



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 1, 2013

REPORT NO. PC-13-077

ATTENTION: Planning Commission, Agenda of August 8, 2013

SUBJECT: RANCHO DEL SOL RESTORATION - PROJECT NO. 157399
PROCESS FOUR.

OWNER: BARCZEWSKI FAMILY TRUST

APPLICANT: Paul Metcalf, Metcalf Development & Consulting

SUMMARY:

Issue(s): Should the Planning Commission approve the restoration of a portion of a previously graded site developed with a nursery located at 3113 Rancho Santa Fe Farms Road within the Pacific Highlands Ranch Community Planning area?

Staff Recommendation(s):

1. **CERTIFY** Mitigated Negative Declaration No. 157399 and **ADOPT** the Mitigation, Monitoring and Reporting Program; and
2. **APPROVE** Site Development Permit No. 560724.

Community Planning Group Recommendation: On October 13, 2009, the Carmel Valley Community Planning Board, designated to review projects within the Pacific Highlands Ranch Planning area, voted 13-0-1 to recommend approval of the project with the request that consideration be given to installing a pedestrian trail on the site. Reference the Discussion section of the report (Attachment 8).

Environmental Review: Mitigated Negative Declaration No. 157399 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 within the environmental review process.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid in a deposit account maintained by the applicant.

Code Enforcement Impact: On June 5, 2001, the Neighborhood Code Compliance Section of the Development Services Department issued a Notice of Violation for un-permitted grading activity. A Stipulation in Full Settlement for Final Judgment of Permanent Injunction (Case No. GIC 801949) was issued on October 8, 2003. The approval and implementation of this Site Development Permit will satisfy compliance terms set forth in the Stipulated Judgment and will correct the violation.

Housing Impact Statement: None with this action.

BACKGROUND

The project proposes the habitat restoration of a portion of a previously graded site currently developed with a nursery located at 3113 Rancho Santa Fe Farms Road at its intersection with Caminito Mendiola within the Pacific Highlands Ranch Community Planning Area. The subject property includes an additional vacant parcel located north of SR-56, on the north side of Carmel Valley Road, with frontage on Carmel Valley Road and Rancho Santa Fe Lakes Drive. The property is zoned AR-1-1, RS-1-14 and OC-1-1. Portions of the property are within the Multiple Habitat Planning Area (MHPA) and the Coastal Overlay Zone. The site is designated as Open Space, MHPA and Residential within the community plan (Attachments 1-3).

The site is developed with the Rancho Del Sol Nursery established in 1984. The majority of the site is vacant consisting of areas used for the growing and storage of plants, a narrow unpaved access road and accessory structures including a manager's trailer. A segment of McGonigle Creek is located within the southern portion of the property. A segment of the Carmel Valley Trunk Sewer is also located within the southern portion of the site. Surrounding developments include single-family homes, vacant land owned by Pardee and a mix of open space and undeveloped land. Adjacent to the east is a vacant site that is designated for school use in the community plan (Attachment 4).

The subject property, excepting the vacant site located north of SR-56, is part of a previously approved Planned Residential Development (PRD) No. 86-0896 and State Coastal Commission Permit No. 6-86-699 approved in the late 1980s. The PRD created a 37-lot residential subdivision, (Rancho Del Sol) with additional parcels identified as an open space lot and as a negative farming easement lot along with a proposed future trail location. Two of these additional parcels are owned by the applicant and were developed with the nursery. The nursery is an allowable use per the underlying zoning, the community plan, the PRD, and the CDP.

As noted above, a Notice of Violation was issued by the Neighborhood Code Compliance Section for grading without required permits which resulted in a Stipulated Judgment in 2003 issued by the State Superior Court, *State Superior Court Stipulated Judgment - Case No. GIC*

801949 (“Stipulated Judgment”) between the State, the City of San Diego and the owner. Additionally in 2007, the Federal Army Corps of Engineers issued a Restoration Order, *Army Corps of Engineers (ACOE) Restoration Order No. SPL-2002-0667*, (“Restoration Order”) to the owner for violation of the Clean Water Act, alleging that dredged or fill material had been illegally discharged into McGonigle Creek and its tributary. The Stipulated Judgment requires that the owner restore the site to pre-existing conditions, or that permits are obtained for the as-graded condition. The Stipulated Judgment requires compliance with the Restoration Order issued by the Army Corps of Engineers. The Restoration Order states that the pond must be de-watered and the area returned to its pre-graded topography and condition (Attachments 5 and 6).

The project requires a Process 4 Site Development Permit for impacts to environmentally sensitive lands, including a deviation for impacts to wetlands. No new development is proposed with this application. The project would bring the site into compliance with the Notice of Violation, the Stipulated Judgment and the Restoration Order. No amendment is required to the PRD. Subsequent to the approval of the Site Development Permit, the applicant is required to obtain an amendment to the State-issued CDP to incorporate the approval of the Site Development Permit for the grading and biological restoration activities.

Stipulated Judgment/MND Parcel Identification: Please note that the Stipulated Judgment describes the subject property and the adjoining Pardee-owned property as 6 separate parcels based upon their assessor parcel numbers (APNs) issued by the County Assessor’s office. The APNs are also referenced in the Stipulated Judgment as “lots” utilizing the last 2 digits of the APN as the lot identifier. The MND utilized these descriptions. For purposes of the Planning Commission Report and draft Site Development Permit (SDP) documents, the subject property is identified by the legal description, although a cross reference to the lot identifier as described in the Stipulated Judgment and the MND has been included on the SDP Permit and Resolution.

DISCUSSION

Project Description:

The project consists of a Site Development Permit for impacts to environmentally sensitive lands and for restoration compliance, including the installation of biological remediation areas, with the Stipulated Judgment and Restoration Order for unauthorized grading. The limits of work involve a 14.3-acre area of the 32-acre subject property. The project includes the creation of an on-site wetland mitigation bank. The unauthorized grading consisted of elevating an approximate 150-foot section of an unpaved access road by the placement of fill on the dirt roadway and by adding a supporting berm within the area where it crossed a pre-existing drainage low point. The project proposes to maintain the existing elevated roadway. The applicant has indicated the road was raised in order to reduce on-site flooding.

Berming of the road blocked an existing ephemeral drainage course that is a tributary to McGonigle Creek on the property and on the adjacent lot to the east (Pardee-owned property). The berming that occurred to shore the roadway created a dam-like effect and over time, resulted

in the creation of a pond on the adjacent property. The pond supports sensitive biological resources including open water, southern riparian scrub and emergent freshwater marsh. A Jurisdictional Wetland Delineation and the City's Biology guidelines classify the off-site pond as both a State and Federal wetland.

In consultations with staff and the wildlife agencies, the owner proposes to bring the site into compliance by de-watering the off-site pond (as required by the Stipulated Judgment and Restoration Order) through the construction of a new lower culvert which would drain the pond, thereby returning the area to its pre-existing condition and restoring the natural hydrology of the tributary. However, as the pond that was created is classified as a wetland, compliance with the Stipulated Judgment and Restoration Order would result in impacts to sensitive biological resources located upstream and off-site of the project area. Although the project proposes impacts to a wetland through the drainage of open water and alteration of upstream vegetation associated with the ponded area. The project also proposed the restoration, creation and enhancement of this area and the area adjacent to McGonigle Creek currently used for the nursery operation, which would be covered with native wetland habitat. Thus the mitigation and bank areas would increase the value of the area to wildlife and result in a net gain of approximately 10 acres of high value biological resources (wetlands).

The project includes the following components:

1. Maintain the existing roadway.
2. Drain the off-site pond via and the construction of a new culvert prescribed by the Restoration Order to return the drainage course to its pre-existing elevation and condition. All work would be conducted on the applicant's site.
3. Create, enhance, and restore 2.51 acres of wetland area for existing and proposed impact mitigation.
4. Create, enhance and restore an on-site wetland mitigation bank of 10 acres in size and allow sale of mitigation credits.
5. Stockpile 80,000 cubic yards at an off-site lot. Stockpiled soils would be created through the dredging of soil necessary to create/prepare the proposed wetland creation area.

Project Issues:

Wetland Mitigation Bank

The project includes a proposal to voluntarily create a formal on-site wetlands mitigation bank totaling approximately 10 acres, including wetland creation of 9.52 areas and 0.49 restored/enhanced wetland areas over that required for mitigation, on portions of the site located within the floodplain of McGonigle Creek and within a tributary to McGonigle Creek. The wetland creation area is currently used for planting and stored landscape materials for the nursery and is within the MHPA. Creation of the wetlands involves excavation of approximately 80,000 cubic yards of dredged soil within existing agricultural land to a level that would support wetland habitat, removal of invasive species, and replanting the area with wetland container native species. Biological monitoring and maintenance as outlined within the Mitigated Negative

Declaration No.157399 requires successful restoration within a 5-year monitoring program.

The applicant intends the bank area to be a “for profit” wetland mitigation bank which could be used for future development projects. A Final Wetland Creation Plan, approved by the City and Wildlife Agencies and a Wetland Mitigation Bank Agreement, drafted by the applicant and submitted to the City and Wildlife Agencies, would be required prior to the issuance of grading permits.

After creation/enhancement/restoration is achieved, the required mitigation areas for project impacts and the excess wetland mitigation areas would be placed in covenant of easement areas and receive appropriate management for preservation in perpetuity or deeded to the City.

Stockpile/Off-Site

The excavated dredged soil would total approximately 80,000 cubic yards and would be placed east of SR-56 onto a vacant site owned by the applicant (Parcel 1 of PM 12337/ “Lot 5”), via a temporary stock pile permit for a maximum of 5 years after which the materials must be removed or appropriate permits obtained. As conditioned by this permit, the owner must enter into an Uncontrolled Embankment Agreement to the satisfaction of the City Engineer (Attachment 10, Condition No. 19).

Multiple Habitat Planning Area Correction

The project includes an MHPA Boundary Line Correction to remove a 0.7-acre portion of developed area from the MHPA and per the Wildlife Agencies, inclusion of a 2.7 acre portion of the property containing sensitive vegetation into the MHPA. The 2.7 acres is within an existing disturbed wetland vegetated portion of McGonigle Creek.

Wetland Impacts/Deviation Analysis

As noted above, the project would impact/drain an off-site wetland (pond) via lowering of an existing culvert as required by the Stipulated Judgment and Restoration Order for the purpose of returning the natural, pre-existing tributary to its original flow lines. The ESL regulations state that impacts to wetlands within the Coastal Overlay Zone shall be avoided and only certain uses identified in Section 143.0130(d) of the ESL regulations shall be permitted. These uses include restoration projects such as the proposed project. Further, the ESL regulations state that the least environmentally damaging feasible alternative shall be allowed and that adequate mitigation must be provided. The proposed restoration activities will mitigate for project impacts caused by draining of the pond and create an approximate 10 acres of excess wetland creation/restored areas over and above what is required. Staff’s analysis is that project impacts are unavoidable if the stipulation and restoration order are to be complied with and there is no feasible alternative. All impacts to biologically sensitive habitats would be reduced to less than significant levels via required full mitigation. The proposed habitat creation/restoration project is consistent with all of the ESL regulations regarding impacts to wetland areas.

Community Plan Analysis:

The Pacific Highlands Ranch Subarea Plan designates the nursery site as MHPA/Resource-based Open Space and the proposed stockpile site as Residential and the project area includes zones for Agriculture, Residential and Open Space. An overarching planning policy is the conservation of the MHPA as the foundation for the overall planning of Pacific Highlands Ranch. Policies in the plan protect resources within the MHPA (which encompasses over 48 percent of planning area) as well as supports restoration and enhancement of resource values. The project is in compliance with the plan as 2.7 acres of existing wetland would be added to the MHPA via a Boundary Line Correction and 10 acres of currently disturbed land would be a wetland creation area.

The majority of the project area proposed for environmental restoration is within the McGonigle Creek floodplain. The community plan acknowledges that McGonigle Creek as well as the McGonigle Canyon landform, are significant natural features in the community and identifies these features for conservation as MHPA/Resource-based Open Space. The Plan further notes that the community contains several major vegetation communities and sensitive species and that the majority of the more sensitive biological resources should be preserved. Much of McGonigle Canyon contains sensitive biological resources although portions of the Canyon, including most of the proposed restoration area, has been disturbed by past agricultural use. Invasive non-native plant species would be removed as a project implementation feature. The proposed restoration project is consistent with the community plan in that it would create, restore, enhance and preserve in perpetuity, biologically sensitive areas within the MHPA Open Space and through the creation of a wetland mitigation bank.

Environmental Analysis:

A Mitigated Negative Declaration (MND) No. 157399 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The City of San Diego conducted an Initial Study which determined that the proposed project could have significant environmental affects to biological resources and historical resources (archaeology and paleontology). Subsequent revisions in the project proposal create the specific mitigation identified in the MND and a Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level below significance, any potential impacts identified in the environmental review process.

Biological mitigation is required for existing and proposed impacts to sensitive biological resources, including wetlands. A proposed Wetland Mitigation Bank located entirely within the MHPA, would be established for existing and potential project impacts to biological resources and for potential future mitigation for other development projects. Additionally, for proposed impacts to 0.37 acres of southern maritime chapparal that are outside of the MHPA, mitigation would occur off-site at a 1:1 ratio through the purchase of mitigation credits from the Mooradian Property located between Del Mar Mesa Road and Caminito Vista Lujó or other acceptable location prior to issuance of grading permits. Please reference the table below for project impacts to biological resources:

<u>Existing/Proposed Impacts: Within and Outside of the MHPA</u>	<u>Acres Impacted</u>	<u>Mitigation Acres/Ratios Required</u>
Southern Maritime Chaparral (SMC)	0.37	0.37 (1:1)
Southern Riparian Scrub (SRS)	0.73	2.51 (3:1)
Open Water	1.05	2.10 (2:1)

Archaeological monitoring is also required, including Native American monitoring, due to the large amount of excavation proposed (80,000 cubic yards) and for the potential of encountering sensitive cultural resources within the river alluvium. Additionally, paleontological monitoring is required as the site proposes to excavate to depths of 7 feet, where the City's threshold require monitoring in high potential areas for excavation of 1,000 cubic yards to depths of 10 feet or greater. However, if a site has been previously graded, and if there is a possibility of encountering remains during construction activities, paleontological monitoring may be required given the extensive amount of grading. Last, the site is adjacent to the MHPA along the east, south and west of the proposed wetland mitigation area. As such, mitigation has been included pursuant to the MSCP Subarea Plan Land Use Adjacency Guidelines to address issues including drainage, lighting, access, toxins and noise to ensure there will be adverse impacts to MHPA land.

Community Planning Group Vote:

The Carmel Valley Community Planning Board voted 13-0-1 to recommend approval of the project with the request that consideration be given to installing a pedestrian trail on the site. The community plan identifies a trail alignment within McGonigle Canyon that would serve as a major east-west component of the regional trail system within or in the vicinity of the existing sewer easement. The trail is also identified as a Capital Improvement Project (CIP) in the Pacific Highlands Ranch Public Facilities Financing Plan with funding through the Facilities Benefit Assessment.

In order to align with planned/existing trails and keep biological impacts to a minimum, the most likely location for a trail would be within the existing sewer easement required for the Carmel Valley Trunk Sewer. The sewer easement is within McGonigle Canyon just south of the proposed restoration area. The existing permit for the trunk sewer replacement project acknowledges future trail planning and development efforts within the sewer easement to include a cooperative process between the Public Utilities Department, the Park and Recreation Department and the Carmel Valley Community Planning Board for procurement of a recreation easement and construction of a sewer maintenance road that could be acceptable to the Park and Recreation department for use as a trail. Staff therefore worked with the applicant to include a condition which addresses the community group's request by requiring the owner to execute an Irrevocable Offer to Dedicate (IOD) a recreational easement for trail purposes in favor of the City within the existing sewer alignment on-site. The condition in the permit would allow a future CIP project to exercise the IOD and obtain a trail easement within the sewer alignment as

part of a separate public trail project development application subject to additional environmental review. The community group is in concurrence with this condition (Attachment 10, Condition No. 37).

Conclusion:

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the proposed development and draft conditions of approval. Staff recommends that the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve Site Development Permit No. 560724, with modifications.**
2. **Deny Site Development Permit No. 560724, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Acting Deputy Director
Development Services Department

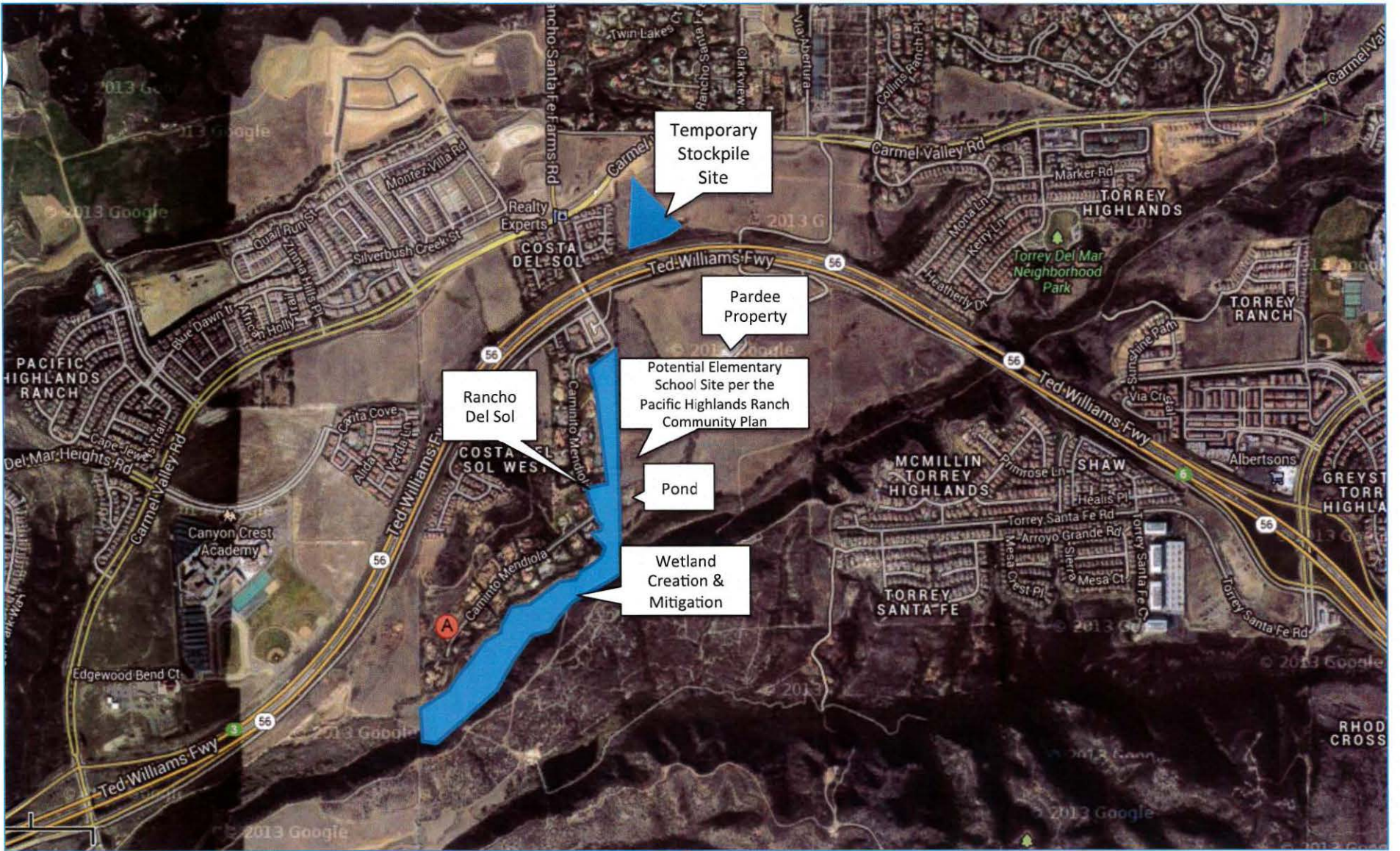


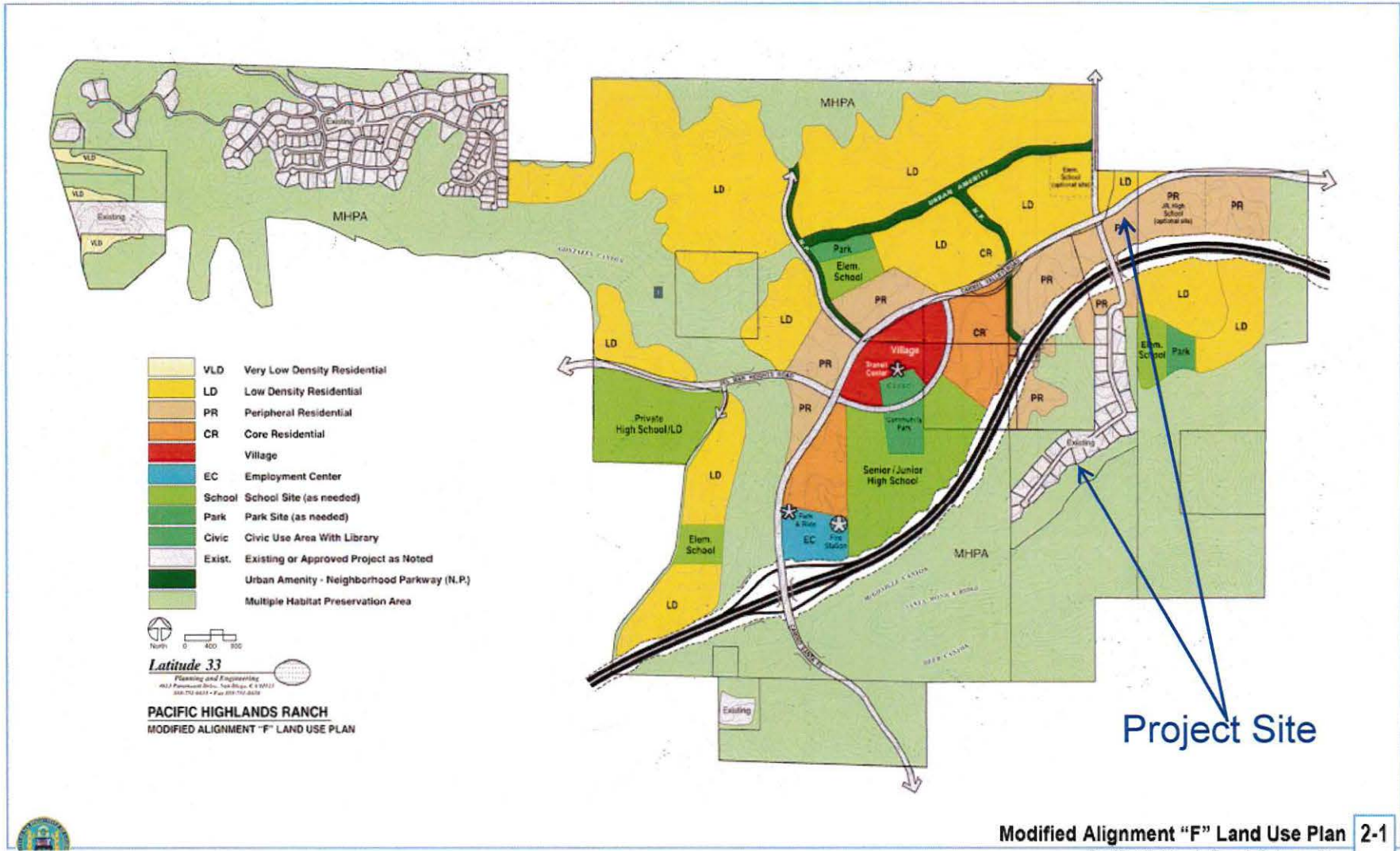
Sandra Teasley, Project Manager
Development Services Department

TOMLINSON/SMT

Attachments:

1. Aerial
2. Community Plan Land Use Map
3. Location Map
4. Aerial Maps of Site
5. Stipulated Judgment
6. Army Corp of Engineer Restoration Order
7. *No Attachment # 7*
8. Graphics (Tech Report/MND Info of Wetlands/Existing Improvements)
9. MHPA Boundary Line Adjustment



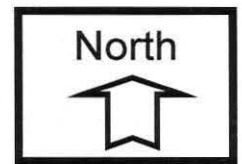


Modified Alignment "F" Land Use Plan 2-1
 Pacific Highlands Ranch Subarea Plan EXHIBIT

ATTACHMENT 2



Land Use Map
Rancho Del Sol
 PROJECT NO.157399





Project Site





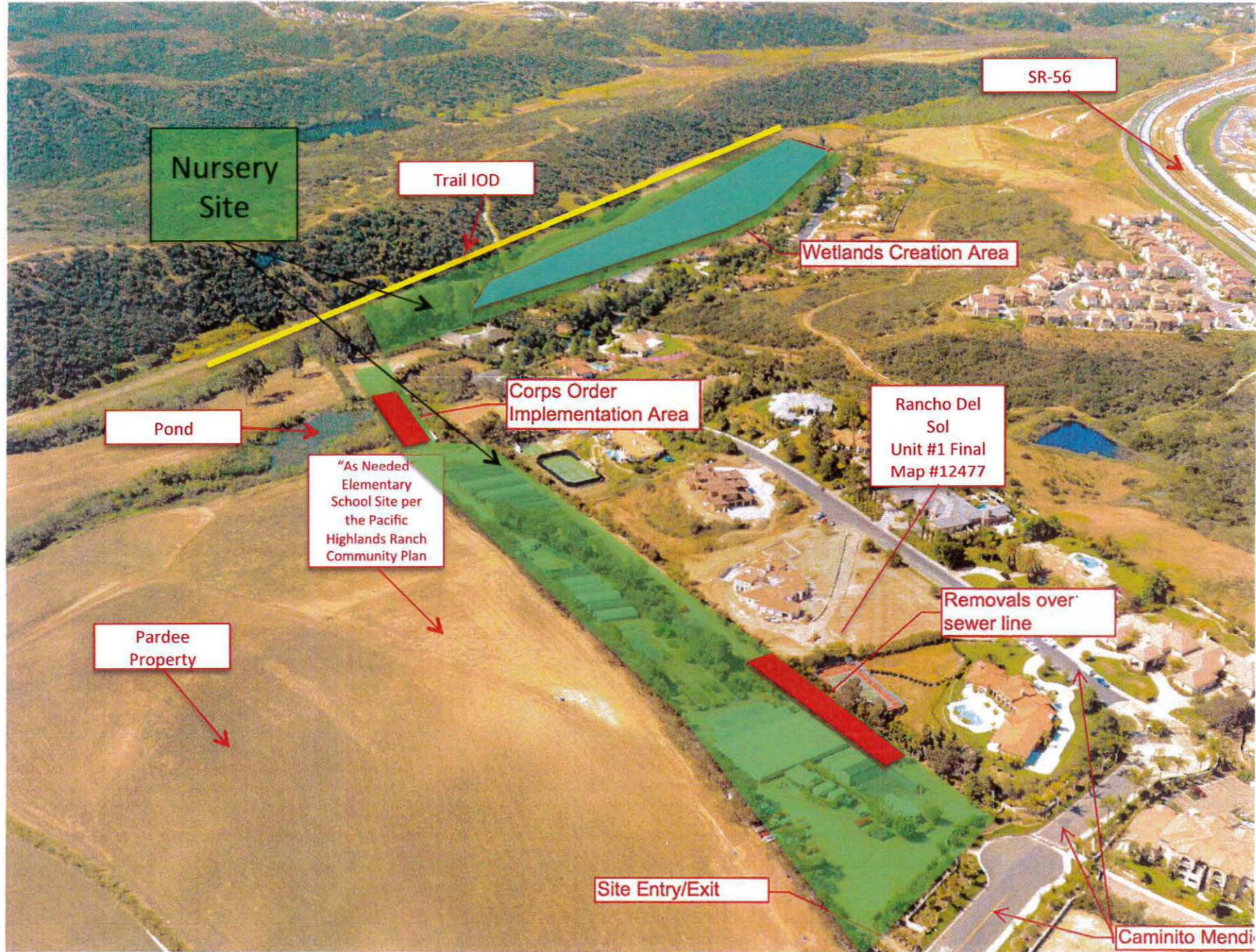
Wetlands Creation Area

Corps Order Implementation Area

Site Entry/Exit

Rancho Santa Fe Farms Road

Caminito Mendiola



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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

THE PEOPLE OF THE STATE OF CALIFORNIA; and THE CITY OF SAN DIEGO, a municipal corporation,

Plaintiffs,

v.

ROBERT D. BARCZEWSKI, individually, as Trustee Under Declaration of Trust Dated August 10, 1977, as President of RANCHO DEL SOL NURSERIES, INC., and as President of ZERO ENERGY SYSTEMS, INC.; RANCHO DEL SOL NURSERIES, INC., a California corporation; ZERO ENERGY SYSTEMS, INC., a California corporation; and DOES I through XX, inclusive,

Defendants.

Case No. GIC 801949
/C JUDGE E. MAC AMOS

STIPULATION IN FULL SETTLEMENT FOR FINAL JUDGMENT OF PERMANENT INJUNCTION; JUDGMENT THEREON [CCP § 664.6]

ROBERT D. BARCZEWSKI, as Trustee Under Declaration of Trust Dated August 10, 1977, as President of RANCHO DEL SOL NURSERIES, INC., a California corporation; and DOES 1 through 100, inclusive,

Cross-Complainants,

v.

PARDEE HOMES, a California corporation; THE CITY OF SAN DIEGO, a municipal corporation; and ROES 1 through 100, inclusive,

Cross-Defendants.

1 Plaintiffs/Cross-Defendant ("Plaintiffs"), the PEOPLE OF THE STATE OF
2 CALIFORNIA; and the CITY OF SAN DIEGO, a municipal corporation, appearing through their
3 attorney, Casey Gwinn, City Attorney, by Michael D. Neumeyer, Deputy City Attorney, and
4 Defendants/Cross-Complainant ("Defendants"), ROBERT D. BARCZEWSKI, individually, as
5 Trustee Under Declaration of Trust Dated August 10, 1977, as President of RANCHO DEL SOL
6 NURSERIES, INC., and as President of ZERO ENERGY SYSTEMS, INC.; RANCHO DEL
7 SOL NURSERIES, INC., a California corporation; ZERO ENERGY SYSTEMS, INC., a
8 California corporation (currently RANCHO DEL SOL NURSERIES, INC., a California
9 corporation), by and through their attorney, John W. Millar, enter into the following agreement in
10 full and final settlement of the above-captioned case without trial or adjudication of any issue of
11 fact or law, and agree that final judgment may be so entered.

12 1. This Stipulation in Full Settlement for Final Judgment of Permanent Injunction;
13 Judgment Thereon ("Stipulated Judgment") is executed as of October 8, 2003, between and
14 among Plaintiffs, the PEOPLE OF THE STATE OF CALIFORNIA; and the CITY OF SAN
15 DIEGO, a municipal corporation, and Defendants, ROBERT D. BARCZEWSKI, individually, as
16 Trustee Under Declaration of Trust Dated August 10, 1977, as President of RANCHO DEL SOL
17 NURSERIES, INC., and as President of ZERO ENERGY SYSTEMS, INC.; RANCHO DEL
18 SOL NURSERIES, INC., a California corporation; ZERO ENERGY SYSTEMS, INC., a
19 California corporation (currently RANCHO DEL SOL NURSERIES, INC., a California
20 corporation).

21 2. The Parties to this Stipulated Judgment are Parties to a civil suit pending in the
22 Superior Court of the State of California for the County of San Diego, entitled:

23 *THE PEOPLE OF THE STATE OF CALIFORNIA; and THE*
24 *CITY OF SAN DIEGO, a municipal corporation, Plaintiffs, v.*
25 *ROBERT D. BARCZEWSKI, individually, as Trustee Under*
26 *Declaration of Trust Dated August 10, 1977, as President of*
27 *RANCHO DEL SOL NURSERIES, INC., and as President of*
ZERO ENERGY SYSTEMS, INC.; RANCHO DEL SOL
NURSERIES, INC., a California corporation; ZERO ENERGY
SYSTEMS, INC., a California corporation; and DOES I through
XX, inclusive, Defendants.

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ROBERT D. BARCZEWSKI, as Trustee Under Declaration of Trust Dated August 10, 1977, as President of RANCHO DEL SOL NURSERIES, INC., a California corporation; and DOES 1 through 100, inclusive, Cross-Complainants, v. PARDEE HOMES, a California corporation; THE CITY OF SAN DIEGO, a municipal corporation; and ROES 1 through 100, inclusive, Cross-Defendants.

Civil Case No. GIC 801949.

3. The Parties wish to avoid the burden and expense of further litigation, and have decided to compromise and settle their differences set forth in the present action in accordance with this Stipulated Judgment. Neither this Stipulated Judgment, nor any of the statements or provisions contained herein, shall be deemed to constitute an admission or an adjudication of any of the allegations of the Complaint.

4. This action is brought under California law, and this Court has jurisdiction of its subject matter and the Parties.

INJUNCTION

Regarding the five parcels of land located southeast of the intersection of Black Mountain Road and Rancho Santa Fe Farms Road in the Carmel Valley Area of the City of San Diego, County of San Diego, State of California, more specifically, Assessor Parcel Nos. 305-060-20 ("Lot 20"), 305-040-21 ("Lot 21"), 305-021-16 ("Lot 16"), 305-041-01 ("Lot 01"), which is owned by PARDEE HOMES, however, limited to the first 350 feet from the west property line, or that area east of the west property line allegedly graded and or impacted by Defendants, whichever is greater, and 305-021-18 ("Lot 18"), which is owned by PARDEE HOMES, however, limited to the first 30 feet from the west property line, or that area east of the west property line allegedly graded and or impacted by Defendants, whichever is greater, hereinafter, the "PROPERTIES":

5. Defendants, and any of their directors, officers, partners, agents, employees, and representatives acting within the course and scope of their agency and employment, and all persons, corporations, or other entities acting by, through, under, on behalf of, or in concert with

1 Defendants, with actual or constructive knowledge of this Stipulated Judgment, shall be
2 permanently enjoined from engaging in or performing, directly or indirectly, any of the following
3 acts:

4 a. Beginning any development at the PROPERTIES, provided
5 Environmentally Sensitive Lands are determined to exist thereon, without first submitting
6 required documentation and obtaining a Site Development Permit, in violation of San Diego
7 Municipal Code section 143.0112;

8 b. Maintaining, using, or developing the PROPERTIES without a Site
9 Development Permit, if such a permit is required for the use or development, or maintaining,
10 using, or developing the PROPERTIES contrary to the requirements or conditions of an existing
11 Site Development Permit, in violation of San Diego Municipal Code section 126.0505.

12 c. Maintaining, using, or undertaking any coastal development on the
13 PROPERTIES without a Coastal Development Permit (if such a permit is required for the use or
14 development), or maintaining, using, or developing the PROPERTIES contrary to the
15 requirements or conditions of an existing Coastal Development Permit, or existing amendment to
16 said permit, in violation of San Diego Municipal Code section 126.0723.

17 d. Substantially diverting or obstructing the natural flow, or substantially
18 changing the bed, channel, or bank of any river, stream, or lake on the PROPERTIES, without
19 first notifying the California Department of Fish and Game of that activity, and 1) obtaining a
20 ruling from the Department that the activity will not substantially adversely affect an existing fish
21 or wildlife resource, or 2) the Department's proposals, or the decisions of a panel of arbitrators,
22 have first been incorporated into the activity, in violation of California Fish and Game Code
23 section 1603.

24 e. Conducting any grading work at the PROPERTIES without the required
25 Grading Permit, in violation of San Diego Municipal Code sections 129.0602 et seq.

26 f. Operating a Horticulture Nursery on the PROPERTIES, when such nursery
27 employs the use of buildings other than greenhouses, maintenance equipment storage buildings,
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1 and one building with a maximum area of 300 square feet for sales transactions, in violation of
2 San Diego Municipal Code section 131.0322/131.0323(b)(3).

3 g. Erecting, constructing, enlarging, repairing, improving, converting,
4 permanently relocating, or partially demolishing any building or structure at the PROPERTIES,
5 without first obtaining a separate Building Permit for each building or structure from the Building
6 Official, in violation of San Diego Municipal Code section 129.0202(a).

7 h. Installing, altering, adding to, or replacing any new or existing plumbing
8 system, or portion thereof, within or on the PROPERTIES, without first obtaining a
9 Plumbing/Mechanical Permit, in violation of San Diego Municipal Code section 129.0402(a).

10 i. Installing, altering, adding to, or replacing any new or existing electrical
11 wiring, device, appliance, or equipment within or on the PROPERTIES, without first obtaining an
12 Electrical Permit, in violation of San Diego Municipal Code section 129.0302.

13 j. Maintaining or using the PROPERTIES in violation of any of the
14 provisions of the Land Development Code, without a required permit, or contrary to permit
15 conditions, in violation of San Diego Municipal Code section 121.0302(a).

16 k. Depositing, permitting to pass into, or placing where it can pass into, the
17 waters of the State of California on (or adjacent to) the PROPERTIES, or abandoning, disposing
18 of, or throwing away, within 150 feet of the high-water mark of said waters, any cans, bottles,
19 garbage, motor vehicle or parts thereof, rubbish, or viscera or carcass of any dead mammal, or the
20 carcass of any dead bird, in violation of California Fish and Game Code section 5652.

21 l. Maintaining any public nuisance at the PROPERTIES, in violation of San
22 Diego Municipal Code section 121.0302(b)(4)/11.0210 or California Civil Code section
23 3479/3480.

24 m. Engaging in any form of unfair competition at the PROPERTIES, as
25 defined in California Business and Professions Code sections 17200 et seq.

26 n. Maintaining any violation of the San Diego Municipal Code, California
27 Civil Code; California Fish and Game Code, and California Business and Professions Code at

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1 the PROPERTIES, or at any other property owned or occupied by Defendants, individually or
2 collectively, within the City of San Diego.

3 6. **Within 30 days from the date of this Stipulated Judgment**, Defendants shall
4 obtain a Letter of Permission from Pardee Homes, a California corporation, thereby authorizing
5 Defendants, their agents and/or contractors, to enter onto the subject portions of Lots 01 and 18,
6 for the purpose of complying with the terms and conditions of this Stipulated Judgment.

7 7. **Within 45 days from the date of this Stipulated Judgment**, Defendants shall
8 remove any and all automobile tires, large metal pipes, piles of fertilizer, and any other
9 miscellaneous trash, junk, and/or debris from within and along the McGonigle Canyon Creek and
10 its tributary drainage on the PROPERTIES. Defendants shall contact the California Department
11 of Fish and Game ("CDFG") before commencing the work, and shall complete the work as
12 directed and/or supervised by CDFG. The 45-day time period may be extended by mutual
13 agreement of the Parties.

14 8. Defendants authorize the City of San Diego to enter onto the PROPERTIES, for
15 the purpose of televising the trunk sewer on Lot 20, and the 10-inch local main on Lots 21 and 16,
16 at twelve month intervals, or at shorter intervals if said televising is determined to be reasonably
17 necessary by the City of San Diego to assess the current condition of the sewer mains. The
18 Parties agree to negotiate, in good faith, how the cost of said televising will be allocated between
19 the Parties. However, if the Parties are unable to agree upon the allocation of said cost, then
20 Defendants shall pay for that percentage of the televising cost which the Court determines is
21 attributable to Defendants' acts, omissions, and/or the conditions on the PROPERTIES which
22 required said televising. In either event, Defendants shall pay Plaintiff, the City of San Diego,
23 that percentage of the televising cost, agreed to by Defendants or ordered by the Court, within 30
24 days of invoice.

25 9. In the event the televising (described in Paragraph 8 above) reveals damage to the
26 trunk sewer and/or local main in an area impacted by increased fill depths and/or use of heavy
27 equipment; and said damage is determined by the City of San Diego to present a significant risk
28 of pipe failure and/or sewage spill:

1 a. Defendants hereby authorize the City of San Diego to enter onto the
2 PROPERTIES, for the purpose of repairing and/or replacing the damaged portion of the sewer
3 main;

4 b. If it is determined by the Court that said damage to the sewer main was
5 caused, in whole or in part, by Defendants' unpermitted grading activity and/or use of heavy
6 equipment on that portion of the main, then Defendants shall pay Plaintiff, the City of San Diego,
7 that percentage of the cost for any such repair and/or replacement of the damaged main, which the
8 Court determines is attributable to Defendants' unpermitted grading activity and/or use of heavy
9 equipment.

10 10. **Within 45 days from the date of this Stipulated Judgment**, Defendants shall
11 submit an Erosion Control Plan, prepared by a licensed Professional Engineer, to the City of San
12 Diego Development Services Department ("DSD") for approval. The Erosion Control Plan must
13 conform with, among other things, each of the following:

14 a. The Plan must address all areas on the PROPERTIES containing any
15 exposed or uncompacted dirt or fill material whatsoever, as well as any uncontrolled
16 embankments;

17 b. The Plan must be designed to stabilize these areas, thereby controlling both
18 erosion and runoff onto adjacent properties, as well as any erosion and/or sediment transport into
19 the McGonigle Canyon Creek, its tributary drainage, and downstream into the Los Penasquitos
20 Lagoon;

21 c. The Plan must involve an appropriate combination of erosion control
22 measures, which may include, but are not limited to, hydro-seeding (native species only), silt
23 fencing, fiber rolls, sandbags, and/or hay bales;

24 d. The Plan must utilize Best Management Practices, in accordance with
25 Regional Water Quality Control Board and City of San Diego standards.

26 Note: Defendants shall provide an additional copy of the Erosion Control Plan to CDFG
27 and the United States Department of the Army, Corps of Engineers ("Corps"), for their review
28 and comment.

1 11. In the event DSD requests corrections to Defendants' Erosion Control Plan
2 (described in Paragraph 10 above), then **within 30 days from the date of any such request**,
3 Defendants shall resubmit their corrected Plan to DSD, CDFG, and the Corps.

4 12. Upon DSD's approval of Defendants' Erosion Control Plan (described in
5 Paragraph 10 above), Defendants shall **immediately** implement the erosion control measures in
6 accordance with the approved Plan, and obtain all necessary inspections and final approvals from
7 the City of San Diego. These erosion control measures must remain in place on the
8 PROPERTIES prior to, during, and after the permitting process described in this Stipulated
9 Judgment.

10 13. In the event of a large storm event, which causes any significant erosion or runoff
11 from the PROPERTIES onto adjacent properties, and/or causes any significant erosion or
12 sediment transport from the PROPERTIES into the McGonigle Canyon Creek, its tributary
13 drainage, and/or downstream into the Los Penasquitos Lagoon, Defendants shall hold harmless,
14 and indemnify, the City of San Diego (as well as all County, State, and Federal agencies) for any
15 resulting damage, injury, and/or loss caused by said erosion and/or runoff, but only to the extent
16 the Court determines that said damage, injury, and/or loss are attributable to Defendants' acts,
17 omissions, and/or the conditions on the PROPERTIES, taking into consideration Defendants'
18 implementation of the Erosion Control Plan approved by the City of San Diego (described in
19 Paragraphs 10 through 12 above).

20 14. **Within 150 days from the date of this Stipulated Judgment**, Defendants shall
21 submit each of the following reports to DSD:

22 a. A report, prepared by a licensed professional, which documents all
23 discretionary approvals and construction permits for the PROPERTIES, from July 1983 to the
24 present. The report must also include documentation of any and all agricultural use on the
25 PROPERTIES, from July 1983 to the present. Defendants shall attach to this report all
26 documents (including approved maps, drawings, and photographs), which establish and/or
27 corroborate each and every discretionary approval and construction permit for, and any
28 agricultural use on, the PROPERTIES during this time period;

1 b. A Biological Report, prepared by a licensed professional, which complies
 2 with the requirements of the City of San Diego's Biological Guidelines, dated July 2002. This
 3 report must address all prior (actual) impacts to biological resources on the PROPERTIES from
 4 1983 to the present, and separately address any and all future (proposed) impacts to said resources
 5 on the PROPERTIES. In addition, this report must include a Jurisdictional Delineation of waters
 6 of the United States (prepared in accordance with Corps standards), as well as an analysis of past
 7 and present Jurisdictional Wetlands (City, State, and Federal) impacted on the PROPERTIES;

8 c. A Hydrology Report/Analysis, prepared by a licensed Professional
 9 Engineer, which contains each of the following:

10 1) A Hydrology Study of the McGonigle Canyon Creek Watershed, to
 11 determine the Base Flood Quantities for the Creek (and surrounding tributary drainage) on the
 12 PROPERTIES; and,

13 2) Three Hydraulic Models, using the information from the Hydrology
 14 Study (described above), which demonstrates the flow quantities of the Base Flood through the
 15 PROPERTIES, for each of the following: i. the conditions on the PROPERTIES prior to the
 16 alleged unpermitted grading activity, ii. the current conditions on the PROPERTIES, and iii. the
 17 proposed project;

18 d. A Steep Slopes Analysis, prepared by a licensed Professional Engineer,
 19 which complies with the Steep Hillside regulations set forth in San Diego Municipal Code
 20 section 143.0142. This report must address the condition of all Steep Hillside on the
 21 PROPERTIES prior to the alleged unpermitted grading activity, the current condition of said
 22 hillsides, and any future impacts to said hillsides in connection with the proposed project.

23 15. **Within 60 days from the date of DSD's written response to Defendants'**
 24 **submittal (described in Paragraph 14 above), Defendants shall submit a complete set of plans**
 25 **(including all necessary drawings, photographs, calculations, reports, and fees), prepared by a**
 26 **licensed Professional Engineer, to DSD, for the purpose of obtaining either of the following**
 27 **permits:**

28

1 a. A Site Development Permit, to maintain Defendants' use and development
2 of Lots 20, 21, and 16 as a horticulture nursery, and to restore those portions of Lots 01 and 18,
3 which were previously graded and/or impacted by Defendants, to their original (pre-graded)
4 topography and condition, provided said restoration of Lots 01 and 18 is agreed to by DSD
5 (without objection by any County, State, and/or Federal agency). The plans for this permit must
6 address the alleged presence of Sensitive Biological Resources, the 100-Year Floodplain, and
7 Steep Hillsides on the PROPERTIES, and must incorporate all areas on the PROPERTIES which
8 have been (or will be) graded, cleared, grubbed, excavated, filled, terraced, and/or developed; or

9 b. A Grading Permit to restore those areas on the PROPERTIES, which were
10 previously graded, cleared, grubbed, excavated, filled, terraced, and/or developed, to their
11 original (pre-graded) topography and condition.

12 16. In the event DSD requests corrections to Defendants' plans regarding the Site
13 Development Permit (described in Paragraph 15(a) above), then **within 45 days from the date of**
14 **any such request**, Defendants shall resubmit their corrected plans to DSD.

15 17. **Within 60 days from the date of DSD's written response to Defendants'**
16 **submittal (described in Paragraph 14 above)**, Defendants shall submit a complete set of plans
17 (including all necessary drawings, photographs, calculations, reports, and fees), prepared by a
18 licensed Professional Engineer, to the California Coastal Commission ("CCC"), for the purpose
19 of obtaining an amendment to the previously issued Coastal Development Permit for Lots 20, 21,
20 and/or 16, to maintain Defendants' use and development of said Lots as a horticulture nursery.
21 The plans for this permit must incorporate all areas on the PROPERTIES (within CCC's
22 jurisdiction) which have been (or will be) graded, cleared, grubbed, excavated, filled, terraced,
23 and/or developed.

24 18. In the event CCC requests corrections to Defendants' plans regarding the
25 amendment to the Coastal Development Permit (described in Paragraph 17 above), then **within**
26 **45 days from the date of any such request**, Defendants shall resubmit their corrected plans to
27 CCC.

1 19. **Within 60 days from the date the Site Development and Coastal Development**
2 **Permits (described in Paragraphs 15(a) and 17 above) are issued by DSD and CCC,**
3 **respectively, Defendants shall submit a complete set of plans (including all necessary drawings,**
4 **photographs, calculations, reports, and fees), prepared by a licensed Professional Engineer, to**
5 **DSD, for the purpose of obtaining each of the following permits:**

6 a. A Grading Permit to maintain those areas on Lots 20, 21, and 16, which
7 have been (or will be) graded, cleared, grubbed, excavated, filled, terraced, and/or developed,
8 provided the Grading Plans are consistent with the requirements and conditions set forth in said
9 Site Development and Coastal Development Permits;

10 b. A Grading Permit to restore those portions of Lots 01 and 18, which were
11 previously graded, cleared, grubbed, excavated, filled, terraced, and/or developed by Defendants,
12 to their original (pre-graded) topography and condition, provided said restoration of Lots 01 and
13 18 is agreed to by DSD (without objection by any County, State, and/or Federal agency); and

14 c. A Building Permit to maintain any and all green houses, shade structures,
15 commercial coaches, trailers, and/or accessory structures on Lots 20, 21, and 16.

16 20. In the event DSD requests corrections to Defendants' plans regarding the Grading
17 and/or Building Permits (described in Paragraph 19 above), then **within 30 days from the date**
18 **of any such request, Defendants shall resubmit their corrected plans to DSD.**

19 21. **Within 90 days from the date DSD issues the Grading and Building Permits**
20 **(described in Paragraph 19 above), Defendants shall obtain all necessary inspections and final**
21 **approvals from the City of San Diego for each of these permits.**

22 22. If at any time DSD and/or CCC denies the Site Development and/or Coastal
23 Development Permits (described in Paragraphs 15(a) and 17 above), or the Court determines that
24 Defendants have failed to comply with Paragraphs 16, 18, and/or 20 above (requiring Defendants
25 to resubmit their corrected plans to DSD and CCC by their respective deadlines), then **within 60**
26 **days of either occurrence, Defendants shall apply for a Grading Permit to restore those portions**
27 **of the PROPERTIES which were previously graded, cleared, grubbed, excavated, filled, terraced,**
28 **and/or developed to their original (pre-graded) topography and condition.**

1 23. In the event DSD requests corrections to Defendants' plans regarding the Grading
2 Permit (described in Paragraphs 15(b) and 22 above), then **within 30 days from the date of any**
3 **such request**, Defendants shall resubmit their corrected plans to DSD.

4 24. **Within 90 days from the date DSD issues the Grading Permit** (described in
5 **Paragraphs 15(b) and 22 above**), Defendants shall obtain all necessary inspections and final
6 approvals from the City of San Diego for the Grading Permit.

7 25. **Within 180 days from the date of this Stipulated Judgment**, Defendants shall
8 submit a complete set of plans (including all drawings, photographs, calculations, reports, and
9 fees) to the appropriate State and/or Federal agencies, for the purpose of obtaining all necessary
10 permits for Defendants' alleged unpermitted development of the PROPERTIES, including but not
11 limited to, the following agencies and permits:

12 a. To the California Department of Fish and Game ("CDFG"), to obtain a
13 Streambed Alteration Agreement ("Agreement") in accordance with California Fish and Game
14 Code section 1603, which addresses any and all alterations to the McGonigle Canyon Creek and
15 its tributary drainage on the PROPERTIES, caused by Defendants' alleged unpermitted grading
16 activity within and along the Creek, as well as any and all impacts to alleged wildlife resources on
17 the PROPERTIES, including but not limited to, songbirds, raptors, rodents, reptiles, amphibians,
18 insects, and invertebrates. Defendants shall submit their plans to CDFG with a Complete
19 Notification Package and Notification Fee. In addition, Defendants shall complete all of the
20 required work in the Creek in accordance with the terms and conditions of the Agreement;

21 b. To the United States Department of the Army, Corps of Engineers
22 ("Corps"), to obtain a Corps of Engineers Permit, which addresses the alleged discharge of
23 dredged and/or fill material into the McGonigle Canyon Creek and adjacent riparian wetland
24 areas on the PROPERTIES (within Corps jurisdiction), as well as the alleged inundation of
25 riparian vegetation on or adjacent to the PROPERTIES.

26 26. In the event the State and/or Federal agencies request corrections to Defendants'
27 plans regarding the State and/or Federal permits (described in Paragraph 25 above), then **within**
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1 30 days from the date of any such request, Defendants shall resubmit their corrected plans to
2 the appropriate agencies.

3 27. Within 90 days from the date the State and Federal permits (described in
4 Paragraph 25 above) are issued, Defendants shall obtain all necessary inspections and final
5 approvals from the appropriate agencies for these permits.

6 28. Defendants shall provide an additional copy of all plans and corrected plans
7 (described in Paragraphs 10, 11, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, and 27 above) to Pardee
8 Homes, for their review and comment.

9 29. The Parties understand that Defendants seek to maintain their development and use
10 of Lots 20, 21, and 16, as permitted and approved by DSD, and that costs have been incurred to
11 date, are being incurred hereunder, and will continue to be incurred, in connection with the
12 permitting process, as required herein. Defendants agree to perform their obligations under
13 Paragraphs 6 through 35 of this Stipulated Judgment both timely and in good faith. Likewise,
14 Plaintiff, the City of San Diego, shall process any and all preliminary or actual permit
15 applications both timely and in good faith, with the understanding that Defendants shall be
16 afforded the opportunity to enjoy the highest and best use of Lots 20, 21, and 16, as allowed
17 under the San Diego Municipal Code.

18 30. Defendants agree that any act, intentional or negligent, or any omission or failure
19 by their contractor or agent to comply with the requirements set forth in Paragraphs 6 through 28
20 above will be deemed to be the act, omission, and/or failure of Defendants, and shall not
21 constitute a defense to a failure to comply with any part of this Stipulated Judgment. Further,
22 should any dispute arise between any contractor or agent and Defendants for any reason,
23 Defendants agree that such dispute shall not constitute a defense to any failure to comply with
24 any part of this Stipulated Judgment, nor justify a delay in executing the requirements herein.

25 31. Defendants shall allow inspectors from the City of San Diego access to all areas on
26 Lots 20, 21, and 16 to inspect and take photographs, for the purpose of monitoring Defendants'
27 compliance with the terms and conditions of this Stipulated Judgment:

28

- 1 a. Time: 8:00 a.m. - 4:00 p.m.;
- 2 b. Notice: 48 hours is required (notice to Defendants' attorney and to
- 3 Defendants' on-site manager for the Rancho Del Sol Nursery is sufficient).

MONETARY PAYMENTS

5 32. On the date this Stipulated Judgment is filed with the Court, Defendants shall
6 pay Plaintiffs the amount of \$221,000.00 (two hundred twenty-one thousand dollars and no
7 cents) as follows:

- 8 a. A payment of \$23,516.25 (twenty-three thousand five hundred sixteen
9 dollars and twenty-five cents), in costs, payable to the "City Treasurer";
- 10 b. A payment of \$176,483.75 (one hundred seventy-six thousand four
11 hundred eighty-three dollars and seventy-five cents), payable to the "City Treasurer";
- 12 c. A payment of \$21,000 (twenty-one thousand dollars and no cents),
13 payable to the "California Department of Fish and Game."

14 33. In the event Defendants fail to comply with any of the terms and conditions set
15 forth in Paragraphs 5 through 32 above, Defendants shall pay Plaintiffs civil penalties in the
16 amount of \$2,500 (two thousand five hundred dollars and no cents) per day, for each day
17 Defendants fail to comply with any of the terms and conditions set forth in Paragraphs 5 through
18 32 above. Such civil penalties, however, shall not accrue unless and until Defendants, or their
19 attorney of record, have been served with a Notice of Non-Compliance, providing Defendants a
20 grace period of 21 days to comply with the Paragraph(s) in question.

21 34. Any and all payments required under Paragraphs 32 and 33 (above) shall be in the
22 form of a cashier's check. Each payment shall be payable to the "City Treasurer," except for the
23 \$21,000 payment described in Paragraph 32(c) above, which shall be payable to the "California
24 Department of Fish and Game." All payments shall be delivered to the Office of the City
25 Attorney, Code Enforcement Unit, 1200 Third Avenue, Suite 700, San Diego, California 92101-
26 4103, Attention: Michael D. Neumeyer.

27
28

1 35. In the event of default by Defendants as to any amount due under this Stipulated
2 Judgment, Defendants shall pay Plaintiffs interest at the prevailing legal rate, from the date of
3 default to the date of final payment.

4 **ENFORCEMENT OF THIS STIPULATED JUDGMENT**

5 36. Nothing in this Stipulated Judgment shall prevent any Party from pursuing any
6 remedy as provided by law, to subsequently enforce this Judgment and/or the provisions of the
7 San Diego Municipal Code (or any other law), including but not limited to, civil contempt, civil
8 penalties, and/or criminal prosecution.

9 **RETENTION OF JURISDICTION**

10 37. Jurisdiction is retained for the purpose of enabling any Party to this Stipulated
11 Judgment to apply to this Court at any time for such further orders or directions as may be
12 necessary or appropriate for the enforcement, construction, operation, and/or modification of this
13 Judgment, or to assess monetary penalties in the event any of the Parties violate this Stipulated
14 Judgment.

15 **DISMISSAL OF DOES AND ROES**

16 38. All allegations as to Does I through XX, inclusive, and ROES 1 through 100,
17 inclusive, are dismissed.

18 **RECORDATION OF JUDGMENT**

19 39. Plaintiff shall record a copy of this Stipulated Judgment against Defendants'
20 properties (Assessor Parcel Nos. 305-060-20 (Lot 20), 305-040-21 (Lot 21), and 305-021-16 (Lot
21 16)) with the San Diego County Recorder's Office, the legal descriptions of which are as follows:

22 Lot 20

23 LOT 1 OF RANCHO DEL SOL UNIT 1, IN THE CITY OF SAN
24 DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA,
25 ACCORDING TO MAP THEREOF NO. 12477, FILED IN THE
26 OFFICE OF THE COUNTY RECORDER OF SAN DIEGO
27 COUNTY ON OCT 18, 1989.

25 Lot 21

26 PARCEL 3 OF PARCEL MAP NO. 12337, IN THE CITY OF
27 SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF
28 CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY
29 RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 24, 1982
30 AS FILE NO. 82-296204 OF OFFICIAL RECORDS.

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EXCEPTING THEREFROM LOTS 1 THROUGH 31, INCLUSIVE, AND LOT 32 OF RANCHO DEL SOL UNIT 1, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 12477, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON OCTOBER 18, 1989.

Lot 16

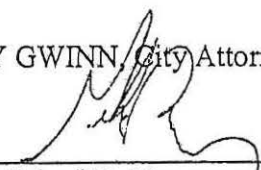
PARCELS 3 AND 4 OF PARCEL MAP NO. 12337, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 24, 1982 AS FILE NO. 82-296204 OF OFFICIAL RECORDS.

40. Upon verification by Plaintiffs that Defendants have fully complied with Paragraphs 5 through 35 above, Plaintiffs shall record an Acknowledgement of Satisfaction against Defendants' properties (Lots 20, 21, and 16) with the San Diego County Recorder's Office, wherein Plaintiffs shall acknowledge that the terms of this Stipulated Judgment are satisfied in full.

By signing this Stipulated Judgment, Defendants admit that they have personal knowledge of all the terms of this Stipulated Judgment as set forth herein. Service by mail shall constitute sufficient notice for all purposes.

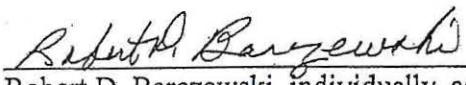
IT IS SO STIPULATED.

Dated: 10/8, 2003

CASEY GWINN, City Attorney
By 
Michael D. Neumeyer
Deputy City Attorney

Attorneys for Plaintiffs

Dated: 10/2, 2003


Robert D. Barczewski, individually, as Trustee Under Declaration of Trust Dated August 10, 1977, as President of Rancho Del Sol Nurseries, Inc., and as President of Zero Energy Systems, Inc.
Defendant

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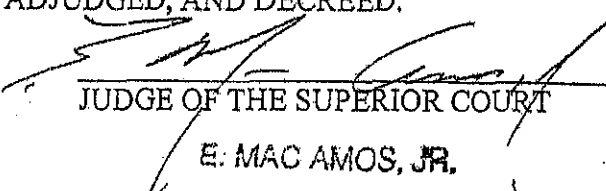
Dated: 10/7, 2003

Approved as to Form and Content

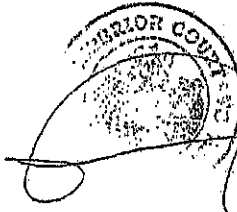

John W. Millar, Esq.
Attorney for Defendants

Upon the stipulation of the Parties hereto, and upon their agreement to the entry of Judgment without trial or adjudication of any issue of fact or law herein, and good cause appearing therefore, IT IS SO ORDERED, ADJUDGED, AND DECREED.

Dated: 10/8/03

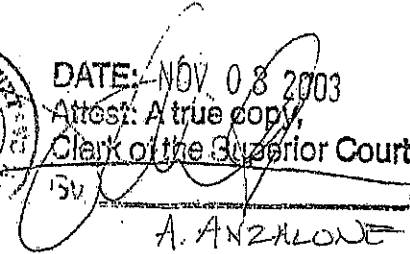

JUDGE OF THE SUPERIOR COURT

E. MAC AMOS, JR.



DATE: NOV 08 2003

Attest: A true copy,
Clerk of the Superior Court


A. ANZALONE

Deputy 17 PAGES



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
SAN DIEGO FIELD OFFICE
16888 WEST BERNARDO DRIVE, SUITE 300A
SAN DIEGO, CALIFORNIA 92127

REPLY TO
ATTENTION OF:

February 20, 2007

Regulatory Branch

**SUBJECT: ORDER FOR RESTORATION
NOTICE OF VIOLATION OF THE CLEAN WATER ACT
ENFORCEMENT CASE NO. SPL-2002-0667**

Mr. Robert Barczewski
6561 Black Mountain Road
San Diego, California 92130-1615

Dear Mr. Barczewski:

This letter concerns the Notice of Violation issued to you on April 22, 2002, for the unauthorized discharge of dredged or fill material into McGonigle Creek and its tributary. The unauthorized work was performed at and near 13307 Caminito Mendiola, south of the intersection of Rancho Santa Fe Farms Road and Carmel mountain/Black Mountain Road, in San Diego, San Diego County, California.

Following an investigation and with input from Federal and State resource agencies, the U.S. Army Corps of Engineers hereby requires you to dewater the pond that was created in the tributary to McGonigle Creek by the fill that was placed for the construction/upgrading of the access road to the property in question.

Your representatives, including your engineer, Mr. Mark Farrington, and your consultant, Mr. Michael Pallamary, met in my office on January 12, 2007 to discuss resolution of your long-standing enforcement action. Based on that meeting, a revised plan for dewatering the referenced pond was submitted to the Corps on February 8, 2007, which included a larger drain pipe to allow for wildlife migration and to prevent potential downstream erosion, as well as inlet and outfall protection.

The Corps has determined that, provided that you perform the work in accordance with the enclosed plans submitted by Farrington Engineering Consultants on February 8, 2007, we will take no further enforcement action and will close Enforcement Case No. 200200667-TCD. We will arrange a site visit upon project completion to verify compliance with this restoration order.

-2-

I am forwarding copies of this letter to: U.S. Fish and Wildlife Service, Attn: Mr. Jim Bartel, 6010 Hidden Valley Road, Carlsbad, California 92011; U.S. Environmental Protection Agency, Attn: David W. Smith, Chief, Wetlands Regulatory Office (WTR-8), 75 Hawthorne Street, San Francisco, California 94105; California Department of Fish and Game, Attn: Mr. Charles Raysbrook, 4949 View Ridge Ave., San Diego, California 92123; U.S. Department of Justice, U.S. Attorney's Office, Attn: Mr. Tom Stahl, Chief, Civil Division, 880 Front Street, Room 6293, San Diego, California 92101-8893; California Regional Water Quality Control Board, Region 9, San Diego Region, Attn: Mr. John Robertus, Executive Officer, 9174 Sky Park Court, Suite 100, San Diego, California 92123; and City of San Diego, Neighborhood Code Compliance Department, Attn: Mr. Michael S. Naggart, 1200 Third Avenue, San Diego, California 92101.

We appreciate your cooperation in bringing this enforcement case to resolution. If you have any questions regarding this matter, please call me at 1.858.674.5386.

Sincerely,



Terry Dean
Senior Project Manager
South Coast Section
Regulatory Branch

Enclosure(s)

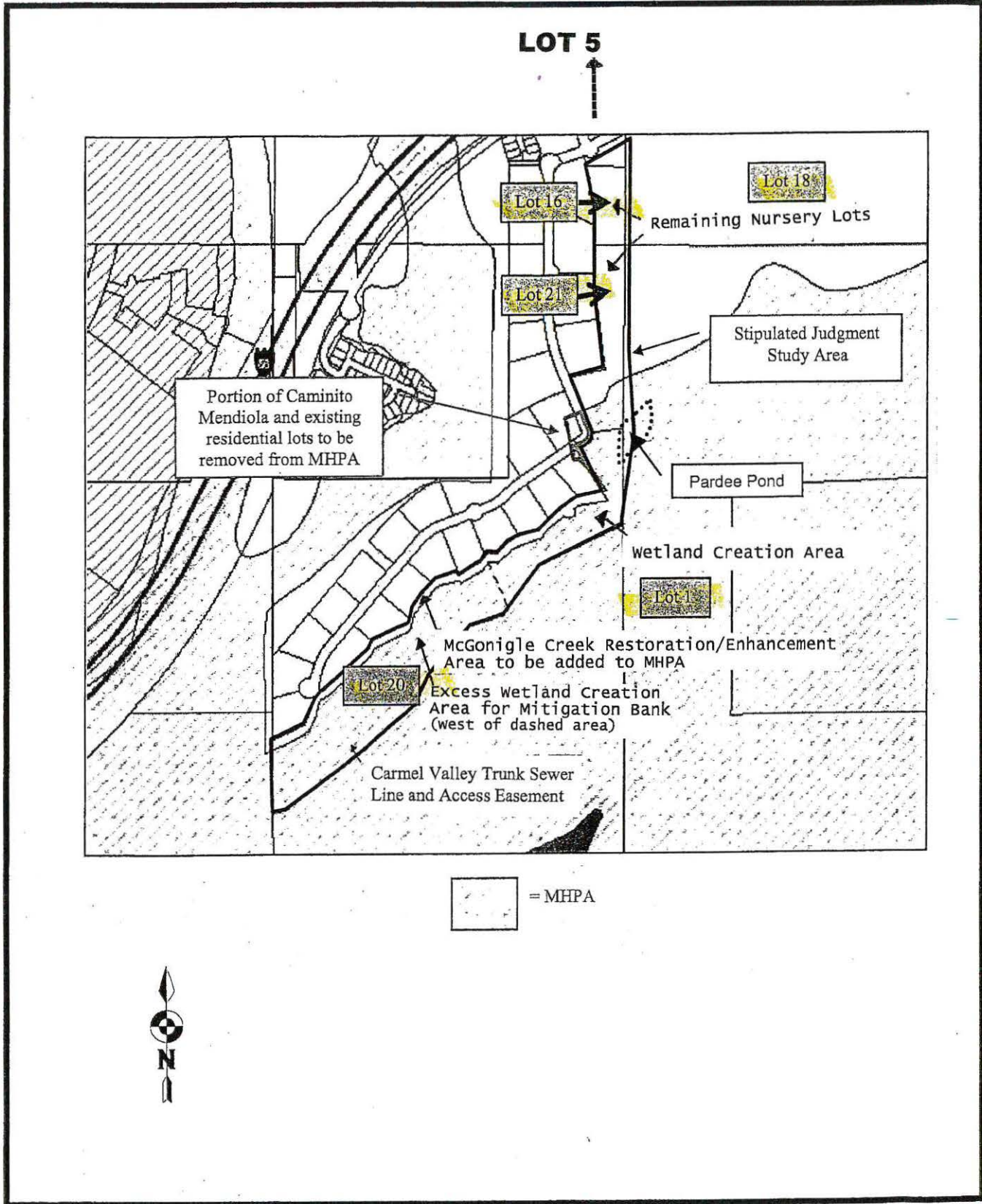
Cc:

Farrington Engineering Consultants
Attn: Mr. Mark A. Farrington, P.E., President
11679 Via Firul
San Diego, CA 92128

Pallamary & Associates
Land Use Consultants
Attn: Mr. Michael J. Pallamary, PLS
7755 Fay Avenue, Suite J
La Jolla, CA 92037

Figure 3. Aerial Photograph Showing Site Conditions as of 2004 – Rancho del Sol Stipulated Judgment Study Area





Site Plan

Rancho Del Sol/Project No. 157399

City of San Diego – Development Services Department

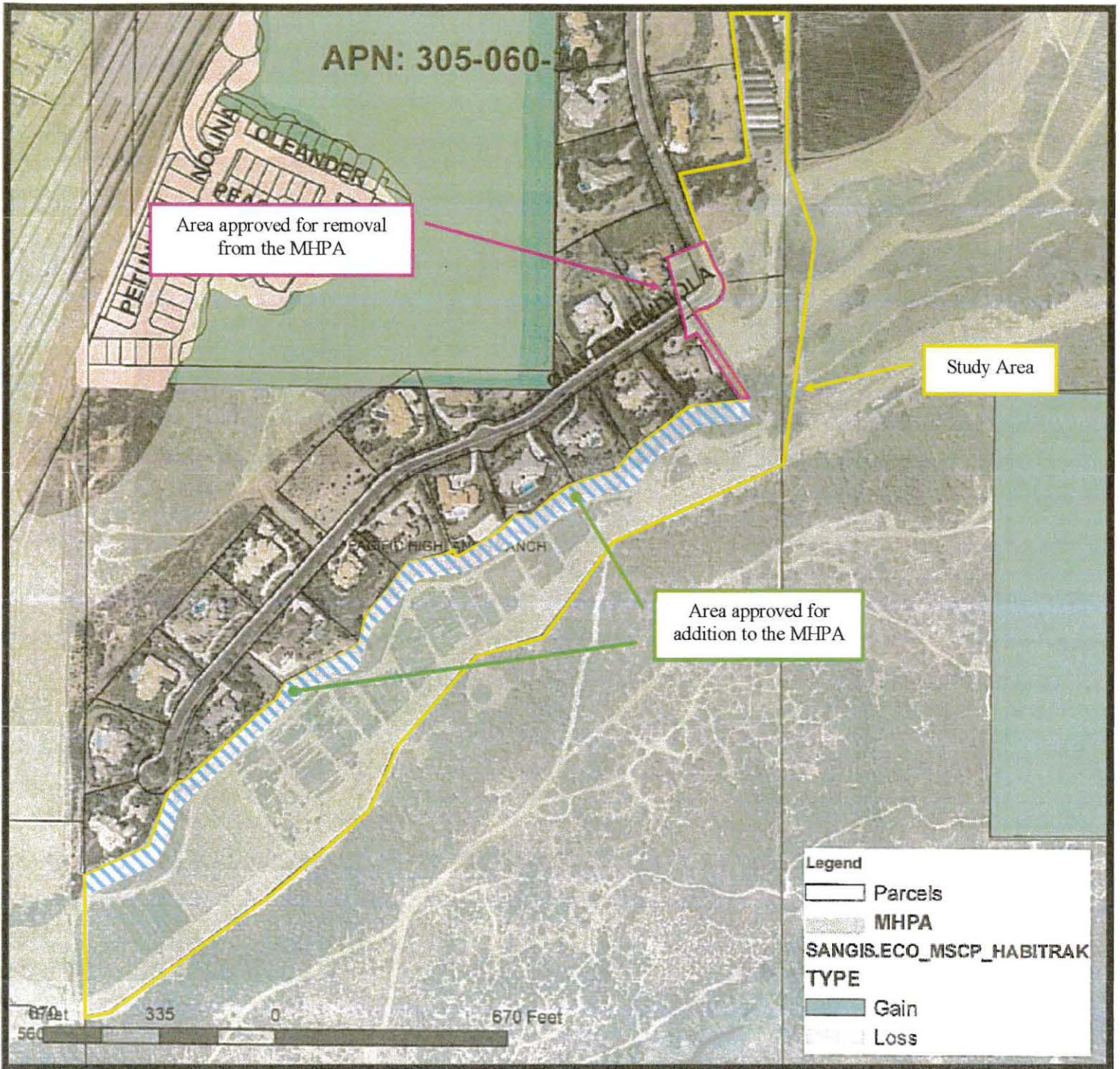
FIGURE
No. 2

Figure 3. Aerial Photo Showing Approximate Limits of Wetland Mitigation Bank



-  = Wetland creation area
-  = Wetland restoration/enhancement areas
-  = Portion of Wetland Mitigation Bank to be used as mitigation for impacts of Stipulated Settlement GIC 801949 (approx), based on requirements for wetlands restoration/enhancement (3.51 acres) and requirements for wetlands creation (1.78 acres)

Figure 7. Approved MHPA Boundary Correction – Rancho del Sol Stipulated Judgment Study Area



PLANNING COMMISSION RESOLUTION NO. XXX
 SITE DEVELOPMENT PERMIT NO. 560724
RANCHO DEL SOL RESTORATION - PROJECT NO. 157399
[MMRP]

WHEREAS, BARCZEWSKI FAMILY TRUST Owner/Permittee, filed an application with the City of San Diego for a permit to conduct restoration activities for a previously graded site, for compliance with State Superior Court Stipulated Judgment- Case No. GIC 801949 and compliance with the 2007 Army Corps of Engineers (ACOE) Restoration Order (No. SPL-2002-0667). The project includes the formation of a wetland mitigation bank and is described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 560724. The site totals approximately 32 acres.

WHEREAS, the project site is located at 3113 Rancho Santa Fe Farms Road at its intersection with Caminito Mendiola within the Pacific Highlands Ranch Community Planning Area. The subject property includes an additional vacant parcel located north of SR-56, on the north side of Carmel Valley Road, with frontage on Carmel Valley Road and Rancho Santa Fe Lakes Drive. The property is zoned AR-1-1, RS-1-14 and OC-1-1. Portions of the property are within the Multiple Habitat Planning Area (MHPA) and the Coastal Overlay Zone. The site is designated as Open Space, MHPA and Residential within Pacific Highlands Ranch Community Plan.

WHEREAS, the project site is described below, as identified by the current Assessor Parcel Number, and as identified in the State Superior Court Stipulated Judgment (SSCSJ). The Mitigated Negative Declaration also identifies two parcels under Pardee ownership which are not a part of the subject property.

LEGAL DESCRIPTION	ASSESSOR PARCEL NO.	SSCSJ LOT DESIGNATIONS
Lot 1 Rancho Del Sol Unit #1, Map No. 12477	305-060-20	"Lot 20" (Wetland Creation Area within area previously used for nursery)
Parcel 3, PM 20874	305-040-21	"Lot 21" (Nursery and portion of Wetland Creation Area)
Portion of Section 15 – T14S-R3W – Portion E ½ ROS 9915	305-021-28 (Formerly Parcel 18)	"Lot 18" (Pardee Property)
Parcel 3, PM 20874	305-021-33 (Formerly Parcel 16)	"Lot 16" (Nursery)
Portion of Section 15 – T14S-R3W – Portion E ½ ROS 9915	305-041-01	"Lot 1" (Pardee Property – Pond Location)
Parcel 1 of PM 12337	305-021-05	"Lot 5" (Stockpile Site north of SR-56)

WHEREAS, on August 8, 2013, the Planning Commission of the City of San Diego considered Site Development Permit No. 560724 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated August 8, 2013.

FINDINGS:

SITE DEVELOPMENT PERMIT SDMC Section No. 126.0504 (a).

1. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN.

The project proposes to conduct restoration activities for a previously graded site and compliance with State Superior Court Stipulated Judgment- Case No. GIC 801949 and compliance with 2007 Army Corps of Engineers (ACOE) Restoration Order (No. SPL-2002-0667). The project includes the formation of a wetland mitigation bank. The unauthorized grading consisted of elevating an approximate 150-foot section of an unpaved access road by the placement on top of the road. The project proposes to maintain the elevated roadway.

The restoration project components are as follows: Biological remediation of 14.3 acres including an 11.3-acre wetland creation area and a 3-acre phased wetland enhancement and restoration area; a temporary stockpile of 80,000 cubic yards of exported dredged soil from the wetland creation; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property into the MHPA per Wildlife Agency request; and maintenance of an existing nursery operation and an elevated roadway.

The Pacific Highlands Ranch Subarea Plan designates the site as MHPA/Resource-based Open Space and the property is zoned for Agriculture, Residential and Open Space. An overarching planning policy is the conservation of the MHPA as the foundation for the overall planning of Pacific Highlands Ranch. Policies in the plan protect resources within the MHPA (which encompasses over 48 percent of planning area) as well as supports restoration and enhancement of resource values.

The majority of the project area proposed for environmental restoration is within the McGonigle Creek floodplain. The community plan acknowledges that McGonigle Creek as well as the McGonigle Canyon landform are significant features in the community and identifies these features for conservation as MHPA/Resource-based Open Space. The Plan further notes that the community contains several major vegetation communities and sensitive species and that the majority of the more sensitive biological resources would be preserved.

Much of McGonigle Canyon contains the more sensitive biological resources although portions of the Canyon including most of the proposed restoration area, has been disturbed by past agricultural use. Invasive non-native plant species would be removed as a project implementation feature. The proposed restoration project is consistent with the community plan in that it would create, restore, enhance and preserve in perpetuity, biologically sensitive areas within the MHPA Open Space through the creation of the wetland mitigation bank.

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 conduct restoration activities for a previously graded site and compliance with State Superior Court Stipulated Judgment- Case No. GIC 801949 and compliance with 2007 Army Corps of Engineers (ACOE) Restoration Order (No. SPL-2002-0667). The project includes the formation of a wetland mitigation bank. The unauthorized grading consisted of elevating an approximate 150-foot section of an unpaved access road by the placement of fill on top of the road. The project proposes to maintain the elevated roadway.

The restoration project components are as follows: Biological remediation of 14.3 acres including an 11.3-acre wetland creation area and a 3-acre phased wetland enhancement and restoration area; a temporary stockpile of 80,000 cubic yards of exported dredged soil from the wetland creation; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property into the MHPA per Wildlife Agency request; and maintenance of an existing nursery operation and elevated roadway.

The site is partially developed with a horticultural nursery facility which is an allowable use within the community plan and the underlying zone. The proposed project would correct a grading violation, restore the McGonigle tributary to its previously existing natural flow lines and, create a wetland mitigation bank thereby mitigating project impacts and making available mitigation lands for future development proposals. Once created, enhanced/restored wetland areas would be placed in a conservation easement or some other similar mechanism to protect these lands in perpetuity. McGonigle Creek, located within the interior of the site, would have invasive species removed. A Mitigated Negative Declaration (No. 157399) was prepared for the project for potential impacts to Biological, Archaeological (Historical) and Paleontological resources. Implementation of the Mitigation Monitoring and Report Program as outlined in Section V of the MND, would reduce impacts to these resources to a level below significance.

The Rancho Del Sol Restoration project will not be detrimental to public health, safety and welfare in that the permit controlling the development for this site contains specific conditions addressing the project compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area.

Based on the design measures incorporated into the project, and the permit conditions controlling the remediation work required of the project, the proposed development will not be detrimental to the public health, safety, and welfare.

3. THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE REGULATIONS OF THE LAND DEVELOPMENT CODE.

The project proposes to conduct restoration activities for a previously graded site and compliance with State Superior Court Stipulated Judgment- Case No. GIC 801949 and compliance with 2007 Army Corps of Engineers (ACOE) Restoration Order (No. SPL-2002-0667). The project includes the formation of a wetland mitigation bank. The unauthorized grading consisted of elevating an approximate 150-foot section of an unpaved access road by the placement of fill on top of the road. The project proposes to maintain the elevated roadway.

The restoration project components are as follows: Biological remediation of 14.3 acres including an 11.3-acre wetland creation area and a 3-acre phased wetland enhancement and restoration area; temporary stockpile of 80,000 cubic yards of exported dredged soil from the wetland creation; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property to be added into the MHPA; and, maintenance of an existing nursery operation and an elevated roadway.

The project complies with the regulations of the Land Development Code and restores and enhances previously disturbed environmentally sensitive lands that are the subject of a code enforcement action and the above referenced Stipulated Judgment. As allowed by the Environmentally Sensitive Lands regulations, the project proposes deviations for Environmentally Sensitive Lands (wetlands habitat) in order to complete the required restoration.

As noted above, the restoration project would impact a wetland via the draining of the off-site pond as required by the Stipulated Judgment and Restoration Order for the purpose of returning the natural, pre-existing tributary to its original flow lines. Once the water has been transferred, a new culvert must be constructed to return the drainage course to its pre-existing elevation and condition, to the same elevation of the creek bed. Pursuant to the City's Environmentally Sensitive Lands (ESL) regulations, impacts to wetlands must be avoided, or if avoidance is not feasible, minimization of impacts to the maximum extent practicable and full mitigation is required.

Within the coastal zone, only aquaculture, wetlands-related scientific research and education uses, wetland restoration projects and incidental public service projects are allowed. The project will be complying with ESL mitigation ratios for the off-site pond that is impacted as well as providing required wetland deviation findings. The on-site component of the project shall consist of creation/enhancement and restoration of wetland habitat which is allowed in the coastal overlay zone.

These on-site activities will create 9.52 acres of excess wetland creation area and 0.49 acres of excess restored/enhanced wetland area over and above what is required for the stipulation judgment, restoration order and proposed mitigation. All impacts to biologically sensitive habitats would be reduced to less than significant levels. The drainage of the pond is stipulated by the Restoration Order and is therefore considered unavoidable.

The proposed development would comply with all other applicable Land Development Code (LDC) regulations, including grading, landscape, fire protection, storm water management and drainage, as evidenced by project plans and technical studies. As such, the proposed development will comply with the applicable regulations of the LDC including any allowable deviations pursuant to the Land Development Code.

ENVIRONMENTALLY SENSITIVE LANDS - SUPPLEMENTAL FINDINGS 126.0504
(b)

1. THE SITE IS PHYSICALLY SUITABLE FOR DESIGN AND SITING OF THE PROPOSED DEVELOPMENT AND THE DEVELOPMENT WILL RESULT IN MINIMUM DISTURBANCE TO ENVIRONMENTALLY SENSITIVE LANDS.

The project proposes to conduct restoration activities for a previously graded site and compliance with State Superior Court Stipulated Judgment- Case No. GIC 801949 and compliance with 2007 Army Corps of Engineers (ACOE) Restoration Order (No. SPL-2002-0667). The project includes the formation of a wetland mitigation bank. The unauthorized grading consisted of elevating an approximate 150-foot section of an unpaved access road by the placement of fill on top of the road. The project proposes to maintain the elevated roadway.

The restoration project components are as follows: Biological remediation of 14.3 acres including an 11.3-acre wetland creation area and a 3-acre phased wetland enhancement and restoration area; temporary stockpile of 80,000 cubic yards of exported dredged soil from the wetland creation; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property to be added into the MHPA; and, maintenance of an existing nursery operation and an elevated roadway.

Technical reports and plans submitted to the City support the finding that the site is suitable for the proposed development, and that the proposed development will result in minimum disturbance to environmentally sensitive lands. The documents include: “*A Wetland Creation Plan - For the Rancho Del Sol Project* and the *McGonigle Creek Wetland Mitigation Bank* (Vince Scheidt, December 2012); *Results of a Forensic Biological Survey - Rancho del Sol Stipulated Judgment Study Area, GIC 801949, Carmel Valley, City of San Diego*, (Vince Scheidt, November 12, 2012); *Jurisdictional Wetland Delineation Report for the Rancho del Sol Stipulated Judgment Study Area* (Vince Scheidt, June 2012). *Water Quality Study -APN #305-021-0500, Rancho Del Sol*, (Lyle Engineering, December 2011); *Rancho Del Sol Export Plan, Drainage Study* (Lyle Engineering, December 2011); *Barczewski Property, McGonigle Canyon Creek Floodplain and Hydrology Study* (Lyle Engineering, June 2010); *Letter of Map Revision for McGonigle Canyon Creek*, (Lyle Engineering, March 2010); *Water Quality Technical Report -Barczewski Property, Rancho Del Sol*, (Lyle Engineering, May 2008); *Barczewski Property McGonigle Canyon Creek Floodplain Study* (Lyle Engineering, February 2008); and a scientific research paper entitled “*Biological Remediation of Hydrocarbon and Heavy Metals Contaminated Soil*” in the journal of *Soil Contamination* by O. Peter Abioye (2011) and found at <http://www.intechopen.com/books/soil-contamination/biological-remediation-of-hydrocarbon-and-heavy-metals-contaminated-soil>.

These documents combined address biology, storm water runoff and water quality, and cultural resources affected by the project and the proposal has thereby been deemed physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands and lead to a net 10-acre gain of newly created wetlands. Therefore, the site is physically suitable for 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 conduct restoration activities for a previously graded site and compliance with State Superior Court Stipulated Judgment- Case No. GIC 801949 and compliance with 2007 Army Corps of Engineers (ACOE) Restoration Order (No. SPL-2002-0667). The project includes the formation of a wetland mitigation bank. The unauthorized grading consisted of elevating an approximate 150-foot section of an unpaved access road by the placement of fill above the road. The project proposes to maintain the elevated roadway.

The restoration project components are as follows: Biological remediation of 14.3 acres including an 11.3-acre wetland creation area and a 3-acre phased wetland enhancement and restoration area; temporary stockpile of 80,000 cubic yards of exported dredged soil from the wetland creation; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property to be added into the MHPA; and, maintenance of an existing nursery operation and elevated roadway.

The project proposes to maintain an elevated roadway which was raised by the placement of fill beneath the road. Fill was placed above a dirt roadway which caused a drainage channel on the adjacent lot (Pardee ownership) to become partially blocked, creating a pond. The project proposes to maintain the elevated roadway however, the offsite pond and the one-acre area adjacent to it, would be restored to their original topography and previously existing flow lines. Thus the project would not adversely affect on- and off-site drainage patterns and would not result in substantial erosion or siltation on or off-site.

In addition to the reports listed under Supplemental Finding 1, the project required the preparation of a geological report entitled *Summary of Geotechnical Findings and Fill Evaluation Investigation*, dated June 2008 and May 2009 which concluded that the site is not located within a known active Earthquake Fault Zone and the project is not developing habitable structures. The nearest active fault in the area is the Rose Canyon Fault, which is located approximately 8 miles to the southwest. The area north of SR-56 which will be used as a temporary stockpile site and the area just south of SR-56 which has been utilized for plant nursery and office facility for Del Sol Nursery are both located in Geologic Hazard Zone (HZ) 53. This zone is characterized as being level or sloping, with unfavorable geologic structure with low to moderate risk to development.

According to the geotechnical documents (Christian Wheeler Engineering, June 2008 and May 2009) one portion of the site, the area south of McGonigle Creek where nursery plants were stored and where the majority of the wetland creation would occur, is located within HZ 32, which is characterized as being in an area with a low potential for liquefaction with fluctuating groundwater and minor drainages. The project would be required to utilize proper engineering design and utilization of standard construction practices contained in the California Uniform Building Code (UBC 2007).

Per the water quality technical report that was prepared for the project entitled *Water Quality Technical Report*, dated December 2011; the project would comply with all storm water quality standards both during and after construction using approved Best Management Practices (BMPs). Standard engineering requirements and BMPs would ensure that soil erosion would be minimized to a less than significant level. At the 4.5 acre stock pile site on "Lot 5", temporary landscaping would be provided and project runoff would be directed to and collected in a detention facility. The project would also comply with all Regional Water Quality Control Board standards to protect water quality. The removal of the impoundment to restore natural hydrologic flow to McGonigle Creek (i.e. draining the agricultural pond), and creation, enhancement and restoration of downstream wetland are considered to be Low Impact Design BMPs. The specific LID BMPs on-site that are to be employed as project features include conservation of natural areas, soils and vegetation, minimization of impacts to natural drainages; create no new impervious surfaces; and minimize soil impaction.

Due to the existence of the special flood hazard area and the existing and proposed site work, the project required the preparation various engineering studies including the following: *Water Quality Study -APN #305-021-0500, Rancho Del Sol, (Lyle Engineering, December 2011); Rancho Del Sol Export Plan, Drainage Study (Lyle Engineering, December 2011); Barczewski Property, McGonigle Canyon Creek Floodplain and Hydrology Study (Lyle Engineering, June 2010); Letter of Map Revision for McGonigle Canyon Creek, (Lyle Engineering, March 2010); Water Quality Technical Report -Barczewski Property, Rancho Del Sol, (Lyle Engineering, May 2008); and, Barczewski Property McGonigle Canyon Creek Floodplain Study (Lyle Engineering, February 2008).*

No stream or river would be substantially altered by restoration activities. The study concluded that the adjacent homes to the north would be 2-feet above a projected 100-year flood level. Thus the project would not adversely affect on and off-site drainage patterns and would not result in substantial erosion or siltation on or off-site.

The property is not located within an area that requires brush management. The associated "Exhibit A" includes an erosion control plan and landscape plan that provide measures to prevent soil erosion and stabilize graded areas.

Based on design measures incorporated into the project and the conclusions in the technical studies prepared for the project, it is found that the proposed development will minimize alteration of natural landforms and will not result in undue risks from geologic and erosional forces, flood 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 conduct restoration activities for a previously graded site and compliance with State Superior Court Stipulated Judgment- Case No. GIC 801949 and compliance with 2007 Army Corps of Engineers (ACOE) Restoration Order (No. SPL-2002-0667). The project includes the formation of a wetland mitigation bank.

The restoration project components are as follows: Biological remediation of 14.3 acres including an 11.3-acre wetland creation area and a 3-acre phased wetland enhancement and restoration area; temporary stockpile of 80,000 cubic yards of exported dredged soil from the wetland creation; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property to be added into the MHPA; and, maintenance of an existing nursery operation and an elevated roadway.

Adjacent to the nursery site to the west is residential development permitted by Planned Residential Development Permit located along Caminito Mendiola. Adjacent to the east is Pardee-owned undeveloped land and open space to the south.

A mix of open spaces and undeveloped land is located to the west. Portions of the property are within and adjacent to the MHPA in the southern area of the site. The restoration activities would occur entirely within private property. Due to the proximity of the MHPA, the project must comply with the Land Use Adjacency Guidelines contained within Section 1.4.3 of the City's MSCP Subarea Plan which includes requirements and restrictions including lighting, draining, landscaping, grading, noise and access to ensure there will be no impacts to the MHPA.

Therefore, the proposed development will be sited and 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 conduct restoration activities for a previously graded site and compliance with State Superior Court Stipulated Judgment- Case No. GIC 801949 and compliance with 2007 Army Corps of Engineers (ACOE) Restoration Order (No. SPL-2002-0667), and, formation of a wetland mitigation bank.

The restoration project components are as follows: Biological remediation of 14.3 acres including an 11.3-acre wetland creation area and a 3-acre phased wetland enhancement and restoration area; temporary stockpile of 80,000 cubic yards of exported dredged soil from the wetland creation; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property to be added into the MHPA; and, maintenance of an existing nursery operation and elevated roadway.

A mix of open space and undeveloped land is located to the west. The restoration activities would occur entirely within private property. Portions of the property are in McGonigle Creek, within the MHPA and adjacent to the MHPA. Therefore the project must comply with the Land Use Adjacency Guidelines contained within Section 1.4.3 of the City's MSCP Subarea Plan which includes requirements and restrictions for lighting, draining, landscaping, grading, noise and access to ensure there will be no impacts to the MHPA. These measures have been incorporated into the Mitigation, Monitoring and Reporting Program.

The project would include an MHPA boundary line correction at the elbow of Caminito Mendiola to remove a 0.7-acre portion of a currently developed area (part of the Rancho Del Sol PRD) and roadway area (a small portion of Caminito Mendiola) that are currently within the MHPA. To compensate, 2.7 acres on-site within the northern boundary of the area that contains McGonigle Creek would be added into the MHPA. Corrections to MHPA maps may be allowed at the project level to rectify a minor mapping error.

The proposed Site Development Permit will conform to the MSCP Subarea Plan and MHPA as development is restricted to that specified under the Stipulated Judgments and Restoration Order and any associated grading and mitigation for wetland impacts. No development is proposed for sensitive MHPA lands other than remediation for prior unauthorized activities. The MHPA boundary line correction will result in additional lands incorporated into the MHPA. Therefore, 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 proposed project is not located near a public beach or the shoreline. Therefore, the project would not contribute to erosion of public beaches and would not 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.

Mitigation measures have been identified and incorporated into permit conditions to ensure adherence to design features shown on Exhibit "A" and the technical study recommendations used in preparing a Mitigated Negative Declaration No. 157399 and Mitigation, Monitoring, and Reporting Program (MMRP) for the project. The MMRP measures for the project include adherence to the MHPA Land Use Adjacency Guidelines, a requirement for an on-site biological and paleontological monitor during grading activities, the requirement for an on-site certified archaeologist/historian and Native American Observer during grading are required.

Biological mitigation is required for existing and proposed impacts to sensitive biological resources, including wetlands. A proposed Wetland Mitigation Bank located entirely within the MHPA, would be established for existing and potential project impacts to biological resources and for potential future mitigation for other development projects. For proposed impacts to 0.37 acres of southern maritime chaparral that are outside of the MHPA, mitigation would occur off-site at a 1:1 ratio through the purchase of mitigation credits from the Mooradian Property located between Del Mar Mesa Road and Caminito Vista Lujó. Please reference the table below for project impacts to biological resources:

<u>Existing/Proposed Impacts; Within and Outside of the MHPA</u>	<u>Acres Impacted</u>	<u>Mitigation Acres/Ratios Required</u>
Southern Maritime Chaparral (SMC)	0.37	0.37 (1:1)
Southern Riparian Scrub (SRS)	0.73	2.51 (3:1)
Open Water	1.05	2.10 (2:1)

Archaeological monitoring is also required, including Native American monitoring, due to the large amount of excavation proposed (80,000 cubic yards) and for the potential of encountering sensitive cultural resources within the river alluvium. Additionally, paleontological monitoring is required as the site proposes to excavate to depths of 7 feet, where the City's threshold require monitoring in high potential areas for excavation of 1,000 cubic yards to depths of 10 feet or greater. However, if a site has been previously graded, and if there is a possibility of encountering remains during construction activities, paleontological monitoring may be required given the extensive amount of grading. Additionally, the site is adjacent to the MHPA along the east, south and west of the proposed wetland mitigation area. As such, mitigation has been included pursuant to the MSCP Subarea Plan Land Use Adjacency Guidelines to address issues including drainage, lighting, access, toxins and noise to ensure there will be adverse impacts to MHPA land.

The site is adjacent to the MHPA along the east, south and west of the proposed wetland mitigation area. As such, mitigation has been included pursuant to the MSCP Subarea Plan Land Use Adjacency Guidelines to address issues including drainage, lighting, access, toxics and noise to ensure there will be no adverse impacts to MHPA land.

Therefore, 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.

SITE DEVELOPMENT PERMIT - SUPPLEMENTAL FINDINGS
ENVIRONMENTALLY SENSITIVE LANDS DEVIATIONS 126.0504 (c):

1. THERE ARE NO FEASIBLE MEASURES THAT CAN FURTHER MINIMIZE THE POTENTIAL ADVERSE EFFECTS ON ENVIRONMENTALLY SENSITIVE LANDS.

The project proposes to conduct restoration activities for a previously graded site and compliance with State Superior Court Stipulated Judgment- Case No. GIC 801949 and compliance the Army Corps of Engineers (ACOE) Restoration Order (No. SPL-2002-0667). The project includes the formation of a wetland mitigation bank.

The restoration project components are as follows: Biological remediation of 14.3 acres including an 11.3-acre wetland creation area and a 3-acre phased wetland enhancement and restoration area; temporary stockpile of 80,000 cubic yards of exported dredged soil from the wetland creation; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property to be added into the MHPA; and, maintenance of an existing nursery operation and an elevated roadway.

The unauthorized grading occurred within the interior of the property in which fill was placed beneath a dirt roadway which caused a drainage channel on the adjacent lot (Pardee ownership) to become partially blocked, creating a pond. Berming of the road blocked an existing ephemeral drainage course within a tributary to McGonigle Creek on the property and on the adjacent lot to the east (Pardee-owned property). The berming that occurred to shore the roadway created a dam-like effect and over time, resulted in the creation of a pond on the adjacent property. The pond supports sensitive biological resources including open water, southern riparian scrub and emergent freshwater marsh. Biology guidelines classify the off-site pond as both a State and Federal wetland.

A Notice of Violation was issued by the Neighborhood Code Compliance Section for grading without required permits which resulted in a Stipulated Judgment in 2003 issued by the State Superior Court, *State Superior Court Stipulated Judgment - Case No. GIC 801949* (“Stipulated Judgment”) between the State, the City of San Diego and the owner. Additionally in 2007, the Federal Army Corps of Engineers issued a Restoration Order, *Army Corps of Engineers (ACOE) Restoration Order No. SPL-2002-0667*, (“Restoration Order”) to the owner for violation of the Clean Water Act, alleging that dredged or fill material had been illegally discharged into McGonigle Creek and its tributary. The Stipulated Judgment requires that the owner restore the site to pre-existing conditions, or that permits are obtained for the as-graded condition. The Judgment requires compliance with the Restoration Order issued by the Army Corps of Engineers. The Restoration Order states that the pond must be de-watered and the area returned to its pre-graded topography and condition.

In consultations with staff and the wildlife agencies, the owner proposes to bring the site into compliance by de-watering the off-site pond (as required by the Stipulated Judgment and Restoration Order) through the construction of a new culvert which would drain the pond, thereby returning the area to its pre-existing condition and restoring the natural hydrology of the tributary.

Site specific biology reports were required for the project including the following: *Wetland Creation Plan - For the Rancho Del Sol Project* and the *McGonigle Creek Wetland Mitigation Bank* (Vince Scheidt, December 2012); *Results of a Forensic Biological Survey - Rancho del Sol Stipulated Judgment Study Area*, GIC 801949, Carmel Valley, City of San Diego, (Vince Scheidt, November 12, 2012); *Jurisdictional Wetland Delineation Report for the Rancho del Sol Stipulated Judgment Study Area* (Vince Scheidt, June 2012). These documents included an analysis of the site as required by the Stipulated Judgment and ACOE Restoration Order and concluded that although unauthorized grading occurred within the site, the property has not supported native vegetation for many decades due to the ongoing agricultural and previously permitted activities. Biological resources are or were present (prior to illegal grading) only within portions of the site. The Site Development Permit would allow the restoration of those portions of the property that have been impacted by installation of a culvert under the dirt road which will drain the off-site pond. The natural hydrology of the tributary to McGonigle Creek would be restored however, impacts to 1.74 acres of jurisdictional wetlands associated with the pond would occur in the form of a reduction of 1.05 acres of Open Water and portions of 0.69 acres of southern riparian scrub.

Implementation of the ACOE Restoration will indirectly impact biological resources that are associated with the pond. CEQA requires that project alternatives must be analyzed that fully/substantially avoid wetland impacts. Staff has concluded that the only alternative available would involve retaining the pond or substantial portion thereof and the associated riparian vegetation. This would prevent the direct loss of 1.74 acres of wetlands/waters, included southern riparian scrub, Open Water habitat, and potential Least Bell's Vireo habitat. Although retaining the pond would be less environmentally damaging in the short term, staff has concluded that this option is not available due to the court and restoration orders. Staff's analysis is that the Restoration Order will be implemented and the pond surface reduced to the topographic level that previously existed. Therefore, there are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.

All wetland impacts would be fully mitigated on site. Mitigation for impacts to 0.73 acres of southern riparian scrub would be provided at a 3:1 ratio. As "no net loss" of wetlands is permitted, at least 1:1 of this 3:1 requirement must consist of wetlands creation, with the balance consisting of either wetlands enhancement or restoration. Mitigation to 1.05 acres of Open Waters must be provided at a 1:1 ratio requiring no less than 1.05 acre-credits of Open Water or better habitat. The applicant proposes to establish an 11.32-acre wetland mitigation bank on site within the floodplain of McGonigle Creek and wetlands restoration/enhancement of McGonigle Creek located just west of the pond. These activities would be part of a larger proposal to create a formal Wetland Mitigation Bank on site pursuant to regulatory agency approvals and their approval of the Wetland Creation Plan.

Although the project proposes impacts to a wetland through the drainage of open water and alteration of upstream vegetation associated with the ponded area, once restoration is complete, the area adjacent to McGonigle Creek currently used for the nursery operation would be restored with native wetland habitat. This restoration would increase the value of the area to wildlife and result in a net gain of approximately 10 acres of high value biological resources.

2. THE PROPOSED DEVIATION IS THE MINIMUM NECESSARY TO AFFORD RELIEF FROM SPECIAL CIRCUMSTANCES OR CONDITIONS OF THE LAND, NOT OF THE APPLICANT'S MAKING.

The project proposes to conduct restoration activities for a previously graded site and compliance with State Superior Court Stipulated Judgment- Case No. GIC 801949 and compliance with 2007 Army Corps of Engineers (ACOE) Restoration Order (No. SPL-2002-0667). The project includes the formation of a wetland mitigation bank.

The applicant illegally graded a portion of the site by elevating an existing dirt roadway through the placement of fill adjacent to a tributary to McGonigle Creek for the purpose of preventing flooding and to provide improved access through the site. Approximately 150 linear feet was raised. Creation of this berm created an impoundment on the adjacent site to the east, creating an off-site pond. As required by the above referenced Stipulated Judgment and Restoration Order, the off-site pond must be drained and the area returned to its previously existing flow lines.

The restoration project components are as follows: Biological remediation of 14.3 acres including an 11.3-acre wetland creation area and a 3-acre phased wetland enhancement and restoration area; temporary stockpile of 80,000 cubic yards of exported dredged soil from the wetland creation; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property to be added into the MHPA; and, maintenance of an existing nursery operation and an elevated roadway.

The project proposes to create, restore and enhance previously graded areas that will mitigate past violations and will mitigate future impacts to sensitive habitat that will occur with pond drainage. The restored areas would be protected in that the mitigation areas would be placed in a covenant of easement area with a management bond as appropriate for preservation in perpetuity or deeded to the City. Once completed, the proposed project would not create any new impacts to sensitive lands.

Project implementation will indirectly impact wetland habitat that is associated with the pond. CEQA requires that project alternatives must be analyzed that fully/substantially avoid wetland impacts. Staff has concluded that the only alternative available would involve retaining the pond or substantial portion thereof and the associated riparian vegetation. This would prevent the direct loss of 1.74 acres of wetlands/waters, included southern riparian scrub, Open Water habitat, and potential Least Bell's Vireo habitat. Although retaining the pond would be less environmentally damaging due to the high value of habitat that would be destroyed, staff has concluded that this option is not available due to the court and restoration order. Staff's analysis is that the ACOE Order will be implemented and the pond surface reduced to the topographic level that previously existed.

As allowed by the City of San Diego's Environmentally Sensitive Lands Ordinance, the project proposes deviations for Environmentally Sensitive Lands in order to complete the required restoration. The special conditions of the property, not of the applicant's making, include the location of the McGonigle Creek, a special flood hazard area which encompasses approximately 6 acres of the site, the existence of the sewer trunk easement, and portions of land that support wetland vegetation. Additionally, the property is subject to the above referenced court and restoration orders.

The existing roadway measures 12-feet in width and provides the only access to the interior of the site. Relocation of the roadway to other portions of the site is not feasible due to the aforementioned conditions including the existing of McGonigle Creek, the Carmel Valley Trunk Sewer and the existence of other environmentally sensitive lands. The roadway is an allowable use on the property in its current location and is within the least environmentally sensitive location. The road provides access to the portion of the existing nursery area that would remain after the mitigation wetland area is created. The roadway would be modified as necessary to incorporate best management practices to ensure property drainage and current engineering development standards.

ATTACHMENT 10

Although the grading activities were conducted by the applicant without appropriate discretionary actions and required agency approvals, the required restoration measures are dictated by the court and restoration orders. Therefore, the proposed deviation is the minimum necessary to afford relief from the special circumstances or conditions of the land.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 560274 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 560274, a copy of which is attached hereto and made a part hereof.

Sandra Teasley
Development Project Manager
Development Services

Adopted on: August 8, 2013

Internal Order No. 23430995

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

WHEN RECORDED MAIL TO
CITY CLERK
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23430995

SITE DEVELOPMENT PERMIT NO. 560724
RANCHO DEL SOL RESTORATION - PROJECT NO. 157399
PLANNING COMMISSION
[MMRP]

This Site Development Permit is hereby granted by the Planning Commission of the City of San Diego to BARCZEWSKI FAMILY TRUST Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0504 and 143.0401. The approximately 32-acre site is at 3113 Rancho Santa Fe Farms Road at its intersection with Caminito Mendiola within the Pacific Highlands Ranch Community Planning Area. The subject property includes an additional vacant parcel located north of SR-56, on the north side of Carmel Valley Road, with frontage on Carmel Valley Road and Rancho Santa Fe Lakes Drive. The property is zoned AR-1-1, RS-1-14 and OC-1-1. Portions of the property are within the Multiple Habitat Planning Area (MHPA) and the Coastal Overlay Zone. The site is designated as Open Space, MHPA and Residential within Pacific Highlands Ranch Community Plan.

The project site is described below, as identified by the current Assessor Parcel Number, and as identified in the State Superior Court Stipulated Judgment (SSCSJ). The Mitigated Negative Declaration also identifies two parcels under Pardee ownership.

LEGAL DESCRIPTION ASSESSOR PARCEL NO. SCSJ LOT DESIGNATIONS

Lot 1 Rancho Del Sol Unit Unit # 1, Map No. 12477	305-060-20	“Lot 20” (Wetland Creation Area within area previously used for nursery)
Parcel 3, PM 20874	305-040-21	“Lot 21” (Nursery and portion of Wetland Creation Area)
Portion of Section 15 – T14S-R3W – Portion E ½ ROS 9915	305-021-28 (Formerly Parcel 18)	“Lot 18” (Pardee Property)
Parcel 3, PM 20874	305-021-33 (Formerly Parcel 16)	“Lot 16” (Nursery)
Portion of Section 15 – T14S-R3W – Portion E ½ ROS 9915	305-041-01	“Lot 1” (Pardee Property – Pond Location)
Parcel 1 of PM 12337	305-021-05	“Lot 5” (Stockpile Site, north of SR-56)

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to conduct restoration activities for a previously graded site and compliance with State Superior Court Stipulated Judgment- Case No. GIC 801949 and the 2007 Army Corps of Engineers (ACOE) Restoration Order (No. SPL-2002-0667). The project includes the formation of a wetland mitigation bank. The subject property is identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated August 8, 2013, on file in the Development Services Department.

The project shall include:

- a. Creation of 14.3 acres of biological remediation area on Lot 1 Rancho Del Sol Unit No.1, Map No. 12477 and portions of Parcel 3 of PM 20874;
- b. Formation of a mitigation bank consisting of an 11.32 acre wetland creation site and a 3 acre wetland phased (invasive removal) and restoration (planting of southern riparian forest species) area on Lot 1 Rancho Del Sol Unit No. 1, Map No. 12477 and portions of Parcel 3 of PM 20874;
- c. Temporary stockpile of 80,000 cubic yards of dredge spoil from the wetland creation site to be placed on a 4.5 acre wetland dredge receiver site on Parcel 1 of PM 12337/ “Lot 5”;
- d. A Multiple Species Conservation Plan (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7 acre portion of a currently developed lot and Caminito Mendiola roadway area that are currently within the MPHA.
- e. Drainage of the existing off-site agricultural pond (“Pardee Pond”) via widening/deepening of a culvert under an existing earthen road on the Project property pursuant within portions of Section 15 – T14S-R3W – Portion E ½ ROS 9915;

- f. Maintenance of an existing horticultural nursery operation on an elevated roadway on Parcel 3, PM 20874/ "Lot 33".

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 22, 2016.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party

Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, 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.

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and

hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] within Mitigated Negative Declaration No. 157399 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. 157399, 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. 157399, 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, Historical (Archaeological), and Paleontological Resources.

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
16. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.
17. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.
18. The project will alter the floodway or floodplain boundaries of the Special Flood Hazard Area, the developer must obtain a Conditional Letter of Map Revision (CLOMR) from the

Federal Emergency Management Agency prior to issuance of any grading permits. The applicant must provide all documentation, engineering calculations, and fees which are required by FEMA.

19. Prior to grading on Parcel 1 of Parcel Map No. 12337 as depicted on Exhibit "A", the owner/permittee shall obtain a grading permit authorizing this work and shall enter into an Uncontrolled Embankment Agreement of not more than 5 years with the City over all of Parcel 1 of Parcel Map No. 12337; which grading plan, uncontrolled embankment agreement, and the assurance thereof shall be to the satisfaction of the City Engineer.

LANDSCAPE REQUIREMENTS:

20. Prior to issuance of any engineering permits for grading, construction documents for the revegetation, restoration and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.
21. The Permittee or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Land Development Code: Landscape Regulations and the Land Development Manual: Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.
22. The Permittee or subsequent owner(s) shall be responsible to ensure that irrigation drainage run off shall be directed away from the Multiple Habitat Preserve Area or from the transitional areas to ensure that no impacts occur from runoff in any of these areas.
23. Prior to issuance of any engineering permits for grading, the Permittee or subsequent Owner shall enter into a Landscape Establishment and Maintenance Agreement (LEMA) to assure long-term establishment and maintenance of all common area slope revegetation. The LEMA shall be approved by the Landscape Section of Development Services Department. Agreement shall commence prior to release of the performance bond with developer or subsequent owner posting a new bond to cover the terms of the agreement.
24. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

MULTIPLE SPECIES CONSERVATION PROGRAM:

25. The issuance of this permit by the City of San Diego does not authorize the 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 (EAS) and any amendments thereto (16 U.S.C. Section 1531 et seq.). In accordance with authorization granted to the City of San Diego from the USFWS pursuant to Sec. 10(a) of the ESA and by the CDFG pursuant to Fish & Game Code sec. 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon 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 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant 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 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 Section 9.6 and 9.7 of the IA. For lands identified as mitigation but not yet dedicated, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

26. Prior to the issuance of any grading permits, any on-site MHPA with habitat not actively being restored/enhanced or created shall be conveyed to the City's MSCP preserve through either fee title to the City, or covenant of easement granted in favor of the City and wildlife agencies. Habitat being restored/enhanced or created with the project shall be subject to standard grading permit bond conditions. Conveyance of any land in fee to the City shall be subject to approval and any required conditions from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other storm water control facilities, water and sewer easements, brush management areas, and HOA landscape/revegetation areas/graded slopes.
27. To facilitate MHPA conveyance, any non-fee areas (including those areas where restoration/enhancement/or creation has successfully been completed) shall have covenants of 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.

Wetland Mitigation and Bank Requirements

28. The project shall create 9.52 acres of excess wetland creation area and 0.49 acres excess of restored/enhanced wetland area over what is needed for the stipulation judgment, restoration order, and proposed mitigation. This excess is proposed by the project applicant to be used as a "for profit" wetland mitigation bank and is required as a condition of this permit as a project feature rather than a required mitigation measure.
29. Prior to construction permit issuance a "Final Wetland Creation Plan" consistent with the approved draft "Wetland Creation Plan" (Scheidt 2013) must be approved by the City and

Wildlife Agencies and a "Wetland Mitigation Bank Agreement" must be drafted by the applicant and submitted to the Wildlife Agencies.

30. Subject to the approval by the Wildlife Agencies, this permit shall allow the sale of all mitigation bank credits as permitted by the Wildlife Agencies;
31. The permit allows the bank sales element to be withdrawn from the project should the bank not be approved by the Wildlife Agencies for any reason.
32. Prior to release of the grading bond; regardless of whether mitigation bank credits are allowed to be sold or not; this permit requires full creation/enhancement/restoration of the required mitigation areas **and** the proposed mitigation bank area (i.e. grading of 9.52 acres of intensive agricultural land and creation of SRF wetlands and restoration/enhancement of 0.49 acres of SRS wetland as a project feature) per the approved draft "Wetland Creation Plan" (Scheidt 2012) is required to be accomplished to the satisfaction of the City of San Diego ED and MSCP designees.
33. Prior to release of the grading bond; regardless of whether mitigation bank credits are allowed to be sold or not, transfer of all successfully restored/enhanced/created habitat area into an associated covenant of easement or dedicated to the City (subject to approval and any required conditions from the Park and Recreation Department Open Space Division Deputy Director) is required.

PLANNING/DESIGN REQUIREMENTS:

34. All portions of Parcel 3, PM 20874 located within the Negative Farming Easement, as established on Planned Residential Development (PRD) No. 86-0229, State Coastal Development Permit (CDP) No. 6-86-699, and revised in accordance with Addendum to Environmental Impact Report (EIR) No. 86-0229 (Doc. No. 90-0853), shall contain only Agricultural Uses.
35. Prior to issuance of any construction permits, the Owner/Permittee shall apply for an Amendment to State Coastal Development Permit (CDP) No. 6-86-699 with the State California Coastal Commission for any proposed grading, restoration, wetland creation, or other construction activities on the premises, unless exempted by the California Coastal Commission. Proof of CDP Amendment or exemption shall be provided to Development Services upon applying for construction permits.
36. The increase in grade elevation on Parcel 1 of PM 12337, as a result of temporary stockpiling wetland dredge soil, shall not serve as "existing grade" for the purposes of calculating structure height for any proposed structures. "Existing grade" is either the elevation of the surface of the premises in existence prior to the stockpiling of wetland soils, or the elevation of the surface of the premises that has been modified by grading conducted as part of an approved Tentative Map, per SDMC Section 113.0228.

37. The Owner/Permittee shall execute an Irrevocable Offer to Dedicate (IOD) a recreation easement to the City for the east-west multi-use trail alignment generally depicted in the Pacific Highlands Ranch Subarea Plan (Exhibit 4-11) wholly within the existing Carmel Valley Trunk Sewer easement on the property. The City will ensure that the exact location of the recreation easement (within the sewer easement) is consistent with Section 1.5.3 General Management Directives; Public Access, Trails, and Recreation of the MSCP Subarea Plan. In order to utilize the IOD executed as a condition of this permit, submittal of a separate CIP public trail project development application (which is subject to all applicable additional environmental review) would be required. This recreation easement shall be located in a less environmentally sensitive location than, and serve as replacement to, the east-west equestrian trail easement located further south in undisturbed sensitive upland habitat that was required by Planned Residential Development Permit 86-0896.

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 Planning Commission of the City of San Diego on August 8, 2013 and [Approved Resolution Number].

ATTACHMENT 11

Permit Type/PTS Approval No.: Site Development Permit No. 560724
Date of Approval: August 8,
2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

SANDRA TEASLEY
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.**

RESOLUTION NUMBER XXXXXX

ADOPTED ON August 8, 2013

WHEREAS, on May 23, 2008, BARCZEWSKI FAMILY TRUST submitted an application to Development Services Department for a SITE DEVELOPMENT PERMIT NO. 560724 to conduct restoration activities for a previously graded site and compliance with State Superior Court Stipulated Judgment- Case No. GIC 801949 and compliance with the 2007 Army Corps of Engineers (ACOE) Restoration Order (No. SPL-2002-0667). The project includes the formation of a wetland mitigation bank for the Rancho Del Sol Restoration Project; and

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

WHEREAS, the Planning Commission considered the issues discussed in Mitigation Negative Declaration No. 157399 prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the City Council 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 Planning Commission in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Planning Commission 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 Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by the Development Services Department 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.

ATTACHMENT 12

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

APPROVED:

By: SANDRA TEASLEY
DEVELOPMENT PROJECT MANAGER

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

V. MITIGATION, MONITORING AND REPORTING PROGRAM: To ensure that site development would avoid significant environmental impacts, a Mitigation, Monitoring, and Reporting Program (MMRP) is required. Compliance with the mitigation measures shall be the responsibility of the applicant. The mitigation measures are described below.

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
Qualified Archaeologist
Native American Monitor
Qualified Paleontologist

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) 157399, 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.

- *U.S. Army Corps of Engineers (USACE) – Section 404 discharge permit*
- *Regional Water Quality Control Board (RWQCB) – Section 401 water quality certification*
- *California Department of Fish and Wildlife (CDFW) –Section 1603-Streambed Alteration Agreement*

- *Wildlife Agency acceptance of Wetland Mitigation Bank proposal (provide written agreement to City)*
- *State CDP No. 6-86-699 amendment incorporating project grading, restoration, wetland creation, or other construction activities on the premises, unless exempted by the California Coastal Commission.*

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, 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

[List all and only project specific required verification documents and related inspections table below]

<i>Issue Area</i>	<i>Document submittal</i>	<i>Assoc Inspection/Approvals/ Notes</i>
General Meeting	Consultant Qualification Letters	Prior to Pre-construction
General Construction	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-Meeting
Archaeology	Archaeology Reports	Archaeology Site Observation
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Report	Biology/Habitat Revegetation Inspection
Biology Issue Site Observations	Land Use Adjacency Guidelines	Land Use Adjacency
Geology	As Graded Soils Report	Geotechnical Inspection
Paleontology	Paleontology Reports	Paleontology Site Observation

Bond Release
Bond

Request for Bond Release Letter

Final MMRP Inspections prior to
Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

BIOLOGICAL RESOURCES

Requirements for Land in Proximity to Biological Resources

Preconstruction Measures

1. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD of Entitlements verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (A through D):

A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of Entitlements stating that a qualified Biologist, as defined in the City of San Diego Biological Resource Guidelines (BRG), has been retained to monitor construction operations.

B. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section which includes the name and contact information of the Biologist names and of all persons involved in the Biological Monitoring of the project, if changed and/or not provided in the first letter.

C. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, invasive removal, revegetation plans, plant salvage/ relocation requirements and timing (i.e. per coastal cactus wren requirements etc.), avian or other wildlife (including USFWS protocol) surveys, impact avoidance areas or other such information/plans are completed and are placed on the construction plans and approved by City MMC.

D. The qualified biologist (project biologist) shall attend the first preconstruction meeting and arrange to perform any measures site-specific fauna/flora surveys/salvage.

Construction Measures

1. The project biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (i.e. explain flag system for removal or retention, limit vegetation removal/demolition areas to fall only outside of sensitive biological areas).

2. As determined at the Precon Meeting, the project biologist shall supervise the installation of the limit of work fence (per approved Exhibit A) to protect biological resources and during construction be on-site to prevent/note any new disturbances to habitat, flora, and/or fauna onsite. The biologist shall perform pregrading bird surveys; flag biological resources such as plant specimens etc. for avoidance during access (as appropriate). In the event of a positive bird nest survey, the biologist shall delay construction and notify City MMC to accommodate additional mitigation as needed/required.
3. All construction (including staging areas) shall be restricted to areas previously disturbed as shown on the aerial photo above (bare earth areas and dirt roads). The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys.

Post Construction Measures

1. Prior to the release of the construction bond, the project biologist shall submit a letter report to the ADD of Entitlements that assesses any project impacts resulting from construction. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in accordance with the City of San Diego Land Development Code, to the satisfaction of the City ADD.
2. The Principal Qualified Biologist (PQB) shall submit two copies of the Final Monitoring Report, which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring.
3. The PQB shall submit any required revised Report to MMC (with a copy to the Resident Engineering (RE)) for approval within 30 days.
4. MMC will provide written acceptance to the PQB and RE of the approved report.

Habitat Mitigation – Ensure Prior to Permit Issuance (Entitlements Division Plan Check)

1. For existing and proposed impacts, habitat mitigation A-D is required as follows:
 - A. UPLAND MITIGATION - A total of 0.37 acres of Tier I- southern maritime chaparral (SMC) would be mitigated off-site at a 1:1 ratio as impacts are outside MHPA and would be mitigated as proposed within the MHPA in Tier I. The applicant is

proposing to purchase off-site Tier I mitigation land and place it in a conservation easement. The land is currently proposed to be purchased from the Mooradian Property that is proposed for addition to the MHPA by Carmel Valley 18, LLC and the Mooradians. The Mooradian property is located on Del Mar Mesa (APN 307-660-1000), between Del Mar Mesa Road and Caminito Vista Lujó. If this land is not accepted into the MHPA prior to issuance of the grading permit, the required the impact would be mitigated using the "outside the MHPA" ESL Tier I ratio, or an alternative site Tier I site inside or outside the MHPA would be used to the satisfaction of DSD MSCP Staff and the Wildlife Agencies.

- B. WETLAND MITIGATION- A total of 0.73 acres of southern riparian scrub (SRS) would be mitigated on-site at a 3:1 ratio for a total of 2.51 acres. Of this 2.51 acres, 0.73 acres would be southern riparian forest (SRF) created from intensive agriculture; and 1.46 acres would be a phased wetland enhancement and restoration area per the approved "Wetland Creation Plan" (Scheidt, December 2012) to enhance low quality SRS and disturbed wetland and restore high quality SRS. This mitigation shall include the container plant and hydroseed list on "Exhibit A" Landscape Sheet 12, and an above ground, potable, temporary irrigation system.
- C. A total 1.05 acres of open water would be mitigated on-site at a 2:1 ratio with 1.05 acres consisting of wetland creation from intensive agriculture to SRF and 1.05 acres of phased wetland enhancement from low quality SRS and disturbed wetland to restored high quality SRS per the approved "Wetland Creation Plan" (Scheidt, December 2012). This mitigation shall include the container plant and hydroseed list on "Exhibit A" Landscape Sheet 12, and an above ground, potable, temporary irrigation system.
- D. Following successful creation/restoration/enhancement of the required wetland mitigation areas (listed in B and C above) and prior to the release of any construction bonds; the wetland mitigation areas shall be placed within a covenant of easement in favor of the applicant or appropriate third party with an appropriate management bond, or deeded to the City for protection of the resources in perpetuity.

Nesting Bird Mitigation (General) – Ensure Prior to Permit Issuance (Entitlements Division Plan Check) Prior to the issuance of any notice to proceed (NTP) or issuance for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, whichever is applicable (and whichever comes first), the ADD environmental designee shall verify that the applicant has provided the following language for "Nesting Bird Mitigation" under "Environmental Requirements" on all construction documents:

1. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. February 1-September 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 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.

Species Specific Mitigation (Required to meet MSCP Subarea Plan Conditions of Coverage) Mitigation for Potential Impacts to California Gnatcatcher

1. Prior to the issuance of any grading or construction permit and/or prior to the preconstruction meeting), the ADD (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, WHICH EFFECT THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER WHOSE TERRITORY IS WHOLLY WITHIN/OR PARTIALLY WITHIN A MHPA AREA, 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 GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM

SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND

- II. 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
- III. 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 IN PROJECT AREA MHPA'S 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:

- I. 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.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

LEAST BELL'S VIREO (State Endangered/Federally Endangered)

1. Prior to the issuance of any grading permit (FOR PUBLIC UTILITY PROJECTS: prior to the preconstruction meeting), the City Manager (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 15 AND SEPTEMBER 15, THE BREEDING SEASON OF THE LEAST BELL'S VIREO, 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 WETLAND AREAS THAT WOULD BE SUBJECT TO

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CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE LEAST BELL'S VIREO. SURVEYS FOR THIS SPECIES 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 CONSTRUCTION. IF THE LEAST BELL'S VIREO IS PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

- I. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED LEAST BELL'S VIREO HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
- II. BETWEEN MARCH 15 AND SEPTEMBER 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 LEAST BELL'S VIREO OR 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 ANY 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
- III. 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 LEAST BELL'S VIREO. 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 (SEPTEMBER 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 LEAST BELL'S VIREO 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 15 AND SEPTEMBER 15 AS FOLLOWS:
 - I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR LEAST BELL'S VIREO TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
 - II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

Restoration -Ensure Prior to Permit Issuance (Entitlements Division Plan Check)

Prior to Permit Issuance the Permit Holder shall:

1. Direct the Project Biologist (PB) to identify and adequately document all pertinent information from the approved conceptual restoration plan - program goals and requirements (A Wetlands Creation Plan - The McGonigle Creek Mitigation Bank), (Vince Scheidt, December 2012) on the landscape construction documents (LCDs) and submit to the City's Development Services Review Sections (Environmental, MSCP, Landscape, Permits, etc.). This project features a stream bed that eventually runs through downstream MHPA areas and approval from MSCP Staff is required. Information shall include but not be limited to: each type of habitat, plant/seed palettes, timing of installation, plant installation specifications, method of watering, protection of adjacent

habitat (show and identify existing vegetation to remain), erosion and sediment control, performance/success criteria, inspection schedule, document submittals, reporting schedule, tables, graphics, notes, and conformance check with the approved document listed above and the "Exhibit A" documentation associated with the Discretionary permit.

2. Direct the PB to provide, on the LCD, a table showing types of each habitat impacted and how it is to be restored and or enhanced along with the corresponding acreage and/or total number of plants being replaced as well as specific success criteria for each type of habitat and each reporting period
3. Direct the PB to ensure the LCD includes comprehensive notes addressing the 120 day Plant Establishment Period (PEP) and the 5 year Long Term Maintenance and Monitoring Period (LTMMP) which occurs after PEP is acceptance by the City. Notes shall also address and provide recommendations for the ongoing maintenance requirements (after final acceptance of the LTMMP by the City).
4. Direct the PB to ensure the LCD includes a note requiring the Permit Holder to enter into a bonded Biological Mitigation Agreement to assure success of the revegetation/restoration during the LTMMP. This may not be necessary when the construction permit that has an associated performance bond that is active and has included the restoration and monitoring costs in their entirety within it and adequately assures success of the revegetation/restoration program to the satisfaction of MMC.

Prior to Start of Construction the Permit Holder shall hold a Preconstruction Meeting (Pre Con) and shall:

1. Direct the PB to attend the Pre con Meeting (refer to Requirements for Land in Proximity to Biological Resources above for additional information)

During Construction the Permit Holder shall have a Project Biologist Present During Construction/Grading/Excavation/Planting/Irrigation and shall:

1. Direct the PB to supervise the placement of the orange construction fence (refer to Requirements for Land in Proximity to Biological Resources above for additional information)

During Plant Installation the Permit Holder shall:

1. Direct the PB to ensure that all clearing, grubbing, grading, contouring, excavation, trenching, installation of plant materials, and any necessary actions required during installation are done per the approved LCD.
2. Direct the PB to review the mitigation area and assess completion of the installation and submit a letter report to Permit Holder who then submits it to RE/MMC requesting the Plant Installation Inspection. RE/MMC will review the report and schedule the inspection (walk thru). Upon completion of the Plant Installation Inspection, including all punch list items, MMC will provide written acceptance of plant installation to the RE and Permit Holder.

3. Direct the PB to begin the 120 Plant Establishment Period (PEP) monitoring.

During the 120 Day Plant Establishment Period (PEP) the Permit Holder shall:

1. Direct the PB to ensure that all maintenance and/ or remedial activities required during the 120 day PEP are done per approved LCD/BCME.
2. Direct the PB to supervise the maintenance and be responsible for the monitoring of the revegetation/restoration mitigation area for a minimum of 120 Days. Maintenance visits shall be conducted on a weekly basis throughout the PEP, unless otherwise noted in the MMRP and/or LCD/BCME.
3. Direct the PB to review the mitigation area and assess completion of the PEP and submit a report to the Permit Holder who will then submit the report to RE/MMC requesting the PEP inspection. RE/MMC will review the report and schedule the inspection (walk thru). Upon completion of the PEP inspection, including all punch list items, MMC will provide written acceptance of the PEP to the RE and PERMIT HOLDER.
4. Direct the PB to begin the 5-Year; Long Term Maintenance and Monitoring Period (LTMMP).

During Post Construction the Permit Holder shall conduct a 5-Year, Long Term Maintenance and Monitoring Period (LTMMP) and shall:

1. Direct the PB to ensure the required LTMMP activities and reporting shall include all items and performance standards described in the LCD/BCME.
2. Direct the PB to evaluate the Revegetation/Restoration effort both qualitatively and quantitatively to determine compliance with the performance standards identified on the LCD/BCME. The biological monitoring requirements may be reduced if, before the end of the fifth year, the Revegetation/Restoration meets the fifth year criteria and the irrigation has been terminated for at least one summer season.
3. Direct the PB to supervise the removal of the temporary irrigation system and construction BMPs and to verify this in writing on the final post-construction phase CSV.

During Post Construction the Permit Holder shall submit Progress and Annual Monitoring Reports and shall:

1. Direct the PB to submit Annual Reports summarizing the results of each progress report including quantitative monitoring results and photographs taken from permanent viewpoints shall be submitted to MMC for review and approval within 30 days following that phase of required monitoring. A request for inspection shall accompany each annual report. After reviewing each report, MMC will schedule the inspection.

During Post Construction the Permit Holder shall submit a Final Monitoring Report and shall:

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1. Direct the PB to evaluate success of the mitigation effort and prepare a Final Monitoring Report upon achievement of the fifth year performance/success criteria.
2. Direct the PB to submit the Final Monitoring Report and any outside agency reports to the RE/MMC for review and approval. A request for a final inspection shall also be submitted at this time. After review of the report RE/MMC will schedule the Final Inspection.
3. Direct the PB to coordinate the final acceptance of the Revegetation/Restoration Project. If at the end of the 5-years any of the revegetated/restored area fails to meet the project's final success criteria, the Permit Holder must consult with RE/MMC to resolve the situation.
4. It is the responsibility of the Permit Holder to understand that failure of any significant portion of the revegetation/restoration area may result in implementation of the contingency/remediation requirements to replace or renegotiate for failing portion(s) of the site and/or extend the establishment/maintenance/monitoring period until all success criteria are met to the satisfaction of MMC Staff.

MSCP Subarea Plan Land Use Adjacency Guidelines Mitigation

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 City ADD (or designee) shall verify that the project is in compliance with the MSCP Subarea Plan's Land Use Adjacency Requirements and that the following site specific requirements are noted on the grading plans under the heading Environmental Requirements:
 - A. Drainage - All new and proposed developed areas in and adjacent to the preserve must not drain directly into the MHPA. All graded, developed, and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. These systems shall be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance shall include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay compounds) when necessary and appropriate. In general, any man-made storm drains draining into the MHPA shall employ dissipation and filtering devices. Compliance with City of San Diego Engineering Drainage Standards shall be ensured to the satisfaction of the ADD and City Engineer.
 - B. Toxics - Land uses, such as urban development, recreation and agriculture, that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water

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quality shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. In addition, no trash, oil, parking, or other construction/development-related material/activities shall be allowed outside the established limits of disturbance (i.e. outside of the paved existing access roads). Measures shall include proper/reduced use of pesticides, herbicides and fertilizers, drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance shall be provided. Where applicable, this requirement shall be incorporated into leases on publicly owned property as leases come up for renewal.

- C. Lighting- Lighting of all developed areas adjacent to the MHPA shall be directed away from the -MHPA. Where necessary, development shall provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting. All lighting shall also comply with City Outdoor Lighting Regulations LDC 142.0740
- D. Noise -Uses in or adjacent to the MHPA shall be designed to minimize noise impacts. Berms or walls shall be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses (i.e. construction) or activities adjacent to breeding areas must incorporate noise reduction measures to reduce noise below 60 dB and/or be curtailed during the general and sensitive bird breeding season (February 1-September 15) per the City and Wildlife Agency protocol. Adequate noise reduction measures shall also be incorporated for the remainder of the year.
- E. Barriers- New development adjacent to the MHPA shall be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.
- F. Invasives -No invasive non-native plant species shall be introduced into areas in or adjacent to the MHPA. All plantings at the urban/natural edge shall be native, drought tolerant, and acceptable to the Fire Marshall. No invasive/non-native species shall be located on-site where they have the potential to invade on-site, or adjacent natural lands per LDC 142.045(b)(2). Prior to issuance of any notice to proceed, the ADD Environmental designee shall verify that the construction plans specify that areas within or adjacent to the MHPA shall be hydroseeded or planted with a native seed mix and or native container stock, as shown on Exhibit A. All revegetation within 100 feet of native habitat must be native chaparral or coastal sage scrub species. No deviations shall be made from the EAS approved Exhibit A without prior EAS approval.
- G. Brush Management - New development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate Zone 1 brush management areas on the development pad and outside of

the MHPA. Zones 2 may be located in the MHPA upon granting of an easement to the City (or other acceptable agency) except where narrow wildlife corridors require it to be located outside of the MHPA. Brush management zones will not be greater in size than is currently required by the City's regulations. The amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible per LDC 142.0412(d) and (h)(4). For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a homeowners association or other private party. For existing project and approved projects, the brush management zones, standards and locations, and clearing techniques will not change from those required under existing regulations.

- H. Grading/Land Development- Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.

HISTORICAL RESOURCES (ARCHAEOLOGY)

1. Prior to Permit Issuance

A. Entitlements Plan Check

- 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

- 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
- 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
- 3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

2. Prior to Start of Construction

A. Verification of Records Search

- 1. The PI shall provide verification to MMC that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a

copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents, which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

3. **During Construction**

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities, which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within**

the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.

2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section 3.B-C and 4.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section 4 below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP), which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground-disturbing activities in the area of discovery will be allowed to resume. **Note: If a**

unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.

- c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

4. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.

5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are NOT Native American

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

5. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections 3 - During Construction, and 4 – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.

- c. Potentially Significant Discoveries
 - If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section 3 - During Construction and 4- Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section 3-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
 - C. All other procedures described above shall apply, as appropriate.

6. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
 - 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 - 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 - 4. MMC shall provide written verification to the PI of the approved report.
 - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
 - 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued

2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section 4 – Discovery of Human Remains, Subsection 5.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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PALEONTOLOGICAL RESOURCES

1. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.

3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

2. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

3. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any**

construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.

2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
 3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

4. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.

- a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSV and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Section 3 - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section 3 - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section 3-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
 - C. All other procedures described above shall apply, as appropriate.

5. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
 - 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 - 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 - 4. MMC shall provide written verification to the PI of the approved report.
 - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
 - 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.

ATTACHMENT 12

2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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.

CARMEL VALLEY COMMUNITY PLANNING BOARD

**c/o Pardee Homes
Attn: Allen Kashani, CVCPB Secretary
6025 Edgewood Bend Court
San Diego, CA 92130
858-794-2571 / Fax: 858-794-2599**

February 28, 2010

Paul Metcalf
Metcalf Development & Consulting, Inc.
5681 Bellevue
La Jolla California 92037

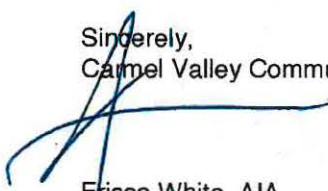
Re: Barczewski Property
Site Development Permit Project No. 157399

Dear Paul:

On October 13, 2009 the Carmel Valley Community Planning Board heard your presentation explaining the stipulated judgment with Pardee Homes that requires that a culvert be installed to drain a pond on your property. You also represented your restoration efforts along a stream on the property including management and maintenance of that restoration. The board asked that you notify the adjacent neighborhood about the sensitivity of the stream and restoration so that the community can help keep the area clean. The board also raised a concern for securing an east-west trail on the property.

The CVCPB considered your application and voted unanimously 13-0 (with one recused) to support the proposed site development permit to address the court order and that consideration be given to the east-west trail on the property.

Sincerely,
Carmel Valley Community Planning Board



Frisco White, AIA
Chair



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

Project No. For City Use Only

Rancho del Sol Stipulated Settlement Agreement SDP

Project Address:

Southerly Terminus of Rancho Santa Fe Farms Rd.

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 D. Barczewski, as Trustee under Declaration of Trust dated August 10, 1977

Owner Tenant/Lessee Redevelopment Agency

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

5629 Willowmere Lane

Street Address:

City/State/Zip:

San Diego, California 92130

City/State/Zip:

Phone No:

(858) 755-1562

Fax No:

Phone No:

Fax No:

Signature :

Date:

Signature :

Date:

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

Street Address:

City/State/Zip:

City/State/Zip:

Phone No:

Fax No:

Phone No:

Fax No:

Signature :

Date:

Signature :

Date:

DEVELOPMENT SUMMARY

SITE GRADING AND DRAINAGE STRUCTURES TO CREATE A WETLAND HABITAT MITIGATION AREA AND DE-WATER THE "POND" PER ARMY CORPS OF ENGINEERS RESTORATION ORDER NO. SPL-2002-0667, LOT 1 (APN 305-041-01) WILL BE INCLUDED IN THE RESTORATION ORDER. A GRADED PLACEMENT OF THE RESTORATION GRADING ON APN 305-021-05 WILL BE REQUIRED AND IS DEPICTED ON SHEET C-4.

RANCHO DEL SOL STIPULATED JUDGMENT SDP FOR GIC No. 801949 PRELIMINARY GRADING PLAN TITLE SHEET

WORK TO BE DONE THE IMPROVEMENTS CONSIST OF THE FOLLOWING WORK TO BE DONE ACCORDING TO THESE PLANS AND THE SPECIFICATIONS AND STANDARD DRAWINGS OF THE CITY OF SAN DIEGO.

STANDARD SPECIFICATIONS STANDARD DRAWINGS 1. CITY OF SAN DIEGO STANDARD DRAWINGS, INCLUDING ALL REGIONAL STANDARD DRAWINGS, DOCUMENT NO. AEC1231064, FILED DECEMBER 31, 2008.

Table with columns: PROPOSED IMPROVEMENTS, STD. DWG., SYMBOL. Lists various engineering standards and symbols for property boundaries, grading, and drainage.

LEGAL DESCRIPTION

STIPULATED SETTLEMENT LOT DESIGNATIONS: LOTS "16" & "21" PORTION OF PARCEL 3, PARCEL MAP NO. 12377, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED SEPTEMBER 24, 1982.

A.P.N.s. 305-060-20 305-040-21 305-021-28.13 (33 FORMERLY 16), (28 FORMERLY 18) 305-041-01 305-021-03

STORM WATER NOTES:

PRIOR TO ISSUANCE OF ANY CONSTRUCTION PERMIT, THE SUBDIVIDER SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.

EARTHWORK DATA-WETLAND PRESERVE

DISTURBED AREA: 10.32 ACRES MAX. CUT DEPTH: 7 FT. GRADED AREA: 10.32 ACRES MAX. CUT SLOPE RATIO (2:1 MAX.): 2:1 CUT QUANTITIES: 80,000 CU YD MAX. FILL DEPTH: 0 FT. FILL QUANTITIES: 0 CU YD MAX. FILL SLOPE RATIO (2:1 MAX.): N/A. EXPOSED/SUPPORT: 80,000 CU YD

REFERENCE DRAWINGS

24881-0 FINAL MAP 12477 PARCEL MAP 12377 T.M. 98-0229

LAMBERT COORDINATES 286-1713 NAD 83 COORDINATES 1930-6289

TOPOGRAPHICAL SURVEY

TOPOGRAPHICAL SURVEY FOR THIS PROJECT PREPARED BY SAN-LO AERIAL SURVEYS, DATED AUGUST 2, 2004, BY AERIAL PHOTOGRAMMETRY METHODS.

BENCHMARK

VERTICAL BENCHMARK FOR THIS PROJECT IS A FOUND BRASS PLUG AT THE INTERSECTION OF CARMEL COUNTRY RD. & CARMEL CREEK RD. (ELEV.=240.089 NAVD83).

STORM WATER QUALITY NOTES CONSTRUCTION BMP'S

THIS PROJECT SHALL COMPLY WITH ALL REQUIREMENTS OF THE STATE PERMIT, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION, ORDER NO. 2001-01 (SDPES NO. CA 801949) (http://www.rancho.com/wqcb/program/wqcb_order/wqcb_order.html) AND THE CITY OF SAN DIEGO LAND DEVELOPMENT PERMIT CODE (http://cityofsan-diego.gov/development/landdev/developmentcode.html).

PROJECT TEAM

OWNER: ROBERT B. BARCZEWSKI, TRUSTEE BARCZEWSKI FAMILY TRUST UNDER DECLARATION OF TRUST DATED AUGUST 7, 1977 8222 S. RAMONA RD. SPOKANE, WA 99224 509-449-1747

SHEET INDEX

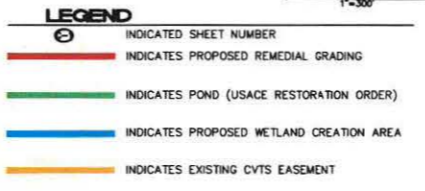
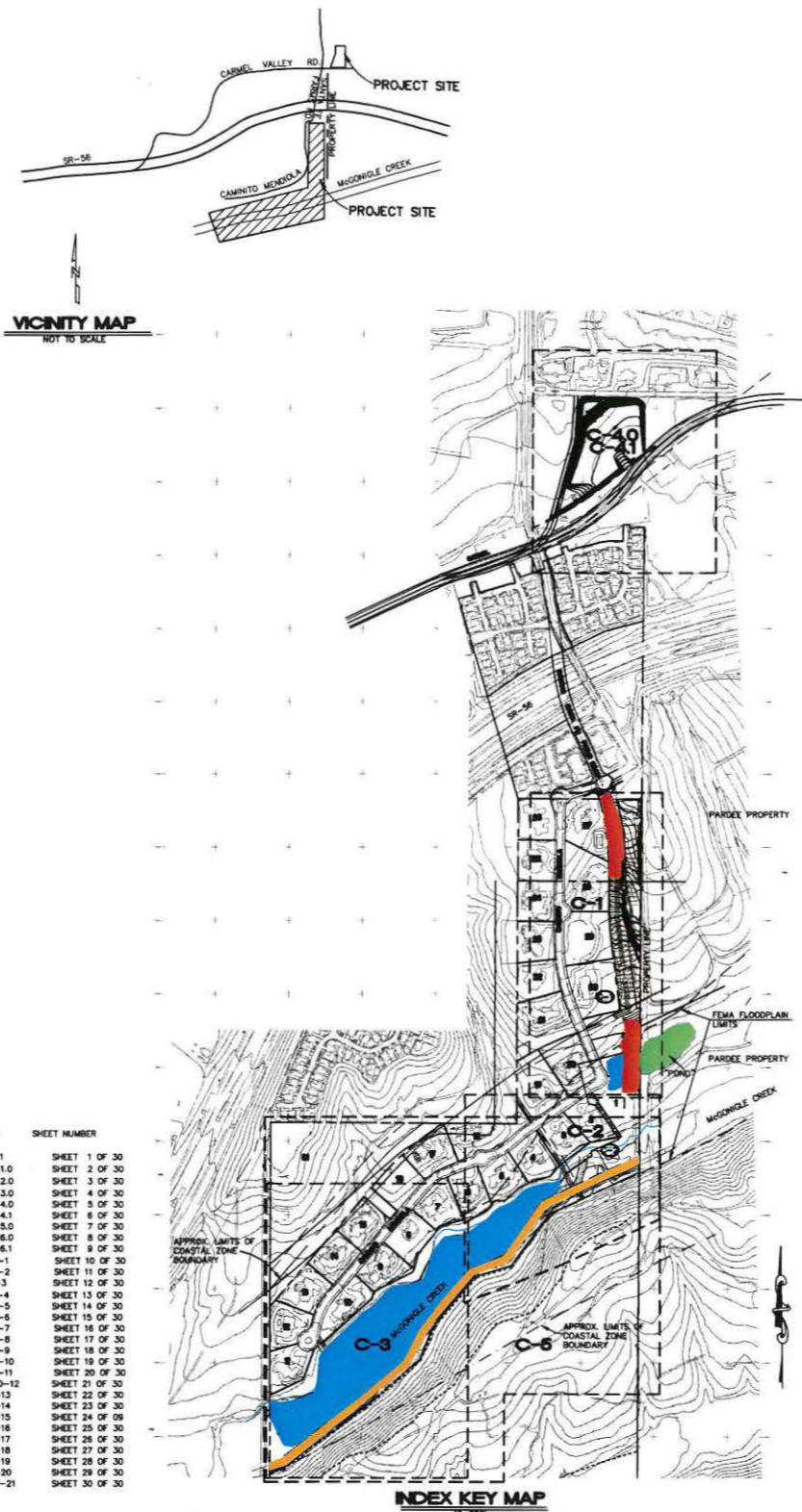
Table with columns: SHEET LABEL, SHEET NUMBER. Lists sheets T-1 through T-21 and L0-1 through L0-21.

HORTICULTURAL NURSERY NOTE:

1. ONLY PLANTS ARE PERMITTED TO BE SOLD ON THE PREMISES (A.P.N. 305-021-18 & 305-060-21), 75% OF WHICH MUST BE GROWN ON THE PREMISES. THE ONLY BULBS PERMITTED ON THE PREMISES ARE GREENHOUSES, MAINTENANCE EQUIPMENT STORAGE BUILDINGS, AND ONE BUILDING WITH A MAXIMUM AREA OF 300 SQUARE FEET FOR SALES TRANSACTIONS.

PALEONTOLOGY NOTE:

1. DUE TO THE SIZE OF THIS PROJECT GRADING DISTURBANCE, PALEONTOLOGICAL MONITORING MAY BE REQUIRED DURING GRADING.



PERMANENT POST-CONSTRUCTION BMP NOTES 1. OPERATION AND MAINTENANCE SHALL BE SECURED BY AN EXECUTED AND RECORDED STORM WATER MANAGEMENT AND DISCHARGE CONTROL MAINTENANCE AGREEMENT (SMA), OR ANOTHER MECHANISM APPROVED BY THE CITY ENGINEER, THAT ASSURES ALL PERMANENT BMP'S WILL BE MAINTAINED IN PERPETUITY, PER THE LAND DEVELOPMENT MANUAL, STORM WATER STANDARDS.

EROSION AND SEDIMENT CONTROL NOTES TEMPORARY EROSION/SEDIMENT CONTROL, PRIOR TO COMPLETION OF FINAL IMPROVEMENTS, SHALL BE PERFORMED BY THE CONTRACTOR OR QUALIFIED PERSON AS INDICATED BELOW:

- 1. ALL REQUIREMENTS OF THE CITY OF SAN DIEGO "LAND DEVELOPMENT MANUAL, STORM WATER STANDARDS" MUST BE INCORPORATED INTO THE DESIGN AND CONSTRUCTION OF THE PROPOSED GRADING/APPROVED CONSTRUCTION OF THE APPROVED STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND/OR WATER POLLUTION CONTROL PLAN (WPCP) FOR CONSTRUCTION LEVEL BMP'S AND FOR PERMANENT POST CONSTRUCTION TREATMENT CONTROL PERMANENT BMP'S, THE WATER QUALITY TECHNICAL REPORT (WQTR) IF APPLICABLE.

MINIMUM POST-CONSTRUCTION MAINTENANCE PLAN

- 1. STABILIZATION: ALL PLANTED SLOPES AND OTHER VEGETATED AREAS SHALL BE INSPECTED PRIOR TO OCTOBER 1 OF EACH YEAR AND AFTER MAJOR RAINFALL EVENTS (MORE THAN 3 INCH) AND REPAIRED AND REPLANTED AS NEEDED UNTIL A NOTICE OF TERMINATION (NOT) IS FILED.

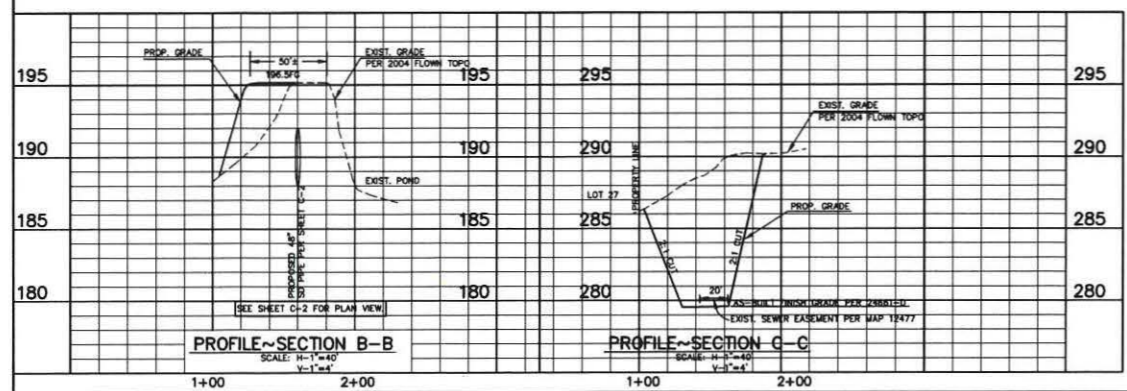
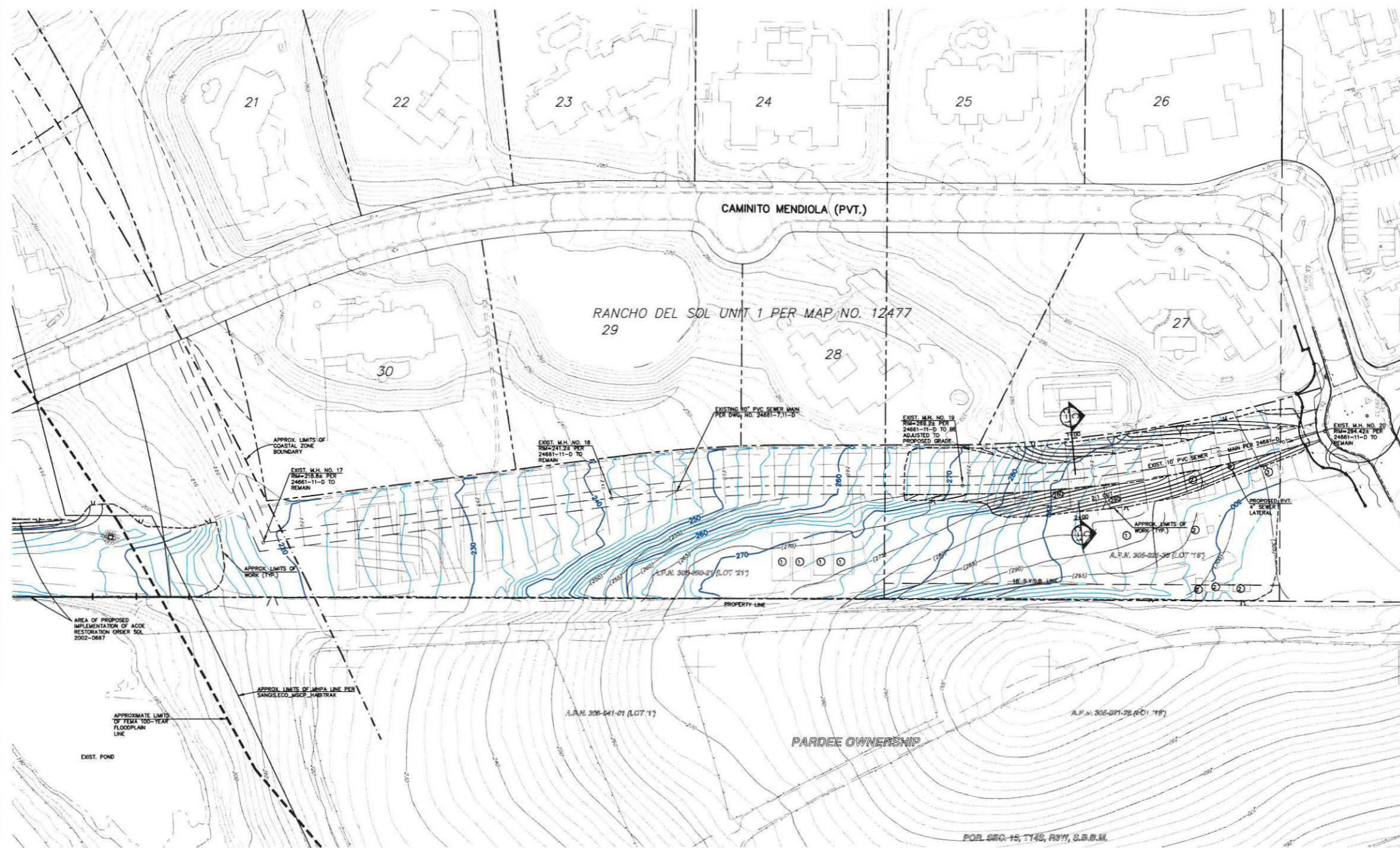
CONSTRUCTION BMP NOTES:

- 1. PRIOR TO ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITEE SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES WITHIN CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.

Professional Engineer Seal for Mark A. Farrington, No. 38114, State of California, dated 03/31/15.

Table with columns: PREPARED BY, ADDRESS, PHONE NO., PROJECT ADDRESS, PROJECT NAME, SHEET TITLE, SHEET NO., SHEET NO., DATE, P.L.S. NO., PERMIT NO.

RANCHO DEL SOL STIPULATED JUDGMENT EXHIBIT FOR GIC No. 801949 PRELIMINARY GRADING PLAN



WATER & SEWER NOTE:
IT IS THE SOLE RESPONSIBILITY OF THE OWNER/PERMITTEE FOR ANY DAMAGE CAUSED TO CITY OF SAN DIEGO PUBLIC WATER AND SEWER FACILITIES ADJACENT TO THE PROJECT SITE, DUE TO THE CONSTRUCTION ACTIVITIES ASSOCIATED WITH THIS PROJECT. IN THE EVENT OF ANY SUCH FACILITY LOSSES, THE OWNER/PERMITTEE SHALL RECONSTRUCT ANY DAMAGED PUBLIC WATER AND SEWER FACILITY IN A MANNER SATISFACTORY TO THE DIRECTOR OF PUBLIC UTILITIES AND THE CITY ENGINEER.

STRUCTURE TYPE DESIGNATION:
 (S) SHADE/GREENHOUSE
 (ST) STORAGE/TOOL SHED
 (RV) RV STORAGE
 *ALL PRE-EXISTING STRUCTURES WITHIN 100 FEET OF NATIVE OR NATURALIZED VEGETATION SHALL COMPLY WITH THE BRUSH MANAGEMENT REGULATIONS SET FORTH IN SECTION 142.0412, LOC AND THE FIRE POLICY 9-08-1, PRE-EXISTING STRUCTURES.

STRUCTURE DESIGNATION NOTE:
THE TEMPORARY STORAGE STRUCTURES LOCATED ON LOTS "18" & "21" DO NOT EXCEED 10% OF THE LOT AREA. NO EXISTING STRUCTURES ARE GREATER THAN 30 FEET TALL. NO STRUCTURES ARE LOCATED WITHIN THE SETBACKS. ALL OTHER STRUCTURES ARE SHADE/GREENHOUSE STRUCTURES FOR GROWING PLANTS WHICH COMPLES WITH CODE SECTION 131.0343(c).

LEGEND

- (280) REPRESENTS DIGITIZED AS-BUILT EXISTING TOPO PER APPROVED GRADING PER CITY OF SAN DIEGO DRAWING NO. 24661-D
- (280) REPRESENTS FLOREN TOPO 10-FOOT CONTOUR INTERVAL (2004) TO REMAIN EXCEPT AS INDICATED ON PLAN
- (280) REPRESENTS FLOREN TOPO 2-FOOT CONTOUR INTERVAL (2004) TO REMAIN EXCEPT AS INDICATED ON PLAN
- (280) REPRESENTS FLOREN TOPO 10-FOOT CONTOUR INTERVAL (2004) TO REMAIN AS PROPOSED GRADING UNDER STIPULATED JUDGMENT
- (280) REPRESENTS FLOREN TOPO 2-FOOT CONTOUR INTERVAL (2004) TO REMAIN AS PROPOSED GRADING UNDER STIPULATED JUDGMENT
- (280) REPRESENTS DIGITIZED AS-BUILT GRADED TOPO PER APPROVED GRADING PER CITY OF SAN DIEGO DRAWING NO. 24661-D
- (280) PROPOSED GRADING 10-FOOT CONTOUR
- (280) PROPOSED GRADING 2-FOOT CONTOUR
- (280) LIMITS OF WORK
- (280) APPROXIMATE LOCATION OF COASTAL PERMIT BOUNDARY

Scale: 1" = 40'

PREPARED BY: FARRINGTON ENGINEERING
 NAME: 11679 VA FIRMA
 ADDRESS: SAN DIEGO, CA 92128
 PHONE NO: 619-475-8400
 PROJECT ADDRESS: 3000 RANCHO SANTA FE FARMS ROAD
 SAN DIEGO, CA 92130
 PROJECT NAME: RANCHO DEL SOL

REVISION 1: 04-19-09
 REVISION 2: 07-10-10
 REVISION 3: 04-12-11
 REVISION 4: 07-16-12
 REVISION 5: 08-11-12
 REVISION 6: 02-28-13
 REVISION 7:
 REVISION 8:
 REVISION 9:
 REVISION 10:
 DRG DATE: 2-13-08
 SHEET 2 OF 30

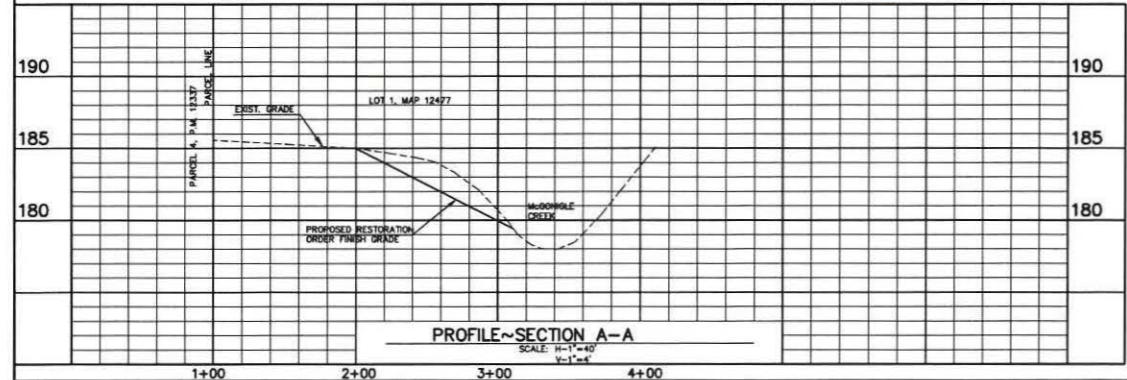
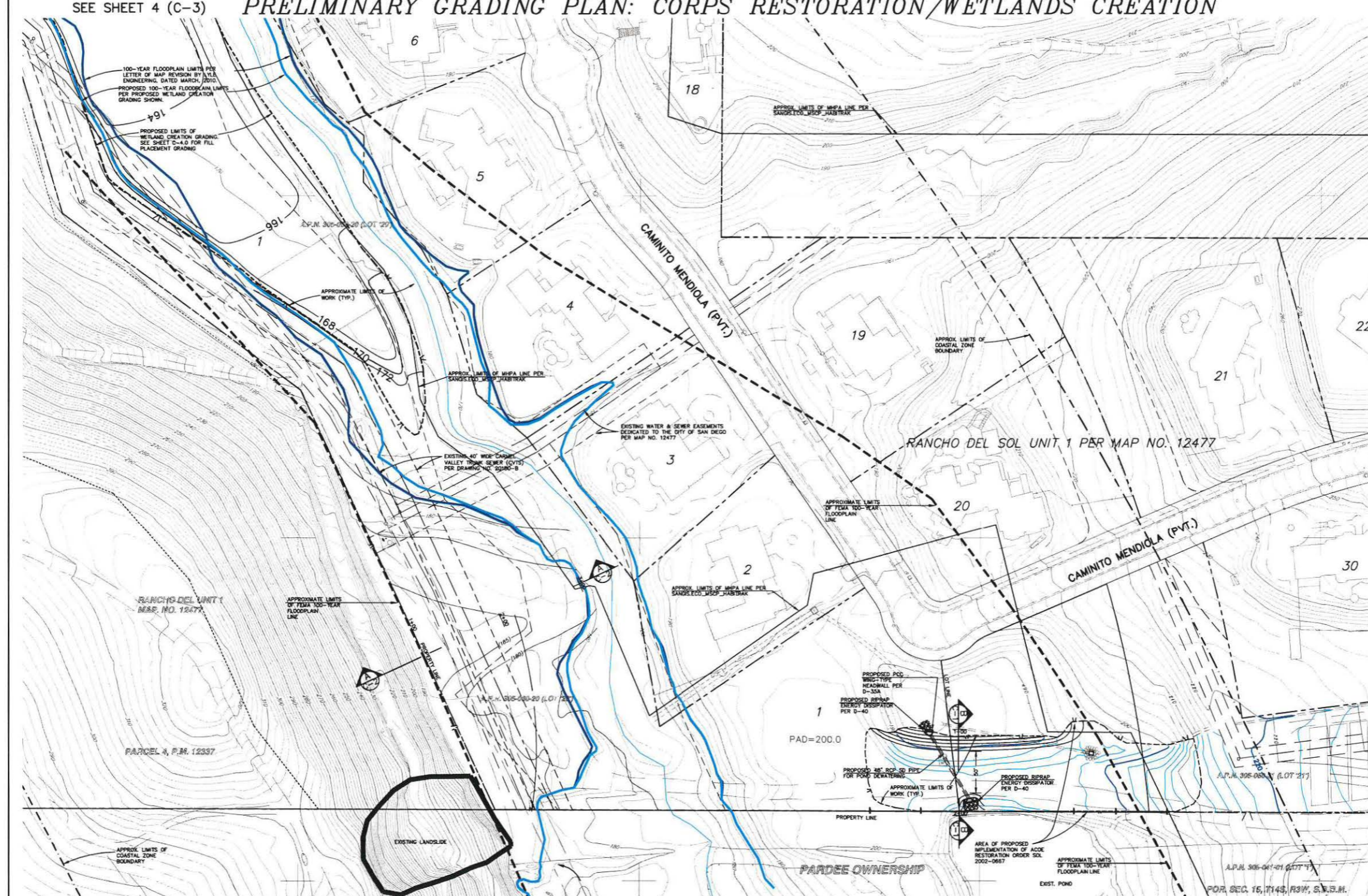
SHEET TITLE: PRELIMINARY GRADING PLAN
 SHEET NO: C-1.0
 P.I.S. NO.
 PERMIT NO. 157369

DATE: 02-28-13
 MARK A. FARRINGTON RCE 38114 EXP. 3/31/13

RANCHO DEL SOL

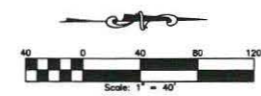
STIPULATED JUDGMENT EXHIBIT FOR GIC No. 801949

PRELIMINARY GRADING PLAN: CORPS RESTORATION/WETLANDS CREATION

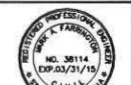


- LEGEND**
- (200) REPRESENTS DIGITIZED AS-BUILT EXISTING TOPO PER APPROVED GRADING PER CITY OF SAN DIEGO DRAWING NO. 34861-D
 - 200 REPRESENTS FLOWN TOPO 10-FOOT CONTOUR INTERVAL (2004) TO REMAIN EXCEPT AS INDICATED ON PLAN
 - 200 REPRESENTS FLOWN TOPO 2-FOOT CONTOUR INTERVAL (2004) TO REMAIN EXCEPT AS INDICATED ON PLAN
 - 200 REPRESENTS FLOWN TOPO 10-FOOT CONTOUR INTERVAL (2004) TO REMAIN AS PROPOSED GRADING UNDER STIPULATED JUDGMENT
 - 200 REPRESENTS FLOWN TOPO 2-FOOT CONTOUR INTERVAL (2004) TO REMAIN AS PROPOSED GRADING UNDER STIPULATED JUDGMENT
 - PROPOSED 100-YEAR FLOODPLAIN LIMITS PER PROPOSED WETLANDS CREATION GRADING SHOWN.
 - 100-YEAR FLOODPLAIN LIMITS PER LETTER OF MAP REVISION BY LYLE ENGINEERING, DATED MARCH, 2010.
 - LIMITS OF WORK
 - APPROXIMATE LOCATION OF COASTAL PERMIT BOUNDARY

EASEMENT RESTRICTIONS NOTE
PLANTING & ACCESS RESTRICTIONS MAY APPLY TO EASEMENTS WITHIN THE RESTORATION AREA.



FARRINGTON ENGINEERING CONSULTANTS, INC.
CONSULTING CIVIL ENGINEERS
11879 VA FIRLE
SAN DIEGO, CA 92130
(656) 875-8490



MARK A. FARRINGTON RCE 38114 EXP. 3/31/15 DATE 02-28-13

WATER & SEWER NOTE:
IT IS THE SOLE RESPONSIBILITY OF THE OWNER/PERMITEE FOR ANY DAMAGE CAUSED TO CITY OF SAN DIEGO PUBLIC WATER AND SEWER FACILITIES ADJACENT TO THE PROJECT SITE, DUE TO THE CONSTRUCTION ACTIVITIES ASSOCIATED WITH THIS PROJECT. IN THE EVENT OF ANY SUCH FACILITY LOSSES IN THE FUTURE, THE OWNER/PERMITEE SHALL RECONSTRUCT ANY DAMAGED PUBLIC WATER AND SEWER FACILITY IN A MANNER SATISFACTORY TO THE DIRECTOR OF PUBLIC UTILITIES AND THE CITY ENGINEER.

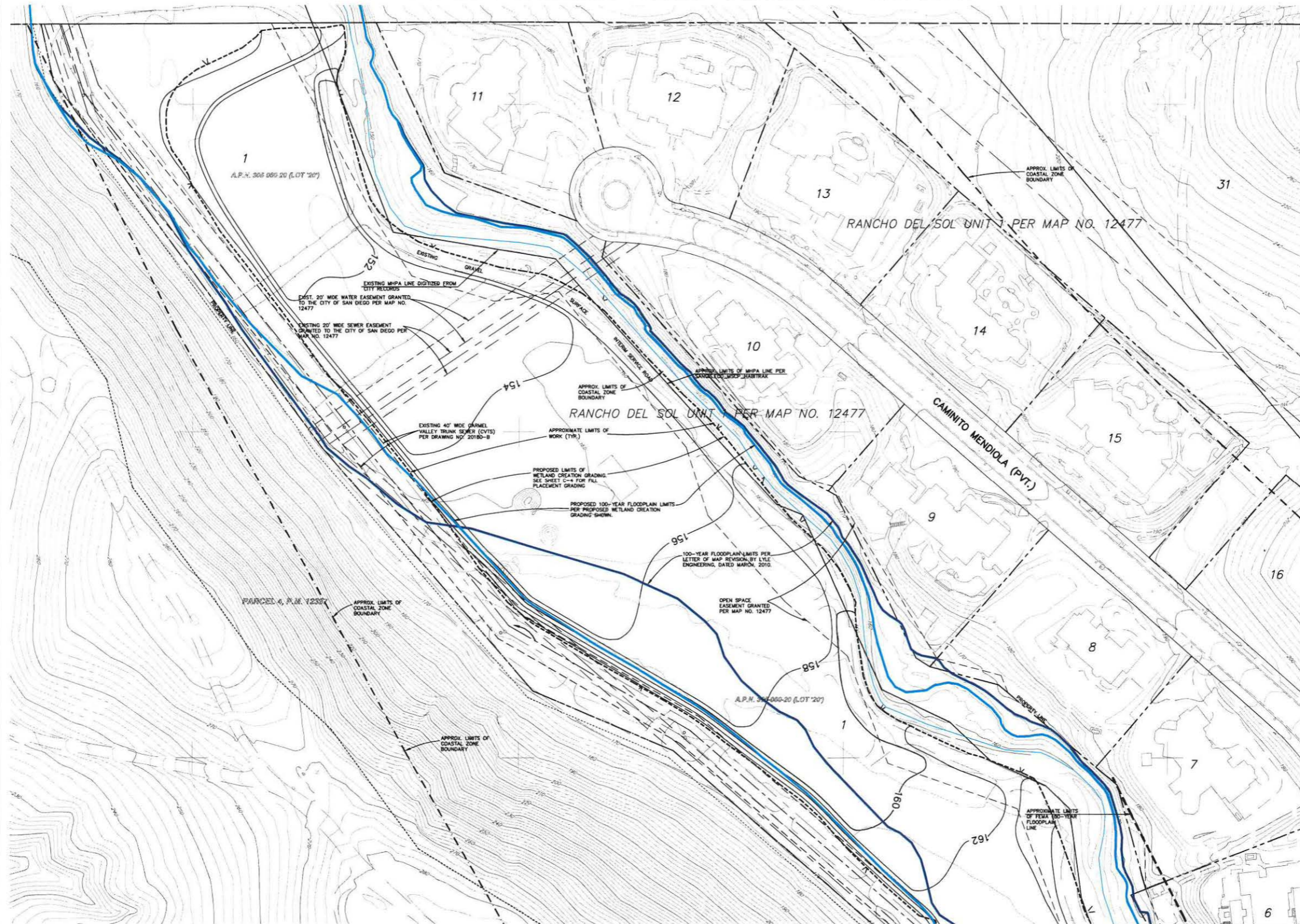
PREPARED BY: FARRINGTON ENGINEERING	REVISION 1: 04-15-09
NAME: 11879 VA FIRLE	REVISION 2: 07-15-10
ADDRESS: SAN DIEGO, CA 92130	REVISION 3: 04-12-11
PHONE NO.: 656-875-8490	REVISION 4: 07-18-12
PROJECT ADDRESS: 3000 RANCHO SANTA FE FARMS ROAD SAN DIEGO, CA 92130	REVISION 5: 08-11-12
PROJECT NAME: RANCHO DEL SOL	REVISION 6: 02-28-13
SHEET TITLE: PRELIMINARY GRADING PLAN: CORPS RESTORATION/WETLANDS CREATION	REVISION 7: _____
DATE: 02-28-13	REVISION 8: _____
SHEET NO. 3 OF 30	REVISION 9: _____
P.L.S. NO. _____	REVISION 10: _____
PERMIT NO. 152789	REVISION 11: _____

SEE SHEET 4 (C-3)

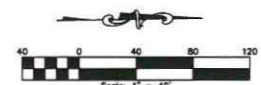
RANCHO DEL SOL

STIPULATED JUDGMENT EXHIBIT FOR GIC No. 801949

PRELIMINARY GRADING PLAN: WETLANDS CREATION



EASEMENT RESTRICTIONS NOTE.
 PLANTING & ACCESS RESTRICTIONS MAY APPLY TO EASEMENTS WITHIN THE RESTORATION AREA.



LEGEND

- REPRESENTS FLOW TOPO 10-FOOT CONTOUR INTERVAL (2004) TO REMAIN EXCEPT AS INDICATED ON PLAN
- REPRESENTS FLOW TOPO 2-FOOT CONTOUR INTERVAL (2004) TO REMAIN EXCEPT AS INDICATED ON PLAN
- PROPOSED 100-YEAR FLOODPLAIN LIMITS PER PROPOSED WETLAND CREATION GRADING SHOWN.
- 100-YEAR FLOODPLAIN LIMITS PER LETTER OF MAP REVISION BY LYLE ENGINEERING, DATED MARCH, 2010.
- LIMITS OF WORK
- APPROXIMATE LOCATION OF COASTAL ZONE BOUNDARY

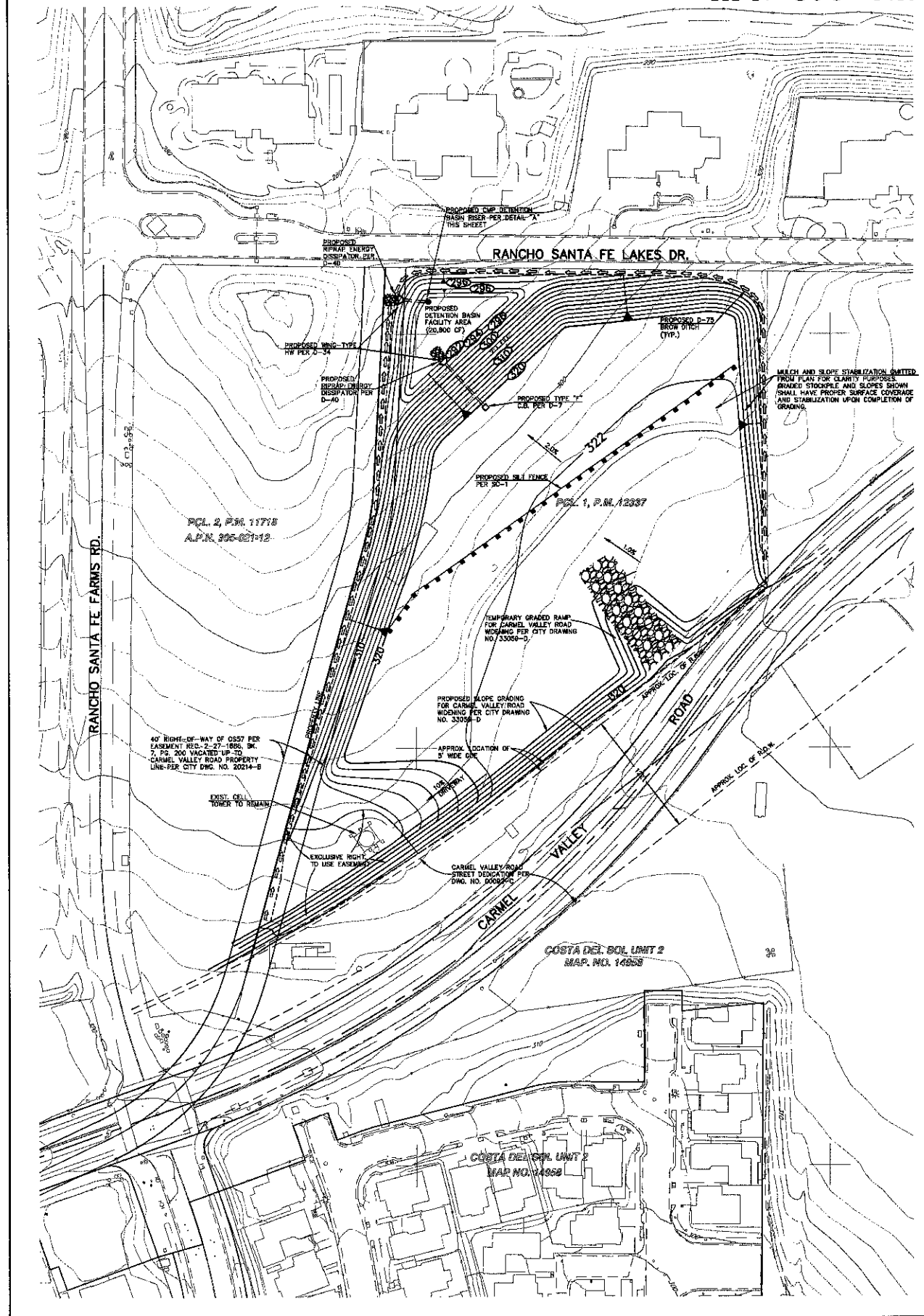
FARRINGTON ENGINEERING CONSULTANTS, INC.
 CONSULTING CIVIL ENGINEERING
 11879 VIA FIRLE
 SAN DIEGO, CA 92126
 (619) 475-9490



MARK A. FARRINGTON RCE 38114 EXP. 3/31/15 DATE 02-26-13

PREPARED BY: FARRINGTON ENGINEERING	REVISION 1:	04-15-09
NAME:	REVISION 2:	07-15-10
ADDRESS: 11879 VIA FIRLE SAN DIEGO, CA 92126	REVISION 3:	04-12-11
PHONE NO: 619-475-9490	REVISION 4:	07-18-12
PROJECT ADDRESS: 5000X RANCHO SANTA FE FARMS ROAD SAN DIEGO, CA 92130	REVISION 5:	09-11-12
PROJECT NAME: RANCHO DEL SOL	REVISION 6:	02-26-13
	REVISION 7:	
	REVISION 8:	
	REVISION 9:	
	REVISION 10:	
SHEET TITLE: PRELIMINARY GRADING PLAN: WETLANDS CREATION	ORIG. DATE:	2-13-09
P.L.S. NO.	SHEET	4 OF 30
SHEET NO. C-3	PERMIT NO.	157299

RANCHO DEL SOL STIPULATED JUDGMENT EXHIBIT FOR GIC No. 801949 WETLANDS CREATION STOCKPILE GRADING EXPORT PLAN APN 305-021-05



WORK TO BE DONE
THE IMPROVEMENTS CONSIST OF THE FOLLOWING WORK TO BE DONE ACCORDING TO THESE PLANS, AND THE SPECIFICATIONS AND STANDARD DRAWINGS OF THE CITY OF SAN DIEGO.

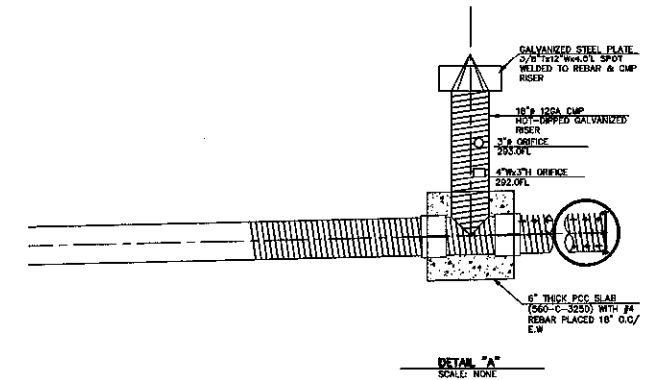
STANDARD SPECIFICATIONS

DOCUMENT NO.	FILED	DESCRIPTION
PITS05040801	5-04-09	STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (GREENBOOK), 2009 EDITION
PITS08010-1	09-01-10	STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (WHITEBOOK), 2010 EDITION
AEC1231084	12-31-10	CALIFORNIA DEPARTMENT OF TRANSPORTATION, MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD 2006)
AEC0225002	03-25-08	CALTRANS 2006 (U.S. CUSTOMARY SPECIFICATIONS)

STANDARD DRAWINGS

- CITY OF SAN DIEGO STANDARD DRAWINGS, INCLUDING ALL REGIONAL STANDARD DRAWINGS, DOCUMENT NO. AEC1231084, FILED DECEMBER 31, 2006.
- STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, STANDARD PLANS, DOCUMENT NO. AEC0225002, FILED SEPTEMBER 25, 2006.

IMPROVEMENTS	STD. DWG.	SYMBOL
PROPERTY BOUNDARY		
FILL SLOPE (2:1 MAX.)		
EXISTING CONTOUR		
FINISH GRADE CONTOUR		
LIMITS OF GRADING		
PROPOSED FINISH STOCKPILE SLOPE GRADING (1% MIN.)		
PROPOSED TYPE 1\"/>		



EARTHWORK DATA-WETLAND EXPORT

DISTURBED AREA: 4.3 ACRES	MAX. CUT DEPTH: 0 FT.
GRADED AREA: 4.3 ACRES	MAX. CUT SLOPE RATIO (2:1 MAX.): 2:1
CUT QUANTITIES: 0 C.Y.	MAX. FILL DEPTH: 25 FT.
FILL QUANTITIES: 80,000 C.Y.	MAX. FILL SLOPE RATIO (2:1 MAX.): 2:1
IMPORT/EXPORT: 80,000 C.Y.	

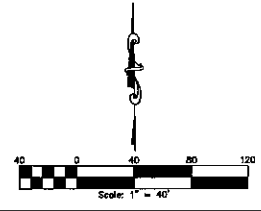
WETLANDS CREATION GRADING DATA:

GROSS STOCKPILE AREA:	3,002 ACRES
GROSS CUT:	0 C.Y.
GROSS FILL:	80,000 C.Y.
NET IMPORT (LOT 1, SEE SHEETS "C-2" & "C-3")	80,000 C.Y.
EXPORT:	0 C.Y.

PREPARED BY: FARRINGTON ENGINEERING	REVISION 1: 04-10-09
NAME: MARK A. FARRINGTON	REVISION 2: 07-15-10
ADDRESS: 1879 WA PARK SAN DIEGO, CA 92128	REVISION 3: 04-12-11
PHONE NO: 619-575-8150	REVISION 4: 07-16-12
PROJECT ADDRESS: 3000 RANCHO SANTA FE FARMS ROAD	REVISION 5: 08-11-12
SAN DIEGO, CA 92128	REVISION 6: 02-26-13
PROJECT NAME: RANCHO DEL SOL	REVISION 7: _____
	REVISION 8: _____
	REVISION 9: _____
	REVISION 10: _____
SHEET TITLE: WETLANDS CREATION STOCKPILE GRADING EXPORT PLAN	DATE: 2-13-18
SHEET NO. C-4.0	SHEET 9 OF 30
	P.L.S. NO. _____
	PERMIT NO. 157282

FARRINGTON ENGINEERING CONSULTANTS, INC.
CONSULTING CIVIL ENGINEERS
1879 WA PARK
SAN DIEGO, CA 92128
(619) 575-8150

02-26-13 DATE
MARK A. FARRINGTON RICE 38114 EXP. 3/31/15

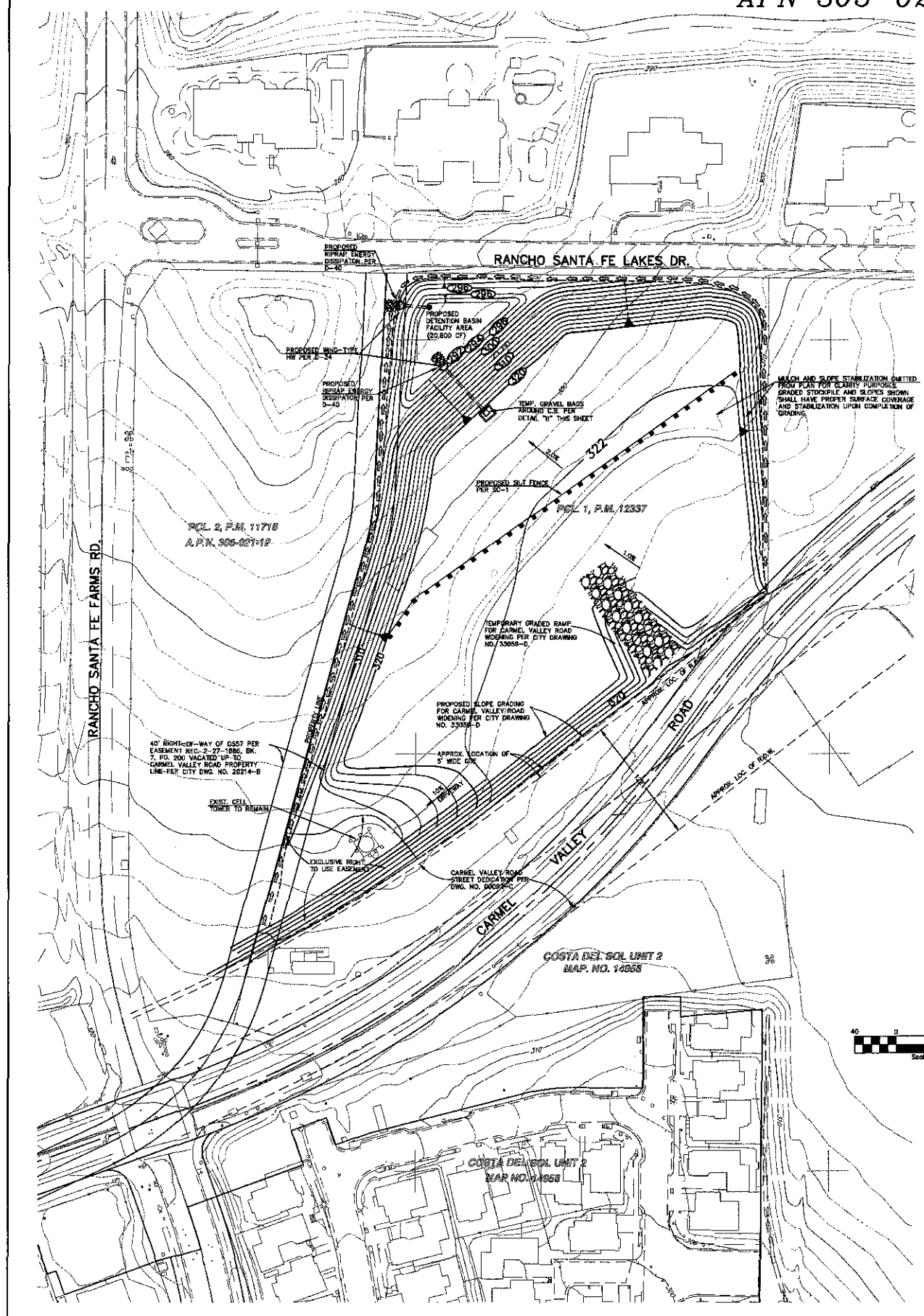


RANCHO DEL SOL

STIPULATED JUDGMENT EXHIBIT FOR GIC No. 801949

WETLANDS CREATION EXPORT STOCKPILE EROSION CONTROL PLAN

APN 305-021-05



PROPOSED IMPROVEMENTS	SYMBOL
PROPOSED STABILIZED CONSTRUCTION ENTRANCE	
SILT FENCE	SC-1
UNLINED SWALE & BERM	
GRAVEL BAGS	SC-6
HYDRAULIC MULCH	SS-3
MATERIAL DELIVER STORAGE	WM-1
CONCRETE WASTE MANAGEMENT	WM-8
SANITARY/SEPTIC WASTE MANAGEMENT	WM-9

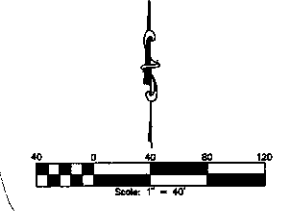
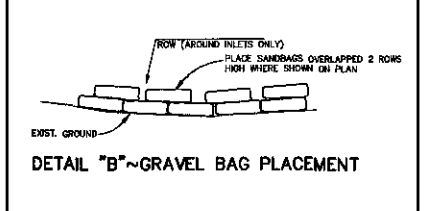
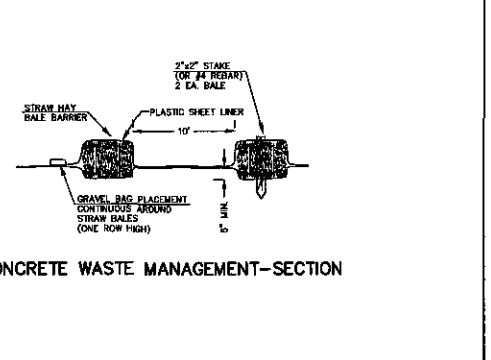
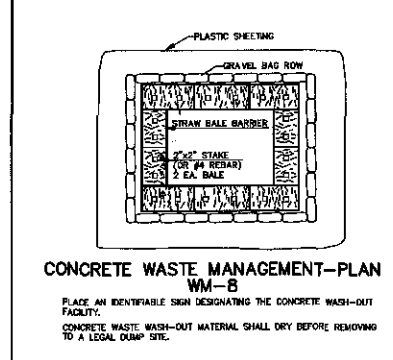
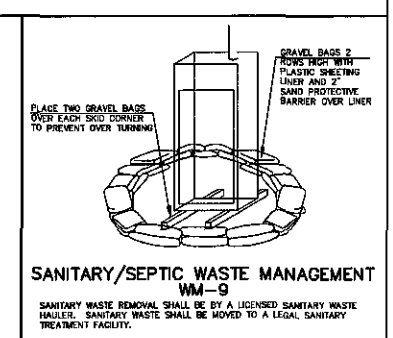
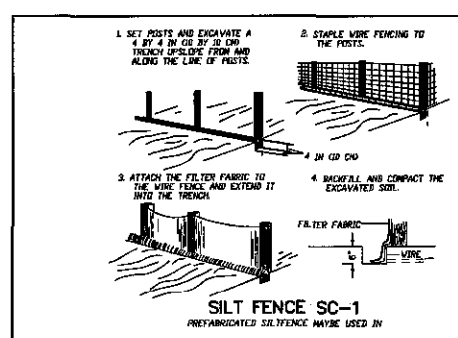
WATER QUALITY NOTES

1. POST CONSTRUCTION BMPs WILL INCLUDE KRISTAR FLO-GARD FILTER INSERTS SHOWN.
2. SURFACE DRAINAGE TO PRIVATE 14"x14" CATCH BASINS SHOWN FOR 0.2IN./HR. STORM INTENSITIES.
3. MAINTENANCE CHECK OF ALL PRIVATE CATCH BASINS TO BE MADE ON A PER STORM EVENT OR MONTHLY, WHICHEVER IS A GREATER OCCURRENCE.
4. MAINTENANCE RESPONSIBILITY SHALL BE BY OWNER.

CONSTRUCTION BMPs

BMPs SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

1. STABILIZED CONSTRUCTION ENTRANCES
2. GRAVEL BAGS AROUND EACH CATCH BASIN ONCE INSTALLED AND VEGETATION NOT COMPLETED.
3. SILT FENCING COMPLETELY SURROUNDING PROJECT DISTURBANCE
4. STREET SWEEPING
5. CONCRETE WASH OUT AREA
6. SANITATION WASTE CONTAINMENT
7. MATERIAL WASTE CONTAINMENT
8. MATERIAL STORAGE
9. BMP GOOD HOUSEKEEPING INSTRUCTIONS TO ALL PARTIES ASSOCIATED WITH CONSTRUCTION.



FARRINGTON ENGINEERING CONSULTANTS, INC.
CONSULTING CIVIL ENGINEERING
11679 VIA FERRIS
SAN DIEGO, CA 92128
(619) 575-9490

NO. 30114
CIVIL ENGINEER
STATE OF CALIFORNIA

DATE: 02-28-13
MARK A. FARRINGTON ROE 30114 EXP. 3/31/13

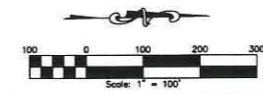
PREPARED BY: FARRINGTON ENGINEERING	REVISION 1: 04-15-09
NAME: _____	REVISION 2: 07-15-10
ADDRESS: 11679 VIA FERRIS	REVISION 3: 04-12-11
SAN DIEGO, CA 92128	REVISION 4: 07-16-12
PHONE NO. 619-575-9490	REVISION 5: 09-11-12
PROJECT ADDRESS: 3000 RANCHO SANTA FE FARMS ROAD	REVISION 6: 02-28-13
SAN DIEGO, CA 92130	REVISION 7: _____
PROJECT NAME: RANCHO DEL SOL	REVISION 8: _____
REVISION 9: _____	REVISION 10: _____
SHEET TITLE: WETLANDS CREATION EXPORT STOCKPILE	DATE: 2-13-09
EROSION CONTROL PLAN	SHEET 6 OF 30
SHEET NO. C-4.1	P.T.S. NO. _____
PERMIT NO. 152289	REVISION 11: _____

RANCHO DEL SOL
STIPULATED JUDGMENT EXHIBIT FOR GIC No. 801949

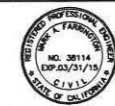


LEGEND

- INDICATES SLOPES 0-25%
- INDICATES SLOPES 25-30%
- INDICATES SLOPES >30%



FARRINGTON ENGINEERING CONSULTANTS, INC.
CONSULTING CIVIL ENGINEERS
11679 WA FIRLE
SAN DIEGO, CA 92128
(658) 675-9490



02-26-13
MARK A. FARRINGTON RCE 38114 EXP. 3/31/15 DATE

PREPARED BY: FARRINGTON ENGINEERING	
NAME: 11679 WA FIRLE	REVISION 1: 04-15-09
ADDRESS: SAN DIEGO, CA 92128	REVISION 2: 07-15-10
PHONE NO.: 658-675-9490	REVISION 3: 04-12-11
PROJECT ADDRESS: 6000 RANCHO SANTA FE FARMS ROAD	REVISION 4: 07-18-12
SAN DIEGO, CA 92130	REVISION 5: 09-11-12
PROJECT NAME: RANCHO DEL SOL	REVISION 6: 02-26-13
SHEET TITLE: SLOPE ANALYSIS	REVISION 7: _____
DATE: 02-26-13	REVISION 8: _____
SHEET NO. C-5	REVISION 9: _____
	REVISION 10: _____
	DRG. DATE: 2-13-09
	SHEET 7 OF 30
	P.L.S. NO. _____
	PERMIT NO. 157369

Rancho Del Sol Landscape Planting and Irrigation Erosion Control Plan Stockpile Area - Parcel 5

Date:	07-15-2010
Project #:	C-10750
Scale:	As Noted
Drawn By:	B. G. J.K.
Revision:	04-12-2011
	07-16-2012
	09-20-2012
	10-09-2012
	11-09-2012
	11-26-2012
	12-05-2012
	03-01-2013

John David
KRIZIAN
ASSOCIATES
Landscape Architecture
Planning and Urban Design
619.517.2845 voice
619.590.2886 fax
jkrizian@conae.com
11650 Dutton Drive
La Mesa, CA 91941
California License
2526

Project Team:

OWNER
RUBEN RABO, GENERAL TRUSTEE
MARCELO PAMPLI TRUST
UNITED TRUST COMPANY OF TEXAS DATED AUGUST 17, 2007
622 S. RABONA RD.
SPRINGARIE, WA 99224
509.469.4747

LANDSCAPE ARCHITECT
JOHN KRIZIAN, P.E.
11400 N. WITTEN DR.
LA MESA, CA 91941
619.517.2845

LAND USE CONSULTANT
DALE MATHIAS
LANDSCAPE DEVELOPMENT & CONSULTING, INC.
1481 BELLEVUE AVE.
LA JOLLA, CA 92037
619.734.4834

CIVIL ENGINEER
MELBA A. FARQUHAR, PE
FARQUHAR ENGINEERING CONSULTANTS, INC.
1005 VIA PUECO
SAN DIEGO, CA 92108-4339
619-471-0900
619-471-0497 FAX
EMAIL: MFARQUH@SAN.KRIZIAN.COM

HYDROLOGY ENGINEER
SCOTT LYLE
L.T.A. ENGINEERING, INC.
100 LAMAR AVE. S.D.
CARLSBAD, CA 92008
(760)430-1477

SOILS ENGINEER
FRANZIS R. CHRISTIAN
SCOTT LYLE
L.T.A. ENGINEERING, INC.
100 LAMAR AVE. S.D.
CARLSBAD, CA 92008
619-433-4710
619-433-4710 FAX

BIOLOGIST
VINCENT D. SCHWITZ
1114 DE WINDMILL CT.
SAN DIEGO, CA 92122
619-471-0900
619-471-1030 FAX
EMAIL: VINSCHW@SAN.KRIZIAN.COM

LAND USE ATTORNEY
RICHARD WITZ
WITZ & ASSOCIATES, LLP
12760 HIGH BLUFF DR., SUITE 200
SAN DIEGO, CA 92126
619-221-5044

Plans Prepared by:



Title Sheet

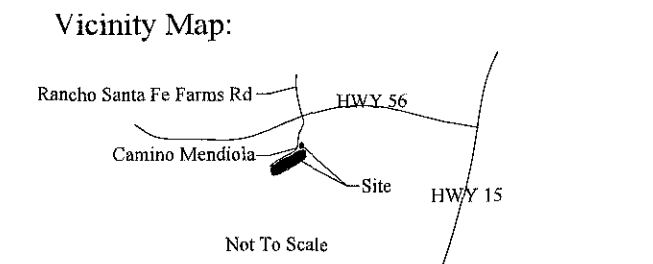
Rancho Del Sol
Landscape Planting and Irrigation
Erosion Control Plan

Sheet: 10
LT-1
of 30 Sheets

GENERAL IRRIGATION NOTES

- The irrigation system shown is diagrammatic. All piping, valves, etc. shown within outside areas is for drawing clarification only and equipment shall be installed within planting areas wherever possible. Avoid conflict between sprinkler system and planting.
 - The sprinkler system is based upon an acceptable minimum operating pressure at the site. Prior to any construction the Contractor shall: 1) verify location of existing water service 2) point of connection and 3) existing water pressure. The Contractor shall test available pressure and verify results with Landscape Architect. Installation and set pressure for the pressure regulator device shall be coordinated with Landscape Architect as appropriate for the site pressure. The maximum circuit flow demands shown on the irrigation plans within the corresponding hexagon below the appropriate valve size and circuit reference.
 - It shall be the responsibility of the Irrigation Contractor to become familiar with all grade differences, locations of walls, retaining walls, etc. Irrigation Contractor shall coordinate with all other sub-contractors for the location and the installation of pipe sleeves through walls, under driveways, paving, etc.
 - Do not willfully install the sprinkler system as shown on the drawings when it is obvious in the field that obstructions, grade differences or differences in area dimensions exist that might not have been known during the design phase. Such obstructions or differences should be brought to the attention of the landscape Architect prior to any installation of the system or other than shown on plans. In the event this notification is not performed, the Irrigation Contractor shall assume full responsibility for the cost of any revisions necessary.
 - The Irrigation Contractor shall provide and keep up to date a complete "As-Built" record set of plans which shall be corrected daily and show every change from the original drawings. Before the time of final inspection, the Irrigation Contractor shall transfer all information from the "As-Built" set to a reproducible register, prepared from the Landscape Architect.
 - Final location of the Automatic Controller and the Backflow Prevention shall be approved by the Landscape Architect.
 - Adequate 1/2" wall electrical service at the automatic controller location shall be arranged and provided for by the Irrigation Contractor. It shall also be the responsibility of the Irrigation Contractor to make final hookup from the electrical outlet to the controller.
 - All piping between the point of connection and backflow prevention shall be of material and installation methods required by local codes. In addition to pipe sleeves shown on drawings, the Irrigation Contractor shall be responsible for the installation of control wire and pipe sleeves of sufficient size under paved areas. All pressure pipes, control wires and related nonpressure laterals installed under paving shall be installed in trenches.
 - Install all materials and equipment per irrigation details. Teflon tape shall be used on all threaded connections.
 - All sprinkler heads shall be installed so that the spray is perpendicular to finish grade of the area to be irrigated.
 - Irrigation Contractor shall be responsible to install in-line soil drain valves as warranted by site conditions or requested by the Landscape Architect to prevent line drainage and soil erosion.
 - Irrigation Contractor shall flush all lines and adjust all sprinkler heads for optimum performance and even coverage and to prevent overspray onto roadways, walls, walks, buildings or windows. This shall include selecting the most appropriate degree of arc to fit the existing conditions and to handle the flow control at each valve to obtain the optimum operating pressure for each system.
 - Leakage backflow prevention devices are specifically per direction of Landscape Architect and cover with two (2) coats flat black paint.
 - Any substitution of equipment specified must be approved in writing by the Landscape Architect. Failure to make any substitution known to the Landscape Architect shall result in the Irrigation Contractor being liable to provide the item specified at no additional cost to the Owner.
 - Plans shall show prior to sprinkler head installation.
 - The Irrigation Contractor shall notify the Landscape Architect a minimum of 48 hours prior to commencement of work to coordinate project inspection schedules. Failure to provide L.A. with adequate notification will result in the Irrigation Contractor being liable for hourly billing time of the Landscape Architect.
 - The Irrigation Contractor shall arrange for inspections by the Landscape Architect at the following times during the course of the work:
 - Inspection of manifold installation prior to the installation of trenches.
 - Inspection of valves and backflow prevention devices.
 - Review of Controller program settings.
 - Review of sprinkler coverage.
 - Completion of installation of irrigation system to receive approval and acceptance from Landscape Architect.
 - Irrigation Contractor shall provide guarantee normal to the trade of one year for all parts and installation from the date of final inspection acceptance.
- RECLAIMED WATER USE NOTES**
- All waste irrigation improvement shown on these erosion control plans are part of a reclaimed water distribution system. No connection will be allowed until all appropriate permits have been obtained.
 - Close connections between reclaimed water lines and potable water lines are strictly prohibited.
 - Use of reclaimed water shall conform to Title 22, Division 6, Chapter 3 of the California Code of Regulations and the current rules, regulations and specifications of the water district.
 - The water district inspection department shall be notified 48 hours (2 working days) prior to the start of construction. All work performed without the benefit of inspection shall be subject to rework and removal.
 - Public facilities, such as drinking and decorative fountains, outdoor showers, playground equipment, etc. may exist on this project.
 - All on-site reclaimed water irrigation piping and on-site potable water piping installed under final design shall be identified in accordance with the water district standard specifications.
 - All on-site reclaimed water piping shall be purple colored PVC, continuously installed on opposite side of the pipe with the words "CAUTION - RECLAIMED WATER". Approval and installation of this piping shall be identified in the District Approval and Installation Manual.
 - All waste potable water lines shall be white PVC unless otherwise approved by the District.
 - Under all other circumstances, a 4-foot horizontal and 1-foot vertical separation between potable and reclaimed water lines shall be maintained at all times. The potable lines shall be installed above the reclaimed lines.
 - Where potable lines and constant pressure reclaimed water lines cross, the reclaimed water line shall be installed below the potable water line in a clean 200 purple colored PVC sleeve. The sleeve shall extend 10-feet on either side of the potable line, for a total of 20-feet.
 - A minimum vertical separation shall be maintained between utilities at all times.
 - Flow logs are strictly prohibited on reclaimed water systems.
 - All spray nozzles, valve boxes and sprinkler emitter valves shall be color-coded (Purple) to indicate the use of reclaimed water.
 - Reclaimed water lines shall have caps, covers or enclosures unless specifically shown on these plans.
 - All pressure lines shall be tested with hydrostatic pressure or required in the District standard specifications and all components shall be tested with the existing static line pressure. No leaks shall be allowed. Contractor shall provide all equipment for hydrostatic tests. These tests shall be witnessed by a representative of the water district.
 - All repairs shall be approved and installed in accordance with the system water meter. A stoppage indicating the use of reclaimed water shall be submitted to the District for approval prior to installation. As a minimum, signs must be posted and written in English and Spanish with the international symbol (No Not Drink).
 - Markers shall be installed by the District.
 - All reclaimed water services require a backflow prevention. Irrigation systems being supplied with reclaimed water shall install check valves and one street per District standard drawing W-45. Irrigation systems currently being supplied with potable water shall install a backflow prevention device per District standard drawing W-41 or W-42. When reclaimed water becomes available, the reduced pressure backflow device shall be removed by the Owner and replaced with a check device and vent per District standard drawing W-45.
 - Prior to connecting the on-site system with water, use (2) acceptance test of installed controller shall be provided to the District.
 - Each automatic controller and its associated equipment shall be identified with a sign bearing the words "Reclaimed Water Used For Irrigation" in English and Spanish, with white letters at least 1 inch high on a purple (District 5172 background). The sign shall be placed so as to be readily seen by any operation personnel utilizing the equipment.
 - The Contractor shall adjust all sprinkler heads for optimum performance. This shall include checking the flow control at each valve to obtain the optimum operating pressure for each system. Conditions that cause overspray, ponding, or runoff shall be eliminated. Adjust system to avoid these conditions.
 - The irrigation system flow lines designed shall be installed between the hours of 9:00 p.m. and 6:00 a.m. unless otherwise approved by the District.
 - No substitution of pipe materials will be allowed without the express approval of the District.
 - An initial and annual cross-connection inspection will be done at sites with both potable and reclaimed water service by the San Diego County Department of Environmental Health. Copies of inspection reports will be forwarded to the corresponding party.
 - Failure to comply with the District's rules and regulations in a violation could result in suspension of services until the appropriate corrective steps have been taken.
 - When water service becomes available, an on-site backflow prevention shall be designed and installed. This individual shall be designed to prevent any backflow into the property with the basic concept of backflow prevention protection, the installed preventer's rules and regulations, and the specific requirements of a reclaimed water system. Copies of the regulations, with contact phone numbers shall be provided to the City of San Diego and the San Diego County Department of Environmental Health.
 - Best management practices shall be used to eliminate or control the best extent possible ponding, runoff, over-spray and erosion.
 - Reclaimed water special compliance valves shall be of a type designed for use on reclaimed water distribution system (Optima and alternatives) with potable water quick connect spools per water district rules and regulations.
 - A physical separation shall be provided between reclaimed water and potable water. Separation shall be provided by distance, concrete curb, or other approved methods.
 - Drinking water fountains and developed outdoor eating areas shall be protected against contact with recycled water spray, mist or runoff.

- Sheet Schedule:**
- LT-1 Parcel 5 - Title Sheet
 - LP-2 Parcel 5 - Landscape Planting Erosion Control Plan
 - LI-3 Parcel 5 - Landscape Irrigation Erosion Control Plan



NOTES:

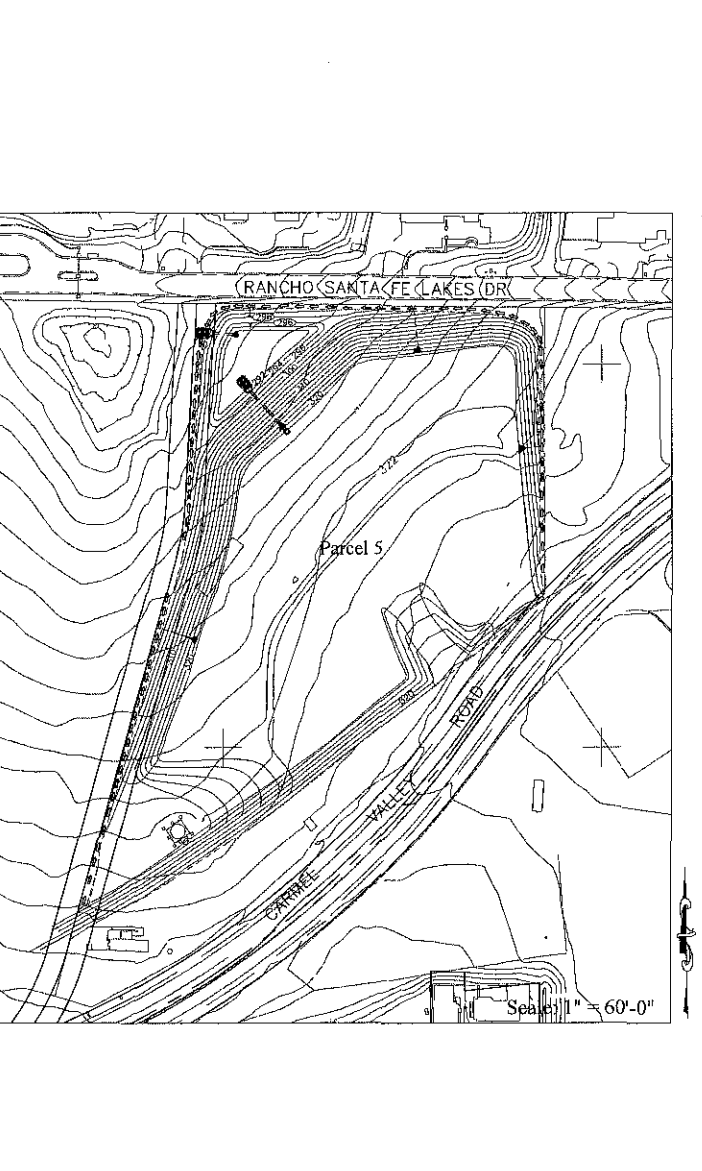
The Permittee or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Land Development Code, Landscape Regulations and the Land Development Manual, Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wetland or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or tiller as noted in section 1.3 of the Landscape Standards.

The Permittee or subsequent Owner(s) shall be responsible to ensure that irrigation drainage run off shall be directed from the Multiple Habitat Preserve Area or from the transitional areas to ensure that no impacts occur from runoff in any of these areas.

Prior to issuance of any engineering permits for grading, the Permittee or subsequent Owner shall enter into a Landscape Establishment and Maintenance Agreement (LEMA) to assure long term establishment and maintenance of all common area slope revegetation. The LEMA shall be approved by the Landscape Section of Development Services Department. Agreement shall commence prior to release of the performance bond with developer or subsequent owner posting a new bond to cover the terms of the agreement.

All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this permit.

- General Notes:**
- Installation of landscaping associated with these construction documents shall require an establishment period of 90 days for all disturbed area revegetation.
 - The Permittee or subsequent Owner(s) shall be responsible to ensure that irrigation run off drainage shall be directed away from the Multiple Habitat Preserve Area or from the transitional areas to ensure that no impacts occur from runoff in any of these areas.
 - Prior to issuance of any engineering permits for grading the Permittee or subsequent Owner(s) shall enter into a Landscape Establishment and Maintenance Agreement (LEMA) to assure long-term establishment and maintenance of all common area slope revegetation. The LEMA shall be approved by the Landscape Section of Development Services Department. Agreement shall commence prior to release of the performance bond with developer or subsequent owner posting a new bond to cover the terms of the agreement.
 - All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
 - All Landscape and irrigation shall conform to the standards of the City-Wide Landscape Regulations, the City of San Diego Land Development Manual Landscape Standards and other Landscape related City and Regional standards.
 - Maintenance: All required landscape areas shall be maintained by the Property Owner. The landscape areas shall be maintained free of debris and litter and all plant material shall be satisfactorily installed or replaced per the conditions of the permit.
 - All pre-existing structures within 100 feet of native or naturalized vegetation shall comply with the Brush Management Regulations set forth in Section 142.0412, LDC and the FBP Policy B-08-1, Pre-existing Structures.

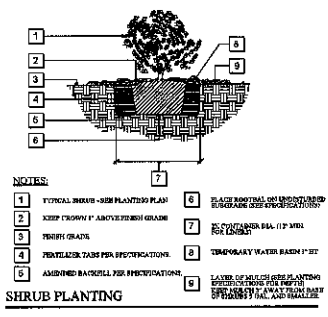


RANCHO DEL SOL
STIPULATED JUDGMENT EXHIBIT FOR GIC No. 801949
WETLANDS CREATION GRADING & EROSION CONTROL EXPORT PLAN
APN 305-021-05



PLANTING NOTES

1. Prior to the commencement of any planting, the Contractor shall obtain soil samples and obtain an Agricultural Suitability Soils Analysis from Soils and Pests Laboratory, P.O. Box 6566, Orange, CA 92611-0566, phone number: (714) 282-8777 FAX: (714) 282-8575. This analysis shall be used to determine proper soil amendments to be completed prior to final installation. However, for bid purposes only, item #2 shall be used as the soil preparation and amendment procedure to determine a bid allowance figure, which shall be included as a line item in the landscape construction bid. Recommendations of the soils analysis shall be followed and the cost for the procedure shall be given as a credit or debit to the original bid price.
2. Contractor shall be responsible for making familiar all underground utilities, pipes and structures. Contractor shall take sole responsibility for any cost incurred due to damage of existing site items.
3. Do not willfully proceed with construction as designed when it is obvious that unknown obstructions and/or grade differences exist that may not have been known during design. Such conditions shall immediately be brought to the attention of the Landscape Architect. The Contractor shall assume full responsibility for all necessary revisions due to failure to provide such notification.
4. Contractor shall be responsible for any coordination with subcontractors as required to accomplish planting operations.
5. If conflicts arise between size of trees and plan, contractor shall contact Landscape Architect for resolution. Failure to make such conflict known to the Landscape Architect shall result in the Contractor's being liable to relocate the materials at no additional cost to the Owner.
6. Acceptance of any fill material is subject to the approval of the Landscape Architect. Contractor shall submit laboratory soil analysis to the Landscape Architect for approval prior to the importation of any fill onto the site.
7. Final location of all plant material shall be subject to the approval of the Landscape Architect.
8. See details for staking method, plant pit dimensions and backfill requirements.
9. All plant material shall be subject to approval by the Landscape Architect prior to installation.
10. All plant material shall be of suitable quality as determined by the Landscape Architect. Material found unsuitable for the design intent will be rejected.
11. Any substitution of plant material shall be approved by the Landscape Architect. Failure to make any substitution known to the L.A. shall result in the Contractor's being liable to provide the specified plant materials at no cost to the Owner.
12. It shall be the Contractor's responsibility to furnish plant materials free of pests or plant diseases. Preselected or 'tagged' material must be inspected by the Contractor and certified pest and disease free.
13. All tree trunks shall be treated a minimum of six (6) feet from all property boundaries, easements and other trees within the project.
14. Multi-trunk indicator trees (3) trunks minimum, branched from below grade base of tree.
15. Contractor shall provide guarantees normal to the trade for longevity of all plant material as follows: Three months for all shrubs and groundcovers, One year for all trees.
16. Quantities shown on legend and labels are included merely as a convenience for Contractor. Landscape Contractor is responsible to provide quantity of plant material shown by symbol to fulfill design intent.
17. Contractor shall notify Landscape Architect 48 hours prior to commencement of work to coordinate project inspection schedule.
18. The Landscape Contractor shall arrange for inspections by the Landscape Architect at the following times during the course of work:
 - A. Inspection of soil amendments prior to incorporation into soil.
 - B. Approval of all plant materials.
 - C. When trees and shrubs are spotted in place for planting prior to plant hole excavation.
 - D. Completion of landscape installation.
 - E. Completion of maintenance period.
19. Landscape Contractor shall provide maintenance, to the satisfaction of the Landscape Architect, for 120 days following completion of installation or determined by the Landscape Architect.



Plant Material Legend

Symbol	Quantity	Species	Plant Name	Notes
(Symbol)	10	Quercus agrifolia	White Oak	12" DBH
(Symbol)	5	Quercus laevis	Live Oak	12" DBH
(Symbol)	10	Quercus engelmannii	California Live Oak	12" DBH
(Symbol)	10	Quercus agrifolia	White Oak	6" DBH
(Symbol)	10	Quercus agrifolia	White Oak	3" DBH
(Symbol)	10	Quercus agrifolia	White Oak	1.5" DBH

KRIZAN ASSOCIATES
 LANDSCAPE AND URBAN DESIGN
 JOHN KRIZAN LIC 2126

DATE: 6-12-11

PREPARED BY: KRIZAN ASSOCIATES

NAME: KRIZAN ASSOCIATES

ADDRESS: 1105 DUTTON DRIVE
 LA MEHA, CA 95031

PHONE NO.: 415-312-2882

PROJECT ADDRESS: 1501 West Mountain Road
 SAN TEBER, CA 92078

PROJECT NAME: RANCHO DEL SOL

SHEET TITLE: LANDSCAPE PLANTING

REVISION CONTROL PLAN

SHEET NO.: LP-2

REVISION 01: 05-12-11

REVISION 02: 05-16-11

REVISION 03: 05-26-11

REVISION 04: 05-26-11

REVISION 05: 11-06-11

REVISION 06: 12-05-11

REVISION 07: _____

REVISION 08: _____

REVISION 09: _____

REVISION 10: _____

DATE: 05-15-11

SHEET: 11 OF 30

P.T.S. NO.:

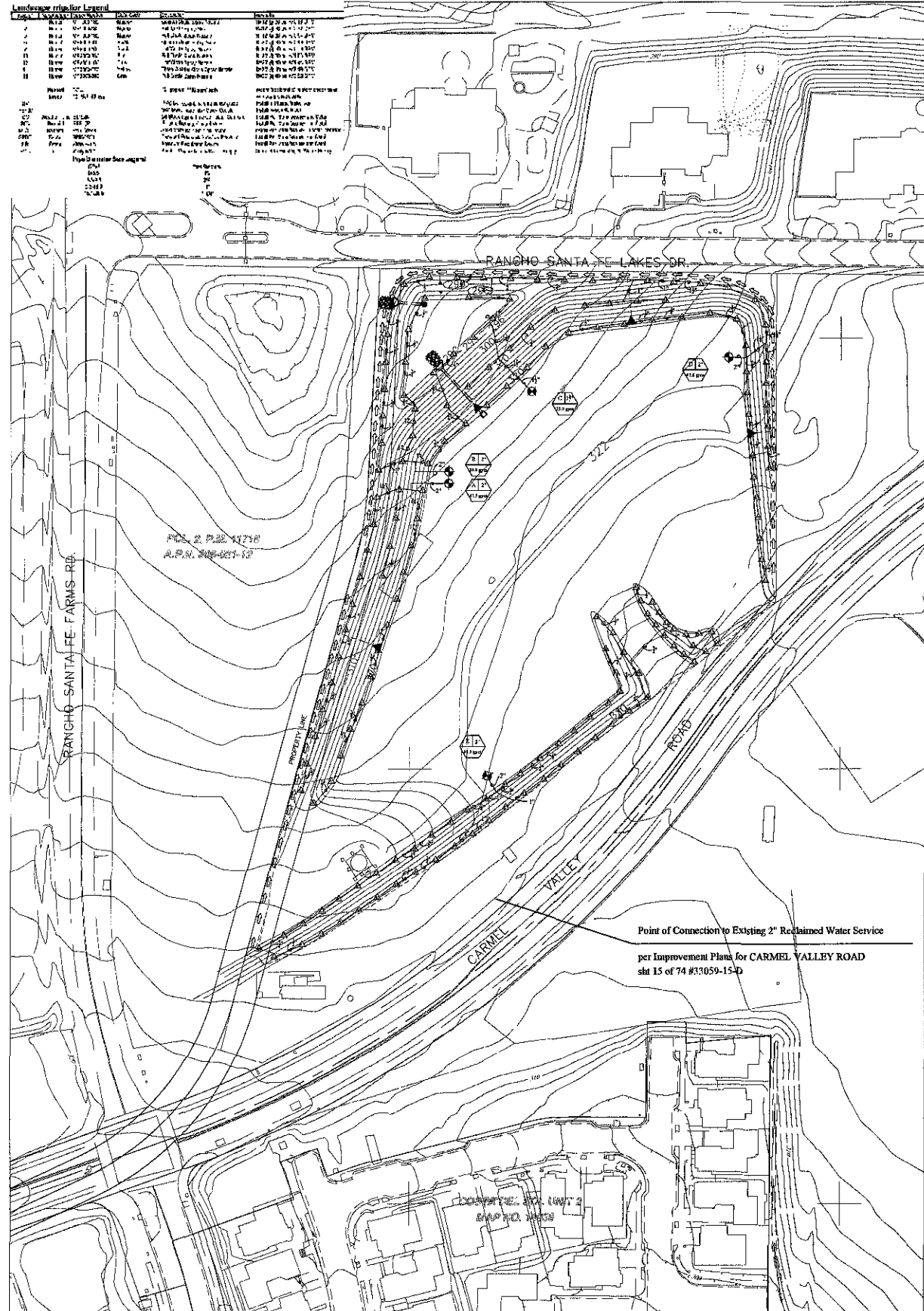
PERMIT NO.:

RANCHO DEL SOL

STIPULATED JUDGMENT EXHIBIT FOR GIC No. 801949

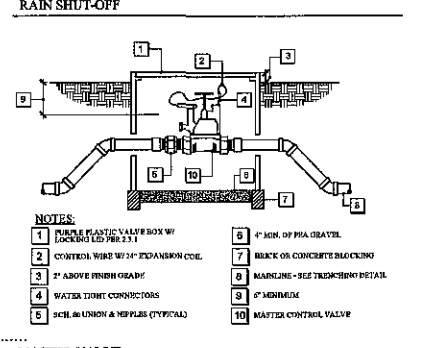
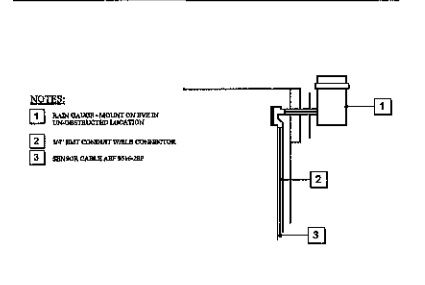
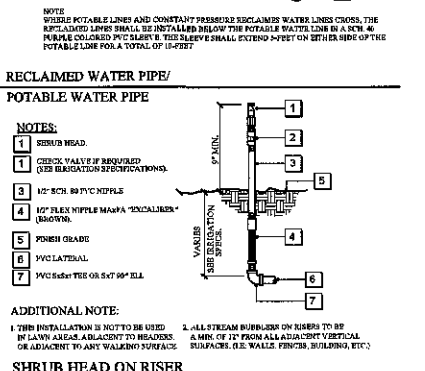
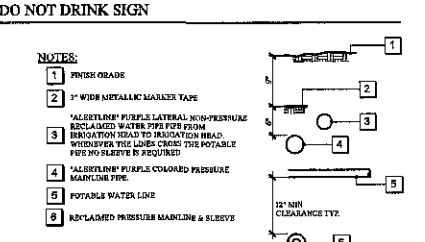
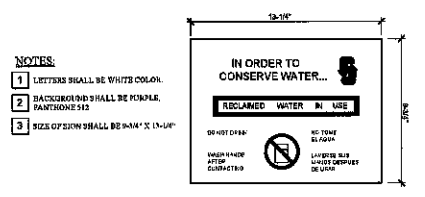
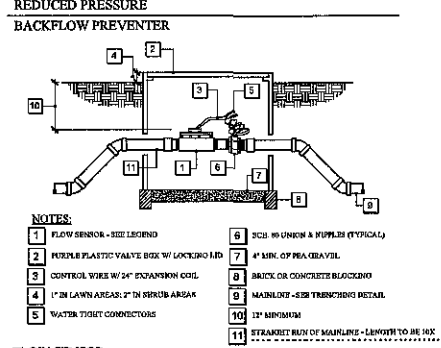
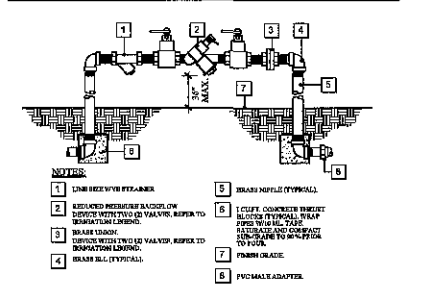
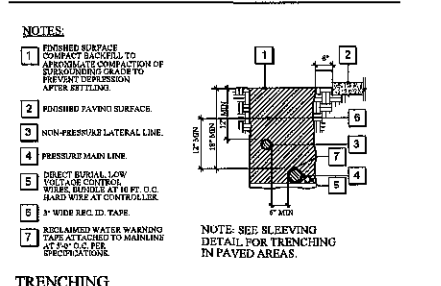
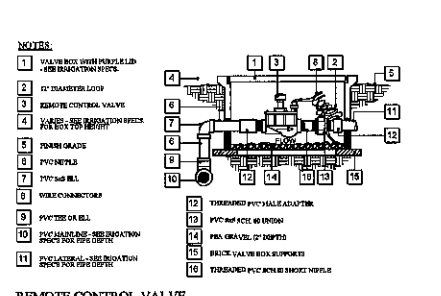
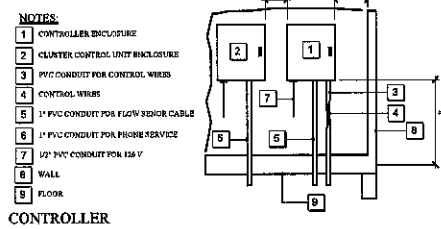
WETLANDS CREATION GRADING & EROSION CONTROL EXPORT PLAN

APN 305-021-05



Landscaping Material Legend

Code	Material	Quantity	Notes
1	Grass	10000	Planting in wetlands
2	Grass	5000	Planting in erosion control
3	Grass	2000	Planting in wetlands
4	Grass	1000	Planting in erosion control
5	Grass	500	Planting in wetlands
6	Grass	250	Planting in erosion control
7	Grass	125	Planting in wetlands
8	Grass	62.5	Planting in erosion control
9	Grass	31.25	Planting in wetlands
10	Grass	15.625	Planting in erosion control
11	Grass	7.8125	Planting in wetlands
12	Grass	3.90625	Planting in erosion control
13	Grass	1.953125	Planting in wetlands
14	Grass	0.9765625	Planting in erosion control
15	Grass	0.48828125	Planting in wetlands
16	Grass	0.244140625	Planting in erosion control
17	Grass	0.1220703125	Planting in wetlands
18	Grass	0.06103515625	Planting in erosion control
19	Grass	0.030517578125	Planting in wetlands
20	Grass	0.0152587890625	Planting in erosion control



PREPARED BY: KRIZAN ASSOCIATES

NAME: KRIZAN ASSOCIATES
 ADDRESS: 11550 DUTTON DRIVE, LA BREA, CA 91204
 PHONE NO: 415-517-0200
 PROJECT ADDRESS: 8541 BIRD AVENUE, SAN DIEGO, CA 92126
 PROJECT NAME: RANCHO DEL SOL

REVISION 1: 04-27-11
 REVISION 2: 05-16-11
 REVISION 3: 06-20-11
 REVISION 4: 06-28-11
 REVISION 5: 07-05-11
 REVISION 6: 07-25-11
 REVISION 7: 08-01-11
 REVISION 8: 08-01-11
 REVISION 9: 08-01-11
 REVISION 10: 08-01-11

DATE: 04-12-11

PROJECT TITLE: LANDSCAPE IRRIGATION
 SHEET NO: 11-3
 SHEET TOTAL: 11-3

DESIGNED BY: JOHN KRIZAN
 CHECKED BY: JOHN KRIZAN
 DATE: 04-12-11

Rancho Del Sol

Wetland Creation & Enhancement Plans

Landscape Construction Drawings

Date: 07-15-2010
 Project # C-10759
 Scale: As Noted
 Drawn By: B.G./J.K.
 Revisions: 04-12-2011
 07-16-2012
 09-20-2012
 10-05-2012
 11-09-2012
 11-26-2012
 12-05-2012

John David
 KRIZIAN
 ASSOCIATES
 Landscape Architecture
 Planning and Urban Design
 619.517.2885 voice
 619.590.2886 fax
 jkrizian@jka.com e-mail
 13650 Dallas Drive
 La Mesa, CA 91941
 California License
 # 2526

Project Team:

OWNER
 STEPHEN D. MARCZEWSKI, TRUSTEE
 MARCZEWSKI FAMILY TRUST
 UNDER DECLARATION OF TRUST DATED AUGUST 7, 1997
 1212 S. BARRERA RD
 BRIDGEVIEW, CA 92617
 949.441.1115

LANDSCAPE ARCHITECT
 JOHN KRIZIAN, P.L.A.
 13650 DALLAS DRIVE
 LA MESA, CA 91941
 619.517.2885

LAND USE CONSULTANT
 JOHN HESTER, P.L.A.
 METCALF DEVELOPMENT & CONSULTING, INC.
 2481 BELLEVUE AVE
 LA JOLLA, CA 92037
 619.733.4129

CIVIL ENGINEER
 DANIEL A. FARRINGTON, P.E.
 FARRINGTON ENGINEERING CONSULTANTS, INC.
 1075 VIA RIVOLI
 SAN DIEGO, CA 92108-1858
 619.475.5496
 619.475.9471 FAX
 EMAIL: DFARRINGTON@FARRINGTON.COM

HYDROLOGIST/ENGINEER
 ROBERT L. LYLE
 LYLE ENGINEERING, INC.
 10815 COTTAGEWAY BLVD
 CHULA VISTA, CA 92011
 619.551.1477

SOILS ENGINEER
 CHARLES H. CHRISTIAN
 CHRISTIAN WHEELER ENGINEERING
 7700 ROMA AVE
 SAN DIEGO, CA 92116
 619.542.2766
 619.550-1701 (FAX)

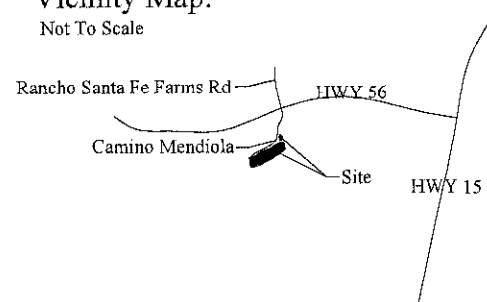
REGISTERED SURVEYOR
 WENDY L. BENTLEY
 3156 OXLEYDALE ST
 SAN DIEGO, CA 92122
 619.447.0877
 619.447.4057 FAX
 EMAIL: WBENTLEY@SANDAG.COM

LAND USE ATTORNEY
 RICHARD WITTE
 WITTE BELLEVILLE LLP
 8250 HUNTER BLVD STE. 300
 SAN DIEGO, CA 92126
 619.592.9200

Plans Prepared by:



Vicinity Map:
 Not To Scale



Sheet Schedule:

- LT-4 Title Sheet
- LP-5 Landscape Planting Plan
- LP-6 Landscape Planting Plan
- LP-7 Landscape Planting Plan
- LP-8 Landscape Planting Plan
- LP-9 Landscape Planting Plan
- LP-10 Landscape Planting Plan
- LP-11 Landscape Planting Plan
- LD-12 Planting Detail Sheet
- LI-13 Landscape Irrigation Plan
- LI-14 Landscape Irrigation Plan
- LI-15 Landscape Irrigation Plan
- LI-16 Landscape Irrigation Plan
- LI-17 Landscape Irrigation Plan
- LI-18 Landscape Irrigation Plan
- LI-19 Landscape Irrigation Plan
- LI-20 Landscape Irrigation Plan
- LD-21 Irrigation Detail Sheet

General Notes:

1. Installation of landscaping associated with these construction documents shall require a minimum short-term establishment period of 120 days for all native/naturalized slope restoration and a minimum long-term establishment/maintenance period of 25 months.
2. The Permittee or subsequent Owner(s) shall be responsible to ensure that irrigation run off drainage shall be directed away from the Multiple Habitat Preserve Area or from the transitional areas to ensure that no impacts occur from runoff in any of these areas.
3. Prior to issuance of any engineering permits for grading, the Permittee or subsequent Owner(s) shall enter into a Landscape Establishment and Maintenance Agreement (LEMA) to assure long-term establishment and maintenance of all common area slope revegetation. The LEMA shall be approved by the Landscape Section of Development Services Department. Agreement shall commence prior to release of the performance bond with developer or subsequent owner posting a new bond to cover the terms of the agreement.
4. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this permit.
5. All Landscape and irrigation shall conform to the standards of the City-Wide Landscape Regulations, the City of San Diego Land Development Manual Landscape Standards and other Landscape related City and Regional standards.
6. Maintenance: All required landscape areas shall be maintained by the Property Owner. The landscape areas shall be maintained free of debris and litter and all plant material shall be maintained in a healthy growing condition. Diseased or dead plant material shall be satisfactorily treated or replaced per the conditions of the permit.

NOTES:
 Installation of landscaping associated with these construction documents shall require a minimum short-term establishment period of 120 days for all native/naturalized slope restoration and a minimum long-term establishment/maintenance period of 25 months. Final approval of the required landscaping shall be to the satisfaction of the Mitigation Monitoring Commission section of the Development Services Department.

The Permittee or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Land Development Code: Landscape Regulations and the Land Development Manual. Landscape Standard Invasive species are prohibited from being planted adjacent to any canyon, water course, wetland or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or taking as noted in section 1.3 of the Landscape Standards.

The Permittee or subsequent Owner(s) shall be responsible to ensure that irrigation drainage run off shall be directed from the Multiple Habitat Preserve Area or from the transitional areas to ensure that no impacts occur from runoff in any of these areas.

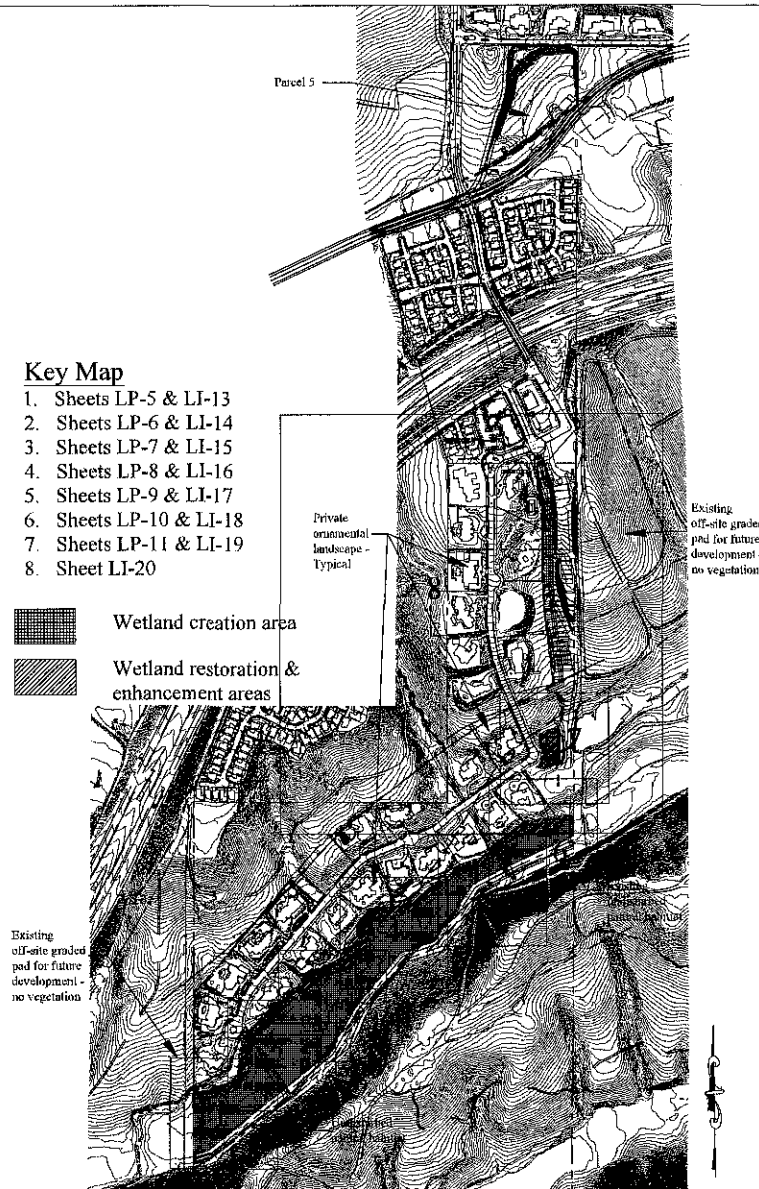
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All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this permit.

Key Map

1. Sheets LP-5 & LI-13
2. Sheets LP-6 & LI-14
3. Sheets LP-7 & LI-15
4. Sheets LP-8 & LI-16
5. Sheets LP-9 & LI-17
6. Sheets LP-10 & LI-18
7. Sheets LP-11 & LI-19
8. Sheet LI-20

- Wetland creation area
- Wetland restoration & enhancement areas



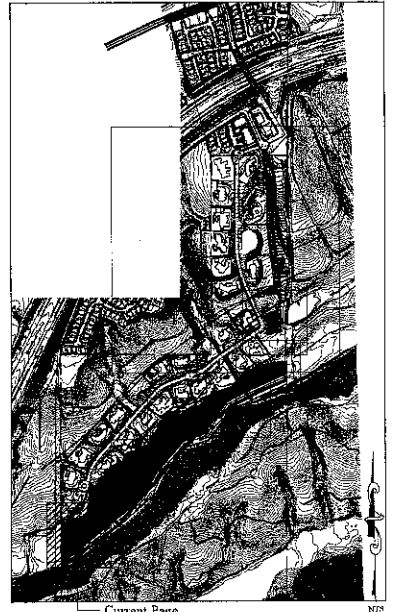
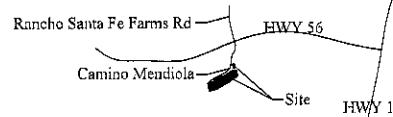
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Title Sheet

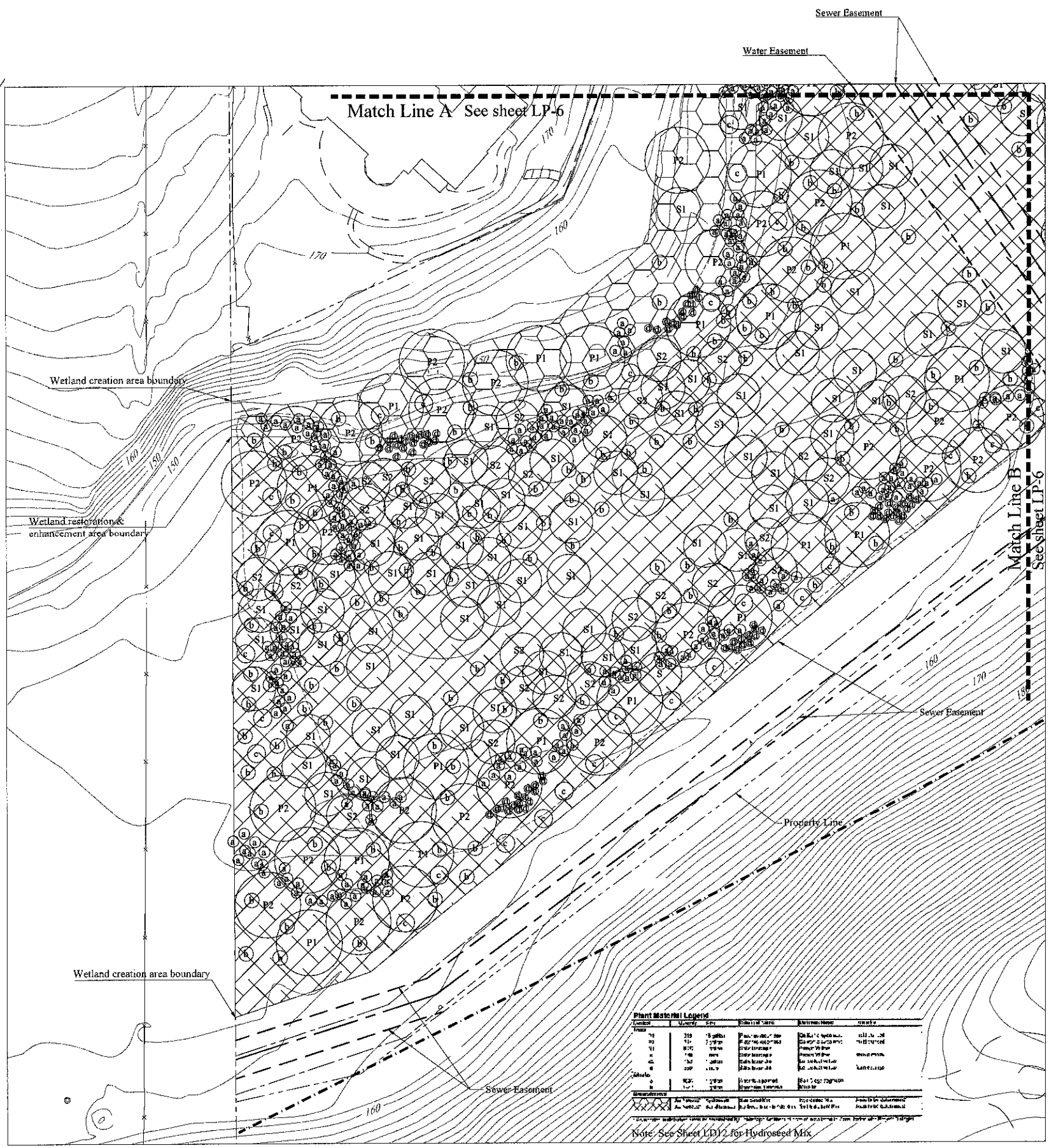
Rancho Del Sol
 Wetland Creation
 & Enhancement Plan

Sheet 15
LT-4
 of 30 Sheets

Vicinity Map



Current Page



Plant Material Legend

Code	Quantity	Species	Plant Name	Plant Name	Quantity
S1	300	100%	Stipa capensis	Stipa capensis	300
S2	150	100%	Stipa capensis	Stipa capensis	150
P1	150	100%	Stipa capensis	Stipa capensis	150
P2	150	100%	Stipa capensis	Stipa capensis	150
S1	150	100%	Stipa capensis	Stipa capensis	150
S2	150	100%	Stipa capensis	Stipa capensis	150
P1	150	100%	Stipa capensis	Stipa capensis	150
P2	150	100%	Stipa capensis	Stipa capensis	150
S1	150	100%	Stipa capensis	Stipa capensis	150
S2	150	100%	Stipa capensis	Stipa capensis	150
P1	150	100%	Stipa capensis	Stipa capensis	150
P2	150	100%	Stipa capensis	Stipa capensis	150

Date: 07-15-2010
 Project #: C-10750
 Senior: As Noted
 Drawn By: B.G./J.K.
 Revisions: 04-12-2011
 07-16-2012
 09-20-2012
 10-09-2012
 11-09-2012
 11-26-2012
 12-05-2012

John David KRIZAN ASSOCIATES
 Landscape Architecture
 Planning and Urban Design
 619-517-2885 voice
 619-590-2885 fax
 jkrizan@cox.net e-mail
 11050 Dartan Drive
 La Mesa, CA 91941
 California License # 2326

Plans Prepared by:



Planning Plan

Rancho Del Sol
 Wetland Creation
 & Enhancement Plan

Sheet: 14

LP-5
 of 50 Sheets

