REPORT TO THE HEARING OFFICER

HEARING DATE: June 19, 2013

ATTENTION: Hearing Officer

SUBJECT: WHITE RESIDENCE
PROJECT NO. 268982

LOCATION: 6696 Duck Pond Lane

APPLICANT: Mark Silva, AIA

SUMMARY

Issue(s): Should the Hearing Officer approve a Site Development Permit to allow construction of a single family residence through implementation of design guidelines and a MHPA Boundary Line Adjustment to facilitate the proposed site development?

Staff Recommendation(s) -

1. Certify Findings to Master EIR No. 268982 and Adopt the Mitigation, Monitoring and Reporting Program; and

2. Approve Site Development Permit No. 945852 and Multi-Habitat Planning Area Boundary Line Adjustment No. 1044881.

Community Planning Group Recommendation – The Del Mar Mesa Community Planning Group stated that since the proposed project is nearly identical to the previously approved project at this site, the Group recommends approval of the proposed project.

Environmental Review: Findings to a Master Environmental Impact Report No. 268982 have been prepared for the project in accordance with State of California Environmental Quality Guidelines. A Mitigation Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to below a level of significance, any potential impacts identified in the environmental review process.

BACKGROUND

The Del Mar Mesa Specific Plan Land Use map identifies the site is designated for Estate Density Residential and Resource-Based Open Space (Attachment 1). The site is located at 6696
Duck Pond Lane (Attachment 2) in the AR-1-1 and AR-1-2 Zone within the Del Mar Mesa Community Plan in Council District 1. The site is presently undeveloped and sits on the edge of a small draw connected to a finger canyon which is connected to and north of Los Peñasquitos Canyon Preserve. Portions of the site have been previously disturbed and are absent of vegetation while the majority of the site contains sensitive vegetation and steep hillsides with slopes 25% or greater (Attachment 3). Portions of the site are within the Multi-Habitat Planning Area (MHPA) of the Multiple Species Conservation Program.

A previous project at this site, the Gerst Grading project, proposed a Planned Development Permit to allow a deviation for a fifteen foot front yard setback, MHPA Boundary Line Adjustment and Site Development Permit. The Gerst Grading project was approved by the Planning Commission on December 14, 2006 by Resolution No. 4191-PC. The Gerst Grading project proposed development of a single family structure through implementation of design guidelines to facilitate the proposed site development. The permit for the Gerst Residence was recorded yet not utilized and has expired.

DISCUSSION

The White Residence proposes a Site Development Permit to allow development of a single family structure through implementation of design guidelines and a MHPA Boundary Line Adjustment to facilitate the proposed site development. In accordance with SDMC Section 142.0412(e)(1), the front yard setback is proposed to be reduced by five feet to accommodate Brush Management Zone 1 on a property adjacent to the MHPA. This would allow a 20-foot front yard setback on the site. The project proposes a twenty foot front yard setback. The proposed project does not propose nor require approval of any deviations from the development regulations. Where human intrusion into the MHPA could occur, the proposed project would prohibit and control human and/or animal access to the MHPA by means of fencing.

The grading proposed for the project would grade forty-three percent of the site or approximately 0.40 acres. The estimated quantity of excavation would be approximately 300 cubic yards and embankment would be approximately 550 cubic yards. The project proposes to import approximately 250 cubic yards. The maximum excavated slope would be 2.5 feet in height and the maximum embankment slope would be nine feet in height. A Keystone type retaining wall system would be constructed on the site with a maximum height of five feet. The wall would be planted according to the landscape plan with native species.

The landscape concept plan indicates all manufactured slopes would be planted to achieve erosion control and stabilize the slopes. The plant palette is composed of California native species and non-native ornamental species, the list includes Aeschylus californica, Achillea millefolium, Comarostaphylis diversifolia, Rhamnus californica, Myoporum 'Putah Creek' and a native mix of hydroseeded species. A remainder area of disturbed habitat measuring 288 square feet and not proposed for development would be restored through revegetation. As required by LDC Section 142.0740(b)(2), all existing invasive species would be removed prior to planting operations. All non-native invasive plants as indicated in the Appendix A of the Biology Report would be removed from the premises and replaced with native ground cover species in accordance with the approved Exhibit "A."
CONCLUSION

Staff has reviewed the application for a Site Development Permit to allow development of a single family structure through implementation of design guidelines and a MHPA Boundary Line Adjustment to facilitate the proposed site development. All issues identified through the review process have been resolved in conformance with adopted City Council policies and relevant regulations of the Land Development Code. Staff has provided draft findings to support approval of the Site Development Permit (Attachment 4) and draft conditions of approval (Attachment 5). Staff recommends the Hearing Officer approve the project as proposed.

ALTERNATIVES

1. **Approve** Site Development Permit No. 945852, with modifications.

2. **Deny** Site Development Permit No. 945852, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

[Signature]

John S. Fisher
Development Project Manager
Development Services Department

Attachments:

1. Del Mar Mesa Community Plan Land Use Map
2. Project Location Map
3. Aerial Photograph
4. Draft Permit Resolution with Findings
5. Draft Permit with Conditions
6. Draft Environmental Resolution with MMRP
7. Project Plans
8. Project Design Guidelines (under separate cover)
9. Community Planning Group Recommendation
10. Project Data Sheet
WHEREAS, WHITE FAMILY TRUST dated April 20, 1999, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a new single family residence (as described in and by reference to the approved Exhibits “A” and corresponding conditions of approval for the associated Permit Nos. 945852 and 1044881, on portions of a 0.92 acre site;

WHEREAS, the project site is located at 6696 Duck Pond Lane in the AR-1-1 and AR-1-2 Zones within the Del Mar Mesa Community Plan;

WHEREAS, the project site is legally described as the Easterly 200 feet of the Southerly 200 feet of the Southwest Quarter of the Northwest Quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Base and Meridian, according to official plat thereof;

WHEREAS, on V13 - DATE, the Hearing Officer of the City of San Diego considered Site Development Permit No. 945852 and Multiple Habitat Planning Area Boundary Line Adjustment No. 1044881 pursuant to the Land Development Code of the City of San Diego;

NOW, THEREFORE, BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated V19 - DATE.

FINDINGS:

Site Development Permit - Section 120.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The White Residence proposes to construct a new single family residence through the implementation of design guidelines and a Multiple Habitat Planning Area Boundary Line Adjustment. The Del Mar Mesa Specific Plan designates the site as Estate Residential and Resource Based Open Space. The site will be developed in a manner consistent with the adopted policies of the Del Mar Mesa Specific Plan. The Estate Residential portion of the site will be developed with a new single family residence through the implementation of design guidelines and other accessory uses consistent with the AR-1-1 and AR-1-2 Zones and the Del Mar Mesa Specific Plan and the Resource Based Open Space designated portion of the site will be preserved as open space through a covenant of easement to protect the function and values of the open space. As such and because the proposed use and project are consistent with the AR-1-1 and AR-1-2 Zones and the Del Mar Mesa Specific Plan, the proposed development will not adversely affect the applicable land use plan. The Multiple Habitat Planning Area Boundary Line Adjustment is supported by the wildlife agencies and city staff as being consistent with the goals of the Multiple Species Conservation Program.
2. The proposed development will not be detrimental to the public health, safety, and welfare. The White Residence proposes to construct a new single family residence through the implementation of design guidelines and a Multiple Habitat Planning Area Boundary Line Adjustment. The White Residence project will not be detrimental to public health, safety and welfare in that the permit controlling the development and continued use of the proposed project for this site contains specific conditions addressing the project compliance with the City’s codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code. The White Residence proposes to construct a new single family residence through the implementation of design guidelines and a Multiple Habitat Planning Area Boundary Line Adjustment. In accordance with SDMC Section 142.0412(e)(1), the front yard setback is proposed to be reduced by five feet to accommodate Brush Management Zone 1 on a property adjacent to the MHPA and will allow a twenty foot front setback on the site. The proposed project is consistent with the AR-1-1 and AR-1-2 Zones and the Del Mar Mesa Specific Plan and no deviations are required to approve the project as proposed.

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 White Residence proposes to construct a new single family residence through the implementation of design guidelines and a Multiple Habitat Planning Area Boundary Line Adjustment. The project site is located within geologic hazard zones 51 and 53 as shown on the City's Seismic Safety Study Geologic Hazards Maps. Zone 51 is characterized by level mesas underlain by terrace deposits and bedrock, nominal risk. Zone 53 is characterized by level or sloping to steep terrain with unfavorable geologic structure, low to moderate risk. The determination of City professional staff is 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 Multiple Habitat Planning Area Boundary Line Adjustment is supported by the wildlife agencies and city staff as being consistent with the goals of the Multiple Species Conservation Program.

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 White Residence proposes to construct a new single family residence through the implementation of design guidelines and a Multiple Habitat Planning Area Boundary Line Adjustment. A minimal amount of grading will be constructed, an estimated amount of 550 cubic yards will be necessary as authorized by a grading permit. The project site is located within geologic hazard zones 51 and 53 as shown on the City's Seismic Safety Study Geologic Hazards Maps. Zone 51 is characterized by level mesas underlain by terrace deposits and bedrock, nominal risk. Zone 53 is characterized by level or sloping to steep terrain with unfavorable geologic structure, low to moderate risk. All manufactured slopes and graded pads will include erosion control to prevent
erosion of the site and the movement of soil off the site. The site is not subject to flooding and is not within a flood way or flood channel. Brush management will be included in the development of the site to limit the risks from wildfires to structures and inhabitants. Licensed professional city staff concluded there is no undue risk from geologic forces, erosional forces, flood hazards or fire hazards. The White Residence 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 White Residence proposes to construct a new single family residence through the implementation of design guidelines and a Multiple Habitat Planning Area Boundary Line Adjustment. The project will implement the adjacency guidelines of the MSCP program to eliminate or minimize the effects of development adjacent to the Multiple Habitat Planning Area. All biological impacts resulting from development of the site will be mitigated in accordance with the final Biological Report and the requirements of the Site Development Permit. The Site Development Permit requires the Owner/Permittee to enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code and submit for review and approval a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City's Storm Water Standards. Where human intrusion into the Multiple Habitat Planning Area could occur, the proposed project will prohibit human access to the Multiple Habitat Planning Area by means of fencing. The long-term function and value of on-site adjacent environmentally sensitive lands will be protected through the terms and conditions of a covenant of easement recorded on the title of the property over the sensitive lands. The Multiple Habitat Planning Area Boundary Line Adjustment is supported by the wildlife agencies and city staff as being consistent with the goals of the Multiple Species Conservation Program.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The White Residence proposes to construct a new single family residence through the implementation of design guidelines and a Multiple Habitat Planning Area Boundary Line Adjustment. The Multiple Habitat Planning Area Boundary Line Adjustment is supported by the wildlife agencies and city staff as being consistent with the goals of the Multiple Species Conservation Program. The proposed development is partially within the Multiple Habitat Planning Area and will be consistent with the Multiple Species Conservation Program Subarea Plan with the approval of the Boundary Line Adjustment. All areas on-site within the Multiple Habitat Planning Area will be protected by a covenant of easement.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The White Residence proposes to construct a new single family residence through the implementation of design guidelines and a Multiple Habitat Planning Area Boundary Line Adjustment. The site is approximately five miles in a straight line from the Pacific Ocean. There are no creeks, streams, rivers or drainage facilities which would carry large particle sediments to the shoreline of any public beaches capable of causing erosion or impacting local shoreline sand supply. The Site Development Permit requires the Owner/Permittee to enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code and
submit for review and approval a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City's Storm Water Standards. The White Residence will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

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 White Residence proposes to construct a new single family residence through the implementation of design guidelines and a Multiple Habitat Planning Area Boundary Line Adjustment. The owner will preserve other sensitive lands in perpetuity at a ratio adopted by the City of San Diego and in agreement with the policies of the California Department of Fish and Game and the US Fish and Wildlife Service. The mitigation is directly related to the impacts which will be caused by the project and is proportional to the impact. The mitigation is calculated to alleviate the negative impacts created by the proposed White Residence.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 945852 and Multiple Habitat Planning Area Boundary Line Adjustment No. 1044881 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 945852 and 1044881, a copy of which is attached hereto and made a part hereof.

John S. Fisher
Development Project Manager
Development Services

Adopted on: V27 - DATE OF APPROVAL

Job Order No.: 24002438
INTERNAL ORDER NUMBER: 24002438

SITE DEVELOPMENT PERMIT NO. 945852 and
MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT NO. 1044881
WHITE RESIDENCE PROJECT NO.: MMPP-R-68982

This Site Development Permit No. 945852 and Multi-Habitat Planning Area Boundary Line Adjustment No. 1044881 is granted by the Hearing Officer of the City of San Diego to WHITE FAMILY TRUST dated April 20, 1999, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) sections 126.0501 and 143.0101. The 0.92 acre site is located at 6696 Duck Pond Lane in the AR-1-1 and AR-1-2 Zones within the Del Mar Mesa Community Plan. The project site is legally described as the Easterly 200 feet of the Southerly 200 feet of the Southwest Quarter of the Northwest Quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Base and Meridian, according to official plat thereof.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a new single family residence described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date], on file in the Development Services Department.

The project shall include:

a. Construction of a new single family residence through the implementation of design guidelines and a Multi-Habitat Planning Area Boundary Line Adjustment;

b. Grading, retaining walls, landscaping, fencing and other minor improvements;

c. Off-street parking; and

d. 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 [ENTER DATE including the appeal time].

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
   a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
   b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

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

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Game Code Section 2835 as part of the Multi-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. 00-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

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

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

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

If any condition of this Permit, or 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” conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the “invalid” condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. 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.

13. The mitigation measures specified in the MMRP and outlined in Findings to Master Environmental Impact Report No. 268982, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Findings to Master Environmental Impact Report No. 268982, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Biological Resources
Land Use (MSCP/MHPA)

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards, satisfactory to the City Engineer.

18. The drainage system proposed for this development is private and subject to approval by the City Engineer.
19. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

**LANDSCAPE REQUIREMENTS:**

20. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete landscape construction documents, including plans, details, and specifications, including a permanent automatic irrigation system unless otherwise approved, for the required revegetation and hydro-seeding of all disturbed land in accordance with the Landscape Standards, to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and Exhibit “A.”

21. Prior to issuance of any construction permit for structures, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit “A.” Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by landscape and utilities as set forth under LDC 142.0403(b)5.

22. The Owner/Permittee shall be responsible for the installation and maintenance of all landscape improvements consistent with the Land Development Code: Landscape Regulations and the Land Development Manual: Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wetland or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by airborne seeds or trailing as noted in section 1132 of the Landscape Standards.

23. The Owner/Permittee shall be responsible to ensure that irrigation drainage run off shall be directed away from the Multi-Habitat Preserve Area to ensure that no impacts occur from runoff in any of these areas.

24. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or “topping” of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a site manner to allow each tree to grow to its mature height and spread.

**BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

25. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit “A” Brush Management Plan, on file in the Office of the Development Services Department.

26. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit “A.”
27. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the Land Development Code section 142.0412 as follows: The proposed development shall have a Zone One ranging from 35 to 55 feet and a Zone Two ranging from 35 to 65 feet as shown on the Brush Management Plan of Exhibit "A."

28. Within Zone One, combustible accessory structures, including, but not limited to decks, trellises, gazebos, et cetera, are not permitted, while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the Development Services Department approval.

29. The following note shall be provided on the Brush Management Construction Documents: "It shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program.

30. In Zones One and Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

31. Prior to Final Inspection and Framing Inspection for any building, the approved Brush Management Program shall be implemented.

32. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego’s Landscape Standards.

MULTI-SPECIES CONSERVATION PROGRAM:

33. Prior to issuance of any grading permits, the on-site MHPA shall be conveyed to the City’s MSCP preserve through either a covenant of easement granted in favor of the City and wildlife agencies or dedication of land in fee title to the City. Conveyance of any land in fee title to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes. To facilitate MHPA conveyance, any non-tree areas shall have covenant of easements for MHPA lands placed over them if located in the MHPA, and be maintained in perpetuity by the Owner/Permittee unless otherwise agreed to by the City for acceptance of dedicated land in fee title.

34. Prior to issuance of any grading permits, 0.51 acres on-site and 0.3 acres off-site within the MHPA on APN 308-020-1000 shall be conveyed to the City’s MSCP preserve through a covenant of easement.

PLANNING/DESIGN REQUIREMENTS:

35. Owner/Permittee shall maintain a minimum of two off-street parking spaces on the property at all times. Parking spaces shall comply at all times with the SDMC and shall not be
36. 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.

37. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit “A” for Sensitive Biological Resources, in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit “A.”

38. The 4:1 slopes established by the approved grading plan shall be planted and maintained as a visual transition from adjacent natural open space to the development parcel. A mix of native and visually compatible non-native trees, shrubs and groundcovers shall be grouped into informal arrangements to blend with the natural landscape. Trees and large shrubs shall be placed to soften and screen the building. Structures shall not be located within the transitional slope, except for a house designed as a “downsized split” as provided for in the White Residence Design Guidelines, Paragraph ‘M’ and ‘D-1.’ All structures shall comply with the Brush Management requirements of this permit.

39. All private outdoor lighting shall be shielded and adjusted to fall on the same premises where such lights are located in accordance with the applicable regulations in the SDMC and the Del Mar Mesa Specific Plan. In order to preserve the rural character and dark night skies of Del Mar Mesa, all outdoor lighting from homes for the purposes of safety and security shall be designed to minimize the emission of light rays onto neighboring lots and open space. The lighting of private recreational facilities, such as tennis courts, shall not be permitted. Swimming pools may be lighted for safety purposes, using ground lighting that does not project more than six feet from the lighting source on the same lot.

40. Disclosure shall be made to all future homebuyers that Del Mar Mesa is a semi-rural community which permits residents to maintain horses and horse stables on their residential property subject to the horse-keeping provisions of the SDMC, Section 44.0308.

41. All development shall utilize materials that blend with the natural landscape and specify neutral, earth-tone, muted colors.

42. Required fencing or other physical barriers between designated private use areas and common brush management and/or MHPA/open space lots shall not be altered, removed or relocated.

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**
43. Prior to the issuance of any building 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 Director of Public Utilities and the City Engineer.

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

**PARK & RECREATION REQUIREMENTS:**

45. No brush management shall be allowed on adjacent City-fee-owned open space. All required brush management will be addressed on-site, within the project parcel boundaries.

46. No drainage structures shall be allowed off-site on the adjacent City-owned open space. Storm water flow from on-site to off-site open space must occur at non-erodible velocities. There shall be no increase in storm water discharge volumes or velocity to the offsite open space.

**INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only be recommenced 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 Hearing Officer of the City of San Diego on [INSERT Approval Date] and [Approved Resolution Number].
Permit Type/PTS Approval No.: SDP No. 945852
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

John S. Fisher
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.

WHITE FAMILY TRUST dated April 20, 1999
Owner/Permittee

By ____________________________
    Alton V. White
    Trustee

WHITE FAMILY TRUST dated April 20, 1999
Owner/Permittee

By ____________________________
    Sandy L. White
    Trustee

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.
RESOLUTION NUMBER R-_________

ADOPTED ON ____________

A RESOLUTION ADOPTING FINDINGS AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE WHITE RESIDENCE PROJECT NO. 268982

WHEREAS, on February 1, 2012, the WHITE FAMILY TRUST dated April 20, 1999 submitted an application to City of San Diego, Development Services Department for a SITE DEVELOPMENT PERMIT AND MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT to allow for the grading of a 0.92 acre site for future construction of one single dwelling unit in accordance with the Del Mar Mesa Community Architectural Design Guidelines within the Del Mar Mesa Specific Plan for the WHITE RESIDENCE PROJECT (Project); and

WHEREAS, the matter was set for a public hearing to be conducted by the Hearing Officer of the City of San Diego; and

WHEREAS, the issue was heard by the Hearing Officer on June 19, 2013; and

WHEREAS, the City Council had previously certified Master Environmental Impact Report (MEIR) No. 95-0353 on July 30, 1996 for the Del Mar Mesa Specific Plan; and

WHEREAS, the White Residence project sits within the Del Mar Mesa Specific Plan area; and

WHEREAS, in connection with the consideration of the White Residence project the Hearing Officer considered MEIR No. 95-0353, Findings to EIR No. 95-0353, and the Initial Study prepared for the White Residence project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer of the City of San Diego, that it makes the following findings with respect to the White Residence Project in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the findings reflect the independent judgment of the City of San Diego as Lead Agency, and that the information contained in MEIR No. 95-0353, the Findings to EIR No. 95-0353, the Initial Study prepared for the White Residence Project, and any comments received during the public review process, has been reviewed and considered by the Hearing Officer:

a) Implementation of the proposed project would not result in any additional significant effects on the environment beyond those identified in the Master Environmental Impact Report, as defined in Subdivision (d) of Section 21158 of the Public Resources Code. As such, the
proposed project would not require additional mitigation measures and/or alternatives analysis, and the White Residence Project is within the scope of the MEIR No. 95-0353.

b) No substantial changes have occurred with respect to the circumstances under which the Del Mar Mesa (Subarea V) Master Environmental Impact Report No. 95-0353 was certified, there is no new available information which was not known and could not have been known at the time that the MEIR was certified has become available.

BE IT RESOLVED, that pursuant to State CEQA Guidelines Section 15177(d) and California Public Resources Code Section 21081.6, the Hearing Officer hereby adopts the project-specific Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the White Residence Project as required by this Hearing Officer in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT RESOLVED, that the Findings (No. 200982) to MEIR No. 95-0353, and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the DEVELOPMENT SERVICES DEPARTMENT, 1222 FIRST AVENUE, SAN DIEGO, CA 92101 or CITY CLERK, 202 C STREET, SAN DIEGO, CA 92101.

BE IT FURTHER RESOLVED, that the Development Services Department is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the White Residence Project.

APPROVED:

By: John S. Fisher
Development Project Manager

ATTACHMENT: Exhibit A: Mitigation Monitoring and Reporting Program
EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

SITE DEVELOPMENT PERMIT (SDP) NO. 945852 and MULTI-HABITAT PLANNING AREA (MHPA) BOUNDARY LINE ADJUSTMENT NO. 1044881
WHITE RESIDENCE PROJECT NO. 268982

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Advanced Planning and Engineering Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in Findings No. 268982 to MEIR No.95-0353 shall be made conditions of SITE DEVELOPMENT PERMIT (SDP) NO. 945852 as may be further described below.

A. GENERAL REQUIREMENTS – PART I
Plan Check Phase (prior to permit issuance)

1. Prior to issuance of a Notice to Proceed (NTP) or any construction permits, including but not limited to the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, or any construction related activity on site, the Development Services Department (DSD) Director’s Environmental Designer (ED) shall review and approve all Construction Documents (CD) (plans, specification details, etc.) to ensure the MMRP requirements have been incorporated.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, “ENVIRONMENTAL MITIGATION REQUIREMENTS.”

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

http://www.sandiego.gov/development-services/industry/standtemp.shtml

4. The TITLE INDEX SHEET must also show on which pages the “Environmental Mitigation Requirements” notes are provided.

B. GENERAL REQUIREMENTS – PART II
Post Plan Check (After permit issuance/Prior to start of construction)

1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT. The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also
include the Permit holder’s Representative(s), Job Site Superintendent and the following consultants as necessary: **QUALIFIED BIOLOGIST**

Note: Failure of all responsible Permit Holder’s representatives and consultants to attend shall require an additional meeting with all parties present.

**CONTACT INFORMATION:**
a) The PRIMARY POINT OF CONTACT is the RE at the Field Engineering Division 858-627-3200  
b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call RE and MMC at 858-627-3360

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) No. 268982 or for subsequent future projects the associated PTS No. shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD’s ED, MMC and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plans sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.)

Note: Permit Holder’s Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** evidence that any other agency requirements or permits have been obtained or are in process shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder’s submitting documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency as applicable.

**NONE REQUIRED FOR THIS PROJECT**

4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 1:17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the LIMIT OF WORK, scope of that discipline’s work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:
Document Submittal/Inspection Checklist

<table>
<thead>
<tr>
<th>Issue Area</th>
<th>Document Submittal</th>
<th>Associated Inspection/Approvals/Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>Consultant Qualification Letters</td>
<td>Prior to Pre-construction Mtg.</td>
</tr>
<tr>
<td>General</td>
<td>Consultant Coast. Monitoring</td>
<td>Prior to or at Pre-Con Mtg.</td>
</tr>
<tr>
<td>Biology</td>
<td>Biological Letter Report</td>
<td>Precon survey observation</td>
</tr>
<tr>
<td>Bond Release</td>
<td>Request for Bond Release</td>
<td>Final MMRP Inspections Prior to Bond Release Letter</td>
</tr>
</tbody>
</table>

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

**Biological Resources (Mitigation for Direct Impacts to Tier 1 Habitat)**

This project requires implementation of mitigation for direct impacts to, scrub oak chaparral and historic scrub oak chaparral (Tier I) in accordance with the Biological Technical Report for The White Property, prepared by Helix Environmental Planning, Inc. (April 2013) and as indicated in Tables 1 and 2 below.

1. Prior to the issuance of any construction permit, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall provide evidence of the following to the satisfaction of the Assistant Deputy Director (ADD) Environmental Design (ED) of the Development Services Department (DSD):

   a. On-site conservation of 0.12-acre of Scrub Oak Chaparral through placement of a Conservation Easement within the development parcel, outside of the grading footprint and Brush Management Zone 2; and

   b. Off-site purchase of 0.10 acres of Southern Maritime Chaparral (Tier 1) inside the City of San Diego's MHPA from the Five-Acre Del Mar Mesa Mitigation Parcel (APN 308-020-10) as noted in Table 2 below.

**Table 1 – Mitigation Requirements**

<table>
<thead>
<tr>
<th>Vegetation Community</th>
<th>Tier</th>
<th>Required Mitigation</th>
<th>Proposed Mitigation</th>
<th>On-Site/Off-Site</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scrub oak chaparral</td>
<td>1</td>
<td>0.08</td>
<td>0.12</td>
<td>----</td>
<td>0.12</td>
</tr>
<tr>
<td>Historic scrub oak chaparral</td>
<td>1</td>
<td>0.13</td>
<td>----</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>Southern maritime chaparral</td>
<td>1</td>
<td>--</td>
<td>----</td>
<td>0.10</td>
<td>0.10</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>0.21</strong></td>
<td><strong>0.12</strong></td>
<td><strong>0.10</strong></td>
<td><strong>0.22</strong></td>
</tr>
</tbody>
</table>
TABLE 2 – MITIGATION PARCEL ALLOCATION

<table>
<thead>
<tr>
<th>VEGETATION COMMUNITY</th>
<th>TIER</th>
<th>TOTAL HABITAT ON MITIGATION PARCEL</th>
<th>VISTA BOUGAINVILLEA</th>
<th>HOLLYWOOD &amp; VINE</th>
<th>TERRAZZO BOUGAINVILLEA</th>
<th>WHITE RESIDENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southern maritime chaparral</td>
<td>I</td>
<td>1.4</td>
<td>2.2</td>
<td></td>
<td>1.2</td>
<td>0.1</td>
</tr>
<tr>
<td>Scrub oak chaparral</td>
<td></td>
<td>2.1</td>
<td>0.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chamise chaparral</td>
<td></td>
<td>0.0</td>
<td>0.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Southern mixed chaparral</td>
<td>IIIA</td>
<td>1.5</td>
<td>0.1</td>
<td></td>
<td>1.0</td>
<td>0.2</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>5.0</td>
<td>2.3</td>
<td></td>
<td>1.4</td>
<td>0.3</td>
</tr>
</tbody>
</table>

LAND USE – MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP/MHPA)

I. PRIOR TO PERMIT ISSUANCE

A. Prior to issuance of any construction permit, the DSD Environmental Designee (ED) shall verify the Applicant has accurately represented the project’s design in the Construction Documents (CDs) that are in conformance with the associated discretionary permit conditions and Exhibit “A”, and also the City’s Multi-Species Conservation Program (MSCP) Land Use Adjacency Guidelines for the Multiple Habitat Planning Area (MHPA), including identifying adjacency as the potential for direct/indirect impacts where applicable. In addition, all CDs where applicable shall show the following:

1. Land Development / Grading / Boundaries – MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. The ED shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA.

2. Drainage / Toxins – All new and proposed parking lots and developed area in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.

3. Staging/storage, equipment maintenance, and trash – All areas for staging, storage of equipment and materials, trash, equipment maintenance, and other construction related activities are within the development footprint. Provide a note on the plans that states: “All construction related activity that may have potential for leakage or
intrusion shall be monitored by the Qualified Biologist/Owners Representative to ensure there is no impact to the MHPA.”

4. Barriers – All new development within or adjacent to the MHPA shall provide fencing or other City approved barriers along the MHPA boundaries to direct public access to appropriate locations, to reduce domestic animal predation, and to direct wildlife to appropriate corridor crossing. Permanent barriers may include, but are not limited to, fencing (6-foot black vinyl coated chain link or equivalent), walls, rocks/boulders, vegetated buffers, and signage for access, litter, and educational purposes.

5. Lighting – All building, site, and landscape lighting adjacent to the MHPA shall be directed away from the preserve using proper placement and adequate shielding to protect sensitive habitat. Where necessary, input from traffic or other incompatible uses, shall be shielded from the MHPA through the utilization of including, but not limited to, earth berms, fences, and/or plant material.

6. Invasive Plants – Plant species within 100 feet of the MHPA shall comply with the Landscape Regulations (LDC 142.0400 and per table 142-04F, Revegetation and Irrigation Requirements) and are non-invasive. Landscape plans shall include a note that states: “The ongoing maintenance requirements of the property owner shall prohibit the use of any planting that are invasive, per City Regulations, Standards, guidelines, etc., within 100 feet of the MHPA.”

7. Brush Management – All new development adjacent to the MHPA is set back from the MHPA to provide the required Brush Management Zone (BMZ) 1 area (LDC Sec. 142.0412) within the development area and outside of the MHPA. BMZ 2 may be located within the MHPA and the BMZ 2 management shall be the responsibility of a HOA or other private entity.

8. Noise – Due to the site’s location adjacent to or within the MHPA, construction noise that exceeds the maximum levels allowed shall be avoided, during the breeding seasons for protected avian species such as: California Gnatcatcher (3/1-8/30), Least Bell’s Vireo (3/15-9/15), and Southwestern Willow Flycatcher (3/1-8/30). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. When applicable, adequate noise reduction measures shall be incorporated as noted below.

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)

Prior to the issuance of any grading permit the City Manager (or Mayor-Appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the city manager:

A. A Qualified Biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) Recovery Permit) shall survey those habitat areas within the MHPA that
would be subject to construction noise levels exceeding 60 decibels [db(A)] hourly average for the presence of the coastal California gnatcatcher. Surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service (USFWS) within the breeding season prior to the commencement of any construction. If gnatcatchers are present, then the following conditions must be met:

1. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and

2. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 db(A) hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 db (A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager (or Mayor-Appointed Designee) at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist or

3. At least two weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls, etc.) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 db(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 db (A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager (or Mayor-Appointed Designee), as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds
60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. If coastal California gnatcatchers are not detected during the protocol survey, the Qualified Biologist shall submit substantial evidence to the City Manager (or Mayor-Appointed Designee) and applicable Resource Agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:

1. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.3., shall be adhered to as specified above.
2. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

II. PRIOR TO START OF CONSTRUCTION
A. Preconstruction Meeting
1. The Qualified Biologist/Owners Representative shall incorporate all MHPA construction related requirements, into the project’s Biological Monitoring Exhibit (BME).
2. The Qualified Biologist/Owners Representative is responsible to arrange and perform a focused pre-con with all contractors, subcontractors, and all workers involved in grading or other construction activities that discusses the sensitive nature of the adjacent sensitive biological resources.

III. GENERAL AND NESTING BIRD REQUIREMENTS

A. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. Feb. 1-Sept. 15), or an active nest is noted, the project biologist shall conduct a pregrading survey for active nests in the development area and within 300 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.

B. If active nests are detected, or considered likely, the report shall include mitigation in conformance with the City’s Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) Environmental Designee. Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project’s Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.

C. If no nesting birds are detected per III a., above, mitigation under III a. is not required.

IV. DURING CONSTRUCTION
A. The Qualified Biologist/Owners Representative, shall verify that all construction related activities taking place within or adjacent to the MHPA are consistent with the CDs, the MSCP Land Use Adjacency Guidelines. The Qualified Biologist/Owners Representative shall monitor and ensure that the conditions identified under LA. above are implemented in accordance with the MSCP/MHPA Land Use Adjacency Guidelines.

V. POST CONSTRUCTION

A. Submittal of Draft Monitoring Reports to MMC

1. The Applicant or Project Biologist, as appropriate, shall submit two copies of the Draft Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
2. MMC shall return the Draft Monitoring Report to the Applicant or Project Biologist for revision, for preparation of the Final Report.
3. The Applicant or Project Biologist shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the Applicant or Project Biologist of the approved report.
5. MMC shall notify the applicant, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Submittal of Final Monitoring Reports to MMC

1. The Applicant or Project Biologist shall submit one copy of the approved Final Monitoring Report to MMC, within 90 days after notification from MMC that the draft report has been approved.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.
WHITE RESIDENTIAL LOT GRADING
SDP NO. 268982, MHPA BOUNDARY LINE NO. 268982
SLOPE ANALYSIS

SCALE 1" = 20'

DENSE TREES
APN 308-020-56

PARCEL 1
DUCK POND LN
PARCEL 3
PARCEL 4
PARCEL MAP NO. 2576

INDICATES SLOPES < 25%
INDICATES SLOPES > 25%

PREPARED "BY:
FARRINGTON ENGINEERING

DRAW N DATED:

CHECKED:

REVISION DATED:

ATTACHMENT 7

ATTACHMENT 7
WHITE RESIDENTIAL LOT GRADING
SDP NO. 268982, MHPA BOUNDARY LINE NO. 268982
PRELIMINARY GRADING PLAN

CONSTRUCTION NOTES:

- LAYERS 810-SWAL< SLIPS AND OOTTOM IN 30 MIL LOW DENSITY POLYETHYLENE INFLAMMABLE UNDER LAYERS.
- AN 8 OZ. NON-WOVEN GEOTEXTILE SHALL BE USED BETWEEN THE ROCK AND SLIPS AND BETWEEN THE SOIL ABOVE AND ROCK LAYERS.
- THE GEOTEXTILE SHALL BE SEALED AT EDGES AND PENETRATIONS IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS.

- SEE CHRISTIAN WHER ENGINEERING LETTER DATED AUGUST 7, 2012

- 4" PERF. PVC DRAIN PIPE LIDO +" PVC SCUB WALL (TIGHT UNER)

- PER PLAN SECTION A-A

- NOT TO SCALE

- WHITE RESIDENTIAL LOT GRADING
- SDP NO. 268982, MHPA BOUNDARY LINE NO. 268982

- PRELIMINARY GRADING PLAN

- FLO-GARD INSERT

- CONSTRUCTION NOTES:

  1) TCF382.00
  2) CUB.00
  3) FOOT-17B.OO
  4) DYE X 12" THICK NO.2 BACKING RIPR PER 0-40 OVER 140N (OR EQUAL) FILLER FABRIC

- CAP 4" PVC SCUB WALL DRAIN PIPE AND DRIll.

- 4" O.Z.

- FILL AT BOTTOM OF CAP FOR REJill

- FLO-GARD* PLUS CATCH BASIN FILTER INSERT (FRAM: MWIIT)

- FLAT GRATED INLET

- RIVIERA DESIGN INC., SANTA ROSA, CA (BOO) 579-8819

- UODI:L NO. INLET 10 GRATE ON SOUDS STORAGE FILTER FLOW IN TOTAL PASS SEC. BYPASS

- DETAIL "A"-FLOW GUARD INSERT (PVT.)

- DETAIL "A"-

- SCALE 1"=20'

- PREPARED BY:

- PREPARE:

- REVISED BY:

- DRAWN BY:

- SHEET 3 OF 11
WHITE RESIDENTIAL LOT GRADING
SDP NO. 268982, MHFA BOUNDARY LINE NO. 268982
EROSION CONTROL/BMP NOTES

MINIMUM POST-CONSTRUCTION MAINTENANCE PLAN

At the completion of the post-structures for construction, the following plan shall be followed to ensure water quality standards are maintained for a minimum time. Rainfall is imminent.

1. Erosion and sediment control measures shall be implemented to control erosion and sediment from construction activities and temporary development facilities.
2. All permanent erosion and sediment control measures shall be completed and maintained as required by applicable regulations and the conditions of this permit.
3. All temporary erosion and sediment control measures shall be removed and the area restored to its pre-construction condition.
4. All grading, fill, and excavation shall be completed and the area stabilized.
5. All drainage features, such as swales, ditches, and culverts, shall be completed and maintained.

EROSION AND SEDIMENT CONTROL NOTES

- All temporary erosion and sediment control measures shall be removed and the area restored to its pre-construction condition.
- All grading, fill, and excavation shall be completed and the area stabilized.
- All drainage features, such as swales, ditches, and culverts, shall be completed and maintained.
- All permanent erosion and sediment control measures shall be completed and maintained as required by applicable regulations and the conditions of this permit.

PROPOSED OPERATIONS AND MAINTENANCE PROCEDURE DETAILS

- Post-construction BMPs
- Permanent post-construction BMPs
- Temporary post-construction BMPs
- Maintenance schedule
- Responsible parties

DETAIL "C"-FLOW GUARD INSERT (PVT.)

- Product specifics
- Installation instructions
- Maintenance requirements

- Compact and easy to install
- Prevents debris and sediment from entering storm drains
- Ideal for residential and commercial applications

- Contact information for further assistance and support

- Disclaimer: Information provided is subject to change without notice.
WHITE RESIDENTIAL LOT GRADING
SDP NO. 268982, MHPA BOUNDARY LINE NO. 268982
RETAINING WALL DETAILS

ISOMETRIC VIEW

POSI-DURA REINFORCEMENT DETAIL

CASE A
CASE B
CASE C
END OF WALL TRANSITION DETAILS

VERDURA 30 BLOCK DETAIL

BLOCK LAYOUT DETAIL

VERDURA 30 BLOCK DETAIL

GEOSGRID PLACEMENT ON CURVES

MARK A. FARRINGTON P.E. 38114 DATE 3/31/15

POSI-DURA REINFORCEMENT ONLY WALL HEIGHTS 0'-8'
CROSS - SECTION

GEOGRID PLACEMENT ON CURVES
PLANTS in the THIN ZONE ONE SHALL BE PRIMARILY LOW-GROWING IN THE LOWER ZONE ONE IRRIGATION OVER SPRAY AND RUNOFF SHALL NOT BE ALLOWED.

Planting, Controlling Weeds, and Maintaining Irrigation Systems.

Standards in the Land Development Manual are intended to reduce erosion to adjacent areas of native vegetation. In areas where the development of perennial and native vegetation is critical, alternate methods may be used to meet the standards.

In Zone Two, Seasonal Maintenance

Zone Two is the most critical zone for fire and maintenance safety. Brush management and all irrigation water should drain toward the street, rain gutter, or any other natural method of drainage. Vegetation should be cleared regularly and all areas of potential interface between the development and adjacent areas of native vegetation. These measures will help reduce the risk of fire spread and the potential for damage to surrounding areas.

Zone Two includes areas with a continuous cover of brush or other vegetation. This zone includes areas where the development of perennial and native vegetation is critical.

In Zone Two, Seasonal Maintenance

Seasonal maintenance is required in all planting areas within Zone Two. This includes:

1. Pruning and thinning
2. Maintenance of irrigation systems
3. Maintaining of naturalized vegetation
4. Maintaining of perennial and native vegetation
5. Removal of invasive species

Maintenance Requirements

All seasonal maintenance requirements must be completed in accordance with the approved documents. These requirements include:

1. Pruning and thinning
2. Irrigation systems
3. Naturalized vegetation
4. Perennial and native vegetation
5. Invasive species removal

Seasonal maintenance must be performed in accordance with the approved documents. These documents must be submitted to the City of San Diego for approval.

For further information, please contact the City of San Diego Land Development Services Department.
WHITE RESIDENCE
PROJECT NO. 268982

Project Design Guidelines

(under separate cover)
that will be fine

Gary Levitt
gary@seabreezeproperties.com
3525 Del Mar Heights Road # 246
San Diego, CA 92130
Tel: (858) 361-8555

On Feb 20, 2013, at 4:46 PM, Fisher, John wrote:

Gary,

If I state in the Report to the Hearing Officer the following:

Community Planning Group Recommendation – The Del Mar Mesa Community Planning Group stated that since the proposed project is nearly identical to the previously approved project at this site, the Group recommends approval of the proposed project.

Does this summarize the Group’s position?

Thank you,

jf

John S. Fisher, RLA No. 2995
Development Project Manager
Development Services Department
City of San Diego
1222 First Avenue, MS 301
San Diego, CA 92101

(619) 446-5231

jsfisher@sandiego.gov

Correspondents should assume that all communication to or from this address is recorded and may be reviewed by third parties.
<table>
<thead>
<tr>
<th>PROJECT DATA SHEET</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PROJECT NAME:</strong></td>
</tr>
<tr>
<td><strong>PROJECT DESCRIPTION:</strong></td>
</tr>
<tr>
<td><strong>COMMUNITY PLAN AREA:</strong></td>
</tr>
<tr>
<td><strong>DISCRETIONARY ACTIONS:</strong></td>
</tr>
<tr>
<td><strong>COMMUNITY PLAN LAND USE DESIGNATION:</strong></td>
</tr>
</tbody>
</table>

**ZONING INFORMATION:**

- **ZONE:** AR-1-1 & AR-1-2
- **HEIGHT LIMIT:** 30 foot maximum height limit.
- **LOT SIZE:** 10 and 1 acres, respectively.
- **FLOOR AREA RATIO:** NA.
- **MAXIMUM LOT COVERAGE %:** 10 and 20 percent, respectively
- **FRONT SETBACK:** 25 feet.
- **SIDE SETBACK:** 20 feet.
- **STREETSIDE SETBACK:** NA
- **REAR SETBACK:** 25 feet.
- **PARKING:** 2 parking spaces required.

<table>
<thead>
<tr>
<th>ADJACENT PROPERTIES</th>
<th>LAND USE DESIGNATION &amp; ZONE</th>
<th>EXISTING LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH:</td>
<td>Resource-Based Open Space</td>
<td>Resource-Based Open Space</td>
</tr>
<tr>
<td>SOUTH:</td>
<td>Estate Residential</td>
<td>Estate Residential</td>
</tr>
<tr>
<td>EAST:</td>
<td>Resource-Based Open Space</td>
<td>Resource-Based Open Space</td>
</tr>
<tr>
<td>WEST:</td>
<td>Estate Residential</td>
<td>Estate Residential</td>
</tr>
</tbody>
</table>

**DEVIATIONS OR VARIANCES REQUESTED:** None.

**COMMUNITY PLANNING GROUP RECOMMENDATION:** The Del Mar Mesa Community Planning Group stated that since the proposed project is nearly identical to the previously approved project at this site, the Group recommends approval of the proposed project.