



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: August 13, 2014 REPORT NO. HO 14-051
ATTENTION: Hearing Officer
SUBJECT: PLICE CHEN SLOPE REPAIR - PROJECT NUMBER 253509.
LOCATION: 5454 Hewlett Drive
APPLICANT: Mike Wagner

SUMMARY

Issue(s): Should the Hearing Officer approve a Site Development Permit to repair a slope on environmentally sensitive lands?

Staff Recommendation(s) – APPROVE Site Development Permit No. 892769.

Community Planning Group Recommendation – The College Area Community Planning Group voted 14-0-0 to recommend approval of the project on May 9, 2013 with no conditions or comments.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15333 (small habitat restoration projects). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 2, 2013, and the opportunity to appeal that determination ended August 23, 2013.

BACKGROUND

The project is requesting a Site Development Permit to repair a 0.055-acre portion of a failed slope at the rear of a private residence located at 5454 Hewlett Drive in the College Area community. The project site includes two residential zones; the RS-1-7 and RS-1-1. The RS-1-7 zone was applied to the property at the top of the slope where the existing dwelling unit is located. The RS-1-1 zone has been applied to the steep slope portion of the properties and is intended to preserve the environmentally sensitive resources located thereon. The property also includes a small area of, and is adjacent to the Multiple Habitat Planning Area (MHPA).

The urbanized single-family neighborhood is characterized by custom homes developed around and on top of finger canyons that are prevalent in the area. The neighborhood is located on top of the slopes just south of Interstate-8 and one block northwest of San Diego State University.

The applicants of record for the original project application were Robert Price and Mark Chen who own and reside on the adjacent parcel at 5446 Hewlett Drive. The original project covered both the 5446 Hewlett property (applicant) and the 5454 Hewlett Drive (neighboring Rubio) property. The dual lot project area resulted from an attempt to repair slope damage on both lots caused by a pipe rupture in the Plice/Chen irrigation system that damaged the hillside on both properties. During the project review it was determined that a conservation easement was required as a condition of the Site Development Permit to preserve lands within the MHPA. However, the applicants (Mr. Plice and Mr. Chen) refused to provide the easement and have instead elected to repair only the damaged portion of the slope on the Rubio property. Ms. Cynthia Rubio is now listed as the owner and permittee in the current revised submittal.

DISCUSSION

Project Description

The project area is located on an approximate 0.055-acre portion of steep slope at the rear yard of a single-family residential lot owned by Ms. Cynthia Rubio. The Rubio residence is located on top of the slope and accessed from Hewlett Drive. The slope is approximately 60-feet in height with a gradient of 1.5:1 (horizontal to vertical). The failure displaced an approximate 15-foot wide by 50-foot long section of the slope face. A biological report determined the property include steep hillside and biological resources. Prior to the slope failure, the slope was landscaped with native and ornamental vegetation to reduce the need for irrigation and to provide erosion control and slope stability. However, according to documentation provided by the applicant, the slope failure occurred sometime in the fall of 2008 as a result of a broken irrigation line above the slope at the 5446 Hewlett Drive which is the property of the applicant. There is no other development proposed on the site other than the restoration of the damaged hillside.

Project Analysis

The project proposes to repair and restore the failed slope to a natural state using the preexisting contours and an approved landscape pallet. Due to the presence of environmentally sensitive resources on the site, a Site Development Permit is required to repair the damaged hillside. The slope repair is designed to maintain existing drainage patterns and flow rates. Storm water runoff is sheet flowing into the MHPA zone. No pollutants are anticipated as a result of this project. The drainage outfall at the base of the slope is to outlet a subdrain that collects any subsurface water. No storm water is collected and/or concentrated to directly discharge into the MHPA.

The repair concept would consist of rebuilding the slope failure area with compacted fill reinforced with horizontal geogrid layers. Also, a post and board retaining wall within the failure area is to be removed and the post and board along the property line is to be removed and replaced. All construction work would be done from above and no motorized construction

equipment would be used on the site except for a hand-operated motorized soil compactor. Prior to the onset of construction, a silt fence would be installed at the bottom of the construction area and an orange construction fence would be installed around the construction area. The bottom of the construction area is about five feet from the bottom of the slope.

The eastern MHPA line generally follows the bottom of the western slope, although the vegetation at the canyon bottom is non-native *Carpobrotus* (Iceplant) vegetation. A batter board construction technique would be utilized, using an initial 4x8 plywood board at the bottom of the work area to catch any debris from work in the construction area. After initial removal of the bottom of the fill area by hand, a key would be installed to stabilize the bottom of the slope. With compaction of the soil at each level, additional batter boards would be installed, moving up the slope. It is anticipated that the work would take between 3 to 5 weeks.

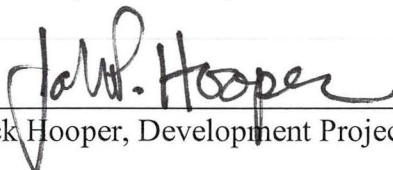
Conclusion

The project proposes to repair and restore a portion of a slope that failed in 2008. Due to the presence of environmentally sensitive lands in the form of steep hillside and biological resources, a Site Development Permit is required for the proposed work. Staff reviewed technical studies including a geotechnical report and a biological report and concluded the project would be consistent with the intent of the environmentally sensitive lands regulations, steep hillside guidelines and the College Area Community Plan. The repairs would restore the slope and enhance the canyon and adjacent Multiple Habitat Planning Area. The repair would not adversely impact the adjacent resources and would generally improve the current condition for the neighborhood. Staff believes the finding necessary to approve the project can be affirmed and supports approving this development.

ALTERNATIVES:

1. Approve Site Development Permit No. 892769, with modifications; or
2. Deny Site Development Permit No. 892769, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

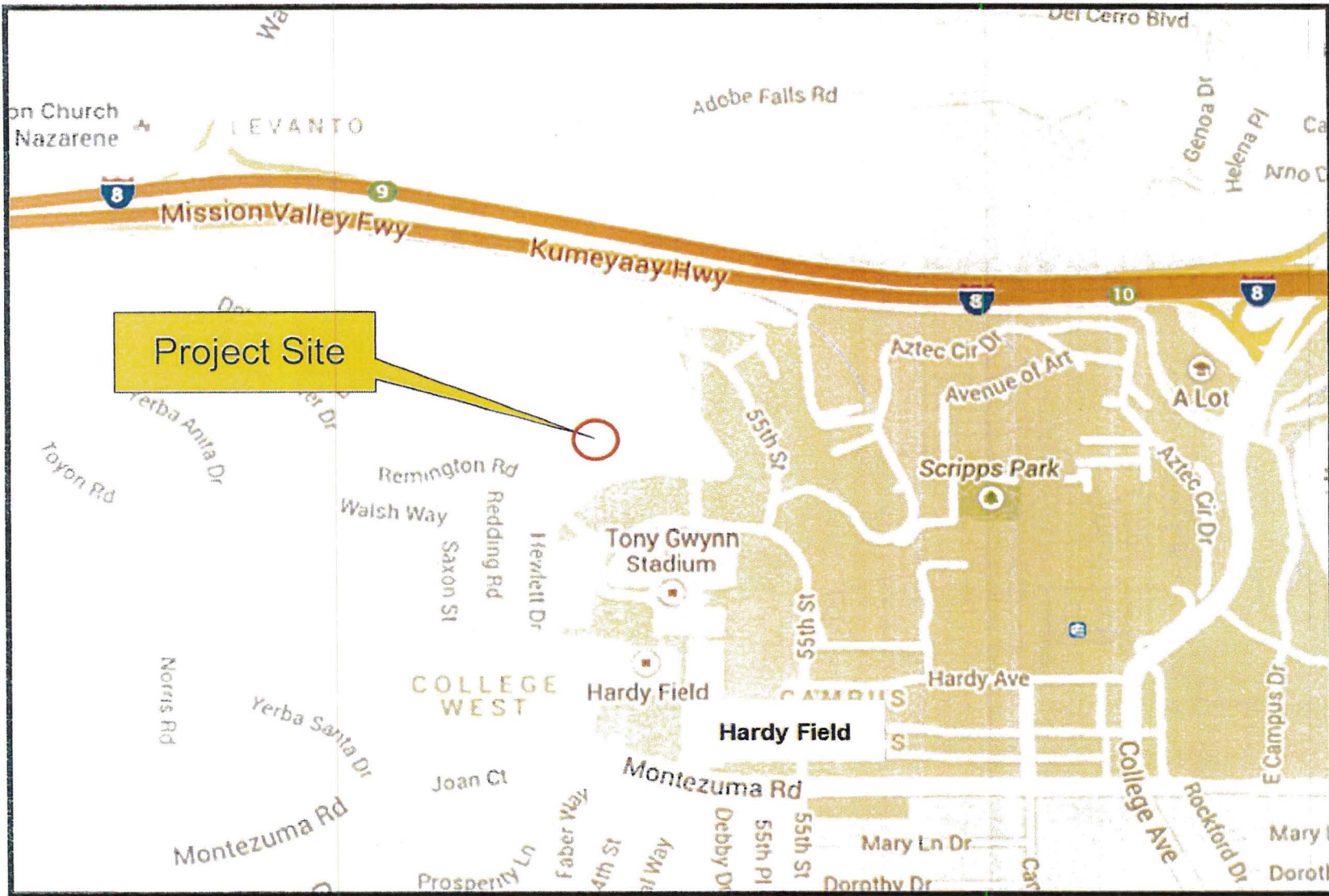


Patrick Hooper, Development Project Manager

Attachments:

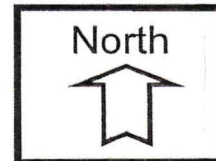
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph

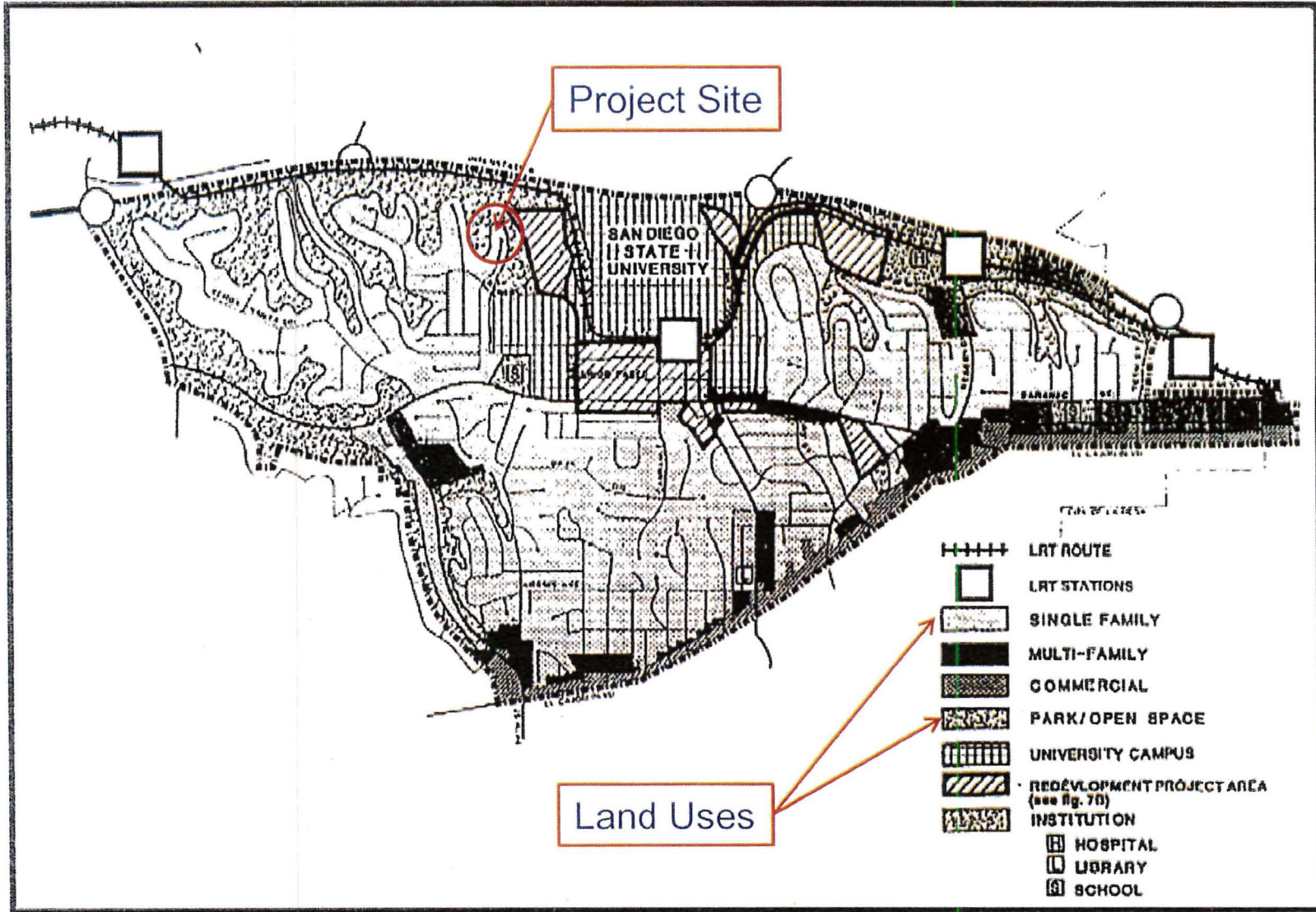
4. Draft Permit Resolution with Findings
5. Draft Permit with Conditions
6. Environmental Exemption
7. Project Site Plan(s)
8. Community Planning Group Recommendation (May meeting minutes are unavailable)
9. Ownership Disclosure Statement



Project Location Map

PLCIE/CHEN RESIDENCE – 5454 & 5446 HEWLETT DR.
 PROJECT NO. 253509





Project Site

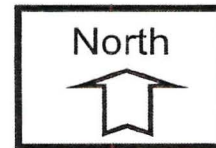
Land Uses



College Area Land Use Map

PLICE/CHEN RESIDENCE – 5446 & 5454 HEWLETT DRIVE

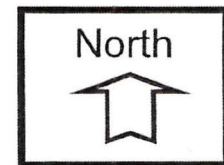
PROJECT NO. 253509





Location Aerial Photo

PLICE/CHEN RESIDENCE – 5454 & 5446 HEWLETT DR.
PROJECT NO. 253509



HEARING OFFICER RESOLUTION NO. **(DRAFT)**
SITE DEVELOPMENT PERMIT NO. 892769
PLICE/CHEN RESIDENCE - PROJECT NO. 253509

WHEREAS, ROBERT K. PLICE, Applicant, filed an application on behalf of Cynthia Rubio, Owner and Permittee, with the City of San Diego for a permit to repair portions of a failed slope on an adjacent parcel (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Site Development Permit No. 892769, on portions of a 0.96-acre project site; and

WHEREAS, the project site is located at 5446 Hewlett Drive in the RS-1-1 and RS-1-7 Zones within the College Area Community Plan;

WHEREAS, the project site is legally described as Lot 78 of Map No. 3129; and

WHEREAS, on October 9, 2013, the Hearing Officer of the City of San Diego considered Site Development Permit No. 892769 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, on August 2, 2013 the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15333 (A) and 15333 (D) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; 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 September 25, 2013.

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

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

The project is a request to repair a portion of a damaged slope on a residential parcel in the College Area Community. The slope failure was the result of a broken irrigation line. The College Area Community Plan recommends the preservation and restoration of hillsides and sensitive biological resources; therefore, repairing the damaged slope would not adversely affect the applicable land use plan.

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

The proposed development would repair and restore a portion of a failed slope. The slope is located in the rear yard of a private property and would not impact the general public or any public resources. Restoration of the slope would include the establishment of a conservation easement on the slope adjacent to the Multiple Habitat Planning Area which would generally

benefit the public. Therefore, the proposed development would not be detrimental to the public health, safety or 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 proposed development is the restoration and repair of an existing slope that failed due to runoff created by a broken irrigation line. Because the site includes sensitive biological resources and is adjacent to the Multiple Habitat Planning Area (MHPA), a Site Development Permit in accordance with the City of San Diego Land Development Code is required to implement the repairs. The granting of the approved permit would comply with the relevant sections of the Land Development Code and no deviations are requested as a part of this application.

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 site is a steep hillside located on a privately held residential parcel. This is a restoration project of the existing damaged slope. The damage occurred due to a broken irrigation line but not the instability of the hillside. The project would not include any development except the repair and restoration of the hillside therefore, the site is physically suitable for the development and will repair previous 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 proposed development is the restoration and repair of a failed slope to the preexisting condition. There is no land form alteration other than to repair the slope. The work would be done by hand and would not cause any further impact to adjacent resources. The repair concept would consist of rebuilding the slope failure area with compacted fill reinforced with horizontal geogrid layers. Also, the post and board retaining wall within the failure area is to be removed and the post and board along the property line is to be removed and replaced. All construction work would be done from above and no motorized construction equipment would be used on the site except for a hand-operated motorized soil compactor. Prior to the onset of construction, a silt fence would be installed at the bottom of the construction area and an orange construction fence would be installed around the construction area. A batter board construction technique would be utilized, using an initial 4x8 plywood board at the bottom of the work area to catch any debris from work in the construction area. After initial removal of the bottom of the fill area by hand, a key would be installed to stabilize the bottom of the slope. With compaction of the soil at each level, additional batter boards would be installed, moving up the slope. Therefore, the completed slope restoration would minimize the alteration of the natural landform by returning it to the natural contours and the compaction, planting and fencing would not result in undue geological and erosional forces, and the newly vegetated slope would reduce the potential flood hazard and fire hazard.

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

The proposed development is a repair and restoration to a damaged slope. The completed work would revegetate the slope with native materials and the development has been condition to include permit conditions for development adjacent to the Multiple Habitat Planning Area (MHPA). Conditions include the placement of a covenant of easement on the affected property, limitations and criteria for drainage, noise, lighting, toxins and pollutants and limitations on how and when work can be implemented. Therefore, the proposed development would not adversely affect adjacent environmentally sensitive lands.

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

The proposed development is a repair and restoration to a damaged slope. The completed work would revegetate the slope with native materials and the development has been condition to include permit conditions for development adjacent to the Multiple Habitat Planning Area (MHPA). Conditions include placing the remainder MHPA in a covenant of easement, limitations and criteria for drainage, noise, lighting, toxins and pollutants and limitations on how and when work can be implemented. Therefore, the proposed development would be consistent with the Multiple Species Conservation Program (MSCP).

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

The proposed development is not within or adjacent to a public beach or shoreline.

5. 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 repair and restoration of the damaged slope was determined to be exempt from the California Environmental Quality Act (CEQA) and therefore, no mitigation measures are required with this development. As stated, the Site Development Permit includes conditions that would ensure consistency with the sensitive resources by placing the remainder of the MHPA area in a covenant of easement, implementing the City's MHPA adjacency guidelines as permit conditions.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 892769 is hereby GRANTED by the Hearing Officer to the referenced Owner and Permittee, in the form, exhibits, terms and conditions as set forth in Site Development Permit No. 892769, a copy of which is attached hereto and made a part hereof.

John P. Hooper
Development Project Manager
Development Services

Adopted on: September 25, 2013
Job Order No. 42002027

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 42002027

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Site Development Permit No. 892769
PLICE/CHEN RESIDENCE - PROJECT NO. 253509
Hearing Office

This Site Development Permit No. 892769 is granted by the Hearing Officer of the City of San Diego to, CYNTHIA RUBIO, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504 (Findings for a Site Development Permit). The site is located 5446 Hewlett Drive in the RS-1-1 and RS-1-7 Zone within the College Area Community Plan. The project site is legally described as: Lot 78 of Map No. 3129.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to Repair portions of a failed slope described and identified by size, dimension, quantity, type, and location on the approved [Exhibit "A"] dated August 13, 2014, on file in the Development Services Department.

The project shall include:

- a. Repair and restoration of steep hillside,
- b. Landscaping (planting, irrigation and landscape related to slope repair improvements);

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 August 27, 2017.

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 and 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. Prior to the issuance of any grading permits, the on-site MHPA of Lot 78 of Map No. 3129 shall be conveyed to the City's MSCP preserve through either 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 to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other storm water control facilities, brush management areas, landscape/revegetation areas, and graded slopes. To facilitate MHPA conveyance, any non-fee 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/Applicant unless otherwise agreed to by the City for acceptance of dedicated land in fee title.
8. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee of Lot 78 of Map No. 3129 the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to

the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

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

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

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

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

MULTIPLE HABITAT PLANNING AREA ADJACANCY REQUIREMENTS:

Due to the adjacency to the Multiple Habitat Planning Area (MHPA), the development will need to conform to all applicable Land Use Adjacency Guidelines (Section 1.4.3) of the MSCP Subarea Plan. In particular, lighting, drainage, landscaping, grading, access, and noise must not adversely affect the MHPA.

13. Lighting should be directed away from the MHPA, and shielded if necessary.
14. Drainage should be directed away from the MHPA, or if not possible, must not drain directly into the MHPA. Instead, runoff should flow into sedimentation basins, grassy swales or mechanical trapping devices prior to draining into the MHPA.
15. No invasive plant species shall be planted in or adjacent to the MHPA.
16. All manufactured slopes must be included within the development footprint and outside the MHPA.
17. All Zone 1 brush management areas must be included within the development footprint and outside the MHPA. Brush management Zone 2 may be permitted within the MHPA (considered impact neutral) but cannot be used as mitigation.
18. Access to the MHPA, if any, should be directed to minimize impacts and reduce impacts associated with domestic pet predation.
19. Due to the site's location adjacent to the MHPA, construction noise will need to be avoided, if possible, during the breeding season of the *California gnatcatcher* (3/1-8/15), *least Bell's vireo* (3/15-9/15), *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 will be required in order to determine species presence/absence. If the species *is/are* not identified within the MHPA, no additional measures will be required. If present, measures to minimize noise impacts will be required and should include temporary noise walls/berms. If a survey is not conducted and construction is proposed during the species' breeding season, presence would be assumed and a temporary wall/berm would be required. Noise levels from construction activities during the bird breeding season should not exceed 60 dBA hourly LEQ at the edge of the occupied MHPA, or the ambient noise level if noise levels already exceed 60 dBA hourly LEQ.

ENGINEERING REQUIREMENTS:

20. The drainage system proposed for this development is private and subject to approval by the City Engineer.
21. 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:

22. Prior to grading permit issuance, revegetation and erosion-control plans shall be submitted and approved by the Development Services Department. All plans shall be in substantial conformance to the exhibits and conditions of this development permit.

23. The subject property is within an area mapped by the Fire Department as within a Brush Management Zone. A Brush Management Program conforming to the exhibits and conditions of this development permit shall be maintained in accordance with the City of San Diego Land Development Manual- Landscape Standards. All Zone One Brush Management areas shall be contained within the development footprint and outside the MHPA boundary.

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 August 13, 2014 pursuant to Hearing Officer Resolution No. HO-14-DRAFT.

Permit Type/PTS Approval No.:
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

NAME
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.**

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

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

NOTICE OF EXEMPTION

TO: RECORDER/COUNTY CLERK
 P.O. BOX 1750, MS A-33
 1600 PACIFIC HWY, ROOM 260
 SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
 DEVELOPMENT SERVICES DEPARTMENT
 1222 FIRST AVENUE, MS 501
 SAN DIEGO, CA 92101

____ OFFICE OF PLANNING AND RESEARCH
 1400 TENTH STREET, ROOM 121
 SACRAMENTO, CA 95814

PROJECT NO.: 253509

PROJECT TITLE: PLICE CHEN RESIDENCES

PROJECT LOCATION-SPECIFIC: 5446 and 5454 Hewlett Drive, San Diego, California 92115

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Site Development Permit (SDP) for Environmentally Sensitive Lands (ESL) to allow for a slope repair in a project site area of approximately 0.07 acres. No development is proposed to the existing residential developments onsite.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Robert Plice (Owner), 5446 Hewlett Drive, San Diego, CA 92115
 (619) 800-6857

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 21080(b)(1); 15268);
 DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
 EMERGENCY PROJECT (SEC. 21080(b)(4); 15269(b)(c))
 CATEGORICAL EXEMPTION: CEQA EXEMPTION 15333(A) AND (D)-(SMALL HABITAT RESTORATION PROJECTS)
 STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an initial study that determined that the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15333 which allows for projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plant, or wildlife. Small restoration projects may include, but are not limited to, revegetation of disturbed areas with native plant species, or projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment. The project would not result in a significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065. In addition; the exceptions listed in CEQA Section 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: Rhonda Benally

TELEPHONE: (619) 446-5468

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
 YES NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

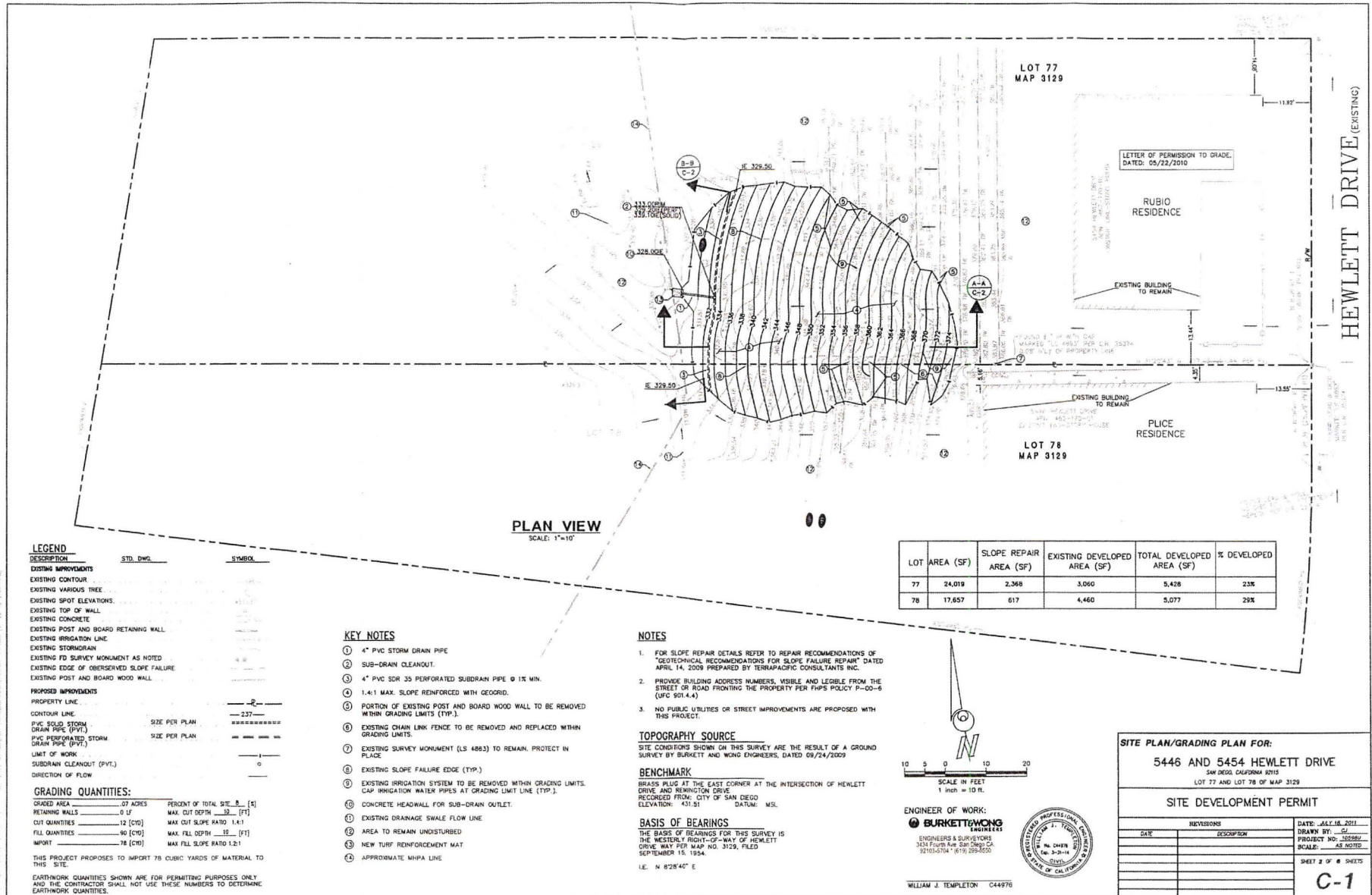
 SIGNATURE/TITLE

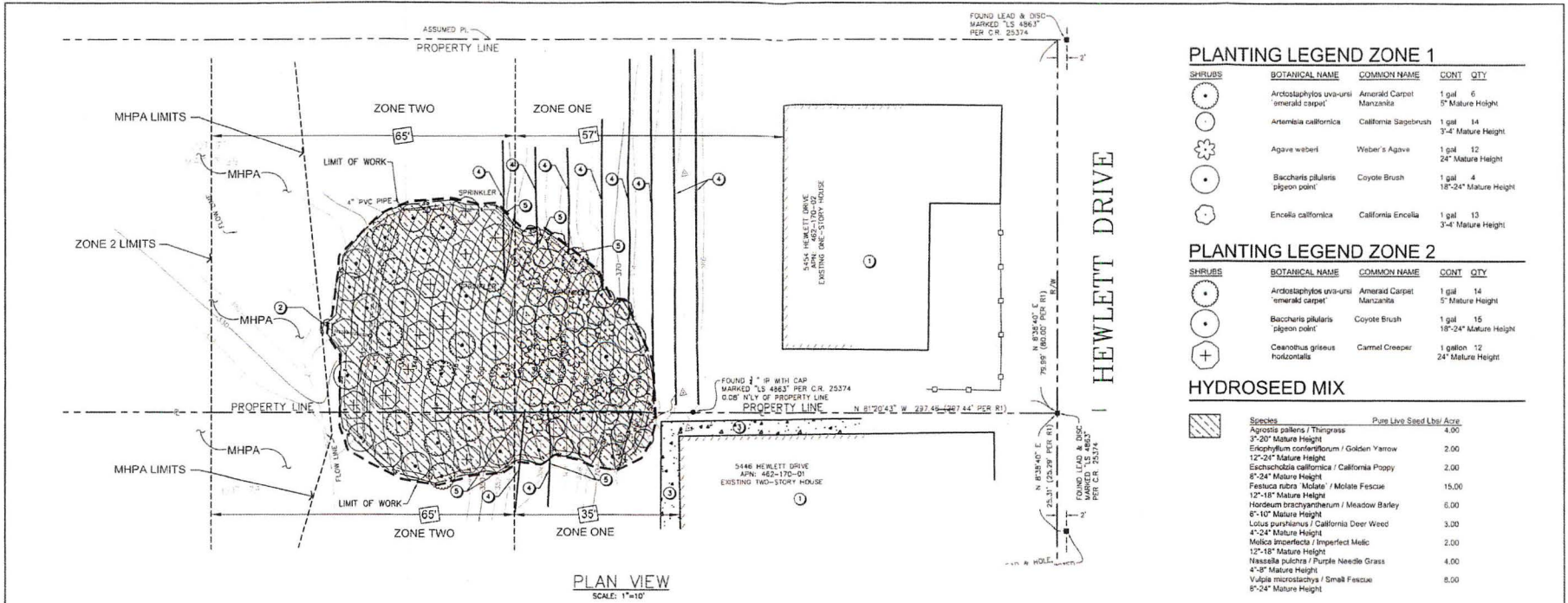
 AUGUST 2, 2013
 DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
 SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:





PLANTING LEGEND ZONE 1

SHRUBS	BOTANICAL NAME	COMMON NAME	CONT	QTY
	Arctostaphylos uva-ursi 'emerald carpet'	Amerald Carpet	1 gal	6
	Artemisia californica	Manzanita	1 gal	14
	Agave webberi	Weber's Agave	1 gal	12
	Baccharis pilularis 'pigeon point'	Coyote Brush	1 gal	4
	Encelia californica	California Encelia	1 gal	13

PLANTING LEGEND ZONE 2

SHRUBS	BOTANICAL NAME	COMMON NAME	CONT	QTY
	Arctostaphylos uva-ursi 'emerald carpet'	Amerald Carpet	1 gal	14
	Artemisia californica	Manzanita	1 gal	15
	Baccharis pilularis 'pigeon point'	Coyote Brush	1 gal	15
	Ceanothus griseus	Carmel Creeper	1 gallon	12
	Horizontalis	Horizontalis	24"	24" Mature Height

HYDROSEED MIX

Species	Pure Live Seed Lbs./Ac	Acres
Agrostis pallens / Thinggrass	4.00	
3"-20" Mature Height		
Eriophyllum confertiflorum / Golden Yarrow	2.00	
12"-24" Mature Height		
Eriochloa californica / California Poppy	2.00	
8"-24" Mature Height		
Festuca rubra / Molate / Molate Fescue	15.00	
12"-18" Mature Height		
Hordeum spicatum / Meadow Barley	6.00	
6"-10" Mature Height		
Lotus purshianus / California Deer Weed	3.00	
4"-24" Mature Height		
Medicago lupulina / Imperfect Melic	2.00	
12"-18" Mature Height		
Nassella pulchra / Purple Needle Grass	4.00	
4"-20" Mature Height		
Vulpia microstachys / Small Fescue	8.00	
6"-24" Mature Height		

IRRIGATION SYSTEM

ZONE ONE PLANTING AREAS TO BE IRRIGATED ACCORDING TO PLANT TYPE AND ENVIRONMENTAL EXPOSURE SHALL RECEIVE UNIFORM IRRIGATION COVERAGE BY MEANS OF AN AUTOMATICALLY CONTROLLED, ELECTRICALLY ACTIVATED UNDERGROUND PIPED IRRIGATION SYSTEM FOR WATER CONSERVATION AND TO MINIMIZE EROSION.

ZONE TWO PLANTING AREAS SHALL BE TEMPORARILY IRRIGATED UNTIL ESTABLISHED. IRRIGATION OR OTHER RUNOFF SHALL NOT FLOW INTO ADJACENT AREAS OF NATIVE/NATURALIZED VEGETATION. ALL TEMPORARY IRRIGATION SYSTEMS SHALL BE REMOVED UPON PLANT ESTABLISHMENT. PERMANENT IRRIGATION IS NOT ALLOWED IN ZONE TWO.

A STATE OF THE ART AUTOMATIC CONTROLLER WITH LOW PRECIPITATION RATE EQUIPMENT SHALL BE USED, AND TO INCLUDE RAIN SHUTOFF DEVICE SENSITIVE TO PRECIPITATION, AND FLOW REDUCERS THAT TRIGGERS IN RESPONSE TO A PRESSURE DROP IN THE SYSTEM. A REDUCED PRESSURE BACKFLOW PREVENTER WILL BE USED TO PROTECT THE SOURCE OF THE WATER FROM POSSIBLE BACKFLOW CONTAMINATION. ALL PRESSURIZED MAINLINE AND LATERAL LINES WILL BE PVC INSTALLED BELOW GRADE. ALL IRRIGATION SYSTEMS SHALL BE INSTALLED PER LOCAL AND REGIONAL STANDARDS. THE LANDSCAPE AND IRRIGATION SYSTEMS SHALL BE DESIGNED UTILIZING ALL SEVEN OF THE PRINCIPALS OF "XERISCAPE". GOOD DESIGN SHALL BE ACHIEVED BY SEPARATING IRRIGATION SYSTEMS PER MICRO CLIMATIC AND PLANT ZONES. THE SOIL SHALL BE AMENDED UTILIZING AN AGRONOMIC SOILS REPORT. DROUGHT TOLERANT AND LOW WATER DEMANDING PLANT MATERIAL SHALL BE USED AS MUCH AS POSSIBLE. MULCH SHALL BE USED IN ALL FLOWER AND SHRUB BEDS. THE PROJECT SHALL BE MAINTAINED UTILIZING PROPER MAINTENANCE AND MANAGEMENT PRACTICES.

MAINTENANCE

1. ALL LANDSCAPE AREAS SHALL BE MAINTAINED BY THE OWNER PER CITY OF SAN DIEGO LANDSCAPE STANDARDS. PERMANENTLY IRRIGATED SLOPES SHALL BE MAINTAINED FOR A PERIOD NO LESS THEN 90 DAYS.

2. ALL RESTORATION SHALL BE MAINTAINED BY THE OWNER. ANNUAL MONITORING FOR A MINIMUM OF THREE TO FIVE YEARS, DEPENDING UPON AGENCY REQUIREMENTS ONCE PERMIT ARE ISSUED.

DESCRIPTIVE LEGEND

- ① EXISTING RESIDENTIAL BUILDINGS
- ② HEADWALL PER CIVIL PLANS
- ③ EXISTING CONCRETE SIDEWALK PER CIVIL PLANS
- ④ EXISTING RETAINING WALL PER CIVIL PLANS
- ⑤ EXISTING RETAINING WALL TO BE REMOVED WITHIN GRADING LIMITS PER CIVIL PLANS
- LIMIT OF WORK

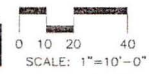
DESIGN STATEMENT

THE LANDSCAPE DESIGN IS TO STABILIZE AND RESTORE THE SLOPE FAILURE TO BLEND WITH THE ADJACENT EDGE OF THE CANYON. THE DESIGN MEETS THE CITY OF SAN DIEGO'S LANDSCAPE REQUIREMENTS WHILE USING A MAJORITY OF LOW WATER USE AND NATIVE PLANT MATERIALS. THE PROJECTS WILL BE REMOVING ANY INVASIVE PLANT SPECIES WITHIN THE CONSTRUCTION ZONE.

LANDSCAPE NOTES

1. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
2. ALL SLOPE REVEGETATION SHALL BE PLANTED IN ACCORDANCE WITH THE STANDARDS REFERENCED WITHIN THE LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS. A MINIMUM OF FIFTY PERCENT OF THE TOTAL SLOPE AREA SHALL BE PLANTED WITH DEEP ROOTING PLANTS. FOR SEED PLANTING AT LEAST 50% OF THE Viable SEED COUNT SHALL BE DEEP ROOTING SPECIES.
3. PLANTS USED FOR EROSION CONTROL ON DISTURBED SOIL AND SLOPES SHALL ACHIEVE 100 PERCENT SOIL COVERAGE WITHIN TWO YEARS OF BEING INSTALLED.

SEE SHEET L-2 FOR BRUSH MANAGEMENT PLAN.
SEE SHEET L-3 FOR BRUSH MANAGEMENT NOTES.



SCHMIDT DESIGN GROUP, INC.
 BALANCE, ARTISTS, ENGINEERS, ARCHITECTS
 1055 Fourth Avenue, San Diego, CA 92101
 Telephone (619) 238-6400, Facsimile (619) 238-8200
 www.schmidtgroup.com
 Lic. 14-0398, 02-039, 08-94755

LANDSCAPE DEVELOPMENT PLAN FOR:		
5446 AND 5454 HEWLETT DRIVE SAN DIEGO, CALIFORNIA 92115 LOT 77 AND LOT 78 OF MAP 3129		
SITE DEVELOPMENT PERMIT		
DATE	REVISIONS	DATE: 08/06/2015 10:25:22 AM
		DRAWN BY: JRM
		PROJECT NO: 15-033
		SCALE: AS NOTED
		SHEET 4 OF 6 SHEETS

L-1



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: 5446 and 5454 Hewlett Drive Slope Repair
 Project Address: 5446 and 5454 Hewlett Drive, San Diego, CA 92115
 Project No. For City Use Only: 253509

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):
 Robert Plice
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 5446 Hewlett Drive
 City/State/Zip:
 San Diego, CA 92115
 Phone No: 619-800-6857 Fax No:
 Signature: [Signature] Date: 5/24/11

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No:
 Signature: _____ Date: _____

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No:
 Signature: _____ Date: _____

Name of Individual (type or print):

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 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No:
 Signature: _____ Date: _____