



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: October 16, 2013

REPORT NO. HO 13-089

ATTENTION: Hearing Officer

SUBJECT: CALL RESIDENCE
SITE DEVELOPMENT PERMIT AND A MULTI-HABITAT
PLANNING AREA BOUNDARY LINE ADJUSTMENT
PROJECT NUMBER: 265962

LOCATION: 5109 Mesquite Road

APPLICANT: James Call

SUMMARY

Issue: Should the Hearing Officer approve a Site Development Permit and a Multi-Habitat Planning Area Boundary Line Adjustment to allow for previous unpermitted grading at 5109 Mesquite Road within the College Community Planning Area?

Staff Recommendation:

1. **Certify** Mitigated Negative Declaration No. 265962 and **Adopt** the Mitigation and Reporting Program;
2. **Approve** Site Development Permit No. 936002 and;
3. **Approve** a Multi-Habitat Planning Area Boundary Line Adjustment.

Community Planning Group Recommendation: The proposed project was heard on March 14, 2012, by the College Area Community Council and received a unanimous (13-0-0) approval with no recommendations.

Environmental Review: Mitigated Negative Declaration No. 265962 has been prepared for the project in accordance with state of California Environmental Quality Act (CEQA) 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 4.91-acre site is located at 5109 Mesquite Road (1.98-acres) and includes the adjacent lot (2.93-acres) directly to the south (Assessor Parcel No. 466-070-0200). The project site is in the RS-1-1 and RS-1-7 Zones, the Airport Influence Area (Montgomery Field), the Parking Impact Overlay Zone and the Multiple Habitat Planning Area (MHPA), within the College Area Community Plan. The 1.98-acre site is the northern, flatter parcel, which contains a one-story, single-family residence. The 2.93-acre site southern parcel is relatively steep and slopes southward to Montezuma Road. Both parcels are surrounded by single-family residential development to the north and east, undeveloped land to the west and Montezuma Road to the south. A portion of the southern parcel is a City easement for a large cut for Montezuma Road. This area was placed in the MHPA after the road was constructed.

A Civil Penalty Notice and Order was issued on December 2, 2009, for unauthorized grading and construction of unpermitted retaining walls with impacts to Environmentally Sensitive Lands. On October 6, 2011, an Administrative Enforcement Order was issued to conclude the code enforcement action and allow the processing of a development permit to correct the unpermitted work. On December 19, 2011, an application for a Site Development Permit was deemed complete.

DISCUSSION

The project proposes to allow the previous unpermitted grading and retaining walls to remain and construct new 3'-0" and 5'-0" high retaining walls to create gardening areas, a walking path, and a flat area adjacent to the existing house. The existing single-family residence would remain in its current location, and no construction is proposed to the residence. The project spans both parcels. The eastern half of the northern parcel and most of the southern parcel are within the City's MHPA.

The applicant is requesting an adjustment to the MHPA. An area of 0.13-acres of disturbed/developed/ornamental area is to be removed from the MHPA and 0.13-acres of high quality Diegan Coastal Sage Scrub is to be added to the MHPA. The project also proposes a correction to the MHPA of a 0.31-acre area that was previously disturbed prior to the MHPA being implemented in 1989. The adjustment and the correction were presented to the wildlife agencies and accepted at the June 19, 2012, meeting. The project proposes to revegetate the entire project area with non-invasive species. The permit has been conditioned to convey the on-site MHPA for both lots to the City's MSCP preserve through either fee title to the City, or a conservation easement or covenant of easement granted in favor of the City and wildlife agencies.

Required Permits:

The project requires a Site Development Permit for development within and adjacent to Environmentally Sensitive Lands (Sensitive Biological Resources) in accordance with San Diego Municipal Code [SDMC] Section 143.0110. Approximately 0.29-acre of Sensitive Biological

resources are impacted from the grading and construction of the retaining walls. A portion of the project site is located within the Multiple Habitat Planning Area and is subject to the Land Use Adjacency Guidelines designed to minimize indirect impacts to sensitive resources.

A decision on a SDP shall be made in accordance with Process Three with the Hearing Officer as the decision maker. The decision may be appealed to the Planning Commission in accordance with SDMC section 143.0110.

Environmental Analysis:

The Mitigated Negative Declaration (MND) was prepared in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to Biological Resources/MHPA Land Use Adjacency. Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce, to a level of insignificance, impacts identified in the environmental review process.

Conclusion:

Staff has reviewed the application for the Site Development Permit and has found that the project is in conformance with the applicable sections of the San Diego Municipal Code. Staff has determined that the development is consistent with the College Area Community Plan and believes the findings can be supported. Therefore, staff recommends the Hearing Officer approve the Site Development Permit as presented, subject to the proposed conditions.

ALTERNATIVE

1. Approve Site Development Permit No. 936002 and Multi-Habitat Planning Area Boundary Line Adjustment, with modifications.
2. Deny Site Development Permit No. 936002 and Multi-Habitat Planning Area Boundary Line Adjustment, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Renee Mezo, Development Project Manager

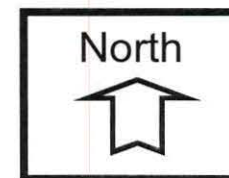
Attachments:

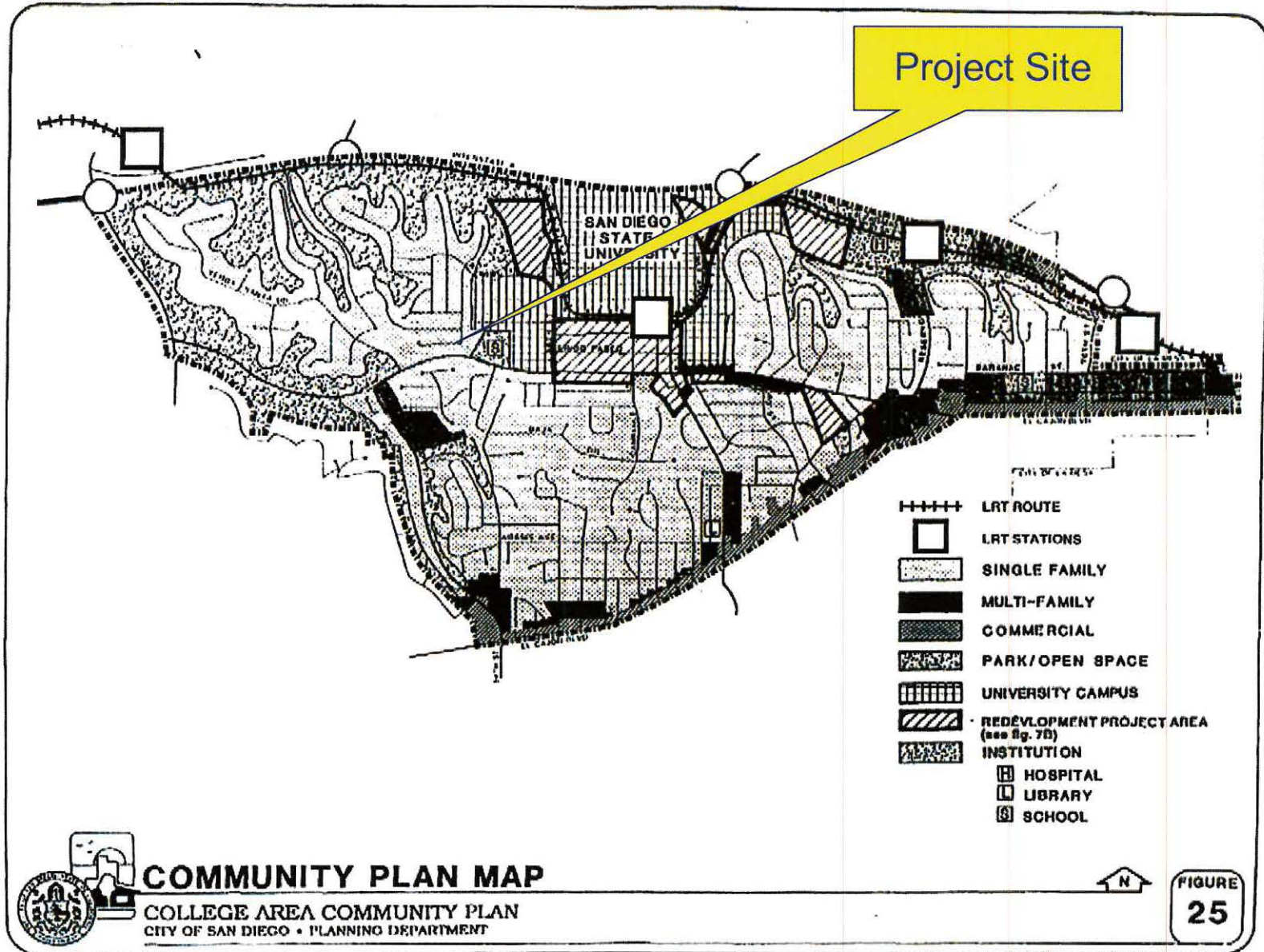
1. Aerial Photograph
2. Community Plan Land Use Map
3. Draft Permit with Conditions
4. ~~Draft Permit Resolution with Findings including the Environmental Resolution with~~
MMRP
5. Project Plans (Plan Set forwarded to HO only)
6. Community Planning Group Recommendation
7. Ownership Disclosure Statement



Aerial Photo

CALL RESIDENCE- 5109 MESQUITE ROAD
PROJECT NO. 265962





CALL RESIDENCE- 5109 MESQUITE ROAD
PROJECT NO. 265962



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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 24002383

SITE DEVELOPMENT PERMIT NO. 936002
MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT
CALL RESIDENCE - PROJECT NO. 265962- MMRP
HEARING OFFICER
DRAFT

This Site Development Permit (SDP) No. 936002 and a Multi-Habitat Planning Area Boundary Line Adjustment is granted by the Hearing Officer of the City of San Diego to JAMES AND SUSAN CALL, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 143.0110 and 126.0504. The 4.91-acre site is located at 5109 Mesquite Road in the RS-1-1 and RS-1-7 Zones, the Airport Influence Area (Montgomery Field Review Area 2), and the Parking Impact Overlay Zone (Campus) and the Multiple Habitat Planning Area (MHPA) within the College Area Community Plan. The project site is legally described as Lot 5 of Alvarado, Map No. 2789 and Lot 2 of Map No. 828 (Assessor Parcel Nos. 466-070-02 and 461-600-19).

Subject to the terms and conditions set forth in this Permit, permission is granted to JAMES AND SUSAN CALL, Owner/Permittee to allow the previous unpermitted grading and retaining walls to remain and construct new 3'-0" and 5'-0" high retaining walls to create gardening areas, a walking path, and a flat area adjacent to the existing house as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 16, 2013, on file in the Development Services Department.

The project shall include:

- a. The construction of an approximately 530 linear feet of retaining walls not to exceed 5 feet in height;
- b. A Multiple Habitat Planning Area boundary line adjustment as detailed on Exhibit "A";
- c. A modified Brush Management Program as detailed on Exhibit "A";

- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

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 30, 2016.
2. 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.
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. 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. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

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. 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.

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.

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 Mitigated Negative Declaration No. 265962 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 Mitigated Negative Declaration No. 265962 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 and Land Use/Multiple Species Habitat Conservation Program (MSCP).

ENGINEERING REQUIREMENTS:

15. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

16. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMPs) on the final construction drawings, consistent with the approved Water Quality Technical Report.

17. 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.

18. 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.

MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP):

19. 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 Game [CDFG] pursuant to California Fish and Game 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 CDFG, 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.

20. Prior to issuance of any construction permits, the on-site MHPA for both lots shall be conveyed to the City's MSCP preserve through either fee title to the City, or a conservation easement or covenant of easement granted in favor of the City and wildlife agencies. To facilitate MHPA conveyance, any non-fee areas shall have conservation easements placed over them if located in the MHPA, and be maintained in perpetuity by the Owner/Permittee/Applicant unless otherwise agreed to by the City. All other on-site areas can be conveyed through any of the three above methods. A conformed copy of the deed shall be provided to MSCP prior to permit issuance.

BRUSH MANAGEMENT REQUIREMENTS:

21. The proposed scope of work includes a modified Brush Management Program.

22. The Owner/Permittee shall implement and maintain in perpetuity the following requirements in accordance with the Modified Brush Management Program shown on Exhibit 'A,' Brush Management Plan, on file in the Office of the Development Services Department.

- a. Prior to issuance of any construction permits, a complete set of Brush Management Construction Documents shall be submitted for approval to the Development Services Department and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit 'A' and shall comply with the Land Development Code.
- b. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and Development Services Department approval.
- c. 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 Modified Brush Management Program."
- d. In Zone One, plant material consisting of drought-tolerant, non-invasive and/or native species shall be selected.

- e. Prior to Final Building Inspection, the approved Modified Brush Management Program shall be implemented.

PLANNING/DESIGN REQUIREMENTS:

23. The Owner/Permittee shall ensure that all proposed planting, especially planting adjacent to native habitat and/or MHPA, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory and the City of San Diego's Land Development Manual, Landscape Standards are prohibited.”

24. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement for Non MHPA lands which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises for Sensitive Biological Resources and Steep Hillsides, in accordance with SDMC Section 143.0152.

25. The project shall comply with the retaining wall regulations in San Diego Municipal Code Chapter 14, Article 2, Division 3.

26. 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.

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 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 Hearing Officer of the City of San Diego on October 16, 2013, Resolution No. XXXX

SITE DEVELOPMENT PERMIT NO. 936002
Call Residence, Project 265962
October 16, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Renee Mezo
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.

By _____
Jim Call
Owner/Permittee

By _____
Susan Call
Owner/Permittee

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

HEARING OFFICER RESOLUTION NO.
SITE DEVELOPMENT PERMIT NO. 936002 AND
MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT
CALL RESIDENCE - PROJECT NO. 265962- MMRP
HEARING OFFICER
DRAFT

WHEREAS, the JAMES AND SUSAN CALL, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit (Environmentally Sensitive Lands) and a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA) pursuant to San Diego Municipal Code [SDMC] section 143.0110 to allow previous unpermitted grading and retaining walls to remain and construction of new 3'-0" and 5'-0" high retaining walls to create gardening areas, a walking path, and a flat area adjacent to the existing house (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 936002), on portions of a 4.91-acre site.

WHEREAS, the project site is located at 5109 Mesquite Road and adjacent lot in the RS-1-1 and RS-1-7 Zones, the Airport Influence Area (Montgomery Field Review Area 2), and the Parking Impact Overlay Zone (Campus) and the Multiple Habitat Planning Area (MHPA) within the College Area Community Plan;

WHEREAS, the project site is legally described as Lot 5 of Alvarado, Map No. 2789 and Lot 2 of Map No. 828 (Assessor Parcel Nos. 466-070-02 and 461-600-19);

WHEREAS, the project proposes a boundary adjustment resulting in 0.13-acres of additional MHPA;

WHEREAS, on October 16, 2013, the HEARING OFFICER of the City of San Diego considered SITE DEVELOPMENT PERMIT NO. 936002 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 October 16, 2013.

FINDINGS:

Site Development Permit Findings - Section 126.0504

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

The project proposes to allow for previous unpermitted grading, retaining walls, and the construction of new retaining walls including a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA). The project site is located at 5109 Mesquite Road in the RS-1-1 and RS-1-7 Zones, the Airport Influence Area and the Parking Impact Overlay Zone within the College Area Community Plan.

The upper portion of the site is designated Very Low Single Family (0-1 dwelling units per acre) and the lower portion of the site is designated Open Space. The existing and proposed retaining walls are consistent with the single-family designation and no retaining walls are proposed on the lower portion of the site.

The project is within the Airport Influence Area for Montgomery Field. The retaining walls do not pose a threat to the airspace and will not cause a hazard to air navigation. Therefore, the proposed development will not adversely affect the applicable land use plan

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

The project proposes to allow for previous unpermitted grading, retaining walls, and the construction of new retaining walls including a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA). The project site is located at 5109 Mesquite Road in the RS-1-1 and RS-1-7 Zones, the Airport Influence Area and the Parking Impact Overlay Zone within the College Area Community Plan.

A Mitigated Negative Declaration was prepared for this project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to the environment in the areas of Biology and MHPA Land Use Adjacency. Implementation of the Mitigation, Monitoring and Reporting Program would reduce potential impacts to below a level of significance.

All Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements governing the construction and continued operation of the development apply to this project. Therefore, the project as proposed would not be detrimental to the public health, safety and welfare.

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 project proposes to allow for previous unpermitted grading, retaining walls, and the construction of new retaining walls including a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA). The project site is located at 5109 Mesquite Road in the RS-1-1 and RS-1-7 Zones, the Airport Influence Area and the Parking Impact Overlay Zone within the College Area Community Plan.

The project is consistent with the community plan. The Site Development Permit and the Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA) will bring the unpermitted grading into compliance with the Land Development Code. The proposed project does not require any deviation from the applicable regulations. Therefore, the project as conditioned complies with the Land Development Code.

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 project proposes to allow for previous unpermitted grading, retaining walls, and the construction of new retaining walls including a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA). The project site is located at 5109 Mesquite Road in the RS-1-1 and RS-1-7 Zones, the Airport Influence Area and the Parking Impact Overlay Zone within the College Area Community Plan.

The existing single-family residence would remain in its current location, and no construction is proposed to the residence. The project spans both parcels. The eastern half of the northern parcel and most of the southern parcel are within the City's MHPA. The permit has been conditioned to revegetate the entire project area with non-invasive species. The permit has also been conditioned to convey the on-site MHPA for both lots to the City's MSCP preserve through either fee title to the City, or a conservation easement or covenant of easement granted in favor of the City and wildlife agencies. Although, there are some impacts to environmentally sensitive lands, the majority of the impacts are located near the top of the slope which results in minimal impacts to environmental sensitive lands. Therefore 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.

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 project proposes to allow for previous unpermitted grading, retaining walls, and the construction of new retaining walls including a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA). The project site is located at 5109 Mesquite Road in the RS-1-1 and RS-1-7 Zones, the Airport Influence Area and the Parking Impact Overlay Zone within the College Area Community Plan.

City staff has reviewed this project and a Mitigated Negative Declaration (MND) was prepared in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The MND determined that there are no significant impacts to the area of geology and proper engineering design of the project will be verified at the construction stage by City Geology staff and the City Engineer. The project adheres to all requirements in regards to erosion control, therefore, 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.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The project proposes to allow for previous unpermitted grading, retaining walls, and the construction of new retaining walls including a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA). The project site is located at 5109 Mesquite Road in the RS-1-1 and RS-1-7 Zones, the Airport Influence Area and the Parking Impact Overlay Zone within the College Area Community Plan.

The existing single-family residence would remain in its current location, and no construction is proposed to the residence. The eastern half of the northern parcel and most of the southern parcel are within the City's MHPA. Although, there are some impacts to environmentally sensitive

lands, the majority of the impacts are located near the top of the slope which results in minimal impacts to environmental sensitive lands. The permit has been conditioned to revegetate the entire project area with non-invasive species. The permit has also been conditioned to convey the on-site MHPA for both lots to the City's MSCP preserve through either fee title to the City, or a conservation easement or covenant of easement granted in favor of the City and wildlife agencies.

City staff has reviewed this project and a Mitigated Negative Declaration (MND) was prepared in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to Biology and MHPA Land Use Adjacency. Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce, to a level of insignificance impacts identified in the environmental review process. Therefore the proposed development is designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

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

The project proposes to allow for previous unpermitted grading, retaining walls, and the construction of new retaining walls including a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA). The project site is located at 5109 Mesquite Road in the RS-1-1 and RS-1-7 Zones, the Airport Influence Area and the Parking Impact Overlay Zone within the College Area Community Plan.

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The applicant is requesting an adjustment to the MHPA. An area of 0.13-acre of disturbed/developed/ornamental area is to be removed from the MHPA and 0.13-acre of mostly high quality Diegan Coastal Sage Scrub is to be added to the MHPA. The project also proposes a correction to the MHPA of a 0.31-acre area that was previously disturbed prior to the MHPA being implemented in 1989. The adjustment and the correction were presented to the wildlife agencies and accepted at the June 19, 2012, meeting.

The permit has also been conditioned to convey the on-site MHPA for both lots to the City's MSCP preserve through either fee title to the City, or a conservation easement or covenant of easement granted in favor of the City and wildlife agencies.

City staff has reviewed this project and a Mitigated Negative Declaration (MND) was prepared in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to Biology and MHPA Land Use Adjacency. Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce, to a level of insignificance impacts identified in the environmental review process. This action would ensure the proposed development will be

consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The project proposes to allow for previous unpermitted grading, retaining walls, and the construction of new retaining walls including a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA). The project site is located at 5109 Mesquite Road in the RS-1-1 and RS-1-7 Zones, the Airport Influence Area and the Parking Impact Overlay Zone within the College Area Community Plan.

The property is over eight miles from the San Diego Bay and the Pacific Ocean. The proposed project will not have any effect on any public beaches; therefore the development 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 project proposes to allow for previous unpermitted grading, retaining walls, and the construction of new retaining walls including a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA). The project site is located at 5109 Mesquite Road in the RS-1-1 and RS-1-7 Zones, the Airport Influence Area and the Parking Impact Overlay Zone within the College Area Community Plan.

The existing single-family residence would remain in its current location, and no construction is proposed to the residence. The eastern half of the northern parcel and most of the southern parcel are within the City's MHPA. Although, there are some impacts to environmentally sensitive lands, the majority of the impacts are located near the top of the slope which results in minimal impacts to environmental sensitive lands. The permit has been conditioned to revegetate the entire project area with non-invasive species. The permit has also been conditioned to convey the on-site MHPA for both lots to the City's MSCP preserve through either fee title to the City, or a conservation easement or covenant of easement granted in favor of the City and wildlife agencies.

City staff has reviewed this project and a Mitigated Negative Declaration (MND) was prepared in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to Biology and MHPA Land Use Adjacency. Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce, to a level of insignificance impacts identified in the environmental review process. Therefore, 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.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the HEARING OFFICER, SITE DEVELOPMENT PERMIT NO. 936002 and a MULTI-HABITAT PLANNING

AREA (MHPA) BOUNDARY LINE ADJUSTMENT (BLA) is hereby GRANTED by the HEARING OFFICER to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 936002, a copy of which is attached hereto and made a part hereof.

RENEE MEZO
Development Project Manager
Development Services

Adopted on: October 16, 2013

Internal Order No. 24002383

RESOLUTION NUMBER R-XXXX _____

ADOPTED ON OCTOBER 16, 2013 _____

WHEREAS, on December 19, 2011, James and Susan Call submitted an application to Development Services Department for a Site Development Permit for Environmentally Sensitive Lands and a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA) for the Call Residence; and

WHEREAS, the matter was set for 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 October 16, 2013; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigated Negative Declaration No. 265962 prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer that it is certified that the Declaration has been completed 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 Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Hearing Officer in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Hearing Officer finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Hearing Officer hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes

to the 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 FURTHER RESOLVED, that the Declaration 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.

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

By: _____

Renee Mezo
DEVELOPMENT PROJECT MANAGER

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM**

Site Development Permit for Environmentally Sensitive Lands
PROJECT NO. 265962

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 Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 265962 shall be made conditions of Site Development Permit for Environmentally Sensitive Lands as may be further described below.

V. MITIGATION MONITORING REPORTING PROGRAM (MMRP):**A. GENERAL REQUIREMENTS – PART I****Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

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.

5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

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:

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) # 265962 and /or Environmental Document #265962, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (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 plan 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 of compliance with all other agency requirements or permits 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 obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

NONE REQUIRED

4. MONITORING EXHIBITS

All consultants are required to submit , to RE and MMC, a monitoring exhibit on a 11x17 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.

NOTE:

Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

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

<i>Issue Area</i>	<i>Document submittal</i>	<i>Assoc Inspection/Approvals/Notes</i>
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-Construction meeting
Biology	Biologist Limit of Work Verification	Limit of Work inspection
Biology	Biology Reports	Biology/Habitat Restoration inspection
Land Use	Land Use Adjacency issues CSVs	Land Use Adjacency issue site observations
Bond Release	Request for Bond Release letter	Final MMRP inspections prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

BIOLOGY (Land Use/MSCP)

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 Multi-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 into the MHPA 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, light 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 (LDC142.0400 and per table 142-04F, Revegetation and Irrigation Requirements) and be 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 (3/1-8/15); Least Bell's vireo (3/15-9/15); and Southwestern Willow Flycatcher (5/1-8/30)*. 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.

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)

Prior to the issuance of any grading permit the City Manager (or 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 within the breeding season prior to the commencement of any construction. If coastal California gnatcatchers are present, then the following conditions must be met:
1. Between March 1 and August 15, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist;
 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 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) 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, 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 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

The Qualified Biologist/Owners Representative shall incorporate all MHPA construction related requirements, into the project's Biological Monitoring Exhibit (BME).

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. **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 as identified above under Section I are implemented.

IV. **Post Construction**

A. Preparation and Submittal of Monitoring Report

The Qualified Biologist/Owners Representative shall submit a final biological monitoring report to the RE/MMC within 30 days of the completion of construction that requires monitoring. The report shall incorporate the results of the MMRP/MSCP requirements per the construction documents and the BME to the satisfaction of RE/MMC.

GENERAL BIRD MITIGATION

BIOLOGY (General Birds)

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.

- A. If active nests are detected, or considered likely, the report shall include the following mitigation;
1. All project activities within 300 feet of on- and off-site suitable nesting habitat should be delayed until August 31 or until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting as determined by a qualified biologist.
 2. Flagging, stakes, and/or construction fencing should be used to demarcate the inside boundary of the buffer of a minimum of 300 feet between the project activities and the nest.
 3. Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. The applicant should provide the City the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of migratory birds.
 4. If the project biologist determines that a narrower buffer between the project activities and observed active nests is warranted, he/she should submit a written explanation as to why (e.g. species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the project activities and the nest and foraging areas) to the City and, upon request, the Wildlife Agencies. Based on the submitted information, the City (and Wildlife Agencies), if they so request) will determine whether to allow a narrower buffer.

The report shall also include, if necessary additional 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) of the Entitlements Division. 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.

- B. If no nesting birds are detected per "A" above, mitigation under "A" is not required.

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.

**College Area Community Council (CACC) and
College Area Community Planning Board (CACPB)**

Mailing Address: P.O. Box 15723

San Diego, CA 92175-5723

Website: CollegeNeighborhoods.com/CACC

E-mail: cacc@CollegeNeighborhoods.com

DRAFT Minutes, version 01

Approved April 11, 2012

From the Regular Meeting held on: Wednesday, March 14, 2012, 7 PM

Held in: Community Room, College Rolando Library,
6600 Montezuma Road, San Diego, CA 92115

P	Doug	Case	President	P	Steven	Barlow				
P	Rhea	Kuhlman	Vice President	P	Andy	Beauparlant	A1	Robert	Montana	
P	Jean	Hoeger		P	Jim	Boggus	P	Martin	Montesano	
P	R.D.	Williams	Treasurer				A3	Frank	Musgrove	
P	Tyler	Sherer	SDSU Appointee				P	Jan	Riley	
A2	Krista	Parker	SDSU AS Appointee	P	Ann	Cottrell	P	Mitch	Yunker	
				P	Joe	Jones				
P = Present A1 / A2 / A3 / A4 = Absent 1 st , 2 nd , 3 rd , 4 th							TOTALS	13		
CP600-24, Art IV, Sec 1: a vacancy exists upon the 3 rd consecutive absence or the 4 th absence in 12 months (April through March)										

The College Area Community Council (CACC) and the College Area Community Planning Board (CACPB) are two separate entities with a common board and officers and joint meetings. The items highlighted below with asterisks are CACPB business items, subject to City Council Policy 600-24 governing community planning groups. Items are reported in agenda outline order, although some items may have been considered in a different sequence.

** Designates that the item is on the CACPB agenda and subject to City of San Diego policies governing community planning groups

I. Call to Order / Pledge of Allegiance / Roll Call of Executive Board Members

President Doug Case called the meeting to order at 7:00 PM. The pledge of allegiance was recited.

II. Approval of Current Agenda

Motion – Approved agenda as distributed.

(Motion: Consensus)

Motion: Approved 13-0-0

III. Approval of Minutes from February 8, 2012

Motion – Approval of Minutes from October 12 as distributed

(Motion: Consensus)

Motion: Approved 13-0-0

IV. Adoption and Approval of Consent Agenda (proposed: Item VII. A,

Motion -Recommend approval of Request for a Site Development Permit for Environmentally

Sensitive Lands for previous unpermitted grading and the construction of two retaining walls to create

gardening areas and a flat area next to the existing house at Call Residence, 5109 Mesquite, City Project #269903, contingent upon satisfactory resolution of outstanding issues with the City.

(Motion: Consensus)

Motion: Approved 13-0-0

V. Public Comments on Non-Agenda Items

- A. Steve Barlow announced SDSU Open House (didn't get what it was called).
- B. Representative for Rudy Ramirez announced Mr. Ramirez's candidacy for the State Assembly 59th district.
- C. CACC President Doug Case presented Jim Bogus with a Certificate of appreciation for his many years of service to the council and the community.

VI. Special Presentation – Councilmember Marti Emerald

Councilperson Marti Emerald presented Jim Bogus with a Special Commendation from the 7th District for his many contributions and service to the community. Councilperson Emerald also addressed CACC's concern with the lack of enforcement around the Rooming House Ordinance. She has arranged a meeting with the community, Code Compliance and the City Attorney to discuss the issue. She has also requested a docketing of the issue with Land Use and Housing. A third avenue to reconciling the RHO issue is also being addressed in Councilperson Emerald's office. A request has been made to docket the sober living issue at a subsequent LU&H meeting. During Marti's Q&A, a community member expressed concern surrounding 5623 Campanile Way. According to the community member an illegal wall had been erected in the living room of the house creating two additional bedrooms. Maurice from Neighborhood Code Compliance (said they would not come out to investigate it as the owner probably would not allow entrance to the house. Tim Taylor followed with a status of what Councilmember Emerald has been working on.

VII. Guest Presentation – U.S. Representative Susan Davis

U.S. Representative Susan Davis 53rd District spoke. She said the College Area had sent 2681 emails/letters to her office last year. She shared her history in San Diego, her concerns for the prosperity of the middle class, her town hall meetings, protecting Medicare and social security, legislation to force disclosure of contributions to "super PACs". An audience member asked if she would support a constitutional amendment to remove the status of corporations as citizens. She said she would.

VIII. Liaison Reports

- A. S.D.S.U. police Captain Secka announced test of emergency alert over the weekend. Dispatcher J. McKay spoke about a recent incident of crime on campus.

IX. *Election of Board Members for the College Area Community Planning Board

- A. Six vacancies with 3 candidates: incumbents Martin Montesano and R.D. Williams and new candidate Maurice Rios. The two incumbent candidates were present and gave a one minute speech. Balloting then commenced.

X. Treasurer's Report

R.D. Williams reported dues were lagging.

Motion: to approve the payment of \$1600 for room rental donations (\$1200 to Friends of the Library and \$400 for Faith Presbyterian Church)

Motion: consensus

Approved 13-0-0

XI. Annual Committee Reports

- A. *Project Review Committee Rhea Kuhlman - written report distributed via email
B. Code Enforcement and Nuisance Rental Properties Committee Ann Cottrell - written report distributed via email

Community member comment about littering along Montezuma between 54th and 55th St.

Motion: CACC to write letter in support of docketing the Rooming House Ordinance non-enforcement issue with Land Use and Housing. Addressed to Lori Zapf with copies to L. R. Perkins, Mayor Sanders and all council persons.

Motion: Consensus

Approved 13-0-0

- E. Projects and Beautification Committee Steve Barlow, written report distributed
F. Finance and Audit Committee no report
G. Community Outreach Relations Committee Jan Riley - written report distributed via email

XII. Unfinished Business - None

XII. New Business

- A. * Moved to consent agenda, see item IV.
B. * Announcement of election results
All three candidates were elected with each receiving 17 votes.

XI. Adjournment

Motion: Consensus

Approved 13-0-0

Minutes respectfully submitted by Mitch Younker



THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title

5109 MESQUITE RD. - SDP

Project No. For City Use Only

265962

Project Address:

5109 Mesquite, San Diego 92115

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print):

M. James Call, Trustee, Call Living Trust

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

3111 Bel Air 19g

City/State/Zip:

Las Vegas, Nevada 89109

Phone No:

7025773381

Fax No:

Signature:

Date:

16/11/2011

Name of Individual (type or print):

Susan Carter Call, Trustee, Call Living Trust

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

3111 Bel Air 19g

City/State/Zip:

Las Vegas, Nevada 89109

Phone No:

7025773381

Fax No:

Signature:

Date:

16/11/2011

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Signature:

Fax No:

Date:

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Signature:

Fax No:

Date: