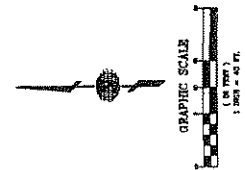


EXHIBIT "A"

**DRAFT COMPLAINT
[ATTACHED]**

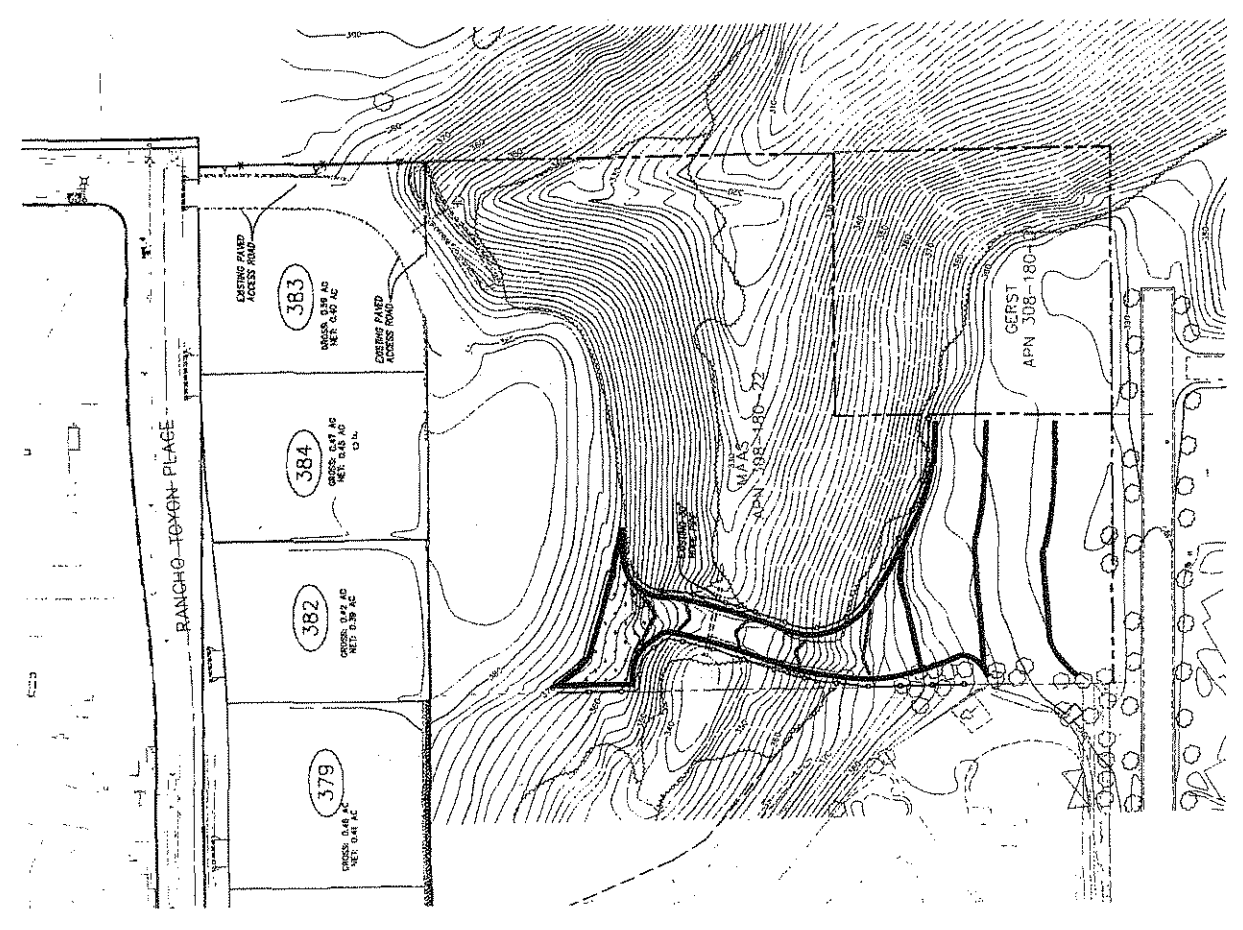
EXHIBIT "A"



LEGEND

DESCRIPTION	SYMBOL
RIVER BULL	
SALT POND	
GRAVEL BASE	
WATER IMPROVED	

PROPOSED NOTES
 All areas shown on this plan to be hydraulically and to be constructed
 & PROPOSED NOTES AND DATES OF APPLICATION
 DISTANCE NAME - DATE/NOTE
 IMPROVED USE #
 1. 2.5/acre
 2. 2.5/acre
 3. 2.5/acre
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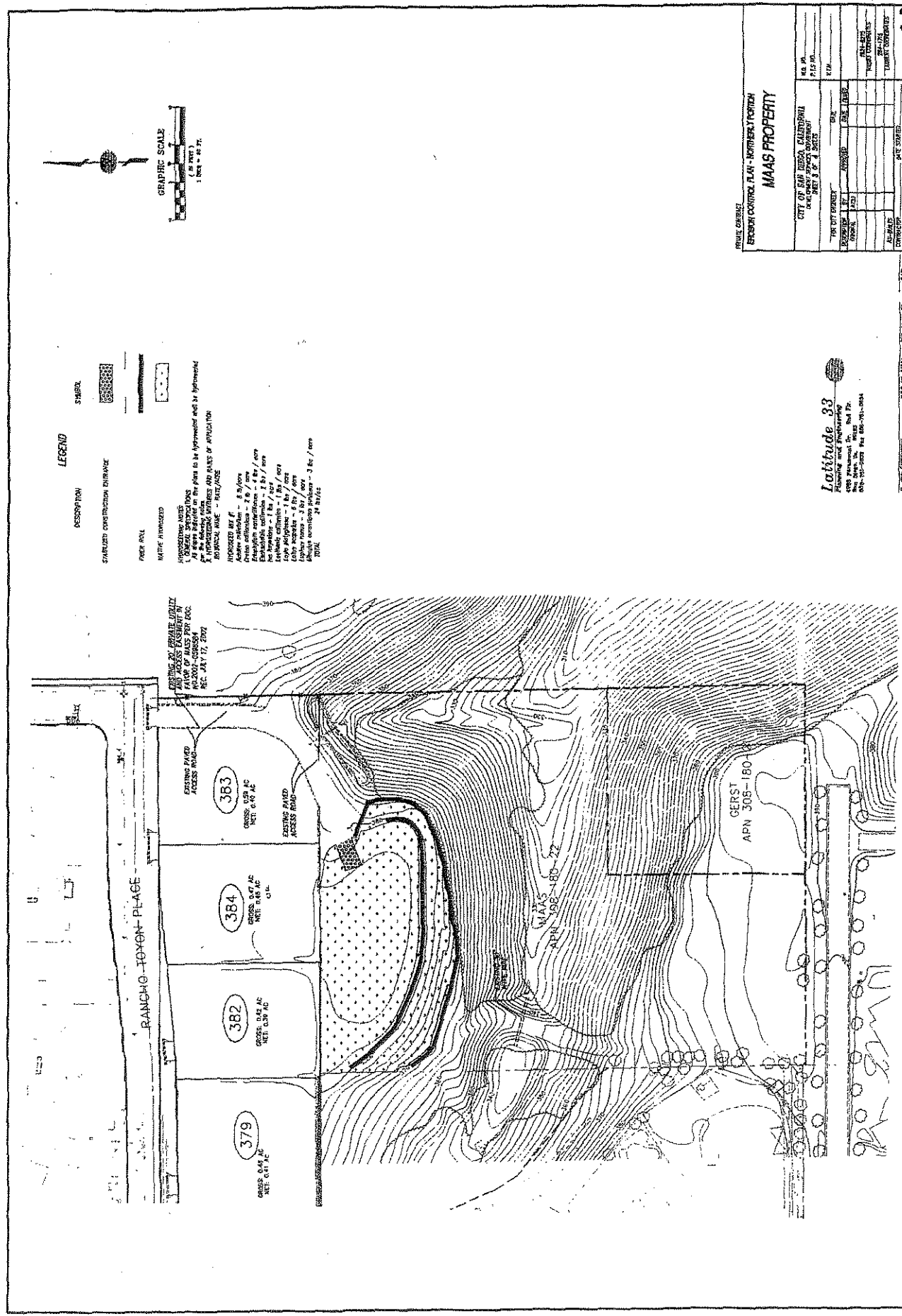


PROJECT OVERLAY
EROSION CONTROL PLAN - SOUTHERLY PORTION
MAAS PROPERTY

APN	DATE	APPROVED	DATE	APPROVED
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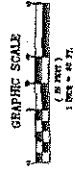
Latitude 99
 Planning and Engineering
 1000 S. Main St.
 Suite 200
 San Jose, CA 95128
 408-951-1000 Fax 408-951-1001

C. JEFF GARDNER
 REG. IN CALIF. 08 06-30-78
 REG. NO. 20000



LEGEND

- DESCRIPTION
- SYMBOL
- STARTLED CONSTRUCTION DISTANCE
- MATTIE FINISHED
- PROPOSED LINES
- EXISTING LINES
- PROPOSED CONSTRUCTION DISTANCE
- MATTIE FINISHED



PROJ. SHEET

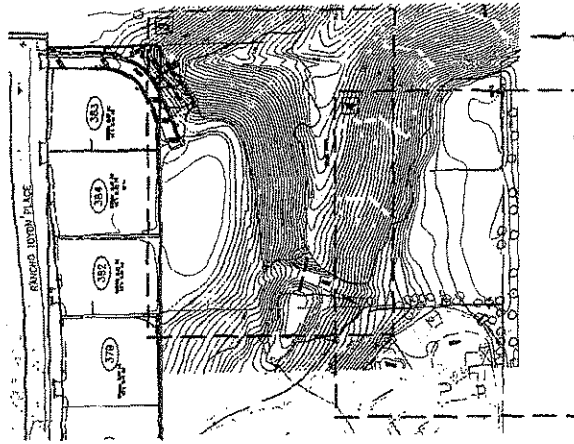
SECTION CONTROL PLAN - MATTHEW FINISH

MAAS PROPERTY

DATE	12/10/2007
BY	...
CHECKED BY	...
APPROVED BY	...
SCALE	1" = 40'
PROJECT NO.	...
SHEET NO.	...
TOTAL SHEETS	...
DATE	...
BY	...
CHECKED BY	...
APPROVED BY	...

Latitude 33
 Planning and Professional
 1000 ...
 ...
 ...

EROSION CONTROL PLAN: MAAS PROPERTY



WORK TO BE DONE

THE INFORMATION CONTAINED IN THIS PLAN IS TO BE USED ONLY FOR THE PURPOSES OF THE CITY OF SAN DIEGO. THE CITY OF SAN DIEGO DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE USER OF THIS PLAN ASSUMES ALL LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS PLAN.

OWNER/APPLICANT

OWNER'S NAME AND ADDRESS
OWNER'S PHONE NUMBER
OWNER'S MAILING ADDRESS

TOPOGRAPHY SOURCE

DATE OF SURVEY
SURVEYOR'S NAME
SURVEYOR'S ADDRESS

BENCHMARK

BENCHMARK NAME
BENCHMARK ELEVATION
BENCHMARK LOCATION

TOTAL DISTURBED AREA

TOTAL AREA OF TOTAL DISTURBED AREA

GENERAL NOTES

1. THE APPROVAL OF THIS PLAN BY THE CITY OF SAN DIEGO DOES NOT IMPLY THE APPROVAL OF THE FEDERAL GOVERNMENT OR ANY STATE GOVERNMENT.
2. THE USER OF THIS PLAN ASSUMES ALL LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS PLAN.
3. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SAN DIEGO AND ANY OTHER AGENCIES.
4. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SAN DIEGO AND ANY OTHER AGENCIES.
5. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SAN DIEGO AND ANY OTHER AGENCIES.
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7. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SAN DIEGO AND ANY OTHER AGENCIES.
8. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SAN DIEGO AND ANY OTHER AGENCIES.
9. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SAN DIEGO AND ANY OTHER AGENCIES.
10. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SAN DIEGO AND ANY OTHER AGENCIES.

ASSASSOR'S PARCEL NO.

ASSASSOR'S PARCEL NO.

LEGAL DESCRIPTION

LEGAL DESCRIPTION

CONTRACTOR'S NOTE

CONTRACTOR'S NOTE

ENGINEER'S NOTE

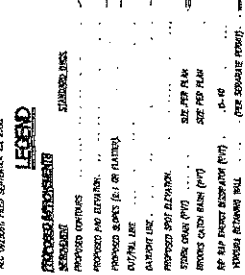
ENGINEER'S NOTE

DECLARATION OF RESPONSIBLE CHARGE

DECLARATION OF RESPONSIBLE CHARGE

IMPORTANT NOTICE

IMPORTANT NOTICE



VICINITY MAP

VICINITY MAP

TRAFFIC CONTROL NOTES

TRAFFIC CONTROL NOTES

SHEET INDEX

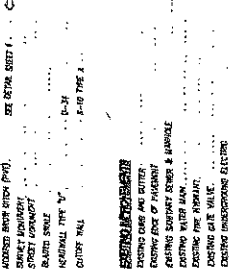
SHEET INDEX

EROSION CONTROL PLAN FOR

EROSION CONTROL PLAN FOR

MAAS PROPERTY

MAAS PROPERTY



REFERENCE DRAWINGS

REFERENCE DRAWINGS

EROSION CONTROL PLAN FOR

EROSION CONTROL PLAN FOR

MAAS PROPERTY

MAAS PROPERTY

CONSTRUCTION CHANGE TABLE

CONSTRUCTION CHANGE TABLE

CONTRACTOR'S NOTE

CONTRACTOR'S NOTE

CONTRACTOR'S NOTE

CONTRACTOR'S NOTE

ENGINEER'S NOTE

ENGINEER'S NOTE

DECLARATION OF RESPONSIBLE CHARGE

DECLARATION OF RESPONSIBLE CHARGE

IMPORTANT NOTICE

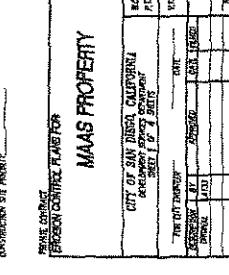
IMPORTANT NOTICE

CONSTRUCTION CHANGE TABLE

CONSTRUCTION CHANGE TABLE

CONTRACTOR'S NOTE

CONTRACTOR'S NOTE



VICINITY MAP

VICINITY MAP

TRAFFIC CONTROL NOTES

TRAFFIC CONTROL NOTES

SHEET INDEX

SHEET INDEX

EROSION CONTROL PLAN FOR

EROSION CONTROL PLAN FOR

MAAS PROPERTY

MAAS PROPERTY

CONTRACTOR'S NOTE

CONTRACTOR'S NOTE

ENGINEER'S NOTE

ENGINEER'S NOTE

DECLARATION OF RESPONSIBLE CHARGE

DECLARATION OF RESPONSIBLE CHARGE

IMPORTANT NOTICE

IMPORTANT NOTICE

CONSTRUCTION CHANGE TABLE

CONSTRUCTION CHANGE TABLE

CONTRACTOR'S NOTE

CONTRACTOR'S NOTE

1 MICHAEL J. AGUIRRE, City Attorney
CHRISTOPHER S. MORRIS, Assistant City Attorney
2 BRYAN ZIEGLER, Deputy City Attorney
California State Bar No. 234435

No fee GC § 6103

3 Office of the City Attorney
4 Code Enforcement Unit
1200 Third Avenue, Suite 700
5 San Diego, California 92101-4103
Telephone: (619) 533-5500

6 Attorneys for Plaintiff

7
8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 THE CITY OF SAN DIEGO, a municipal
corporation,

Case No.

11 Plaintiff,

COMPLAINT FOR INJUNCTION,
CIVIL PENALTIES, AND OTHER
EQUITABLE RELIEF

12 v.

13 EARL H. MAAS III; PATRICIA W. MAAS;
14 PAUL METCALF; and DOES I through XX,
inclusive,

15 Defendants.

16
17 Plaintiff, the City of San Diego, a municipal corporation, appearing by and through
18 Michael J. Aguirre, City Attorney, by Bryan Ziegler, Deputy City Attorney for the City of San
19 Diego, alleges:

20 JURISDICTION AND VENUE

21 1. Plaintiff, the City of San Diego, has been, at all times during the pleadings, and
22 currently is a municipal corporation and chartered city, organized and existing under the laws of
23 the State of California.

24 2. Plaintiff, the City of San Diego, brings this action pursuant to San Diego Municipal
25 Code [SDMC] sections 12.0202, 121.0202, and 143.0160, and seeks to obtain injunctive relief,
26 civil penalties, costs, and other equitable relief for Defendants' violations of law.

27

28

1 3. The omission or commission of acts by Defendants alleged in this Complaint occurred
2 within the City of San Diego, County of San Diego, and State of California.

3 4. Venue of this action in the County of San Diego is pursuant to California Code of
4 Civil Procedure section 394.

5 **PROPERTY DESCRIPTION**

6 5. The property in this action consists of one parcel of land located at 6739 Rancho
7 Toyon Place [PROPERTY], in the City and County of San Diego, State of California.

8 6. The legal description of the PROPERTY, which is identified by the records of the San
9 Diego County Recorder's Office as Assessor Parcel Number 308-180-22, is as follows:

10 The Easterly 400 feet of the Southerly 495 feet of the Southeast
11 Quarter of the Northwest Quarter of Section 22, Township 14 South,
12 Range 3 West, San Bernadino Meridian, in the City of San Diego,
13 County of San Diego, State of California, according to the United
States Government Survey thereof.
EXCEPT THEREFROM the Easterly 200 feet of the Southerly 200 feet thereof.

14 7. The PROPERTY is an approximate 3.6 acre vacant undeveloped parcel.

15 8. The PROPERTY is located in the AR-1-2 Residential Zone, and within the Multi-
16 Habitat Planning Area [MHPA]. Additionally, the PROPERTY contains Environmentally
17 Sensitive Lands [ESL] as defined by the SDMC. Due to the presence of Steep Slopes and
18 Sensitive Biological Resources, Environmentally Sensitive Lands regulations apply to any
19 development activities on the PROPERTY.

20 **DEFENDANTS**

21 9. According to San Diego County Recorder's Office Document No. 1994-0329275, Earl
22 H. Maas, III and Patricia W. Maas, have been the owner of the PROPERTY since November 30,
23 1993.

24 10. Defendants, DOES I through XX, inclusive, are sued as fictitious names, under the
25 provisions of California Code of Civil Procedure section 474, their names and capacities being
26 unknown to Plaintiffs. Defendants, DOES I through XX, inclusive, are in some manner
27 responsible for the events and happenings alleged in this Complaint. When the true names and
28

1 capacities are ascertained, Plaintiff will amend this Complaint by inserting their true names and
2 capacities.

3 11. Plaintiff is informed and believes that at all times alleged in this Complaint,
4 Defendants developed the PROPERTY and impacted geographic areas that are defined as ESL
5 under the SDMC.

6 12. Plaintiff is informed and believes that at all times alleged in this Complaint,
7 Defendants graded and developed the PROPERTY without submitting required documentation
8 nor obtaining applicable development permits as required by the ESL regulations.

9 13. Whenever in this Complaint reference is made to any act or omission of Defendants,
10 such reference shall be deemed to include the acts or omission of Defendants' principals, officers,
11 directors, agents, and employees, while acting within the course and scope of their agency or
12 employment.

13
14 **STATEMENT OF FACTS**

15 14. On July 26, 2006, Land Development Investigator Duke Fernandez of the City of San
16 Diego conducted an inspection of the PROPERTY. Investigator Fernandez discovered
17 approximately 1.5 acres of the PROPERTY had been graded and cleared.

18 15. According to Investigator Fernandez, the PROPERTY is classified as ESL pursuant to
19 SDMC section 113.0103 due to the presence of steep hillsides and/or sensitive biological
20 resources.

21 16. Per City of San Diego Biologist Chris Brennan, the Southern Maritime Chaparral,
22 Coastal Sage Scrub Habitat and Riparian Scrub Habitat (wetlands) have also been impacted on
23 the PROPERTY as a result of the grading and clearing that was done. Southern Maritime
24 Chaparral is a Tier I sensitive habitat and Coastal Sage Scrub is a Tier II sensitive habitat type,
25 which are both sensitive biological resources per SDMC Land Development Code "Biological
26 Guidelines."

27 17. Investigator Fernandez observed that no erosion control measures were implemented
28 to prevent runoff and soil erosion. These measures are required to prevent runoff and soil erosion.

1 18. To date, neither Defendants nor anyone acting on their behalf have obtained a Site
2 Development Permit, Grading Permit, or any other permits that are required by the Land
3 Development Code.

4 **FIRST CAUSE OF ACTION**

5 **VIOLATIONS OF THE SAN DIEGO MUNICIPAL**
6 **CODE ALLEGED BY PLAINTIFF THE CITY OF**
7 **SAN DIEGO**

8 19. Plaintiff, the City of San Diego, incorporates by reference Allegations 1 through 18 in
9 this First Cause of Action.

10 20. Since at least May 13, 2004 and continuing to the present, Defendants violated SDMC
11 section 143.0112 by grading and clearing portions of the PROPERTY. Section 143.0112
12 prohibits beginning development on a property containing ESL without first obtaining the
13 applicable development permit or an exemption.

14 21. SDMC sections 143.0110(a)(1) and 113.0103 define ESL as those lands containing
15 Southern Maritime Chaparral, Coastal Sage Scrub Habitat, Riparian Scrub Habitat, or steep
16 hillsides that have a natural gradient of 25% or more and a minimal elevation differential of 50
17 feet. The ESL regulations apply to the PROPERTY because the graded area contained ESL and
18 steep hillsides.

19 22. Since at least May 13, 2004 and continuing to the present, Defendants violated SDMC
20 section 121.0302(b)(2) by grading, clearing, and disturbing biological resources without obtaining
21 the applicable permits, which is contrary to the provisions of the Land Development Code.

22 23. Since at least May 13, 2004 and continuing to the present, Defendants violated SDMC
23 section 129.0602(e)(5) that makes grading unlawful if it adversely affects the existing drainage
24 pattern by altering the drainage pattern, concentrating runoff, increasing the quantity of runoff, or
25 increasing the velocity of runoff to adjacent properties. The drainage pattern of the PROPERTY
26 was altered due to the non-permitted grading.

27 24. Plaintiff, the City of San Diego, has no adequate remedy at law, and unless Defendants
28 is enjoined and restrained by an order of this Court, Defendants will continue to maintain the

1 PROPERTY in the above-described condition, in violation of the regulations of the Land
2 Development Code.

3 **PRAYER**

4 Plaintiff prays for judgment against Defendants as follows:

5 1. That the PROPERTY be declared in violation of SDMC sections 143.0112,
6 143.0110(a)(1), 143.0211, 113.0103, 121.0302(b)(2), and 129.0602(e)(5).

7 2. For injunctive relief, permanently enjoining Defendants from causing, permitting, or
8 allowing any violation of the SDMC to continue at the PROPERTY.

9 3. As part of the permanent injunction, Defendants shall submit plans to obtain a Site
10 Development Permit and a Grading Permit for the Restoration of Unauthorized Grading and
11 Restoration of Native Habitat. Defendants shall then obtain said permits, complete the work
12 required by the permits, and obtain final inspection approval, all within a reasonable amount of
13 time.

14 4. Defendants shall pay civil penalties of up to \$2,500 per day for each and every
15 violation of the SDMC, as stipulated or proven at trial, pursuant to SDMC section 12.0202(b).

16 5. That Defendants be ordered to comply with all other Court orders as the nature of the
17 case may require and the Court deems appropriate.

18 Dated: _____, 2007

19 MICHAEL J. AGUIRRE, City Attorney

20
21 By _____
22 Bryan Ziegler
23 Deputy City Attorney

24 Attorneys for Plaintiff
25
26
27
28

EXHIBIT "B"

**NOTICE OF VIOLATION
[ATTACHED]**

EXHIBIT "B"



THE CITY OF SAN DIEGO

April 27, 2007

NOTICE OF VIOLATION

Location: 6739 Rancho Toyon Place
Assessor's Parcel No.: 308-180-22

Responsible Person: Earl H. and Patricia W. Maas
Address: 6676 Mower Place
San Diego, CA 92130

Earl H. and Patricia W. Maas
3830 Valley Centre Drive #705
San Diego, CA 92130

Responsible Person: Paul Metcalf
PM Devcon
Address: 5681 Bellevue Avenue
La Jolla, CA 92037

Zone: AR-1-1

A representative of the Neighborhood Code Compliance Division conducted an inspection of the above referenced premises on July 26, 2006. In accordance with San Diego Municipal Code (SDMC) this is to notify you that the following violations were observed.

The specific elements in violation include, but may not be limited to, the following:

You are violating the law by conducting unauthorized grading to sensitive biological resources, steep hillsides, encroachment into the City of San Diego's Multiple Habitat Planning Area (MHPA), and a natural drainage channel (with year round surface flow). A portion of the drainage that crosses APN 308-180-22 has been dammed with fill material to create a road across the stream and a 24 inch corrugated plastic pipe has been installed under the road (perpendicular) for water to flow through, but it does not appear to be functioning and the road is acting as a dam. A PVC pipe pumping system has also been installed into the stream to the west of the dam (fill material) to pump water out of the stream up hill to the adjacent parcel APN 308-180-09 to irrigate ornamental yard/garden vegetation (This irrigation system was explained to me by homeowner Ann Maas on 7/26/06 during this site assessment). This grading activity constitutes a violation of the City's Environmentally Sensitive Lands and Grading regulations.

In conjunction with a biological monitoring report for the Vista Bougainvillea project (HELIX Environmental 7/20/06), it has been noted that the Northern portion of parcel # 308-180-22 was used for a construction staging area. These grading impacts are not in accordance with the approved Vista Bougainvillea project TM/SV/PDP/CUP/SDP permit # 3205; LDR# 41-0336.



Development Services Department
Neighborhood Code Compliance Division

1200 Third Avenue, 8th Floor, MS 51K • San Diego, CA 92101-4106
Tel (619) 236-5500 Fax (619) 533-6142

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The Biological monitoring report / site assessment included documenting the extent of impacts from unauthorized grading into the vacant undeveloped parcel.

This vacant undeveloped parcel contains Environmentally Sensitive Lands (ESL) as defined by the City of San Diego. Based upon the review of Resource maps (El Nino) and field reconnaissance, it is evident that the property contains sensitive biological resources (Southern Maritime Chaparral, Coastal Sage Scrub, wetlands) and steep hillsides that have been impacted as a result of unauthorized grading. In addition, a review of the City's MHPA boundaries revealed that grading had occurred both inside and outside of MHPA lands.

Three sensitive vegetation communities (as defined by the City of San Diego's Biology Guidelines, July 2002) were observed on the property within proximity to the unauthorized grading activity. They include Southern Maritime Chaparral (SMAC) (Tier I rare uplands), coastal sage scrub (Tier II uncommon uplands), and Riparian Scrub (Wetlands) and other "Waters of the United States". The riparian scrub and other "Waters of the United States" are associated with a natural drainage channel (stream and ponds) that flows west to east across the property.

The specific code sections in violation include, but may not be limited to, the following:

SDMC, Section 121.0302(B)(2) Required Compliance with the Land Development Code. It is unlawful to grade, excavate, clear, fill, grub, build an embankment, construct slopes, or disturb sensitive natural or biological resources on any lot or premise.

SDMC, Section 143.0110(a)(1) When environmentally Sensitive Lands Regulations Apply. This division applies to all proposed development when environmentally sensitive lands are present, and a Site Development Permit is required.

SDMC, Section 143.0112 Requirement to Submit Required Documentation and Obtain Permit Prior to Development of Environmentally Sensitive Lands. It is unlawful to begin development on a premise that contains environmentally sensitive lands without submitting required documentation and obtaining the applicable development permit. If unlawful development occurs on property containing environmentally sensitive lands and an enforcement action has been commenced by the City pursuant to Section 143.0160, no development permit application may be processed until the enforcement action has been concluded.

SDMC, Section 143.0141(i) Development Regulations for Sensitive Biological Resources. Development occurring in sensitive biological resources is subject to site specific impact analysis in accordance with the Biology Guidelines.

SDMC, Section 143.0160 Violations and Remedies. Violation of the division shall be enforced pursuant to Division 2, Enforcement Authorities for the Land Development Code.

SDMC, Section 129.0602 A Grading Permit is Required for the following work:

- (a) Any grading within open space easements or City-owned open space;
- (e) Any grading that includes the following conditions:

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- (1) Excavation or fill that results in a slope with a gradient of 25 percent or greater (4 horizontal feet to 1 vertical foot) and for which the depth or height at any point is more than 5 feet measured vertically at the face of the slope from the top of the slope to the bottom of the slope;
- (2) Excavation or fill for which the depth or height at any point from the lowest grade to the highest grade at any time during the proposed grading is more than 5 feet measured vertically;
- (3) Grading that creates manufactured slopes at a gradient exceeding that specified in Section 142.0133;
- (4) Grading for which the graded area is more than 1 acre;
- (5) Grading that adversely affects the existing drainage pattern by altering the drainage pattern, concentrating runoff, increasing the quantity of runoff, or increasing the velocity of runoff to adjacent properties;

SDMC, Section 142.0144 Grading Within Environmentally Sensitive Lands

Grading within environmentally sensitive lands shall comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

In order to comply with the law, you shall be required to meet the conditions stated below:

The following corrective measures are required for restoring impacts to sensitive biological resources and steep hillsides;

The property owner / responsible party shall immediately install temporary erosion control measures to reduce further water quality-related impacts to the drainage channel. Coordination with the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers and the California Department of Fish and Game is also required to ensure additional federal and state laws are not violated in regards to work within proximity to the drainage channel.

- 1) The property owner / responsible party shall retain the services of a qualified biological consultant to evaluate the existing vegetation on site and quantify the amount of acreage impacted by the unauthorized clearing and grading activity. This biological evaluation is required to be prepared in accordance with the City of San Diego's Biological Review References (July 2002). The biological evaluation shall also include a discussion on wetlands, water bodies, watersheds or streambeds on APN 308-180-2200 which may have been impacted by the unauthorized grading and that are subject to the U.S Army Corps of Engineers (USACE), Section 404 of the Clean Water Act, U.S. Fish and Wildlife Service (USFWS), Federal Endangered Species Act, Section 7 and 10, California Department of Fish and Game (CDFG), Section 1600 et seq of the Fish and Game Code, Regional Water Quality Control Board (RWQCB), Section 401 of the Clean Water Act, and the City of San Diego, Section 143.0101 et seq of the San Municipal Code, Environmentally Sensitive Lands Regulations. If it is determined that impacts occurred to a jurisdictional wetland, all proposals for mitigation of wetland habitat shall reflect adequate compensatory mitigation as agreed upon by USACE, USFWS, CDFG, RWQCB, and City of San Diego. The Federal and State resource agencies referenced above may decide to initiate their own enforcement actions in additions to those identified by the City of San Diego. Furthermore, these agencies may have additional data or reports regarding the biological resources present on the parcels.

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- 2) Repair of the site will require the preparation of a grading plan. The property owner must retain the services of a civil engineer and a geotechnical consultant to evaluate the slope and the geologic conditions, and design a remedial repair and grading plan to restore the surface to a stable condition in conformance with the requirements within the City of San Diego's Environmentally Sensitive Lands Regulations. All grading work shall incorporate erosion and siltation control measures in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations) and the standards established in the Land Development Manual. This shall include the design for controlling surface water runoff and drainage from the portion of the property that has been illegally graded to avoid erosion or scour, and resulting siltation directed to the drainage channel that extends along the west side of the property.
- 3) An as-built grading plan on D-sheets shall be submitted to the City of San Diego Neighborhood Code Compliance Department (Contact: Duke Fernandez, Land Development Investigator II) for review and approval prior to implementation of slope grading, revegetation and landscaping. The drawing set shall conform to the Development Services Department project submittal requirements.
 - a. Summary/Grading specification sheet including all appropriate professional stamps and signatures, particularly under the headings of Grading and Geotechnical Specifications (geologist) and Declaration of Responsible Charge (civil engineer).
 - b. As-Built Site Plan/Grading Plan illustrating both previous site contours and all as-built contours and limits of work including reference point data as surveyed by either a civil engineer or land surveyor.
 - c. Landscape Irrigation Plan prepared in accordance with the San Diego Land Development Code (LDC) Chapter 14, Article 2, Division 4 and the LDC Landscape Standards (January 2000). All irrigation notes shall be incorporated on this plan or on additional sheets as necessary.
 - d. Landscape Revegetation Planting Plan prepared in accordance with the LDC, Chapter 14, Article 2, Division 4, the LDC Landscape Standards, and Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines /Guidelines for Conducting Biological Surveys (July 2002). All landscape and revegetation planting notes shall be incorporated on this plan or on additional sheets as necessary.
 - e. Revegetation Maintenance and Monitoring Plan – Detailed note sheets documenting all of the revegetation requirements described in Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines /Guidelines for Conducting Biological Surveys (July 2002). The revegetation plan must include discussion of the restoration goals, responsible parties (i.e., consultants/contractors) and their qualifications, erosion control measures, revegetation seeding and planting specifications for SMAC and CSS (and riparian scrub if so determined), performance criteria, long-term maintenance, five-year biological monitoring and an anticipated time schedule for completion of all work plan will need to be prepared.

EXHIBIT "C"

EROSION CONTROL PLAN
[ATTACHED]

EXHIBIT "C"

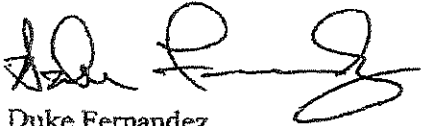
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Upon submittal of the drawing set to the City of San Diego Development Services Department, the Landowner shall set up a deposit account in accordance with Information Bulletin 502 (Fee/Deposit Schedule for Construction Permits/Grading and Public Right-of-Way) to cover the cost of staff review. The initial amount of the deposit account shall be \$5000.00. Upon approval of all construction related documents, including but not limited to technical reports, graphics, or plans, a long-term monitoring permit fee of \$1,225.00 shall be collected to cover the cost to monitor compliance with storm water regulations, environmental mitigation, slope revegetation, and other permit conditions on an ongoing basis.

This matter has been referred to the City Attorney's office for further enforcement.

Be advised that there is a reinspection fee (\$98.00 or \$105.00) to recover costs for additional inspection services in accordance with San Diego Municipal Code, Section 13.0103. A bill for this service will be mailed to you immediately following the third (3rd) scheduled inspection.

If you have any questions, please call me at (619) 235-5838.



Duke Fernandez
Land Development Investigator II

DF/m

cc: File

NC# 125443

Del Mar Mesa Community Planning Board

3525 Del Mar Heights Road, Box 246, San Diego, California 92130

Phone 858-361-8555

fax 858-755-1209

e-mail gary@seabreezeproperties.com

December 14, 2009

Ms. Renee Mezo
Development Project Manager
City of San Diego
1222 First Avenue, MS #501
San Diego, California 92101

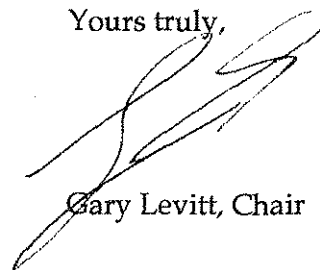
Re: Maas SDP/PDP, PTS # 149627

Dear Renee:

The above referenced project was approved by our Board on September 10, 2009 by a vote of 7 yes, 0 no, 1 Recused (Metcalf).

If you have any questions, please contact me at your earliest convenience.

Yours truly,



Gary Levitt, Chair

Cc: Paul Metcalf

Del Mar Mesa Community Planning Board

Thursday, September 10, 2009

Carmel Valley Library, Community Room

3919 Townsgate Drive

Meeting Minutes

1. Roll Call - Victoria Johnson, Preston Drake and Lisa Ross were excused. Tom Voss arrived later to discuss items 6 and 7.
2. Del Mar Mesa Road - Landscaping code enforcement - Elizabeth Rabbitt reported city has told her that no training is available to train volunteers for code enforcement.
3. MAD - Paul Metcalf and Andy Fields provided a preliminary MAD budget handout & presented an update to the MAD concept. Pardee has agreed to match the community contribution up to \$10,000 and Gary Levitt agreed to provide \$5,000, they are looking for another \$5,000. Sachiko Kohatsu mentioned that 501c3 organizations may be eligible for grants from the county. Paul made a motion that the board continues to seek the funds necessary to pursue the MAD and that board members actively advocate for a MAD within the community, seconded by Marvin Gerst, passed (6-1-1). Bob Nascenzi then motioned to amend the previous motion to add the term 'in concept' after 'advocate for the MAD', seconded by Allen Kashani, unanimous (8-0)
4. Farms Del Mar - continued - applicant not present
5. Barn Cell Tower - Remington Jackson motioned to send a letter to the applicant/owner denying approval unless they install a split rail fence, seconded by Bob Nascenzi, unanimous (8-0)
6. Maas Property - Paul Metcalf presented the project. Remington Jackson motioned to approve the project, seconded by Bob Nascenzi, unanimous (7-0).
7. Fireworks at Grand Del Mar - Tom Voss responded in person to the board's concerns with fireworks at the Grand Del Mar. Gary Levitt explained fireworks are inconsistent w/ the specific plan & asked for the fireworks to stop. Members of the audience explained the dramatic impact that the fireworks had to their animals, especially horses. The notice given was appreciated but it did not address the issue of horse owners dropping everything to be ready to calm and hold their animals during these displays. After discussion Tom agreed to take the input of the Board under advisement and will return to discuss the matter further at the next meeting.

8. Meadows Open Space Encroachments – Gary Levitt explained that the board is concerned about the lack of progress towards a resolution and asked Tom Voss to return to the board with a progress update. Tom Voss agreed to look into this issue and report back.

9. Anand Property - Off Toyon Mesa Court – Proj # 102436 - Jay Ramos / Sandhya Anand

The applicant presented and the following comments from the board were noted:

- Need more elevation cross section details on driveway at north boundary to ensure that it is .
- Assurances that the public right of way landscaping along Rancho Toyon will be maintained needs to be addressed.
- Need confirmation architectural design guidelines will reach community standards. Paul Metcalf to review.

The Applicant requested a vote – but the Board does not normally vote on a project until the board receives an MND from the City and notification from the City Project Manager that the final assessment comments have been addressed to satisfaction of City staff. This has not yet occurred. By a show of hands the members of the board did not express any specific concerns about what they saw aside from what was noted

10. LPCP – CAC – Marvin Gerst explained that task force has convened and agreed to confirm candidates and the task force left election confirmation up to the CAC. Marvin passed out a proposed trail plan regarding the trails in the DMM preserve. Gary Levitt and Marvin noted they felt the plan was too minimal and was not enough to encourage compliance and voluntary enforcement by users in the future .

11. Approval of Minutes – The minutes were unanimously approved (8-0)



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 Tentative Parcel Map

Project Title **Project No. For City Use Only**
 Arroyo Verde 149627

Project Address:
 6717 1/2 Rancho Toyon Place, San Diego, CA 92130

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):
 Earl Maas
 Owner Tenant/Lessee Redevelopment Agency
Street Address:
 3830 Valley Center Drive, Suite 705 PMB 722
City/State/Zip:
 San Diego, CA 92130
Phone No: (619) 252-8747 **Fax No:**
Signature: *Earl Maas* **Date:** 1/31/08

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):
 Patricia Maas
 Owner Tenant/Lessee Redevelopment Agency
Street Address:
 3830 Valley Center Drive, Suite 705 PMB 722
City/State/Zip:
 San Diego, CA 92130
Phone No: (619) 252-8747 **Fax No:**
Signature: *Patricia Maas* **Date:** 1/31/08

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
Street Address:

City/State/Zip:

Phone No: **Fax No:**
Signature: **Date:**