least 100 feet is required by the underlying IBT-1-1 Zone per SDMC 131.0631. Strict conformance with the IBT-1-1 Zone would dictate that lots must retain access to public streets, precluding the desired lot reconfiguration with allowable Retail Sales and Commercial Services uses from lots 1 and 2 to lots 17 and 18. The deviation supports the privatization of internal circulation for access and is appropriate for transportation facilities of this type. The Project would benefit the community by removing public streets benefitting only one development from City legal and maintenance responsibilities, while still providing appropriate amenities, multimodal circulation, and access to the CBX facility, benefiting the Otay Mesa community and the San Diego region.

The streets proposed for vacation, including Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive are contained within a private development. The CBX development will ensure all necessary utility and public access rights are preserved despite the vacation. The vacation will cause approximately 5.2 acres of land to revert to private ownership and become private property subject to property taxes. Additionally, this reversion will reduce City liability and maintenance responsibilities related to approximately 1,400 lineal feet of public street. The public will benefit through increased revenue to the City through property taxes paid on improvements. The public will also benefit from the action through improved utilization of the CBX development as the owners of the

property retain the ability develop in response to market demands. The deviation is supported because the Project is consistent with community plan policies, would facilitate the CBX Project's operational needs, and would not adversely impact the public's health and safety.

The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the Land Development Code and San Diego Municipal Code. Therefore, the proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

BE IT FURTHER RESOLVED, that Planned Development Permit 2324693 (amendment to Planned Development Permit 609801) is granted to OTAY-TIJUANA VENTURE, LLC, under the terms and conditions set forth in the attached permit which is made a part of this resolution and contingent upon final passage of R- 2758664, approving amendments to the General Plan/Otay Mesa Community Plan.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Shannon C. Eckmeyer
Shannon C. Eckmeyer
Deputy City Attorney

SCE:sc
09/13/2021
Or.Dept:DSD
CC No.: N/A
Doc. No.: 2759606

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

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

INTERNAL ORDER NUMBER: 24008268SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED DEVELOPMENT PERMIT NO. 2324693
TIJUANA CROSS BORDER AMENDMENT - PROJECT NO. 597523 [MMRP]
CITY COUNCIL**

This Planned Development Permit No. 2324693, an amendment to Planned Development Permit No. 609801, is granted by the City Council of the City of San Diego to OTAY-TIJUANA VENTURE, LLC, a California Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0404. The 63.8-acre site is located east of Britannia Boulevard, south of Siempre Viva Road (at the cross street of Otay Pacific Drive), at 2745 Otay Pacific Drive in the IBT-1-1 zone, immediately adjacent to the U.S.-Mexico International border and is legally described as Lots 1 through 30 of Otay Business Park Map, No. 15548.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to implement the Tijuana Cross Border Amendment project and associated site improvements as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated OCT. 05, 2021, on file in the Development Services Department.

The project shall include:

- a. Change two of the six development lots where Retail Sales and Commercial Services uses are permitted from Lots 1 and 2 to Lots 17 and 18, and allow a deviation to SDMC section 131.0631 to create lots 2-17 and 20-29 with zero public street frontage where 100 feet of frontage is otherwise required in the IBT-1-1 Zone; and
- b. 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 October 5, 2024.
2. Except as amended herein, all conditions of Planned Development Permit No. 609801 and Site Development Permit No. 896755 (Project No. 169653) remain in full force and effect.
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. 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.

9. The Owner/Permittee shall secure all necessary construction 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.

10. 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.

11. 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.

12. 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.

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 ADDENDUM No. 597523 TO ENVIRONMENTAL IMPACT REPORT No. 169653 (SCH NO. 2010121014) 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 No. 597523 TO ENVIRONMENTAL IMPACT REPORT No. 169653 (SCH NO. 2010121014) 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.

CLIMATE ACTION PLAN REQUIREMENTS:

16. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

TRANSPORTATION REQUIREMENTS:

17. Prior to the issuance of any construction permit for development in excess of 13,683 ADTs, the Owner/Permittee shall assure by permit and bond the installation of a traffic signal at the intersection of Siempre Viva Road / Las Californias Drive, satisfactory to the City Engineer. All improvements shall be complete and operational prior to first occupancy in Phase 2.

18. Prior to the issuance of any construction permit for development in excess of 24,652 ADTs, the Owner/Permittee shall install dual westbound left-turn lanes at the intersection of Otay Pacific Drive/ Siempre Viva Road, satisfactory to the City Engineer. All improvements shall be complete and operational prior to first occupancy in Phase 3.

19. Prior to the issuance of any construction permit for development in excess of 24,652 ADTs, the Owner/Permittee shall install dual southbound left-turn lanes at the intersection of Otay Pacific Drive / Otay Pacific Place, satisfactory to the City Engineer. All improvements shall be complete and operational prior to first occupancy in Phase 3.

20. Otay Pacific Drive between Siempre Viva Road and Otay Pacific Place: Prior to issuance of any construction permit for development in excess of 13,683 ADT, the Owner/ Permittee shall restripe Otay Pacific Drive, from Siempre Viva Road and Otay Pacific Place with 60 feet curb-to-curb (10-foot parallel parking, two foot buffer, six-foot Class II bicycle lane, 12-foot southbound travel lane, 12-foot southbound travel lane, 18-foot angled parking) within 80 feet of right-of-way and provide curb, gutter, and a minimum 5.5-foot contiguous sidewalk within a 10-foot curb-to-property line distance on both sides, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 2.

21. Otay Pacific Place: Prior to issuance of any construction permit for development in excess of 13,683 ADT, the Owner/ Permittee shall restripe Otay Pacific Place between Otay Pacific Drive and Las Californias Drive with 70 feet curb-to-curb (20-foot angled parking, 16-foot eastbound travel lane, 16-foot eastbound travel lane with a marked Class III shared bicycle facility, and 20-foot angled parking) within 94 feet of right-of-way and provide curb, gutter, and five-foot noncontiguous sidewalk within a 14-foot curb-to-property line distance on the south side, and a five and a half-foot contiguous sidewalk within a 10-foot curb-to property distance on the north side, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 2.

22. Las Californias Drive between Otay Pacific Place and Siempre Viva Road: Prior to issuance of any construction permit for development in excess of 13,683 ADT, the Owner/ Permittee shall restripe Las Californias Drive between Otay Pacific Place and Siempre Viva Road with 44 feet curb-to-curb (18-foot angled parking, 12-foot northbound travel lane, 14-foot northbound travel lane with a marked Class III shared bike facility) within 64 feet of right-of-way and provide curb, gutter, and 5.5-foot contiguous sidewalk within a 10-foot curb-to-property line distance on both sides, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 2.

ENGINEERING REQUIREMENTS:

23. This Planned Development Permit shall comply with all Conditions of Tentative Map No. 2542691.

PLANNING/DESIGN REQUIREMENTS:

24. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

25. Planned Development Permit No. 609801, Condition 52 is hereby amended to read: "Uses within the 'Retail Sales' and 'Commercial Services' categories of the Land Development Code may only be developed on Lots, 17, 18, 19, 20, 29, and 30; hotel/visitor accommodations may only be developed on Lots 5, 6, 7, 11, 12, 13, 23, 24, 25, and 26.

26. 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.

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

28. 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.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

29. Prior to the issuance of any construction permits, the Owner/Permittee shall finalize water and sewer capacity charges. Capacity charges, as well as service and meter size, are determined by Water Meter Data Card which is completed during the building plan review process. Any questions regarding water and sewer capacity fees should be addressed to Information and Application Services (619-446-5000).

30. Prior to the issuance of any construction permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

31. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.

32. All proposed private water and sewer facilities are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

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

34. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to disconnect (kill) at the main any existing unused water service.

INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on October 5, 2021 and R-2022-84.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Xavier Del Valle
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.**

OTAY-TIJUANA VENTURE LLC
Owner/Permittee

By _____
BY:
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 OCT 05 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 05 2021.

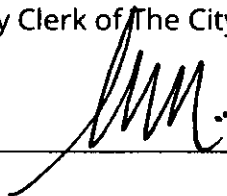
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313737