



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: July 18, 2019 REPORT NO. PC-19-061

HEARING DATE: July 25, 2019

SUBJECT: 10325 ROSELLE STREET- Process Four Decision

PROJECT NUMBER: [150566](#)

OWNER/APPLICANT: CLL-Roselle, LLC

SUMMARY

Issue(s): Should the Planning Commission approve permits to allow for previous unpermitted grading and allow additional grading for a pad to place an office trailer and other related site improvements for an equipment/vehicle storage yard?

Staff Recommendations:

1. **ADOPT** Mitigated Negative Declaration No. 150566 and **ADOPT** Mitigation, Monitoring, and Reporting Program; and
2. **APPROVE** Coastal Development Permit No. 534042, Site Development Permit No. 534043, and Neighborhood Development Permit No. 569417.

Community Planning Group Recommendation: On September 8, 2008, the Torrey Pines Community Planning Board recommended approval of the project unanimously (Attachment 8).

Environmental Review: [Mitigated Negative Declaration No. 150566](#) has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program has been prepared and will be implemented to reduce all potential significant impacts to below a level of significance (Attachment 7).

Fiscal Impact Statement: None. All costs associated with processing this application are recovered through a deposit account funded by the applicant.

Code Enforcement Impact: Code Enforcement Division has reviewed and supports the proposed actions. The actions resolve all the code violation case requirements as specified in the stipulation for final judgement of permanent injunction, San Diego Superior Court No. 37-2007-00082605-CU-MC-CTL Dated November 29, 2007 (Attachment 9).

Housing Impact Statement: The proposed project is an industrial site and will not be providing any dwelling units.

BACKGROUND

The project site is located at 10325 Roselle Street in the IL-3-1 (Light Industrial) zone of the Torrey Pines Community Planning area. The 7.04-acre site is currently vacant and contains Environmentally Sensitive Lands (ESL) in the form of sensitive biology, wetlands and steep slopes, and floodplains. The site also contains an important archaeological site and tribal cultural resource which was designated as a result of this project's review by the City's Historical Resources Board on July 23, 2009 as HRB #924, Village of Ystagua Area #1. Additionally, the site is in the Coastal Overlay Zone (appealable and non-appealable Area 1), the Airport Influence Area and FAA Part 77 notification for (MCAS Miramar), Airport Environs Overlay (60 CNEL), and the Accident Potential Zone 2.

The project site was previously used as a children's day care camp, which included building foundations and a large pool as well as buildings adjacent to Carroll Canyon Creek. The remnants of which were permitted in 1956-1957 will remain in place. The surrounding land uses include a railroad line, industrial/commercial office space, and open space.

In January 2007, a previous tenant performed unauthorized grading, clearing of vegetation, and soil import on portions of the property. These actions resulted in a violation case against the owner by the City of San Diego and the property owner/applicant was required to submit an application to the City to correct the code violation. The corrections include resolution for habitat impacts, effects on the important archaeological/tribal cultural resource site, and to develop a plan for avoidance, remediation, restoration and mitigation of direct impacts. The proposed project will resolve the violation case and permit minor improvements to allow a vehicle/equipment storage yard with a security trailer on the property (Attachment 9).

DISCUSSION

Project Description:

The proposed project involves the partial removal/recontouring of unauthorized fill placed in the floodway on the project site, and construction of a new concrete pad for mobile trailer placement, a new drainage system, utility connections and habitat restoration on approximately 1.32-acres of the 7.04-acre vacant parcel. The fill will remain at its current location to further "cap" the archaeology located on the site. Site grading will be located in the northwest corner of the parcel. This area contains unauthorized grading and placement of fill within a regulatory floodway. The work as proposed requires a Coastal Development and Site Development Permit.

As part of the site remediation, the project will recontour the fill material to create a 100-foot native-landscaping buffer to protect the wetlands, and build a pad that would be suitable for an equipment/vehicle storage yard, consistent with the community plan land use (Industrial) and zoning (IL-3-1) designations. A mobile office trailer will be placed close to the existing water and sewer facilities to minimize ground disturbance. Minor and routine vehicle maintenance would be allowed within a small area of the project site; however, the storage of inoperable vehicles or hazardous/toxic materials will not be allowed. The pad area and access driveway will be surfaced with decomposed granite. All storm water runoff will be treated onsite and conveyed through a newly constructed storm drain and into the existing storm drain system along the northwest property line on Roselle Street. The approximately 1.5-acre pad area would be fenced, and an open space easement over the balance of the site would protect sensitive biological/wetland resources in perpetuity. A landscape plan designed and prepared in consultation with the project biologist, archaeologist and Native American Kumeyaay monitor, is proposed along the Roselle Street frontage to provide a native plant palette with minimal ground-disturbing impacts. The landscape plan is part of the development approval.

A portion of the chain-link fence is on the property line and just within the public right-of-way along the Roselle Street frontage and will remain in place. It was recommended by staff that the fence remain in this location to minimize disturbance and provide additional protection of the archeological resources. The fence in the public right-of-way requires a Neighborhood Development Permit. Pursuant to a recommendation from the Community Planning Group's committee, enhanced landscaping of native vegetation will be provided along the street frontage to screen the fence and create a more aesthetic street presence.

Due to the introduction of unauthorized fill to a portion of the floodplain and floodway a Letter of Map Revision (LOMR) was required from the Federal Emergency Management Agency (FEMA) to insure the added materials to the floodplain would not impact any adjacent properties along Carroll Canyon Creek. Through the LOMR process, impacts were analyzed by FEMA and it was determined that changes to the water surface elevation by the unauthorized fill were negligible and within acceptable limits. The impacts to the floodplain and floodway were approved with LOMR 15-09-2666P, consistent with all applicable National Flood Insurance Program (NFIP) laws and regulations (Attachment 10).

Community Plan Analysis:

The site is located in southern portion of the Torrey Pines Community Planning area within Sorrento Valley. The site is zoned IL-3-1 (Light Industrial) zone(s). Carroll Canyon Creek passes through the northwest portion of the property becoming Soledad Canyon within the property boundary.

Based on the industrial land use designation for the site which allows equipment/ vehicle storage yard, the project is compatible with the surrounding industrial development and is permitted by the General Plan and Community Plan.

Environmental Analysis:

An Initial Study determined that the proposed project could have a significant environmental effect in the areas of: Biological Resources and Historical Resources (Archaeology and Tribal Cultural Resources). The project proposal requires the implementation of specific mitigation identified in Mitigated Negative Declaration No. 150566. The project as presented avoids or mitigates the potentially significant environmental effects identified, and the preparation of an Environmental Impact Report (EIR) would not be required.

The initial unauthorized grading and fill placement resulted in impacts, both on-site and off-site to upland and wetland habitats; however, over the span of time it has taken to complete the discretionary review of project and environmental review process, the habitat within and outside of the impact areas have improved with over 30 percent native cover observed. As such, habitat acreages were reevaluated for the project impact areas and consist of 1.32 acres of upland habitat (Baccharis-dominated scrub, disturbed coastal sage scrub, disturbed/ruderal, Eucalyptus woodland, and non-native grassland), and impacts to a locally designated important archaeological/tribal cultural resource site. Impacts to biological resources requires mitigation in the form of onsite conservation of 5.32 acres of land to be placed into the City's MHPA, enhancement of 0.42-acre of southern willow scrub, maintenance and seeding of the wetland buffer zone (approximately 1.54 acres), weed and exotic species removal adjacent to the wetlands enhancement area, and implementation of a five-year maintenance and monitoring program to meet performance standards. The unauthorized fill material that was placed on the site will remain in place acting as a cap to protect the important archaeological and tribal cultural resources, pursuant to the City's Land Development Code (LDC) Historical Resources Regulation and associated Land Development Manual (LDM) Historical Resources Guidelines. Some recontouring will be required to create the wetland buffer, pad area, and fencing to provide additional security to the site to protect the resources. Site grading/recontouring of the fill material will require implementation of an Archaeological Data Recovery Program and subsequent monitoring of all ground-disturbing activities by a qualified archaeologist and Native American Kumeyaay cultural consultant. The site grading/contouring has been designed to avoid further impacts to sensitive biological, archaeological and tribal cultural resources, and to avoid encroachment into the steep hillsides.

The proposed project also includes a 100-foot buffer that would further avoid impacting the section of Carroll Canyon Creek that runs along the northeastern section of the parcel. The proposed project would impact a total of 1.32-acres of habitat.

Table 1. Project Impacts and Mitigation Requirements

Vegetation Community/Land Cover Category	Existing On-Site (Acres)	Project Impact On-site (Acres)	Project Impact Off-site (Acres)	Project Impact Total (Acres)	Mitigation Ratio	Mitigation Required (Acres)
Baccharis-dominated Scrub	1.12	0.54	0.06	0.60	1.5:1	0.90
Disturbed Coastal Sage Scrub	2.14	0.38	0.00	0.38	1.5:1	0.57
Disturbed Southern Willow Scrub	1.59	0.00	0.00	0.00	4:1	0.00
Disturbed/Ruderal	1.28	0.08	< 0.01	0.08	0:1	0.00
Eucalyptus Woodland	0.35	0.19	< 0.01	0.19	0:1	0.00
Non-native Grassland	0.33	0.07	0.00	0.07	1:1	0.07
TOTAL	6.81	1.26	0.06	1.32		1.54

In addition to the above project-related mitigation, the following Environmental Protection Measures and Project Design Features have been incorporated into the project to ensure compliance with the City's Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines described in Section 1.4.3 of the City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan (City of San Diego, 1997) and avoid additional impacts:

- Although the proposed Project will avoid wetlands, the applicant will be required to implement the wetland habitat restoration plan for previous impacts to wetlands as described in the previous Biology Reports prepared for the original project submittal (Dudek 2009a, 2009b).
- All clearing and grubbing of vegetation and/or grading will occur outside the avian breeding season (February 1 to September 15, or sooner if a qualified biologist demonstrates to the satisfaction of the wildlife agencies that all nesting is complete).
- If construction (other than vegetation clearing and grubbing) must occur during the breeding season, pre-construction surveys should be performed by a qualified biologist within 10 calendar days prior to the start of construction to determine the presence or absence of nesting birds on-site and special-status birds within 300 feet (500 feet for raptors) of the impact area. If nesting birds are detected, the City and Wildlife Agencies will be contacted to discuss the potential impact minimization measures to be implemented.

Conclusion:

The project is intended to fulfill code violation compliance requirements as specified in the stipulation settlement dated December 19, 2007. Staff has reviewed the proposed project and all issues identified through the review process have been resolved. The project as proposed resolves the code violation and the uses are designed to comply with the applicable sections of the San Diego Municipal Code. Staff has provided draft findings and conditions of approval. Staff recommends the approval of the requested permits.

ALTERNATIVES

1. Adopt Mitigated Negative Declaration No. 150566, Mitigation, Monitoring, and Reporting Program, and Approve Coastal Development Permit No. 534042, Site Development Permit No. 534043, and Neighborhood Development Permit No. 569417, with modifications.
2. Do Not Adopt Mitigated Negative Declaration No. 150566, Mitigation, Monitoring, and Reporting Program, and Deny Coastal Development Permit No. 534042, Site Development Permit No. 534043, and Neighborhood Development Permit No. 569417, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



PJ FitzGerald
Assistant Deputy Director
Development Services Department



Helene Deisher
Development Project Manager
Development Services Department

LOWE/hmd

Attachments:

1. Aerial Photographs
2. Community Plan Land Use Map
3. Project Location Map
4. Site Photos
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Environmental Resolution with MMRP
8. Community Planning Group Recommendation

9. Notice of Violation and Final Judgment
10. Letter of Map Revision (LOMR)
11. Ownership Disclosure
12. Project Site Plan(s)



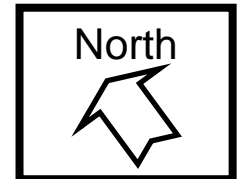
Project Site

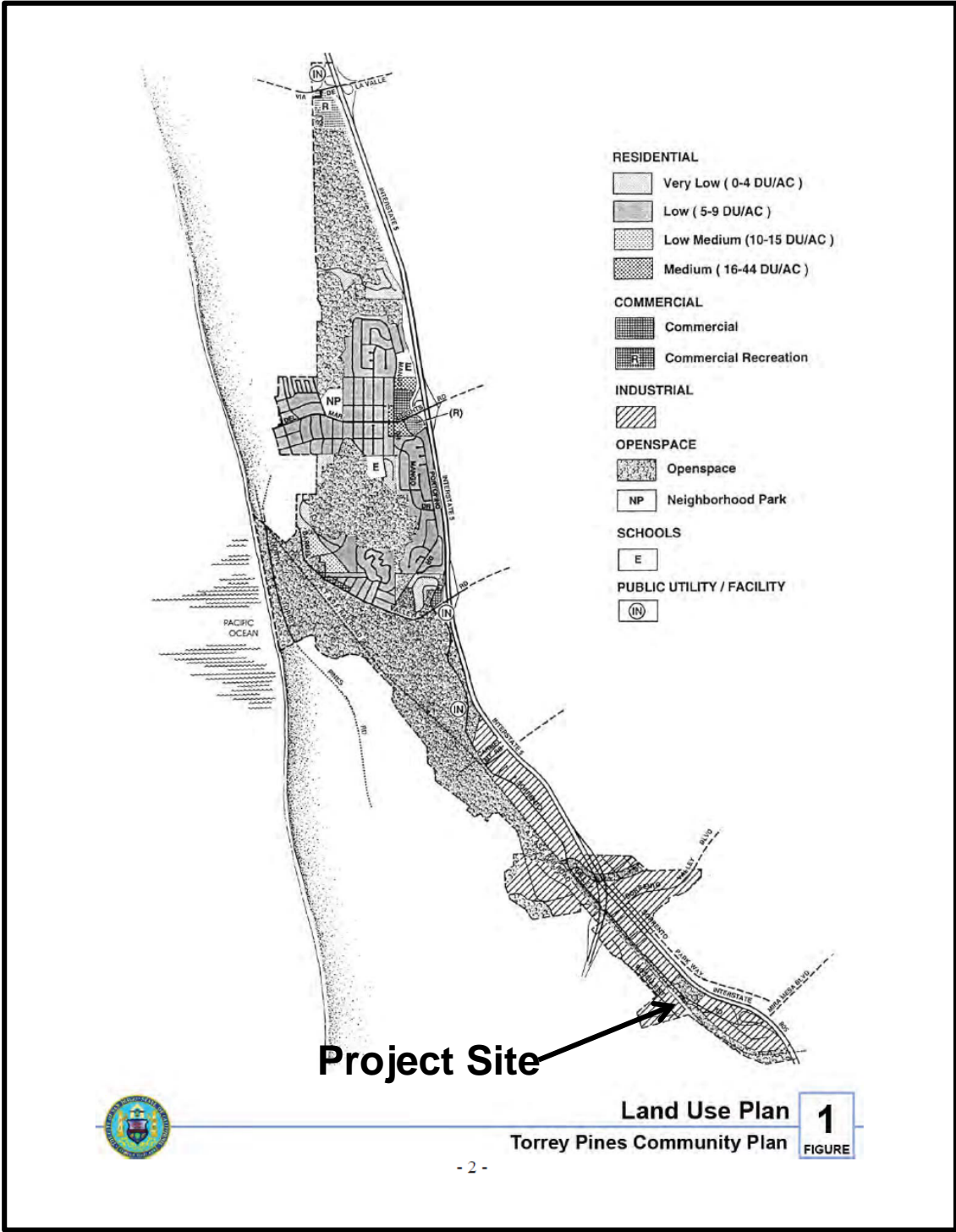


Aerial Photo

ROSELLE STREET- 10325 Roselle Street

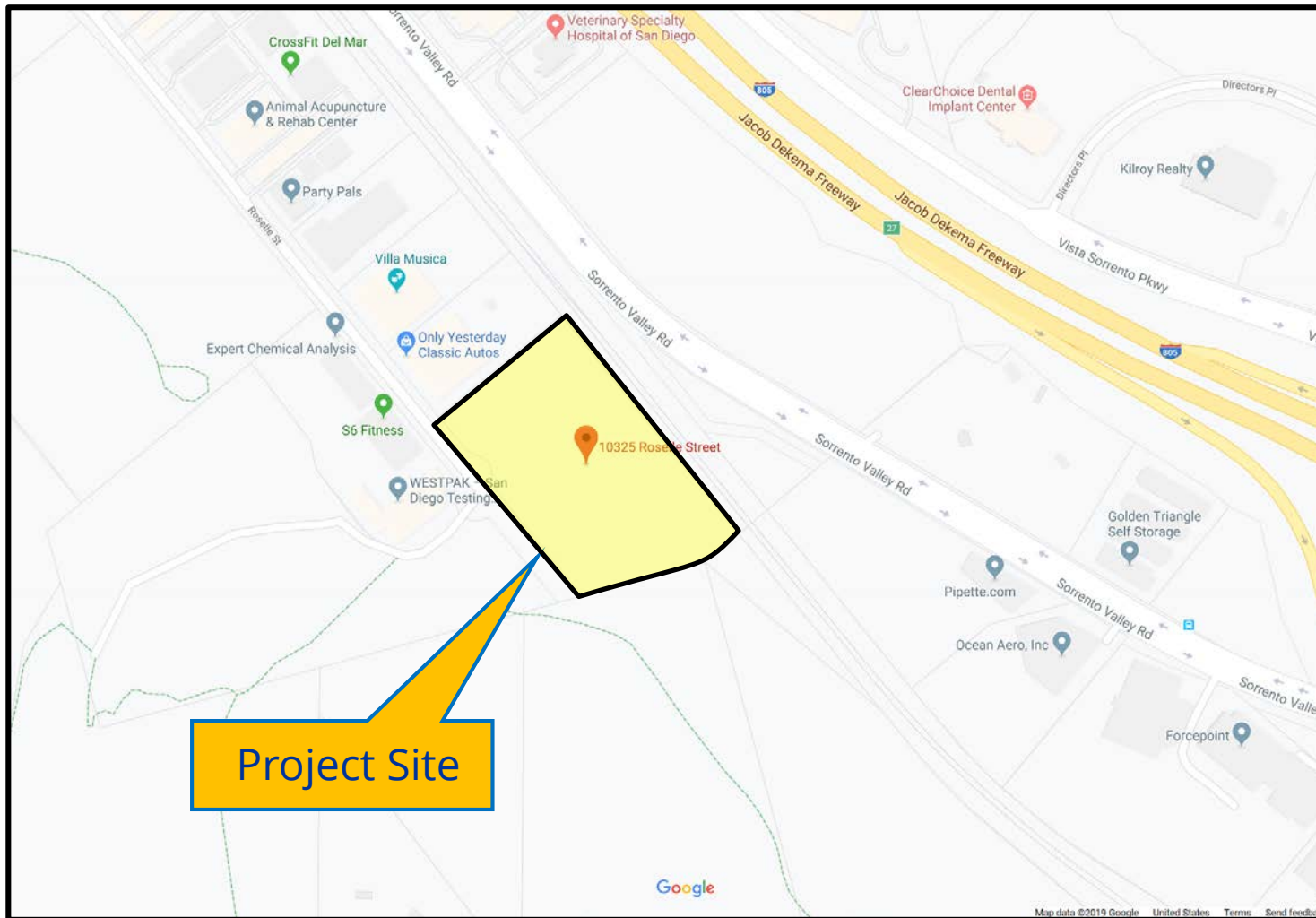
PROJECT NO. 150566





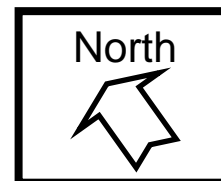
Land Use Map
ROSELLE STREET- 10325 Roselle Street
PROJECT NO. 150566





Project Location Map

ROSELLE STREET / 10325 Roselle Street
PROJECT NO. 150566



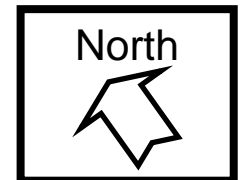


Roselle Street Frontage



Site Photos

ROSELLE STREET / 10325 Roselle Street
PROJECT NO. 150566



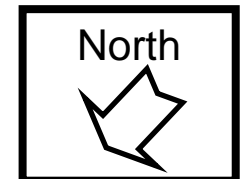


Roselle Street Fence in the Right-of-Way



Site Photos

ROSELLE STREET / 10325 Roselle Street
PROJECT NO. 150566



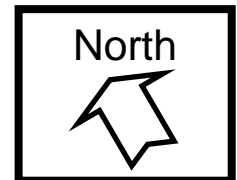


Proposed Pad Area



Site Photos

ROSELLE STREET / 10325 Roselle Street
PROJECT NO. 150566



PLANNING COMMISSION RESOLUTION NO. _____-PC
COASTAL DEVELOPMENT PERMIT NO. 534042
SITE DEVELOPMENT PERMIT NO. 534043
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 569417
10325 ROSELLE STREET - PROJECT NO. 150566 [MMRP]

WHEREAS, CLL-ROSELLE LLC, a California limited liability company, Owner/Permittee, filed an application with the City of San Diego for a permit to allow the previous unpermitted and proposed grading for a pad to place an office trailer and provide the required parking space. The pad area and access driveway will be surfaced with decomposed granite. The project will also restore the wetland and provide fencing to prevent future disturbance. A portion of the fencing is within the public right-of-way (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No's CDP 534042, SDP 534043, NDP 569417), on portions of a 7.04-acre site;

WHEREAS, the project site is located at 10325 Roselle Street in the IL-3-1 (Light Industrial) zone(s) of the Torrey Pines Community Planning area, the Coastal (appealable and non-appealable Area 1), the airport influence area and FAA Part 77 notification for (MCAS Miramar), airport environs overlay (60 CNEL), and accident potential zone 2;

WHEREAS, the project site is legally described as lot "B" and the southeasterly 65 feet of lot "A" of acre lot 33 of town of Sorrento, Map Nos. 362 and 483 filed September 30, 1887 and February 9, 1888; and

WHEREAS, on July 25, 2019, the Planning Commission of the City of San Diego considered Coastal Development Permit 534042, Site Development Permit 534043, Neighborhood Development Permit 569417, 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, adopts the following findings with respect to Coastal Development Permit No. 534042, Site Development Permit No. 534043, Neighborhood Development Permit No. 569417:

Coastal Development Permit - Section 126.0708 (a) All Coastal Permits

1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The proposed coastal development is to permit previous unpermitted grading and allow additional grading for a pad to place an office trailer with the required parking space. The pad area and access driveway will be surfaced with decomposed granite. The project will also restore the wetland area and provide fencing around sensitive areas to prevent future disturbance. A portion of the fencing is within the public right-of-way.

The 7.04-acre site is located approximately two miles east of the Pacific Ocean on a cul-de-sac and zoned IL-3-1 (industrial) allows industrial uses as designated in the Torrey Pines Community Plan. The proposed project and uses are consistent with the General Plan and community plan industrial land use designation for the site. There are no views of the ocean available from the site. There are no physical accessways designated or otherwise available to the public. There are no public views or view corridors mapped on or near the site. The project, as proposed, would improve the visual quality of the area by removing overgrown, invasive, non-native plant species and damaged fencing, recontour unauthorized fill soil and implement a habitat restoration plan. Once site improvements have been completed, new fencing will be installed.

Therefore, the proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The proposed coastal development is to permit previous unpermitted grading and allow additional grading within the previously disturbed area and within the least sensitive area for a pad to facilitate an office trailer with the required parking space. The pad area and access driveway will be surfaced with decomposed granite. The project will also restore the impacted wetland areas and provide fencing to separate the area from the proposed use to prevent future disturbance. A portion of the fencing is within and will remain in the public right-of-way.

The proposed project involves the removal/recontouring of unauthorized fill placed in the floodway on the project site, and construction of a new concrete pad for mobile trailer placement, new drainage system, utility connections and habitat restoration on approximately 1.32-acres of a 7.04-acre vacant parcel. The fill will remain on the site to further cap and protect the archaeology located on the site. Site grading for the proposed equipment/vehicle storage yard would impact previously graded habitat in the northwest corner of the parcel. This area was the subject of unauthorized grading and placement of fill within a regulatory floodway which impacted onsite habitat and an important archaeological site/tribal cultural resource resulting in a violation of the Environmentally Sensitive Lands Regulation (ESL) (biology/wetlands/floodway) and Historical Resources Regulation (Archaeology/Tribal Cultural Resources) of the Land Development Code (LDC) in 2001. Due to the unauthorized grading, the applicant was required to submit an application to the City to correct the code violation. The corrections included resolution for habitat impacts, effects on the important archaeological/tribal cultural resource site, and to develop a plan for avoidance, remediation, restoration and mitigation of direct impacts. The proposed project includes a 100-foot buffer that would further avoid impacting the section of Carroll Canyon Creek that runs along the northeastern section of the parcel. The proposed project would impact a total of 1.32-acres of habitat.

Table 1. Project Impacts and Mitigation Requirements

Vegetation Community/Land Cover Category	Existing On-Site (Acres)	Project Impact On-site (Acres)	Project Impact Off-site (Acres)	Project Impact Total (Acres)	Mitigation Ratio	Mitigation Required (Acres)
Baccharis-dominated Scrub	1.12	0.54	0.06	0.60	1.5:1	0.90
Disturbed Coastal Sage Scrub	2.14	0.38	0.00	0.38	1.5:1	0.57
Disturbed Southern Willow Scrub	1.59	0.00	0.00	0.00	4:1	0.00
Disturbed/Ruderal	1.28	0.08	< 0.01	0.08	0:1	0.00
Eucalyptus Woodland	0.35	0.19	< 0.01	0.19	0:1	0.00
Non-native Grassland	0.33	0.07	0.00	0.07	1:1	0.07
TOTAL	6.81	1.26	0.06	1.32		1.54

In addition to the above project-related mitigation, the following Environmental Protection Measures and Project Design Features have been incorporated into the project to ensure compliance with the City's Multiple Habitat Planning Area (MHPA) Land Use Adjacency Guidelines described in Section 1.4.3 of the City of San Diego MSCP Subarea Plan (City of San Diego, 1997) and avoidance of additional impacts:

- Although the proposed Project will avoid wetlands, the applicant will be required to implement the wetland habitat restoration plan for previous impacts to wetlands as

described in the Biology Reports prepared for the original project submittal (Dudek 2009a, 2009b).

- All clearing and grubbing of vegetation and/or grading will occur outside the avian breeding season (February 1 to September 15, or sooner if a qualified biologist demonstrates to the satisfaction of the wildlife agencies that all nesting is complete).
- If construction (other than vegetation clearing and grubbing) must occur during the breeding season, pre-construction surveys should be performed by a qualified biologist within 10 calendar days prior to the start of construction to determine the presence or absence of nesting birds on-site and special-status birds within 300 feet (500 feet for raptors) of the impact area. If nesting birds are detected, the City and Wildlife Agencies will be contacted to discuss the potential impact minimization measures to be implemented.

The proposed site improvements will avoid the adjacent riparian corridor and will not impact wetland species within the creek. Mitigation for impacts resulting from the previous unauthorized grading will involve, enhancement, restoration/revegetation, and maintenance monitoring to ensure plant establishment. The project also requires maintaining a 100-foot wetland buffer from the proposed equipment storage yard area.

Therefore, through the methods discussed above, the proposed coastal development will not adversely affect environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The site is located within the coastal zone of Sorrento Valley which allows industrial uses as designated in the Torrey Pines Community Plan and zoned IL-3-1 (industrial). The proposed project and uses are consistent with the General Plan and the community plan's industrial land use designation for the site. The site is presently vacant, with disturbed areas, upland, riparian, and wetland habitat, and MHPA open space. The project has been designed to be consistent with all applicable land use plans, policies, or regulations of an agency with jurisdiction over the project and would not conflict with any applicable land use plans.

The project site is also in the Coastal (Appealable & Non-Appealable Area 1) Zone, where permit issuance falls under the City of San Diego's land use authority, but is appealable to the California Coastal Commission. The project will impact 1.32 acres of habitat primarily from the unpermitted grading and prior impacts within the previous FEMA Regulatory Floodway requiring issuance of a Site Development Permit in accordance with the City's Environmentally Sensitive Lands Regulation of the Land Development Code.

Because this site is in the Coastal Overlay Zone, the California Coastal Act and Coastal Commission regulations apply, specifically those applying to Environmentally Sensitive Habitat Areas (ESHA). The California Coastal Act, Section 30107.5, defines an Environmentally Sensitive Area as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could

be easily disturbed or degraded by human activities and developments". Based on the biological technical report and findings in the environmental documentation this project's impact area should not be considered an ESHA. However, according to the City's biological guidelines some vegetation is considered sensitive, wetland vegetation. Mitigated Negative Declaration No. 150566 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented to reduce all potential significant impacts to below a level of significance.

There are no views of the ocean available from the site. There are no physical accessways designated in the Torrey Pines Community Plan or otherwise available to the public. There are also no public views or view corridors mapped on or near the site. The project design was also determined to be in compliance with all applicable development regulations of the San Diego Municipal Code including the Environmentally Sensitive Lands Regulations and the Coastal Overlay Zone. For these reasons, the project is in compliance with the City of San Diego's adopted Torrey Pines Community Plan and the certified Local Coastal Program Land Use Plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project site is in the Coastal (Appealable & Non-Appealable Area 1) Zone and within the Torrey Pines Community Planning area. The site is not between the first public roadway and the sea or coastline. There are also no public views or view corridors mapped on or near the site and there are no views of the ocean available from the site. There are no physical accessways designated in the Torrey Pines Community Plan or otherwise available to the public. There also are no public recreation areas on or adjacent to the site. For these reasons the project conforms to the public access and public recreation policies of Chapter 3 of the California Act.

Site Development Permit - Section 126.0505 (a)- Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The proposed development is to permit previous unpermitted grading and allow grading for a pad to place an office trailer with the required parking space. The site would be used for new and used vehicle storage, truck storage, associated with an off-site truck driving instructional facility.

The project site is within in the southern portion of the Torrey Pines Community Planning area within Sorrento Valley and is zoned IL-3-1 (Industrial-Light). The zone allows industrial uses as proposed. The proposed uses are consistent with both the General Plan and the Community Plan, and the industrial land use designation for the site. 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 proposed development is to permit previous unpermitted grading and allow additional grading for a pad to place an office trailer with the required parking space. The pad area and access driveway will be surfaced with decomposed granite. The project will also restore the wetland area and provide fencing around sensitive areas to prevent future disturbance to sensitive areas. A portion of the sites fencing is within the public right-of-way.

The site would be used for new and used vehicle storage, truck storage, associated with an off-site truck driving instructional facility. The site is located at the end of a cul-de-sac and would not be open to the public. The office trailer is intended to provide security for the storage lot. Storage or parking of inoperable vehicles, hazardous/toxic equipment and materials is not permitted on the site. The operations will conform to all health and safety regulations related to the specific uses proposed for the site.

Project impacts to the floodplain and floodway have been addressed with the Letter Of Map Revision (LOMR). Through the LOMR process, impacts were analyzed by FEMA and it was determined that changes to the water surface elevation by the unauthorized fill were negligible and within acceptable limits. The impacts to the floodplain and floodway were approved with LOMR 15-09-2666P. Therefore, the development will not be detrimental to the public health, safety or welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code. The proposed development is to permit previous unpermitted grading and allow additional grading for a pad to place an office trailer, site access and the required parking space to facilitate a new and used vehicle /truck storage, associated with an off-site truck driving instructional facility. The site is zoned IL-3-1 (Industrial-Light). The zone allows the industrial uses proposed.

The pad area and access driveway will be surfaced with decomposed granite. The project will also restore wetlands and provide fencing around sensitive areas to prevent future disturbance and establish a Covenant of Easement over the unimproved portion of the project site to further protect environmentally sensitive lands. A portion of the site's fencing is within the public right-of-way.

Project impacts to the floodplain and floodway have been addressed with the LOMR. Through the LOMR process, impacts were analyzed by FEMA and it was determined that changes to the water surface elevation by the unauthorized fill were negligible and within acceptable limits. The impacts to the floodplain and floodway were approved with LOMR 15-09-2666P.

The proposed operational project improvements are outside the steep hillsides, MHPA, and Coastal Delineation areas within the project boundary. All environmentally sensitive biology has been mitigated for through a Mitigation, Monitoring and Reporting Program where all potential significant impacts have been addressed and mitigated to below a level of significance

Therefore, the proposed development will comply with the applicable regulations of the Land Development Code, and is not requesting deviations.

(b.) Supplemental Findings--Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The proposed project involves the removal/recontouring of unauthorized fill placed in the floodway and throughout the project site. It will also allow the construction of a new decomposed granite pad for mobile trailer placement, site access, required parking space, new drainage system, utility connections and habitat restoration on approximately 1.32-acres of a 7.04-acre vacant parcel. The fill will remain on the site to further cap the archaeology located on the site. Site grading for the proposed equipment/vehicle storage yard would impact previously disturbed area in the northwest corner of the parcel which is also the least sensitive area.

The project will also restore the impacted wetland and provide fencing to separate the area from the proposed use to prevent future disturbance. A portion of the fencing is within the public right-of-way. A 100 -foot buffer from the development area is being provided from the wetland areas and a Covenant of Easement will be placed over the unimproved portion of the site to protect environmentally sensitive lands. The 1.5-acres of remaining usable area, is proposed for a storage yard, and is located outside of the wetlands, steep hillsides, and MHPA.

The project site had been previously used as a truck storage yard. The unpermitted grading requires remediation and protections as described on the site to prevent future disturbance. The applicant will have a little less than twenty-five percent of the 7.04-acre site to use for the storage yard. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed project involves the removal/recontouring of unauthorized fill placed in the floodway on the project site, and construction of a new decomposed granite pad for mobile trailer placement, site access, required parking space, new drainage system, utility connections and habitat restoration on approximately 1.32-acres of a 7.04-acre vacant parcel. The fill will remain on the site to further cap the archaeology located on the site. Site grading for the proposed equipment storage yard would impact a previously disturbed area in the northwest corner of the parcel which is also the least sensitive area. There is no grading proposed in or near steep hillsides and the geologic risk for the site is low.

The area of the site where grading is proposed, is to recontour areas of the site impacted by the unpermitted grading and a small area for mobile trailer placement, site access, required parking space, new drainage system, and utility connections. The site access, parking pad and pad for the trailer will be of decomposed granite which minimizes the introduction of impervious surfaces.

Project impacts to the floodplain and floodway have been addressed with the LOMR issued by the Federal Emergency Management Agency (FEMA). Through the LOMR process, impacts were analyzed by FEMA and it was determined that changes to the water surface elevation by the unauthorized fill were negligible and within acceptable limits. The impacts to the floodplain and floodway were approved with LOMR 15-09-2666P.

The operations will conform to all health and safety regulations related to the specific uses proposed for the site. Therefore, the development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed project involves the removal/recontouring of unauthorized fill placed in the floodway on the project site, and construction of a new decomposed granite pad for mobile trailer placement, site access, required parking space, new drainage system, utility connections and habitat restoration on approximately 1.32-acres of a 7.04-acre vacant parcel. The fill will remain on the site to further cap the archaeology located on the site. Site grading for the proposed equipment storage yard would impact previously disturbed area in the northwest corner of the parcel which is also the least sensitive area.

The project will also restore the impacted wetland and provide fencing to separate the area from the proposed use to prevent future disturbance. A portion of the fencing is within the public right-of-way. A 100 -foot buffer from the development area is being provided from the wetland areas and a Covenant of Easement will be placed over the unimproved portion of the site to protect environmentally sensitive lands in perpetuity. The 1.5-acres of remaining usable area is proposed for a storage yard and is located outside of the wetlands, steep hillsides, and MHPA.

The applicant will have a little less than twenty-five percent of the 7.04-acre site to use for the storage yard. 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 proposed development is to permit previous unpermitted grading and allow additional grading for a pad to place an office trailer, site access and the required parking space to facilitate a new and used vehicle /truck storage, associated with an off-site truck driving instructional facility. The site is zoned IL-3-1 (Industrial-Light). The zone allows the industrial uses proposed.

A small area in the southeastern corner of the property is mapped within the City's Multi-Habitat Planning Area (MHPA). In addition to the project-related mitigation, the following Environmental Protection Measures and Project Design Features have been incorporated into the project to ensure compliance with the City's MHPA Land Use Adjacency Guidelines described in Section 1.4.3 of the City of San Diego MSCP Subarea Plan (City of San Diego, 1997) and avoidance additional impacts:

- Although the proposed Project will avoid wetlands, the applicant will be required to implement the wetland habitat restoration plan for previous impacts to wetlands as described in the previous Biology Reports prepared for the original project submittal (Dudek 2009a, 2009b).
- All clearing and grubbing of vegetation and/or grading will occur outside the avian breeding season (February 1 to September 15, or sooner if a qualified biologist demonstrates to the satisfaction of the wildlife agencies that all nesting is complete).
- If construction (other than vegetation clearing and grubbing) must occur during the breeding season, pre-construction surveys should be performed by a qualified biologist within 10 calendar days prior to the start of construction to determine the presence or absence of nesting birds on-site and special-status birds within 300 feet (500 feet for raptors) of the impact area. If nesting birds are detected, the City and Wildlife Agencies will be contacted to discuss the potential impact minimization measures to be implemented.

The project will also provide fencing around sensitive areas to prevent future disturbance and establish a Covenant of Easement over the unimproved portion of the project site to further protect environmentally sensitive lands and archeological resources.

The proposed operational project related improvements are outside the steep hillsides, MHPA, and Coastal Delineation areas within the project boundary. The MHPA Adjacency Guidelines are incorporated into the Mitigation Monitoring and Reporting Program (MMRP). 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 7.04-acre site is located approximately two miles east of the Pacific Ocean on a cul-de-sac in an industrially zoned area of Sorrento Valley. The project, as proposed, would improve the visual quality of the area by removing overgrown, invasive, non-native plant species and damaged fencing, recontour unauthorized fill soil and implement a habitat restoration plan.

The area of the site where grading is proposed, is to recontour areas of the site impacted by the unpermitted grading and a small area for mobile trailer placement, site access, required parking space, new drainage system, and utility connections. The site access, parking pad and pad for the trailer will be of decomposed granite which minimizes the introduction of impervious surfaces. The project site will implement all required best management practices.

Due to the nature and location of the proposed development, it will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The proposed development is to permit previous unpermitted grading and allow additional grading within the previously disturbed area and within the least sensitive area for a pad to facilitate an office trailer with the required parking space. The pad area and access driveway will be surfaced with decomposed granite. The project will also restore the impacted wetland area and provide fencing to separate the area from the proposed use to prevent future disturbance. A portion of the fencing is within and will remain the public right-of-way.

The proposed project involves the removal/recontouring of unauthorized fill placed in the floodway on the project site, and construction of a new concrete pad for mobile trailer placement, new drainage system, utility connections and habitat restoration on approximately 1.32-acres of a 7.04-acre vacant parcel. The fill will remain on the site to further cap the archaeology located on the site. Site grading for the proposed equipment storage yard would impact previously graded habitat in the northwest corner of the parcel. This area was the subject of unauthorized grading and placement of fill within a regulatory floodway which impacted onsite habitat and an important archaeological site/tribal cultural resource resulting in a violation of the Environmentally Sensitive Lands Regulation (ESL) (biology/wetlands/floodway) and Historical Resources Regulation (Archaeology/Tribal Cultural Resources) of the Land Development Code (LDC) in 2001. Due to the unauthorized grading, the applicant was required to submit an application to the City to correct the code violation. The corrections included resolution for habitat impacts, effects on the important archaeological/tribal cultural resource site, and to develop a plan for avoidance, remediation, restoration and mitigation of direct impacts. The proposed project includes a 100-foot buffer that would further avoid impacting the section of Carroll Canyon Creek that runs along the northeastern section of the parcel. The proposed project would impact a total of 1.32-acres of habitat.

Table 1. Project Impacts and Mitigation Requirements

Vegetation Community/Land Cover Category	Existing On-Site (Acres)	Project Impact On-site (Acres)	Project Impact Off-site (Acres)	Project Impact Total (Acres)	Mitigation Ratio	Mitigation Required (Acres)
Baccharis-dominated Scrub	1.12	0.54	0.06	0.60	1.5:1	0.90
Disturbed Coastal Sage Scrub	2.14	0.38	0.00	0.38	1.5:1	0.57
Disturbed Southern Willow Scrub	1.59	0.00	0.00	0.00	4:1	0.00
Disturbed/Ruderal	1.28	0.08	< 0.01	0.08	0:1	0.00
Eucalyptus Woodland	0.35	0.19	< 0.01	0.19	0:1	0.00

Non-native Grassland	0.33	0.07	0.00	0.07	1:1	0.07
TOTAL	6.81	1.26	0.06	1.32		1.54

In addition to the above project-related mitigation, the following Environmental Protection Measures and Project Design Features have been incorporated into the project to ensure compliance with the City's MHPA Land Use Adjacency Guidelines described in Section 1.4.3 of the City of San Diego MSCP Subarea Plan (City of San Diego, 1997) and avoidance additional impacts:

- Although the proposed Project will avoid wetlands, the applicant will be required to implement the wetland habitat restoration plan for previous impacts to wetlands as described in the Biology Reports prepared for the original project submittal (Dudek 2009a, 2009b).
- All clearing and grubbing of vegetation and/or grading will occur outside the avian breeding season (February 1 to September 15, or sooner if a qualified biologist demonstrates to the satisfaction of the wildlife agencies that all nesting is complete).
- If construction (other than vegetation clearing and grubbing) must occur during the breeding season, pre-construction surveys should be performed by a qualified biologist within 10 calendar days prior to the start of construction to determine the presence or absence of nesting birds on-site and special-status birds within 300 feet (500 feet for raptors) of the impact area. If nesting birds are detected, the City and Wildlife Agencies will be contacted to discuss the potential impact minimization measures to be implemented.

The proposed site improvements will avoid the adjacent riparian corridor and will not impact wetland species within the creek. Mitigation for impacts resulting from the previous unauthorized grading will involve, enhancement, restoration/revegetation, and maintenance monitoring to ensure plant establishment. The project also requires maintaining a 100-foot wetland buffer from the proposed equipment storage yard area.

The MND's Mitigation Monitoring and Reporting Program (MMRP) incorporates mitigation measures into the project for potential impacts to Biological Resources and Historical Resources (Archaeology), to reduce the potential impacts to a level below significance. With the implementation of the specific mitigation measures noted above, the project will avoid or mitigate the potentially significant environmental effects previously identified during the Initial Study by the Environmental Analysis Section (EAS) and based on the City's Significance Thresholds adopted by City Council. Thus, the nature and extent of mitigation required of the project as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

(d.) Supplemental Findings--Environmentally Sensitive Lands Deviation from Federal Emergency Management Agency Regulations

- 1. The City Engineer has determined that the proposed development, within any designated floodway will not result in an increase in flood levels during the base flood discharge, except as allowed under Code of Federal Regulations Title 44, Chapter 1,**

Part 60.3(c)(13). The project site was the subject of unpermitted grading and the import of soil. Some grading and soil was located within the floodway. As required through the discretionary review process, project impacts were analyzed and processed with FEMA as a Letter of Map Revision (LOMR). Changes to the water surface elevation by the unauthorized fill were determined by FEMA to be negligible and within acceptable limits. The impacts to the floodplain and floodway were approved with LOMR 15-09-2666P, consistent with all applicable National Flood Insurance Program (NFIP) laws and regulations. LOMR 15-09-2666P revised Flood Insurance Rate Map (FIRM) Panels 06073C1338G and 06073C1339G, Flood Insurance Study (FIS) Profiles 91P-94P and 444P-445P, and FIS Data Table 13.

Therefore, the proposed development, within the designated floodway, will not result in an increase in flood levels during the base flood discharge.

2. The City Engineer has determined that the deviation would not result in additional threats to public safety, extraordinary public expense, or create a public nuisance. The project site was the subject of unpermitted grading and the import of soil. Some grading and soil was located within the floodway. Project impacts to the floodplain and floodway have been addressed with the LOMR. Through the LOMR process, impacts were analyzed by FEMA and it was determined that changes to the water surface elevation by the unauthorized fill were negligible and within acceptable limits. The impacts to the floodplain and floodway were approved with LOMR 15-09-2666P, consistent with all applicable National Flood Insurance Program (NFIP) laws and regulations. LOMR 15-09-2666P revised Flood Insurance Rate Map (FIRM) Panels 06073C1338G and 06073C1339G, Flood Insurance Study (FIS) Profiles 91P-94P and 444P-445P, and FIS Data Table 13. Therefore, the City Engineer has determined that the deviation is proposed and the project would not result in threats to public safety, extraordinary public expense or create a public nuisance.

(f.) Supplemental Finding--Important Archaeological Sites and Traditional Cultural Properties.

1. The site is physically suitable for the design and siting of the proposed development, the development will result in minimum disturbance to historical resources, and measures to fully mitigate for any disturbance have been provided by the applicant. The proposed development is to permit previous unpermitted grading and allow additional grading for a pad to place an office trailer, site access and the required parking space to facilitate a new and used vehicle /truck storage, associated with an off-site truck driving instructional facility.

The purpose and intent of the Historical Resources Regulations of the Land Development Code (Chapter 14, Division 3, and Article 2) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City of San Diego when historical resources are present on the premises.

There are no "built-environment" historical resources within the project site. However, the project site contains an important archaeological site and tribal cultural resources which was

designated by the City's Historical Resources Board on July 23, 2009 as HRB #924, Village of *Ystagua* Area #1. The project proposes to re-contour the existing unauthorized fill placement on the project site to provide adequate contours to accommodate the concrete pad, trailer and drainage. Minor ground-disturbing activity would occur in association with utilities and landscaping, including work associated with wetland restoration of the previously impacted areas on the property. As part of the MMRP, a research design and data recovery program were developed in consultation with Mr. Clint Linton, Native American Kumeyaay representative from the Lipay Nation of Santa Ysabel. Implementation of the Archaeological Data Recovery Program (ADRP) and ongoing site monitoring will mitigate any project-related impacts to historical resources to below a level of significance and will not result in a substantial adverse change to the significance of an historical resource.

While the entire property (7.04- acres) is a designated Important Archaeological Site, the 1.5- acres of remaining usable area, is proposed for a storage yard. Minimal improvements are being proposed and the unauthorized fill will remain to "cap" the site and add a layer of protection for the resources. A Covenant of Easement will be placed over the unimproved portion of the site to protect both historical resources and environmentally sensitive lands. This will also serve as protection from future development.

Therefore, the site is physically suitable for the design and siting of the proposed development, the development will result in minimum disturbance to historical resources, and measures to fully mitigate for any disturbance have been provided by the applicant.

2. All feasible measures to protect and preserve the special character or the special historical, architectural, archaeological, or cultural value of the resource has been provided by the applicant. The proposed development is to permit previous unpermitted grading and allow additional grading for a pad to place an office trailer, site access and the required parking space to facilitate a new and used vehicle /truck storage, associated with an off-site truck driving instructional facility. The fill which was introduced when the unpermitted grading occurred will remain on the site to further "cap" the archaeological resources located on the site.

An initial environmental study of the proposed development proposal determined that the project could have a significant environmental effect to Historical Resources in the form of Archeological Resources. The project provides mitigation in the form of monitoring during construction activities and preconstruction meetings which must include a Qualified Archeologist, and Qualified Native American Monitor. The project must also produce a Monitoring Report post construction in accordance with the Historical Resource Guidelines. There are no "built-environment" resources within the project site. However, the project site contains an important archaeological site and tribal cultural resource which was designated by the City's Historical Resources Board on July 23, 2009 as HRB #924, Village of *Ystagua* Area #1 during the review process.

As part of the MMRP, a research design and data recovery program were developed in consultation with Mr. Clint Linton, Native American Kumeyaay representative from the Lipay Nation of Santa Ysabel. Implementation of the Archaeological Data Recovery Program (ADRP) and ongoing site monitoring will serve to mitigate any project-related impacts to

historical resources to below a level of significance and will not result in a substantial adverse change to the significance of an historical resource

The project will restore the impacted wetland area and provide fencing to separate the area from the proposed use to prevent future disturbance of the vegetation, as well as protect the archaeological resources from human activity. Additionally, a Covenant of Easement will be placed over the unimproved portion of the site to protect both historical resources and environmentally sensitive lands. This will also serve as protection from future development.

Therefore, all feasible measures to protect and preserve the special character or the special historical, architectural, archaeological, or cultural value of the resource has been provided by the applicant.

Neighborhood Development Permit Section 126.0404 (a)-Findings for all Neighborhood Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The proposed development is to permit previous unpermitted grading and allow additional grading for a pad to place an office trailer with the required parking space. A portion of the chain-link fence is on the property line and just within the public right-of-way along the Roselle Street frontage and will remain in place. It was recommended by Staff that the fence remain in this location to minimize disturbance to ESL and provide additional protection of the archeological resources. Regulations for a fence in this location (City right-of-way) requires a Neighborhood Development Permit. A permit condition for an Encroachment Maintenance and Removal Agreement is also required to maintain the fence on City property.

The project site is within in the southern portion of the Torrey Pines Community Planning area within Sorrento Valley and is zoned IL-3-1 (Industrial-Light). The zone allows industrial uses proposed. The proposed uses are consistent with both the General Plan and Community Plan, and the industrial land use designation for the site. Fencing the site is not in conflict with either plan. Therefore, 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 proposed development is to permit previous unpermitted grading and allow additional grading for a pad to place an office trailer with the required parking space. The pad area and access driveway will be surfaced with decomposed granite. The project will also restore the wetland areas and provide fencing around sensitive areas to prevent future disturbance to sensitive areas. A portion of the sites fencing is within the public right-of-way.

The site would be used for new and used equipment and vehicle/truck storage, associated with an off-site truck driving instructional facility. The site is located at the end of a cul-de-sac and would not be open to the public. The office trailer is intended to provide security for the storage lot. Storage or parking of inoperable vehicles, hazardous/toxic equipment and materials is not permitted on the site.

A portion of the chain-link fence is on the property line and just within the public right-of-way along the Roselle Street frontage and will remain in place. It was recommended by Staff that the fence remain in this location to minimize disturbance and provide additional protection of the archeological resources. The operations will conform to all health and safety regulations related to the specific uses proposed for the site.

Project impacts to the floodplain and floodway have been addressed with the Letter of Map Revision (LOMR). Through the LOMR process, impacts were analyzed by FEMA and it was determined that changes to the water surface elevation by the unauthorized fill were negligible and within acceptable limits. The impacts to the floodplain and floodway were approved with LOMR 15-09-2666P. Therefore, the development will not be detrimental to the public health, safety or welfare. The operations will conform to all health and safety regulations related to the specific uses proposed for the site. Therefore, the development will not be detrimental to the public health, safety or welfare.

- 3. The proposed *development* will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** The proposed development is to permit previous unpermitted grading and allow additional grading for a pad to place an office trailer, site access and the required parking space to facilitate a new and used vehicle /truck storage, associated with an off-site truck driving instructional facility. The site is zoned IL-3-1 (Industrial-Light). The zone allows the industrial uses proposed.

A portion of the chain-link fence is on the property line and just within the public right-of-way along the Roselle Street frontage and will remain in place. It was recommended by Staff that the fence remain in this location to minimize disturbance and provide additional protection of the archeological resources. According to the Land Development Code Fence Regulations a fence in this location (City right-of-way) requires a Neighborhood Development Permit. A permit condition for an Encroachment Maintenance and Removal Agreement is also required to maintain the fence on City property.

Therefore, the proposed development will comply with the applicable regulations of the Land Development Code, and is not requesting deviation pursuant to the Land Development Code.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission Coastal Development Permit No. 534042, Site Development Permit No. 534043, Neighborhood Development Permit No. 569417 is hereby GRANTED by the Planning Commission to

ATTACHMENT 5

the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. CDP 534042, SDP 534043, and CDP 569417, a copy of which is attached hereto and made a part hereof.

Helene Deisher
Development Project Manager
Development Services

Adopted on: July 25, 2019

IO#: 23430379

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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 23430379

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 534042
SITE DEVELOPMENT PERMIT NO. 534043
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 569417
10325 ROSELLE STREET, PROJECT NO. 150566 [MMRP]
PLANNING COMMISSION

This Coastal Development Permit 534042, Site Development Permit 534043, Neighborhood Development Permit 569417 is granted by the Planning Commission of the City of San Diego to CLL-Roselle LLC, Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708, 126.0504 and 126.0404. The 7.04 -acre site is located at 10325 Roselle Street in the IL-3-1 (Light Industrial) zone(s) of the Torrey Pines Community Planning area. Coastal (appealable and non-appealable Area 1), the airport influence area and FAA Part 77 notification for (MCAS Miramar), airport environs overlay (60 CNEL), accident potential zone 2. The project site is legally described as: lot "B" and the southeasterly 65 feet of lot "A" of acre lot 33 of town of Sorrento, Map Nos. 362 and 483 filed September 30, 1887 and February 9, 1888.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to allow the previous unpermitted and proposed grading for a pad to place an office trailer and provide the required parking space. The pad area and access driveway will be surfaced with decomposed granite. The project will also restore the wetland and provide fencing to prevent future disturbance. A portion of the fencing is within the public right-of-way, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 25, 2019, on file in the Development Services Department.

The project shall include:

- a. Allowance of previous grading and import of soil;
- b. Grading for office trailer pad;
- c. Placement of an office trailer;
- d. Wetland enhancement;
- e. Covenant of Easement;

- f. Relocate existing fencing and provide fencing within the Public right-of-way;
- g. Landscaping/Restoration (planting, irrigation and landscape related improvements);
- h. Off-street parking; and
- i. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by August 8, 2023.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. Prior to issuance of any construction permit authorizing grading or construction of impervious surfaces, a fee shall be deposited with the Development Services Department for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of site grading at a rate of \$0.005 per square foot for all areas graded, with an additional rate of \$0.03 per square foot for all impervious surfaces created by the development. The enhancement fee shall be computed by the Owner/Permittee and verified by the Development Services Department.
4. 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.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).

8. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394.

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

9. The Owner/Permittee shall secure all necessary 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.

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

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

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

12. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

14. The mitigation measures specified in the MMRP and outlined in **Mitigated Negative Declaration No. 150566 SCH No. 2019039138**, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in **Mitigated Negative Declaration No. 150566 SCH No. 2019039138**, 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:

Biology, Archaeology & Native American cultural resources, and MSCP/MHPA Land Use Adjacency Guidelines. The project will provide on-site mitigation in the form of wetland restoration to offset impacts to upland habitat.

AIRPORT REQUIREMENTS:

16. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.

ENGINEERING and FEMA REQUIREMENTS:

17. Prior to the issuance of a building permit, the owner/permittee shall obtain a bond 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.
18. Prior to the building occupancy, the owner/permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
19. 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.
20. Prior to the issuance of any construction permits, the owner/permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
21. The drainage system proposed for this development is private and subject to approval by the City Engineer.
22. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.
23. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.
24. Prior to any construction permit issuance, the owner/permittee shall obtain an Encroachment Maintenance and Removal Agreement, for chain link fence within the public right-of-way.
25. This project proposes to construct nonresidential structures within the flood fringe of a Special Flood Hazard Area (SFHA) for the Carroll Canyon Creek as shown on Flood Insurance Rate Map panel 1339 F. No work is allowed within the regulatory floodway. All structures built within the SFHA must be constructed with the lowest floor elevated a minimum of two feet above the base flood elevation (BFE) at that location.

LANDSCAPE REQUIREMENTS:

26. Prior to issuance of construction permits for previous and proposed grading; the owner/permittee or Subsequent Owner shall submit a "Restoration Construction Plan" for the re-vegetation and hydro-seeding of all disturbed land in accordance with the Biology Guidelines and Landscape Standards of the Land Development Manual 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.

27. Prior to Final Inspection, it shall be the responsibility of the owner/permittee or Subsequent Owner to install all required landscape. A "No Fee" Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees. All required landscape shall be maintained in a disease, weed and litter free condition at all times.

28. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the owner/permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to the performance of a Final Landscape Inspection.

29. Prior to issuance of construction permits for previous and proposed grading; the owner/permittee or Subsequent Owner shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat and/or MHPA, shall not include exotic plant species that may be invasive to native habitats. Plant species found in Appendix B of the "Biological Resources Letter Report" (Dated July, 2008), the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory, and the prohibited plant species list found in "Table 1" of the Landscape Standards shall not be permitted.

30. Prior to issuance of construction permits for previous and proposed grading the owner/permittee or Subsequent Owner shall ensure that all existing, invasive plant species, including vegetative parts and root systems, shall be completely removed from the development area of the premises when the combination of species type, location, and surrounding environmental conditions provides a means for the species to invade other areas of native plant material that are on or off of the premises [LDC 142.0403(b)(2)]. A monitoring period of five (5) years shall be required to ensure that these invasive plant species do not continue to germinate on-site.

31. Due to the archeological sensitivity of the site street trees are not required.

32. Vegetation for fence screening is recommended and should be a variety that is both non-invasive and that has a shallow root system.

MULTIPLE SPECIES CONSERVATION PROGRAM

33. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall depict the following requirements on the construction documents and plans for Project Site and provide a letter of verification demonstrating a qualified biologist has been retained to implement California gnatcatcher (CAGN) protocol pre-construction surveys.

- **Grading/Land Development/MHPA Boundaries** -Within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
- **Drainage** - All staging and developed/paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved temporary and permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
- **Toxics/Project Staging Areas/Equipment Storage** - Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactful to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CD's that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."
- **Lighting** -All lighting within or adjacent to the MHPA is directed away/shielded from the MHPA, or limited to the immediate area and is in compliance with City Outdoor Lighting Regulations per LDC Section 142.0740.
- **Barriers** -Existing fences/walls; and/or signage along the MHPA boundaries shall remain and or be added to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.
- **Invasives** - No invasive, non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- **Brush Management** -Brush management zones will not be greater in size that is currently required by the City's regulations (this includes use of approved alternative compliance). Within Zone 2 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. For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a home-owner's association or other private party.

- **Noise** - Construction noise that exceeds the maximum levels allowed (60 dB or greater at the beginning edge of the habitat) shall be avoided during the breeding seasons for the following: coastal California gnatcatcher (3/1-8/15). If construction is proposed during the breeding season for the species the following measures are required;

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)

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

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF 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 DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:
1. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
 2. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

PLANNING/DESIGN REQUIREMENTS:

34. Owner/Permittee shall maintain a minimum of one off-street parking space on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.
35. Due to the environmental and historical sensitivity of the site, the storage or parking of inoperable vehicles is not permitted.
36. Due to the environmental and historical sensitivity of the site, the storage of hazardous or toxic materials and equipment is not permitted.
37. Minor routine maintenance activities, such as small part changes and tire repair, are permitted provided measures to prevent leakage or contamination are taken. No fluids or materials shall penetrate the site or leak into streets, gutters, storm drains, or into the adjacent environmentally sensitive lands.
38. Major vehicular maintenance and repairs, such as pulling engines, transmissions, power trains, suspension work, or body work are not permitted.
39. All minor routine maintenance activities shall occur exclusively within the "Limited Vehicle Maintenance Area", as delineated on Exhibit 'A'.
40. Any uses proposed other than those specified in this permit and Exhibit 'A' will be reviewed in substantially conformity to CDP No. 534042/SDP No. 534043/NDP No. 569417 by the Development Services Department Planning Section.
41. Prior to the issuance of construction permits, all portions of the site not included within the allowable development area, as shown on Exhibit 'A', shall be included within a Covenant of Easement. The said easement shall be recorded against title to the affected premises and executed in favor of the City, per SDMC Section 143.0152.
42. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.
43. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on July 25, 2019 and Resolution No. XXX

ATTACHMENT 6

COASTAL DEVELOPMENT PERMIT 534042
SITE DEVELOPMENT PERMIT 534043
NEIGHBORHOOD DEVELOPMENT PERMIT 569417

Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Helene Deisher
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.

CLL-Roselle LLC]
Owner/Permittee

By _____
NAME Chris Loughridge
TITLE Manager

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

PLANNING COMMISSION RESOLUTION NUMBER R- _____

ADOPTED ON _____

A RESOLUTION ADOPTING MITIGATED NEGATIVE DECLARATION NO. 150566 AND
THE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR THE
10325 ROSELLE STREET - PROJECT NO. 150566

WHEREAS, on March 5, 2008, CLL-Roselle, LLC, a California limited liability company,
submitted an application to the Development Services Department for a Coastal Development (CDP)
Permit, Site Development Permit (SDP) and Neighborhood Development Permit (NDP) for the 10325
Roselle Street Project (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 issue was heard by the Planning Commission on July 25, 2019; and

WHEREAS, the Planning Commission considered the issues discussed in the Mitigated
Negative Declaration No. 150566 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission 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

ATTACHMENT 7

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 (MMRP), or alterations to implement the changes to the Project as required by this Planning Commission in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Street, San Diego, CA 92101.

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

By: _____

Helene Deisher, Development Project Manager

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

COASTAL DEVELOPMENT PERMIT NO. 534042 / SITE DEVELOPMENT PERMIT NO. 534043 /
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 569417

10325 ROSELLE STREET
Project No. 150566

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of Planning Department, 9485 Aero Drive, San Diego, CA, 92123, and the Development Services Department – Records Center, 1222 1st Avenue, Third Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 150566 shall be made conditions of Coastal Development Permit No. 1748815, Site Development Permit No. 1748818 and Neighborhood Development Permit No. 569417 as may be further 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:

Biologist, Archaeologist and Native American Kumeyaay Monitor

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) Number 150566, 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:
Not Applicable for this project
 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 DSD Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

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

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Cultural Resources	Monitoring Reports	Archaeology/Tribal Site Observation(s)
Biology	Biology Reports	Biology Observations
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

I. HISTORICAL RESOURCES (ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES)

CULT-1 Archaeological Data Recovery Program

Prior to implementation of the Archaeological Data Recovery Program (ADRP) to mitigate impacts to a designated Important Archaeological Site (HRB # 924) P-37-004609/CA-SDI-4609, a pre-excavation agreement shall be developed and signed by the City of San Diego, the applicant, and the appropriate representatives of the Kumeyaay community. This agreement will specify the requirements for Native American monitors during the data recovery program and during grading for construction, the disposition of artifacts collected during the data recovery program and during construction monitoring, and the procedures to be implemented in the event that human remains are encountered during the data recovery program or during construction monitoring.

- A. This project requires implementation of an Archaeological Data Recovery Program (ADRP) to mitigate impacts to a designated Important Archaeological Site (HRB # 924) P-37-004609/CA-SDI-4609 prior to the issuance of ANY construction permits or the start of ANY construction if no permits are required. The ADRP with Native American Kumeyaay participation consists of a statistical sample and shall be implemented after consultation with designated qualified staff (Planning department or the Development Services Department) in accordance with the**

Cultural Resources Report prepared by Affinis/Tim Gross in May 2009 and as updated by Helix Environmental in 2017.

1. Excavation of an adequate number of units to provide a representative sample of cultural material present at the site (within the limits to be impacted, given the goal of site preservation);
 2. Water screening of a portion of the excavated sediments using 1/8-in. mesh;
 3. Standard screening of the remaining sediments using 1/8-in. mesh;
 4. Cleaning, sorting, cataloging, and analysis of all cultural material collected;
 5. Analysis of faunal material recovered;
 6. Detailed analysis of a sample of debitage collected;
 7. Obsidian sourcing and hydration analysis on a sample of artifacts;
 8. Other lithic raw material sourcing on a sample of artifacts, as appropriate;
 9. Ceramic analysis on a sample of artifacts (both petrographic and neutron activation analyses);
 10. Radiocarbon analysis;
 11. Other special studies, such as protein residue analysis, as applicable;
 12. Preparation of a comprehensive report detailing the methods and results of the data recovery program;
 13. Curation of all materials recovered during the ADRP with the exception of human remains and any associated burial goods, shall be prepared in compliance with local, state and federal standards and permanently curated at an approved facility that meets City standards;
- B. Prior to implementation of the data recovery program, a pre-excavation agreement shall be developed and signed by the City of San Diego, the owner/permittee, and the appropriate representatives of the Kumeyaay community. This agreement will specify the requirements for Native American monitors during the data recovery program and during grading for construction, the disposition of artifacts collected during the data recovery program and during construction monitoring, and the procedures to be implemented in the event that human remains are encountered during the data recovery program or during construction monitoring.
- C. ADRP provision for the discovery of human remains shall be invoked in accordance with the California Public Resources Code, the Health and Safety Code. In the event human remains are encountered during the ADRP, soil shall only be exported from the project site after it has been cleared by the Most Likely Descendant (MLD) and the Project Archaeologist;
- D. Archaeological and Native American Monitoring shall be conducted during the remaining grading activities after completion of the ADRP and acceptance of a draft progress report for the program. The detailed Mitigation Monitoring and Reporting Program is identified below.
- E. Upon completion of the ADRP and prior to issuance of grading permits, the qualified archaeologist and Native American Monitor shall attend a second preconstruction meeting to make comments and/or suggestions concerning the proposed grading process.

CULT-2 Archaeological and Tribal Cultural Resources Monitoring Program**I. 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 Development Services Department (DSD) Environmental Designee (ED) shall verify that the requirements for Archaeological Monitoring and Native American participation/monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ED

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.

II. 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 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 review of final construction documents which indicate site conditions such as(s) depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. 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 III.B-C and IV.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 (CSVR). The CSVR's shall be emailed 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 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 IV 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) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
Note: If a unique archaeological site is also an historical or tribal cultural resource as defined in CEQA Section, 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 that no further work is required.

IV. 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 Environmental 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 provenience of the remains.
 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.

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 granted access to the site, 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, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN
 - c. 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; or
 - (3) Record a document with the County. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.
 - 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.

V. 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 email by 8AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - 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 III - During Construction and IV-Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact the RE and MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-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.

VI. Post Construction

- A. 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 via the RE 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 as a result of 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 or Pipeline Trenching Discovery Process 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 via the RE for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE 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.
- 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. 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 IV – Discovery of Human Remains, Subsection 5.
 3. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
- 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 of the approved report.
 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.

I. BIOLOGICAL RESOURCES

Resource Protection During Construction and Habitat Mitigation

BIO-1: Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the following project requirements are shown on the construction plans:

I. **Prior to the Start of Construction**

- A. Biologist Verification:** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biology Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. Preconstruction Meeting:** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site -specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. Biological Documents:** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are complete or scheduled per City Biology Guidelines, MSCP, ESL Regulation project permit conditions; CEQA; endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. BCME:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME), which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including nesting surveys for yellow-breasted chat, yellow warbler, and Cooper's hawk, least Bell's vireo), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. Avian Protection Requirements:** To avoid any direct impacts to sensitive bird species such as yellow-breasted chat, yellow warbler, Cooper's hawk, and least Bell's vireo removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur

during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of the yellow-breasted chat, yellow warbler, and Cooper's hawk, on the proposed area of disturbance. The preconstruction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the preconstruction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan 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.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section or RE, and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

- F. Resource Delineation:** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include tagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting yellow-breasted chat, yellow warbler, Cooper's hawk, and least Bell's vireo) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. Education:** Prior to commencement of construction activities, the Qualified 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 (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging area, etc.).

II. During Construction

- A. Monitoring:** All construction (including access/staging area) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified 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. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the

1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

- B. Subsequent Resource Identification** - The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction Measures

- A.** In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

Biological Resources (Habitat Mitigation - Sensitive Upland)

- BIO-2a:** Prior to the issuance of a Notice to Proceed or any permits, including but not limited to, the first Grading Permit, Demolition/Development Plans/Permits, and Building Plans/Permits, whichever is applicable, the Owner/Permittee shall mitigate the project impacts to upland habitat in accordance with the City's Biology Guidelines (2012). Accordingly, the Owner/Permittee shall mitigate for project impacts to 0.98-acres of Tier II habitat (Disturbed Diegan coastal sage scrub/Baccharis-dominated scrub) at a 1.5:1 mitigation ratio with 0.98-acres of Tier II or better habitat inside the MHPA and 0.07-acre of non-native grassland (Tier IIIB) at a 1:1 ratio. This shall be achieved through on-site conservation of 5.32 acres of upland habitat into the MHPA.
- BIO-2b:** Prior to issuance of a grading permit, the owner/permittee shall provide an Upland Mitigation Bond to the satisfaction of the City ED/MMC/MSCP to ensure the sensitive upland mitigation will be completed. The Upland Mitigation Bond shall be released upon the achievement of BIO-4, restoration/preservation identified above, and the following success criteria (as identified in the Conceptual Wetlands Mitigation Plan [Dudek 2009]) within the 100-foot wetlands buffer area at the end of five years to the satisfaction of MMC, MSCP, ED; and
- BIO-2c:** Prior to issuance of a grading permit, the owner/permittee shall dedicate to the City of San Diego, interest in property necessary to maintain the land in its existing condition in perpetuity, a total of 5.32-acres of on-site upland (Tier IIIB or better) and wetland habitat into the City's MHPA through recordation and acceptance of a conservation easement.

Biological Resources (Habitat Mitigation - Sensitive Wetland Habitat)

BIO-3a: Prior to the issuance of a Notice to Proceed or any permits, including but not limited to, the first Grading Permit, Demolition/Development Plans/Permits, and Building Plans/Permits, whichever is applicable, the Owner/Permittee shall mitigate the project impacts to City wetlands in accordance with the City's Biology Guidelines. Accordingly, the Owner/Permittee shall mitigate for project impacts to 0.02 acre (southern willow scrub) at a 3:1 mitigation ratio. Accordingly, mitigation for City wetland impacts shall include a 2:1 restoration/enhancement component. This shall be achieved on-site in accordance with the Conceptual Wetlands Mitigation Plan prepared by Dudek (April 2009):

- Enhancement of .042-acre of Southern Willow Scrub
- 1.53- acre of Wetland Buffer Zone Seeding - Coastal Sage Scrub
- 0.48- acre weed removal

BIO-3b: Prior to issuance of a grading permit, the owner/permittee shall provide a Wetland Mitigation Bond to the satisfaction of the City ED/MMC/MSCP to ensure this mitigation will be completed. The Wetland Mitigation Bond shall be released upon the achievement of the wetland enhancement/restoration, and the success criteria (as identified in the Conceptual Wetlands Mitigation Plan [Dudek 2009]): to achieve success criteria within the 100-foot wetlands buffer area at the end of five years.

Biological Resources (Long-term Management of Mitigation Land)

BIO-4a: Prior to the issuance of a Notice to Proceed or any permits, including but not limited to, the first Grading Permit, Demolition/Development Plans/Permits, and Building Plans/Permits, whichever is applicable, the owner/permittee shall provide an endowment to adequately fund the estimated annual costs associated with the long-term management tasks identified in the Conceptual Wetlands Mitigation Plan [Dudek 2009]. These tasks consist of annual sensitive vegetation monitoring, sensitive species monitoring, exotic species control, public awareness, trespass monitoring and management, trash monitoring and management, and reporting and administration. The endowment amount shall be calculated via a Property Analysis Record (PAR) analysis completed by the qualified habitat management entity (such as the San Diego Foundation), to the satisfaction of the City ED/MMC/MSCP.

BIO-4b: Prior to the issuance of a Notice to Proceed or any permits, including but not limited to, the first Grading Permit, Demolition/Development Plans/Permits, and Building Plans/Permits, whichever is applicable, the owner/permittee shall provide documentation of an executed agreement with a qualified habitat management entity that provides for the implementation of the long-term management of the wetland and upland mitigation areas in perpetuity in accordance with the Conceptual Wetlands Mitigation Plan [Dudek 2009] to the satisfaction of MMC.

BIO-4c: Prior to the issuance of a Notice to Proceed or any permits, including but not limited to, the first Grading Permit, Demolition/Development Plans/Permits, and Building Plans/Permits, whichever is applicable, a covenant of easement shall be provided over the

MHPA area to the satisfaction of MSCP. The covenant of easement shall specifically prohibit activities in the wetland and upland mitigation areas that will affect biological value, as follows (as listed in the Biology Letter Report (REC 2018) and Conceptual Wetlands Mitigation Plan [Dudek 2009]):

- Herbicide types, rodenticides, pesticides, incompatible fire protection activities, and any, and all other uses which may adversely affect conservation of watersheds;
- Use of off-road vehicles;
- Grazing or surface entry for exploration or extraction of minerals;
- Erecting of any building, billboard, or sign (except informational signs associated with the mitigation site);
- Depositing of soil, trash, ashes, garbage, waste, bio-solids, or any other material; (soil deposition in association with an approved restoration program is allowed);
- Excavating, dredging, or removing of loam, gravel, soil, rock, sand, or other material; (excavation or moving of soil, gravel, loam, rock, sand or other material in association with an approved restoration program is allowed);
- Otherwise altering the general topography of the conserved area, including the building of roads; and
- Removing, destroying, or cutting of trees, shrubs or other vegetation other than the non-native plant removal or brush management activities. Alterations in association with an approved restoration program are allowed.

Biological Resources (Restoration/Revegetation Plan and Construction Monitoring)

BIO-4d: Prior to the issuance of a Notice to Proceed (NTP) or any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits the City's Environmental Designee of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading *Environmental Requirements*: **"The 10325 Roselle Street Project is subject to Mitigation, Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the Mitigated Negative Declaration No. 150566 / State Clearinghouse No. 2019039138"**.

BIO-4e: Prior to Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Prior to 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, the ADD environmental designee shall verify that the requirements for the revegetation/restoration plans and specifications, including mitigation of direct impacts to upland and wetland habitats have been shown and noted on the appropriate landscape construction documents. The landscape construction documents and specifications must be found to be in conformance with the Conceptual Wetlands Restoration Plan prepared by Dudek 2019, the requirements of which are summarized above.

B. Revegetation/Restoration Plan(s) and Specifications

1. Landscape Construction Documents (LCD) shall be prepared on D-sheets and submitted to the City of San Diego Development Services Department, Landscape Architecture Section (LAS) for review and approval. LAS shall consult with Mitigation

Monitoring Coordination (MMC) and obtain concurrence prior to approval of LCD. The LCD shall consist of revegetation/restoration, planting, irrigation and erosion control plans; including all required graphics, notes, details, specifications, letters, and reports as outlined below.

2. Landscape Revegetation/Restoration Planting and Irrigation Plans shall be prepared in accordance with the San Diego Land Development Code (LDC) Chapter 14, Article 2, Division 4, the LDC Landscape Standards submittal requirements, and Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines (July 2002). The Principal Qualified Biologist (PQB) shall identify and adequately document all pertinent information concerning the revegetation/restoration goals and requirements, such as but not limited to, plant/seed palettes, timing of installation, plant installation specifications, method of watering, protection of adjacent habitat, erosion and sediment control, performance/success criteria, inspection schedule by City staff, document submittals, reporting schedule, etc. The LCD shall also include comprehensive graphics and notes addressing the ongoing maintenance requirements (after final acceptance by the City).
3. The Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Construction Manager (CM) and Grading Contractor (GC), where applicable shall be responsible to insure that for all grading and contouring, clearing and grubbing, installation of plant materials, and any necessary maintenance activities or remedial actions required during installation and the 120 day plant establishment period are done per approved LCD. The following procedures at a minimum, but not limited to, shall be performed:
 - a. The RMC shall be responsible for the maintenance of the upland/wetland mitigation area for a minimum period of 120 days. Maintenance visits shall be conducted on a weekly basis throughout the plant establishment period.
 - b. At the end of the 120-day period the PQB shall review the mitigation area to assess the completion of the short-term plant establishment period and submit a report for approval by MMC.
 - c. MMC will provide approval in writing to begin the five-year long-term establishment/maintenance and monitoring program.
 - d. Existing indigenous/native species shall not be pruned, thinned or cleared in the revegetation/mitigation area.
 - e. The revegetation site shall not be fertilized.
 - f. The RIC is responsible for reseeding (if applicable) if weeds are not removed, within one week of written recommendation by the PQB.
 - g. Weed control measures shall include the following: (1) hand removal, (2) cutting, with power equipment, and (3) chemical control. Hand removal of weeds is the most desirable method of control and will be used wherever possible.
 - h. Damaged areas shall be repaired immediately by the RIC/RMC. Insect infestations, plant diseases, herbivory, and other pest problems will be closely monitored throughout the five-year maintenance period. Protective mechanisms such as metal wire netting shall be used as necessary. Diseased and infected plants shall be immediately disposed of off-site in a legally-acceptable manner at the discretion of the PQB or Qualified Biological Monitor (QBM) (City approved). Where possible, biological controls will be used instead of pesticides and herbicides.

4. If a Brush Management Program is required the revegetation/restoration plan shall show the dimensions of each brush management zone and notes shall be provided describing the restrictions on planting and maintenance and identify that the area is impact neutral and shall not be used for habitat mitigation/credit purposes.
- C. Letters of Qualification Have Been Submitted to ADD
1. The applicant shall submit, for approval, a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the PQB, Principal Restoration Specialist (PRS), and QBM, where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and biological monitoring program, as they are defined in the City of San Diego Biological Review References. Resumes and the biology worksheet should be updated annually.
 2. MMC will provide a letter to the applicant confirming the qualifications of the PQB/PRS/QBM and all City Approved persons involved in the revegetation/restoration plan and biological monitoring of the project.
 3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the revegetation/restoration plan and biological monitoring of the project.
 4. PQB must also submit evidence to MMC that the PQB/QBM has completed Storm Water Pollution Prevention Program (SWPPP) training.

Prior to Start of Construction

- A. PQB/PRS Shall Attend Preconstruction (Precon) Meetings
1. Prior to beginning any work that requires monitoring:
 - a. The owner/permittee or their authorized representative shall arrange and perform a Precon Meeting that shall include the PQB or PRS, Construction Manager (CM) and/or Grading Contractor (GC), Landscape Architect (LA), Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC.
 - b. The PQB shall also attend any other grading/excavation related Precon Meetings to make comments and/or suggestions concerning the revegetation/restoration plan(s) and specifications with the RIC, CM and/or GC.
 - c. If the PQB is unable to attend the Precon Meeting, the owner shall schedule a focused Precon Meeting with MMC, PQB/PRS, CM, BI, LA, RIC, RMC, RE and/or BI, if appropriate, prior to the start of any work associated with the revegetation/ restoration phase of the project, including site grading preparation.
 2. Where Revegetation/Restoration Work Will Occur
 - a. Prior to the start of any work, the PQB/PRS shall also submit a revegetation/restoration monitoring exhibit (RRME) based on the appropriate reduced LCD (reduced to 11"x 17" format) to MMC, and the RE, identifying the areas to be revegetated/restored including the delineation of the limits of any disturbance/grading and any excavation.
 - b. PQB shall coordinate with the construction superintendent to identify appropriate Best Management Practices (BMP's) on the RRME.
 3. When Biological Monitoring Will Occur

- a. Prior to the start of any work, the PQB/PRS shall also submit a monitoring procedures schedule to MMC and the RE indicating when and where biological monitoring and related activities will occur.
4. PQB Shall Contact MMC to Request Modification
 - a. The PQB may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the revegetation/restoration plans and specifications. This request shall be based on relevant information (such as other sensitive species not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA) which may reduce or increase the potential for biological resources to be present.

During Construction

- A. PQB or QBM Present During Construction/Grading/Planting
 1. The PQB or QBM shall be present full-time during construction activities including but not limited to, site preparation, clearing, grading, excavation, landscape establishment in association with construction and/or grading activities which could result in impacts to sensitive biological resources as identified in the LCD and on the RRME. **The RIC and/or QBM are responsible for notifying the PQB/PRS of changes to any approved construction plans, procedures, and/or activities. The PQB/PRS is responsible to notify the CM, LA, RE, BI and MMC of the changes.**
 2. The PQB or QBM shall document field activity via the Consultant Site Visit Record Forms (CSVr). The CSVr's shall be faxed by the CM the first day of monitoring, the last day of monitoring, monthly, and in the event that there is a deviation from conditions identified within the LCD and/or biological monitoring program. The RE shall forward copies to MMC.
 3. The PQB or QBM shall be responsible for maintaining and submitting the CSVr at the time that CM responsibilities end (i.e., upon the completion of construction activity other than that of associated with biology).
 4. All construction activities (including staging areas) shall be restricted to the development areas as shown on the LCD. The PQB/PRS or QBM staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved LCD.
 5. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) all sensitive habitats as shown on the approved LCD.
 6. The PBQ shall provide a letter to MMC that limits of potential disturbance has been surveyed, staked and that the construction fencing is installed properly
 7. The PQB or QBM shall oversee implementation of BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measures, as needed to ensure prevention of any significant sediment transport. In addition, the PQB/QBM shall be responsible to verify the removal of all temporary construction BMP's upon completion of construction activities. Removal of temporary construction BMP's shall be verified in writing on the final construction phase CSVr.
 8. PQB shall verify in writing on the CSVr's that no trash stockpiling or oil

dumping, fueling of equipment, storage of hazardous wastes or construction equipment/material, parking or other construction related activities shall occur adjacent to sensitive habitat. These activities shall occur only within the designated staging area located outside the area defined as biological sensitive area.

9. The long-term establishment inspection and reporting schedule per LCD must all be approved by MMC prior to the issuance of the Notice of Completion (NOC) or any bond release.

B. Disturbance/Discovery Notification Process

1. If unauthorized disturbances occur, or sensitive biological resources are discovered that were not previously identified on the LCD and/or RRME, the PQB or QBM shall direct the contractor to temporarily divert construction in the area of disturbance or discovery and immediately notify the RE or BI, as appropriate.
2. The PQB shall also immediately notify MMC by telephone of the disturbance and report the nature and extent of the disturbance and recommend the method of additional protection, such as fencing and appropriate Best Management Practices (BMP's). After obtaining concurrence with MMC and the RE, PQB and CM shall install the approved protection and agreement on BMP's.
3. The PQB shall also submit written documentation of the disturbance to MMC within 24 hours by fax or email with photos of the resource in context (e.g., show adjacent vegetation).

C. Determination of Significance

1. The PQB shall evaluate the significance of disturbance and/or discovered biological resource and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to obtain concurrence and formulate a plan of action which can include fines, fees, and supplemental mitigation costs.
2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

Post Construction

A. Mitigation Monitoring and Reporting Period

1. Five-Year Mitigation Establishment/Maintenance Period
 - a. The RMC shall be retained to complete maintenance monitoring activities throughout the five-year mitigation monitoring period.
 - b. Maintenance visits will be conducted twice per month for the first six months, once per month for the remainder of the first year, and quarterly thereafter.
 - c. Maintenance activities will include all items described in the LCD.
 - d. Plant replacement will be conducted as recommended by the PQB (note: plants shall be increased in container size relative to the time of initial installation or establishment or maintenance period may be extended to the satisfaction of MMC).
2. Five-Year Biological Monitoring
 - a. All biological monitoring and reporting shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.
 - b. Monitoring shall involve both qualitative horticultural monitoring and quantitative monitoring (i.e., performance/success criteria). Horticultural

monitoring shall focus on soil conditions (e.g., moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g., invasive exotic) species, any significant disease or pest problems, irrigation repair and scheduling, trash removal, illegal trespass, and any erosion problems.

- c. After plant installation is complete, qualitative monitoring surveys will occur monthly during year one and quarterly during years two through five.
- d. Upon the completion of the 120-days short-term plant establishment period, quantitative monitoring surveys shall be conducted at 0, 6, 12, 24, 36, 48 and 60 months by the PQB or QBM. The revegetation/restoration effort shall be quantitatively evaluated once per year (in spring) during years three through five, to determine compliance with the performance standards identified on the LCD. All plant material must have survived without supplemental irrigation for the last two years.
- e. Quantitative monitoring shall include the use of fixed transects and photo points to determine the vegetative cover within the revegetated habitat. Collection of fixed transect data within the revegetation/restoration site shall result in the calculation of percent cover for each plant species present, percent cover of target vegetation, tree height and diameter at breast height (if applicable) and percent cover of non-native/non-invasive vegetation. Container plants will also be counted to determine percent survivorship. The data will be used determine attainment of performance/success criteria identified within the LCD.
- f. Biological monitoring requirements may be reduced if, before the end of the fifth year, the revegetation meets the fifth-year criteria and the irrigation has been terminated for a period of the last two years.
- g. The PQB or QBM shall oversee implementation of post-construction BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measure, as needed to ensure prevention of any significant sediment transport. In addition, the PBQ/QBM shall be responsible to verify the removal of all temporary post-construction BMP's upon completion of construction activities. Removal of temporary post-construction BMPs shall be verified in writing on the final post-construction phase CSV.

C. Submittal of Draft Monitoring Report

- 1. A draft monitoring letter report shall be prepared to document the completion of the 120-day plant establishment period. The report shall include discussion on weed control, horticultural treatments (pruning, mulching, and disease control), erosion control, trash/debris removal, replacement planting/reseeding, site protection/signage, pest management, vandalism, and irrigation maintenance. The revegetation/restoration effort shall be visually assessed at the end of 120 day period to determine mortality of individuals.
- 2. The PQB shall submit two copies of the Draft 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. Monitoring reports shall be prepared on an annual basis for a period of five years. Site progress reports shall be prepared by the PQB following each site visit and provided to the owner, RMC and RIC. Site progress reports shall review maintenance activities, qualitative and

quantitative (when appropriate) monitoring results including progress of the revegetation relative to the performance/success criteria, and the need for any remedial measures.

3. Draft annual reports (three copies) 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 the completion of monitoring.
 4. MMC shall return the Draft Monitoring Report to the PQB for revision or, for preparation of each report.
 5. The PQB shall submit revised Monitoring Report to MMC (with a copy to RE) for approval within 30 days.
 6. MMC will provide written acceptance of the PQB and RE of the approved report.
- D. Final Monitoring Reports(s)
1. PQB shall prepare a Final Monitoring upon achievement of the fifth-year performance/success criteria and completion of the five-year maintenance period.
 - a. This report may occur before the end of the fifth year if the revegetation meets the fifth-year performance /success criteria and the irrigation has been terminated for a period of the last two years.
 - b. The Final Monitoring report shall be submitted to MMC for evaluation of the success of the mitigation effort and final acceptance. A request for a pre-final inspection shall be submitted at this time, MMC will schedule after review of report.
 - c. If at the end of the five years any of the revegetated area fails to meet the project's final success standards, the applicant must consult with MMC. This consultation shall take place to determine whether the revegetation effort is acceptable. The applicant understands that failure of any significant portion of the revegetation/restoration area may result in a requirement to replace or renegotiate that portion of the site and/or extend the monitoring and establishment/maintenance period until all success standards are met.



Torrey Pines Community Planning Board

PO Box 603, Del Mar, CA 92014

www.torreypinescommunity.org

BOARD MEMBERS: Morton Printz, Chair, tpcpb1@hotmail.com; mprintz@ucsd.edu; Cliff Hanna, Vice-Chair, cshanna@sbcglobal.net; Diana Scheffler, Secretary, DScheffler@san.rr.com; Carole Larson, Treasurer; Faye Detsky-Weil, Past Chair; Michael Belch; Barbara Cerny; Michael Foster, Greg Heinzinger; Janie Killermann, PRC Chair, jkillermann@gmail.com; Philip Raphael; Dennis Ridz, Pat Whitt.

REGULAR MONTHLY MEETING

THURSDAY, SEPTEMBER 11, 2008 at 7:00 PM

DEL MAR HEIGHTS Multi-Use Room (MUR)

13555 Boquita Dr, Del Mar, CA 92014

AGENDA

NOTE: Times assigned for each item are approximate. Agenda items and order are subject to modification at the beginning of the meeting at discretion of the Chair. Any item may be pulled from Consent Agenda and added to the regular agenda by request. To request an agenda in alternative format - sign language, oral interpreter or Assistive Listening Devices (ALDs) - please contact the Planning Department at (619) 236-6879 five (5) working days prior to the meeting to insure availability.

CALL TO ORDER / INTRODUCTIONS - Chair

(TIME ALLOTTED FOR ITEMS A THROUGH G IS 30 MIN)

A. NON-AGENDA PUBLIC COMMENT - Issues that are not on the Agenda but are within the jurisdiction of the Community Planning Board. Time limit - 3 minutes per speaker.

B. GENERAL ANNOUNCEMENTS BY THE CHAIR (5 min)

Appointment of 22nd AD Ad Hoc Subcommittee; Appointment of Secretary Diana Scheffler, Web Page Master/Treasurer Carole Larson & M. Printz to draft Annual Report; Other actions

C. MODIFICATIONS TO THE AGENDA - Action Item: Motion to Approve the Agenda

D. REVIEW AND MOTION TO APPROVE PAST MEETING MINUTES - Secretary Diana Scheffler. Minutes pending distribution, review and approval: Regular meeting of May 8th, 2008; Regular meeting of July 3rd, 2008; Special meeting of August 26th. All Reviews and Approvals continued to the October Board Meeting.

E. REPORT BY TREASURER - Treasurer Carole Larson.

F. CONSENT AGENDA ITEMS

1. Project Review Subcommittee report on 10325 Roselle Street in Sorrento Valley

G. INFORMATION UPDATES (Presentations as presenter is present)

San Diego Police Department - Officer Gaylon Sells

City Planning and Community Investment Department - Lesley Henegar

City Council District 1, Council President Scott Peters Office - Chanelle Hawken

Mayor Sanders' Office - Stephen Lew

County Supervisor Pam Slater-Price's Office - Aaron Byzak

State Senator Kehoe's 39th Senate District Office - Andrew Kennerly

- ITEM #1 CONSIDERATION & POSSIBLE BOARD ACTION.** We have been asked to consider request for additional representation on the SR-56 / I-5 Steering Committee. (Requests by: David Henderson; Audrey Kane - Association Manager, Del Mar Villas; others.). This also continues Item #6 from the July Meeting. See Attachment A. (10 min)
- ITEM #2 CONSIDERATION & POSSIBLE BOARD ACTION.** We have been asked to consider voting on a motion dealing with political signs placed by commercial signage companies. (Request by John Dean.) See Attachment B. (10 min)
- ITEM #3 REQUEST FOR BOARD RECOMMENDATION FOR STOP SIGNS AT RECUERDO DRIVE & EL AMIGO ROAD & RECUERDO DRIVE AND VANTAGE.** (Request by Kristie Ritter and Ted Leach for local residents.) Requests stop signs at Vantage and Recuerdo Dr (north, south and west corners), and Recuerdo Dr and El Amigo Rd (north & south corners). See Attachment C. (20 min)
- ITEM #4 REQUEST FOR BOARD APPROVAL TO SPEAK IN OPPOSITION TO SR-241 TOLL ROAD EXTENSION.** Meeting will be held at Del Mar Fairgrounds September 22nd, 2008. QUESTION: Does the Board wish to seek approval to speak at the Meeting and at that time to oppose extension of this toll road? See Attachment D: Request by Bob Lewis and e-mail communication between Chair and Bob Lewis. (20 min)
- ITEM #5 REPORT ON MEETING WITH 22NDAG REGARDING PROPOSED EXTENSION OF COMMERCIAL DEVELOPMENT AT FAIRGROUNDS.** Ad Hoc Subcommittee Report by Dennis Ridz; Members - Bob Lewis, Lou Adamo. Morton Printz. See Attachment E. (5-10 min)
- ITEM #6 REPORT ON SEWER IMPROVEMENTS LEADING FROM DEL MAR FAIRGROUNDS ACROSS RIVER. Board Motion to Support.** Dennis Ridz. See Attachment F from Ms. Dawn Rawls, Chairperson, San Dieguito Lagoon Committee. (5 min)
- ITEM #7 SHALL THE BOARD ORGANIZE A LOCAL GARAGE SALE IN NOVEMBER WITH VOLUNTARY DONATIONS FOR THE BOARD?** Chair (5 min)
- ITEM #8 INFORMATION REPORTS (As available, maximum 5 min)**
Barbara Cerny: County Service Agency 17 Representative.
Faye Detsky-Weil: Parks & Recreation; Pedestrian & School Safety – with Tom Slipper, Public Member.
Cliff Hanna: Transportation Committee
Greg Heinzinger: Telecommunications in an Urban Setting.
Carole Larson: Web Site.
Morton Printz: COMPACT, Railroads & Mass Transit.
Philip Raphael : Noise and Urban Environment.
Diana Scheffler: Operational Procedures, Goals and Scope of Project Review Committee.
- ITEM #9 NON-AGENDA ITEMS CONSTITUTING NEW OR FUTURE BUSINESS**

ADJOURNMENT AT 9:30 PM (Meeting may be extended for unfinished business with Board approval)

The Public is invited to submit agenda items for upcoming meetings please contact the chair.

TORREY PINES COMMUNITY PLANNING GROUP
Project Review Committee Meeting
10325 Roselle Street
San Diego, CA

August 14, 2008

Project Scope: Torrey Pines, JO#43-2379 (Process 3) Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands for previous and proposed grading on a 7.04 acre site at 10325 Roselle Street in the IL-3-1 Zone within the Torrey Pines Community Plan, Coastal Overlay (appealable), Accident Potential Zone, Airport Influence Area, FAA Part 77, Council District 1. Notice Cards=1.

Meeting Summary:

Present at the Meeting:

- Chris Loughridge, property owner
- Carol Chase, Senior Planner at RBF Consulting
- Brian T. Hill, Design Engineer with Stevens-Cresto Engineering, Inc.
- Dan Jensvold, PRC
- Janie Killermann PRC
- Dennis Ridz, PRC
- Diana Scheffler, PRC
- Bob Lewis, PRC Chair Emeritus and TPCPG Chair Emeritus

Carol Chase provided background and diagrams for the project, stating the work is aimed primarily at correcting grading flaws that resulted when the property tenant dumped approximately 48 dump truck loads of dirt onto the property over an approximately one and one-half year period.

Key goals for the proposed project:

- Re-contour the hill
- Create a wetland area to replace the former wetland which tenant filled with dirt
- Create a wetlands buffer using design by Dudek & Associates, re-creation specialists, using native plantings.
- Create a solid surface for storing equipment or vehicles

Owner Chris Loughridge stated that the property was at one time the Three Buckaroos Camp, a kids' recreation area. Loughridge purchased the property and over time found remains from Indian use dating back 5000 years.

Archaeologist Tim Gross with Affinis has studied and monitored the site and taken steps to prevent looting of Indian artifacts and remains. Archaeologist Gross and City of San Diego are especially firm that penetration of the land must be avoided wherever possible. The City has agreed that decomposed granite is an appropriate surface for the portion of

the property intended for storage of equipment or vehicles. The decomposed granite will not trap moisture underground as would asphalt or concrete and therefore will not damage the artifacts on the property.

A mobile office—which will connect to the City sewer—will be put in place near Roselle Street. After that, the existing driveway will be removed.

Bob Lewis, who had visited the site and talked with neighboring property owner Rick Denn, brought up concern about the property appearance from the street and recommended the use of plantings to screen the storage area.

Owner Chris Loughridge would like screening from the street and pointed out that archaeological input advises shallow rooted plantings.

Architect Dan Jensvold suggested the construction of a plant structure that would provide support for a vegetation screen approximately 6 feet to 8 feet in height. Jensvold said he would be happy to sketch such a design.

Dennis Ridz visited the site with Bob Lewis and spoke with a neighbor who expressed concern about dust blowing from the decomposed granite surface. Ridz and Jensvold mentioned there exists a coarse decomposed granite and a treatment process that will keep down the dust.

A final concern was expressed about the potential for standing water to form in the area that is to be restored to wetlands.

A follow-up meeting is scheduled for Thursday, September 4th for further discussion of key concerns from Project Review Committee:

- Screening of the equipment/vehicle storage area
- Dust suppression from the decomposed granite surface
- Avoidance of standing water at the restored wetlands.

Janie Killermann, PRC Chair
858-342-1795



858-272-4600

THE CITY OF SAN DIEGO

December 7, 2006

NOTICE OF VIOLATION

Location: 10325 Roselle Street
Assessor's Parcel No.: 340-080-40-00

Property Owner: Christopher Loughridge, Agent for Service of Process
CLL-Roselle, LLC
Address: 1145 Pacific Beach Drive, Suite 309
San Diego, CA 92109-5158

Responsible Party: Chuck Emanuel, President
California Career School
Address: 1100 Technology Circle
Anaheim, CA 92805

Responsible Party: Sylvester Green, Manager
California Career School
Address: 1100 Technology Circle
Anaheim, CA 92805

Zone: IL-3-1

A representative of the Neighborhood Code Compliance Division conducted an inspection of the above referenced premises on June 20, 2006 and November 2, 2006.

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

You have violated the law by conducting unauthorized grading activity on the premises without required Coastal Development Permit, Site Development Permit, and Grading Permit. The grading activity included: impacts to Environmentally Sensitive Lands (ESL) sensitive biological resources, grading an area approximately 1.9 acres in size, and importing undocumented fill material. The site clearing and grading activity constitute violations of the Environmentally Sensitive Lands, Grading, and Development regulations of the City of San Diego Land Development Code. Additionally, the premises is being used as a truck driving training facility and parking lot without obtaining the necessary permits and without meeting required development regulations of the City of San Diego Land Development Code.

In accordance with the San Diego Municipal Code (SDMC) this is to notify you that the following violations were observed.



**Development Services Department
Neighborhood Code Compliance Division**

1200 Third Avenue, 8th Floor, MS 51N • San Diego, CA 92101-4106
Tel (619) 286-5500 Fax (619) 533-6142

12/08/2006 13:23

7146356596

CA CAREER SCHOOL

PAGE 02

Notice of Violation
10325 Roselle Street
December 7, 2006
Page 2

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

SDMC, Section 121.0302 Required Compliance with the Land Development Code

(a) It is unlawful for any person to maintain or use any premises in violation of any of the provisions of the Land Development Code, without a required permit, contrary to permit conditions, or without a required variance.

(b) It is unlawful for any person to engage in any of the following activities, or cause any of the activities to occur in a manner contrary to the provisions of the Land Development Code: (1) To erect, place, construct, convert, establish, alter, use, enlarge, repair, move, remove, equip, maintain, improve, occupy, or demolish any premises; (3) To change density or intensity of the use of land; (4) To maintain or allow the existence of any condition that creates a public nuisance.

SDMC, Section 126.0502 When a Site Development Permit Is Required

Failure to obtain the required Site Development Permit for development/grading where the lot contains environmentally sensitive lands.

SDMC, Section 126.0505 Violations of a Site Development Permit

It is unlawful for any person to maintain, use, or develop any premises without a Site Development Permit if such a permit is required for the use or development, or to maintain, use, or develop any premises contrary to the requirements or conditions of an existing Site Development Permit. Violation of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this division shall be treated as strict liability offenses regardless of intent.

SDMC, Section 126.0723 Violations of a Coastal Development Permit

It is unlawful for any person to maintain, use, or undertake coastal development on any lot or premises without a Coastal Development Permit if such a permit is required for the use or development or to maintain, use, or develop any premises contrary to the requirements or conditions of an existing Coastal Development Permit. Violation of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this division shall be treated as strict liability offenses regardless of intent.

SDMC, Section 126.0702 When a Coastal Development Permit is required

Failure to obtain the required Coastal Development Permit for coastal development/grading.

SDMC, Section 129.0602 When a Grading Permit is Required

A Grading Permit is required for the following work:

- (b) Any grading required for the restoration of unauthorized grading;
- (c) Any grading within the Special Flood Hazard Area;
- (e) Any grading that includes the following conditions:
 - (1) Excavation or fill that results in a slope with a gradient of 25 percent or greater (4 horizontal feet to 1 vertical foot) and for which the depth or height at any point is more than 5 feet measured vertically at the face of the slope from the top of the slope to the bottom of the slope;
 - (2) Excavation or fill for which the depth or height at any point from the lowest grade to the highest grade at any time during the proposed grading is more than 5 feet measured vertically;
 - (4) Grading for which the graded area is more than 1 acre;

Notice of Violation
10325 Roselle Street
December 7, 2006
Page 3

- (5) Grading that adversely affects the existing drainage pattern by altering the drainage pattern, concentrating runoff, increasing the quantity of runoff, or increasing the velocity of runoff to adjacent properties;
- (7) Placing fill material that has any piece larger than 12 inches in any direction.

SDMC, Section 131.0630 Development Regulations of Industrial Zones

- (a) Within the industrial zones, no structure or improvement shall be constructed, established, or altered, nor shall any premises be used unless the premises complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).

SDMC, Section 142.0103 When a Permit Is Required for Grading

- (a) A Grading Permit is required for any grading work specified in Section 129.0602.

SDMC, Section 142.0144 Grading Within Environmentally Sensitive Lands

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

SDMC, Section 142.0146 Erosion, Sedimentation, and Water Pollution Control

- (a) All grading work shall incorporate erosion and siltation control measures in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations) and the standards established in the Land Development Manual.
- (b) All development shall be conducted to prevent erosion and stop sediment and pollutants from leaving the work site. The property owner is responsible to implement and maintain temporary and permanent erosion, sedimentation, and water pollution control measures to the satisfaction of the City Manager, whether or not such measures are a part of approved plans. The property owner shall install, monitor, maintain, and revise these measures, as appropriate, to ensure their effectiveness. Controls shall include measures outlined in Chapter 14, Article 2, Division 2 Storm Water Runoff Control and Drainage Regulations) that address the development's potential erosion and sedimentation impacts.

SDMC, Section 142.0147 Revegetation Requirements

All graded areas including manufactured slopes and disturbed areas other than manufactured slopes shall be revegetated in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations).

SDMC, Section 142.0202 When Drainage Regulations Apply

This division shall apply to all development in the City, whether or not a permit or other approval is required.

SDMC, Section 142.0220 Storm Water Runoff Control

- (a) All development shall comply with Municipal Code Chapter 4, Article 3, Division 3 (Stormwater Management and Discharge Control).
- (b) All development shall be conducted to prevent erosion and stop sediment and pollutants from leaving the property to the maximum extent practicable. The property owner is responsible to implement and maintain temporary and permanent erosion, sedimentation, and water pollution control measures to the satisfaction of the City Manager, whether or not such measures are a part of approved plans. The property owner shall install, monitor, maintain, and revise these

Notice of Violation
10325 Roselle Street
December 7, 2006
Page 4

measures, as appropriate, to ensure their effectiveness. Controls shall include the following measures that address the development's potential erosion, sedimentation, and water pollution impacts.

- (1) Erosion prevention.
- (2) Sediment control.
- (3) Phased grading.

SDMC, Section 142.0230 Development within the Special Flood Hazard Area

All development within a Special Flood Hazard Area shall comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

SDMC, Section 143.0110 When Environmentally Sensitive Lands Regulations Apply

This division applies to all proposed development when environmentally sensitive lands are present on the premises.

(a) Where any portion of the premises contains any of the following environmentally sensitive lands, this division shall apply to the entire premises, unless otherwise provided in this division:

- (1) Sensitive biological resources.

SDMC, Section 143.0112 Requirement to Submit Required Documentation and Obtain Permit Prior to Development on Environmentally Sensitive Lands

It is unlawful to begin development on a premises that contains environmentally sensitive lands without submitting required documentation and obtaining the applicable development permit, or an exemption as required pursuant to this division. If unlawful development occurs on property containing environmentally sensitive lands and an enforcement action has been commenced by the City pursuant to Section 143.0160, no development permit application may be processed until the enforcement action has been concluded.

SDMC, Section 143.0145 Development Regulations for Special Flood Hazard Areas

SDMC, Section 143.0160 Violations and Remedies

The provisions of this division shall be enforced pursuant to Chapter 12, Article 1, Division 2, Enforcement Authorities for the Land Development Code.

SDMC, Section 143.0210 When Historical Resources Regulations Apply

SDMC, Section 143.0211 Duty to Submit Required Documentation and to Obtain Permit

The property owner or applicant shall submit required documentation and obtain a construction permit, a Neighborhood Development Permit, a Site Development Permit as required pursuant to this division before any development activity occurs on a premises that contains historical resources.

SDMC, Section 143.0212 Need for Site-Specific Survey and Determination of Location of Historical Resources

SDMC, Section 143.0280 Violations and Remedies

The provisions of this division shall be enforced pursuant to Chapter 12, Article 1, Division 2 (Enforcement Authorities for the Land Development Code) and the Historical Resources Guidelines of the Land Development Manual.

12/08/2006 13:23 7146356596

CA CAREER SCHOOL

PAGE 05

Notice of Violation
10325 Roselle Street
December 7, 2006
Page 5

Immediately cease any and all grading activity.

Immediately cease use of the property as a truck driving school training facility and for vehicle parking.

Immediately install all necessary erosion and sediment control measures, using Best Management Practices (BMPs), necessary to protect all exposed slopes and pads. These BMPs must eliminate the potential for a discharge of sediments and other pollutants into the adjacent creek, floodway, flood hazard area, and adjacent properties.

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

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

If you have any questions, please call me at (619) 533-6302.



Mike Richmond
Land Development Investigator II

MR/lm

cc: File

NC# 121971

This information will be made available in alternative formats upon request.

No Fee GC 6103

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

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

Plaintiffs,

v.

CLL-ROSELLE, LLC, a California Limited
Liability Company; and DOES I through XX,
inclusive,

Defendants.

Case No.

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

Plaintiffs, The People of the State of California and The City of San Diego, a municipal corporation, appearing through their attorneys, Michael J. Aguirre, City Attorney, by Markecia Simmons, Deputy City Attorney; and Defendant, CLL-Roselle, LLC, a California Limited Liability Company, appearing by and through its attorney, F. Sigmund Luther, Esq. [Defendants] enter into the following Stipulation in full and final settlement of the above-captioned case without trial or adjudication of any issue of fact or law, and agree that final judgment may be so entered.

1. This Stipulation in Full Settlement for Final Judgment of Permanent Injunction and Civil Penalties [Stipulated Judgment] is executed as of 11/29/2007, between and among Plaintiffs, the People of the State of California, and the City of San Diego, and CLL-ROSELLE, LLC, a California Limited Liability Company; and DOES I through XX, inclusive.

2. The parties to this Stipulated Judgment are parties to a civil suit pending in the Superior Court of the State of California for the County of San Diego, entitled *People of the State of California and The City of San Diego, a municipal corporation v. CLL- Roselle, LLC, a California Limited Liability Company; and DOES I through XX, inclusive*, Civil Case Number _____.

3. All the terms of this Stipulated Judgment shall apply to each and every Defendant named in this Stipulated Judgment acting individually, jointly and severally, unless otherwise specified.

4. All the terms of this Stipulated Judgment shall apply to each and every Defendant named in this Stipulated Judgment, their successors and assigns, and any of their agents, employees, and representatives acting within the course and scope of their employment, and all persons, corporations, or other entities acting by, through, under or on behalf of Defendants and all persons acting in concert with or participating with the Defendants with actual or constructive knowledge of this Stipulated Judgment.

5. The parties wish to avoid the burden and expense of further litigation and accordingly have determined to compromise and settle their differences in accordance with the provisions of this Stipulated Judgment.

6. The property [PROPERTY] that is the subject of this Stipulated Judgment, located at 10325 Roselle Street, San Diego, California, consists of the following parcel in the City of San Diego listed below as recorded in the Office of the Recorder for the County of San Diego:

Parcel: Assessor Parcel Number 340-080-40-00 is as follows:

Lot "B" and the Southeasterly 65 feet of Lot "A" of Acre Lot 33 of Town of Sorrento, in the City of San Diego, according to maps 362 and 483 filed in the office of the County Recorder of San Diego County on September 30, 1887 and February 9, 1888 respectively.

7. This action is brought under California law, and this Court has jurisdiction over the subject matter, the PROPERTY, and each of the parties in this action.

.....

.....



INJUNCTION ORDER

8. Upon entry of this Stipulated Judgment, Defendants, their successors and assigns, and any of their agents, employees, representatives acting within the course and scope of their employment, and all persons, corporations or other entities acting by, through, under or on behalf of Defendants and all persons acting in concert with or participating with the Defendants with actual or constructive knowledge of this Stipulated Judgment shall be permanently enjoined and restrained from directly or indirectly:

a. Violating any and all applicable building, zoning, unfair competition, and nuisance laws and regulations at the PROPERTY.

b. Performing any clearing, grubbing, grading, excavating, filling, or otherwise performing any activity constituting "development" as defined by San Diego Municipal Code [SDMC] section 113.0103 at any portion of the PROPERTY containing Environmentally Sensitive Lands [ESL] per SDMC section 113.0103, unless City approval has been granted or until all required local, state and federal permits and approvals have been obtained.

c. Performing any development and construction activity at the PROPERTY until all required permits and approvals have been obtained from the City of San Diego.

d. Discharging or allowing the discharge of waste, sand, silt, clay, or dredged or fill material in a manner or quantity which would result in pollutants entering the City of San Diego's Storm Water Conveyance System or Carroll Canyon Creek.

e. Working onsite without obtaining all the necessary permits and approvals. Work includes, but is not limited to, re-contouring slopes, clearing, excavating, building an embankment, constructing slopes and disturbing sensitive natural or biological resources, grading, grubbing, or managing brush or any other activity defined as "development" under SDMC section 113.0103.

f. Maintaining any violation of the SDMC at the subject PROPERTY.

.....

.....

.....



g. Maintaining or using the PROPERTY in violation of any of the provisions of the Land Development Code, without a required permit, contrary to permit conditions, or without a required variance in violation of San Diego Municipal Code section 121.0302(a).

COMPLIANCE MEASURES

9. In order to comply with this injunction: Defendants shall immediately install and maintain all necessary erosion and sediment control measures using Best Management Practices to protect any exposed slopes and pads which resulted from any development and to eliminate the potential for a discharge of sediments and other pollutants into the adjacent open space. Best Management Practices shall as determined by the City of San Diego include appropriate stabilization of disturbed slopes in close proximity to Carroll Canyon Creek and shall include practices beyond standard construction practices. Any stabilization shall not result in additional environmental impacts and shall include all reviews and permits as required by the Development Services Department [DSD]. Prior to the execution of this Stipulation, CLL-Roselle, LLC, has submitted to the City and received approval from the City for plans for installation of erosion and sediment control measures at the PROPERTY.

10. Effective immediately as of the date of entry of this Stipulated Judgment, Defendants shall cease all use of the PROPERTY as a parking lot and truck driving training facility. This includes the removal of all items stored on the PROPERTY for the purposes of maintaining the truck driving training facility and parking lot.

11. Defendants shall maintain the PROPERTY as a vacant undeveloped lot until any and all necessary permits have been obtained for any proposed uses.

12. No later than 30 calendar days from the date of entry of this Stipulated Judgment, Defendants must elect to either restore the impacted site (OPTION ONE) or develop the impacted site (OPTION TWO) upon which the parking lot and truck driving training facility are constructed in the manner described below. The area of impact is: the constructed parking lot and truck driving training facility which is approximately 220' x 380' in size or 1.9 acres.

.....

.....

OPTION ONE: RESTORATION

In order to restore impacts to sensitive biological resources, steep slopes, and the Special Flood Hazard Areas, **within 120 calendar days from the date of entry of this Stipulated Judgment**, Defendants must submit a complete application to the DSD at the direction of the Neighborhood Code Compliance Division [NCCD] of DSD for all necessary discretionary permits from DSD including but not limited to a Site Development Permit; a Coastal Development Permit; and a Grading/Landscape Plan for restoration of unauthorized grading and restoration of native habitat, to address the impacts to ESL, and to address the impacts caused by the erosion, sedimentation and/or water pollution that occurred due to the alleged unauthorized grading and to restore impacts to native habitat. Defendants shall also submit, as part of the application process, written evaluations prepared by a qualified biological consultant and a civil engineer hired by Defendants. Defendants shall also submit, as part of the application process, written evaluations provided by a qualified archaeologist, hired by Defendants. **Within 90 calendar days from the date the discretionary permits and Grading/Landscape Plan are approved**, Defendants shall submit a complete set of plans prepared by the appropriate and/or requisite professionals to NCCD and DSD for the purpose of obtaining the required ministerial grading permit which would address all areas identified within the discretionary permit as previously unpermitted, future development, and any other associated ministerial permits as identified. **Within 365 calendar days from the approval of all ministerial permits**, Defendants shall obtain final inspection and approval.

OPTION TWO: DEVELOPMENT

In order to develop the PROPERTY, **within 120 calendar days from the date of entry of this Stipulated Judgment**, Defendants must submit a complete application to the DSD at the direction of the NCCD of DSD for all necessary discretionary permits from DSD including but not limited to a Site Development Permit; a Coastal Development Permit; a Grading/Landscape Plan to address the impacts to ESL and to address the impacts caused by any erosion, sedimentation and/or water pollution that occurred due to the alleged unauthorized grading. Defendants shall submit, as part of the application process, written evaluations provided by a

1 qualified biological consultant, an archaeologist, and a civil engineer hired by Defendants.
2 Defendants shall comply with California Environmental Quality Act [CEQA], if CEQA review is
3 necessary. **Within 90 calendar days from the date the discretionary permits and**
4 **Grading/Landscape Plan are approved,** Defendants shall submit a complete set of plans
5 prepared by the appropriate and/or requisite professionals to NCCD and DSD for the purpose of
6 obtaining the required ministerial grading permit which would address all areas identified within
7 the discretionary permit as previously unpermitted, future development, and any other associated
8 ministerial permits as identified. **Within 365 calendar days from the approval of all**
9 **ministerial permits,** Defendants shall obtain final inspection and approval.

10 13. If Defendants are unsuccessful in ultimately obtaining the approvals necessary to
11 exercise OPTION TWO (development of the site), then Defendants understand that they must
12 exercise OPTION ONE (restoration of the site) in order to comply with the San Diego Municipal
13 Code.

14 14. If Defendants are unsuccessful in obtaining the necessary approvals by the City for the
15 Site Development Permit, Coastal Development Permit, or Grading Permit and Plan, and any
16 other required permit, or if any of the applications for these permits expire; are closed; or
17 withdrawn by the applicant or the applicant's representative, Defendants shall then submit, **within**
18 **120 calendar days of the denial or within 120 calendar days of the expiration; closing; or**
19 **withdrawal;** a complete set of plans prepared by the appropriate and/or requisite professionals to
20 NCCD and DSD for the purpose of obtaining a grading permit for restoration of the unauthorized
21 grading site (under OPTION ONE) under this Stipulated Judgment.

22 15. In the event NCCD or DSD requests corrections to the submitted plans described in
23 OPTION ONE and TWO above, Defendants agree to exercise due diligence and resubmit the
24 corrected plans and any other applicable documents **no later than 45 calendar days from the**
25 **date of any such request.** The corrected plans that are resubmitted by Defendants must be
26 acceptable and approved by the agency requesting them. In addition, Defendants agree to comply
27 with all reasonable requests by the City and the City inspectors which the City deems necessary to
28 ultimately obtain final inspection and approval.

1 16. Defendants shall allow Inspectors from the City of San Diego access to all outdoor
2 areas on the PROPERTY to inspect and take photographs, for the purpose of monitoring
3 Defendants' compliance with the terms and conditions of this Stipulated Judgment:

4 a. Time: 8:00 a.m. - 4:00 p.m.;

5 b. Notice: Twenty-four hours is required (verbal notice to Defendants is sufficient).

6 **MONETARY RELIEF**

7 17. Upon entry of this Stipulated Judgment and **within 30 calendar days from the date**
8 **of entry of this Stipulated Judgment**, Defendants shall pay \$2,045.10 for investigative costs
9 incurred by Plaintiffs, the People of the State of California and the City of San Diego, for the
10 investigation of the alleged violations on the PROPERTY. Payment shall be made in the form of
11 a certified check, payable to the "City Treasurer." Such payment shall be in full satisfaction of all
12 costs associated with the City's investigation of this action to date. The check shall be delivered to
13 the attention of Markecia Simmons on the 7th floor of the Office of the City Attorney, 1200 Third
14 Avenue, San Diego, California, 92101.

15 18. Upon entry of this Stipulated Judgment, Defendants shall pay the sum of \$83,200 as
16 civil penalties payable as follows: \$35,200 of the total amount of civil penalties shall be due and
17 payable **within 30 calendar days from the date of entry of this Stipulated Judgment**. The
18 remaining \$48,000 shall be stayed pending full compliance with all terms of this Stipulated
19 Judgment. Such penalties shall be in full satisfaction of all claims against Defendants, arising
20 from any of the past violations alleged by Plaintiffs in this action. Payment shall be made in the
21 form of a certified check, payable to the "City Treasurer." The checks shall be delivered to
22 Markecia Simmons on the 7th floor of the Office of the City Attorney, 1200 Third Avenue, San
23 Diego, California, 92101.

24 19. **Within 30 calendar days from the date of entry of this Stipulated Judgment**,
25 Defendants shall make a \$5,000 donation to a nonprofit organization, that is located within the
26 City of San Diego, whose mission and goal are to restore native vegetation and conserve habitat
27 for protected species. Payment shall be made in the form of a certified check. The check shall be
28

1 delivered to the City Attorney's Office, Code Enforcement Unit, 1200 Third Avenue, Suite 700,
2 San Diego, California 92101, Attention: Markecia Simmons.

3 **ENFORCEMENT OF JUDGMENT**

4 20. In the event that Defendants fail to comply with Paragraphs 8 through 19 above, and
5 upon written notice of default Defendants do not correct the default within 30 calendar days or
6 within a reasonable amount of time as determined by Plaintiff, Defendants shall pay Plaintiff:

7 1) the remaining \$48,000 in civil penalties previously stayed as described in paragraph 18 above;
8 and 2) civil penalties in the amount of \$1,000 per day, for each day Defendants continue to be in
9 default of this Stipulation.

10 21. In the event of default by Defendants as to any amount due under this Stipulated
11 Judgment, the whole amount due shall be deemed immediately due and payable as penalties to the
12 City of San Diego. Any amount in default shall incur interest at the prevailing legal rate from the
13 date of default until paid.

14 22. Nothing in this Stipulation shall prevent any party from pursuing any remedies as
15 provided by law to subsequently enforce any and all terms of this Stipulation, including but not
16 limited to, civil contempt, and civil penalties at the cumulative rate of up to \$2,500 per day per
17 violation, and/or criminal prosecution.

18 23. Nothing in this Stipulation shall prevent any party from pursuing any remedies as
19 provided by law to subsequently enforce the provisions of the San Diego Municipal Code or any
20 other applicable laws or regulations based upon subsequent violations, including but not limited
21 to, civil contempt, and civil penalties at the cumulative rate of up to \$2,500 per day per violation,
22 and/or criminal prosecution.

23 24. Defendants agree that any act, intentional or negligent, or any omission or failure by
24 their contractors, successors, assigns, partners, members, agents, employees, and/or
25 representatives to comply with the requirements set forth in Paragraphs 8 through 23 above will
26 be deemed to be the act, omission, and/or failure of Defendants shall not constitute a defense to a
27 failure to comply with any part of this Stipulated Judgment. Further, should any dispute arise
28 between any contractor, successor, assign, partner, member, agent, employee or representative

1 and Defendants for any reason, Defendants agree that such dispute shall not constitute a defense
 2 to any failure to comply with any part of this Stipulated Judgment, nor justify a delay in executing
 3 the requirements herein.

4 **RECORDATION OF JUDGMENT**

5 25. A certified copy of this Judgment shall be filed in the Office of the County Recorder
 6 pursuant to the legal description.

7 26. Upon request by any Defendant and verification by Plaintiffs that each and every
 8 Defendant has fully complied with Paragraphs 8 through 24 above, Plaintiffs shall record an
 9 Acknowledgement of Satisfaction against Defendant CLL-Roselle, LLC's PROPERTY with the
 10 San Diego County Recorder's Office, wherein Plaintiffs shall acknowledge that the terms of this
 11 Stipulated Judgment are satisfied in full.

12 **RETENTION OF JURISDICTION**

13 27. Jurisdiction is retained for the purpose of enabling the parties to this Final Judgment to
 14 apply to this Court at any time for such further orders or directions as may be necessary or
 15 appropriate for the construction or operation of this Final Judgment, or for the modification or
 16 termination of any of the provisions, and for the enforcement of, compliance with these terms.

17 28. Prior to filing any pleadings to initiate contempt proceedings for any violation(s) of
 18 this Stipulated Judgment, Plaintiffs shall provide Defendants with written notice of their intent to
 19 initiate civil contempt proceedings at least 30 calendar days in advance of filing such pleadings.

20 29. By signing this Stipulated Judgment, all Defendants admit personal knowledge of all
 21 of the terms of this Stipulated Judgment. Service by mail shall constitute sufficient notice for all
 22 purposes.

23 **IT IS SO STIPULATED.**

24 Dated: _____, 2007

MICHAEL J. AGUIRRE, City Attorney


25 By _____
 26 Markecia Simmons
 27 Deputy City Attorney

Attorneys for Plaintiffs

1 Dated: _____, 2007

F. Sigmund Luther, Esq.
Attorney for Defendant CLL-Roselle, LLC

2
3 Dated: 11/29/2007



Christopher Loughridge
Member and Manager of Defendant CLL-
Roselle, LLC

4
5
6 Upon the stipulation of the parties hereto and upon their agreement to the entry of
7 judgment without trial or adjudication of any issue of fact or law herein, and good cause
8 appearing therefore, IT IS SO ORDERED, ADJUDGED AND DECREED.
9

10 Dated: _____

JUDGE OF THE SUPERIOR COURT

Page 1 of 5	Issue Date: March 13, 2017	Effective Date: July 24, 2017	Case No.: 15-09-2666P	LOMR-APP
-------------	----------------------------	-------------------------------	-----------------------	----------



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT

COMMUNITY AND REVISION INFORMATION		PROJECT DESCRIPTION	BASIS OF REQUEST
COMMUNITY	City of San Diego San Diego County California	FILL	FLOODWAY HYDRAULIC ANALYSIS UPDATED TOPOGRAPHIC DATA
	COMMUNITY NO.: 060295		
IDENTIFIER	Roselle Street	APPROXIMATE LATITUDE AND LONGITUDE: 32.895, -117.219 SOURCE: Precision Mapping Streets DATUM: NAD 83	
ANNOTATED MAPPING ENCLOSURES		ANNOTATED STUDY ENCLOSURES	
TYPE: FIRM* NO.: 06073C1338G DATE: May 16, 2012 TYPE: FIRM* NO.: 06073C1339G DATE: May 16, 2012		DATE OF EFFECTIVE FLOOD INSURANCE STUDY: April 05, 2016 PROFILE(S): 91P - 94P AND 444P - 445P FLOODWAY DATA TABLE: 13	

Enclosures reflect changes to flooding sources affected by this revision.
* FIRM - Flood Insurance Rate Map

FLOODING SOURCES AND REVISED REACHES	See Page 2 for Additional Flooding Sources
Carroll Canyon Creek - From the confluence with Soledad Canyon to approximately 1,540 feet upstream of the confluence with Soledad Canyon.	


SUMMARY OF REVISIONS				
Flooding Source	Effective Flooding	Revised Flooding	Increases	Decreases
Carroll Canyon Creek	Zone AE	Zone AE	YES	YES
	Zone X (shaded)	Zone X (shaded)	NONE	YES
	BFEs *	BFEs	NONE	YES
	Floodway	Floodway	YES	YES

* BFEs - Base Flood Elevations

DETERMINATION

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional information about the NFIP is available on our website at <http://www.fema.gov/nfip>.



Patrick "Rick" F. Sacibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

15-09-2666P
102-I-A-C



Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)**

OTHER FLOODING SOURCES AFFECTED BY THIS REVISION

FLOODING SOURCES AND REVISED REACHES

Soledad Canyon - From approximately 640 feet upstream of Interstate Highway 5 / Sorrento Valley Boulevard to the divergence from Carroll Canyon Creek.

SUMMARY OF REVISIONS

Flooding Source	Effective Flooding	Revised Flooding	Increases	Decreases
Soledad Canyon	Zone AE	Zone AE	YES	YES
	Floodway	Floodway	YES	YES
	BFEs*	BFEs	YES	YES
	Zone X (shaded)	Zone X (shaded)	YES	YES

* BFEs - Base Flood Elevations

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Patrick "Rick" F. Sacbabit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

COMMUNITY INFORMATION

APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or local requirements to which the regulations apply.

We provide the floodway designation to your community as a tool to regulate floodplain development. Therefore, the floodway revision we have described in this letter, while acceptable to us, must also be acceptable to your community and adopted by appropriate community action, as specified in Paragraph 60.3(d) of the NFIP regulations.

COMMUNITY REMINDERS

We based this determination on the 1-percent-annual-chance flood discharges computed in the FIS for your community without considering subsequent changes in watershed characteristics that could increase flood discharges. Future development of projects upstream could cause increased flood discharges, which could cause increased flood hazards. A comprehensive restudy of your community's flood hazards would consider the cumulative effects of development on flood discharges subsequent to the publication of the FIS report for your community and could, therefore, establish greater flood hazards in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth law have been obtained. State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

This revision has met our criteria for removing an area from the 1-percent-annual-chance floodplain to reflect the placement of fill. However, we encourage you to require that the lowest adjacent grade and lowest floor (including basement) of any structure placed within the subject area be elevated to or above the Base (1-percent-annual-chance) Flood Elevation.

This LOMR follows identification of a potential violation of NFIP regulations under Case No. 15-09-2666P that will be resolved by the FEMA Regional Office and community officials.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)**

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Mr. Jeffrey D. Lusk
Director, Mitigation Division
Federal Emergency Management Agency, Region IX
1111 Broadway Street, Suite 1200
Oakland, CA 94607-4052
(510) 627-7175

STATUS OF THE COMMUNITY NFIP MAPS

We will not physically revise and republish the FIRM and FIS report for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel(s) and FIS report warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)**

PUBLIC NOTIFICATION OF REVISION

A notice of changes will be published in the *Federal Register*. This information also will be published in your local newspaper on or about the dates listed below, and through FEMA's Flood Hazard Mapping website at https://www.floodmaps.fema.gov/fhm/bfe_status/bfe_main.asp

LOCAL NEWSPAPER

Name: *The San Diego Daily Transcript*
Dates: March 17, 2017 and March 24, 2017

Within 90 days of the second publication in the local newspaper, any interested party may request that we reconsider this determination. Any request for reconsideration must be based on scientific or technical data. Therefore, this letter will be effective only after the 90-day appeal period has elapsed and we have resolved any appeals that we receive during this appeal period. Until this LOMR is effective, the revised flood hazard determination presented in this LOMR may be changed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD 88)			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
Carroll Canyon Creek		REVISED DATA						
A	0	136	979	6.8	63.2	63.2	63.3	0.1
B	21	136	994	6.74	63.3	63.3	63.4	0.1
C	348	180	655	10.2	65.4	65.4	65.5	0.1
D	1,012	275	1,286	5.2	72.0	72.0	72.0	0.0
E	1,303	170	1,085	6.2	73.0	73.0	73.0	0.0
F	1,517	98	560	13.0	74.5	74.5	74.5	0.0
G	1,787	270	874	7.7	80.1	80.1	80.3	0.2
H	1,927	263	1,533	4.4	81.6	81.6	81.6	0.0
I	2,067	259	1,674	4.0	81.8	81.8	81.8	0.0
J	2,122	220	1,370	4.9	81.8	81.8	81.8	0.0
K	2,242	195	1,091	6.1	81.9	81.9	82.0	0.1
L	2,292	210	1,092	6.1	82.0	82.0	82.2	0.2
M	2,462	370	1,654	4.1	82.7	82.7	83.0	0.3
N	2,602	121	595	11.3	84.7	84.7	85.1	0.4
O	2,630	126	702	9.5	86.8	86.8	87.3	0.5
P	2,657	175	1,111	6.0	88.1	88.1	88.6	0.5
Q	2,912	147	887	7.6	88.3	88.3	88.9	0.6
R	3,062	106	644	10.4	88.3	88.3	88.9	0.6
S	3,089	137	965	6.9	88.3	88.3	88.9	0.6
T	3,356	112	850	7.9	89.6	89.6	90.2	0.6
U	3,543	140	566	11.8	92.2	92.2	92.2	0.0
V	3,587	150	917	7.3	93.0	93.0	93.8	0.8
W	3,772	95	503	13.3	97.3	97.3	97.3	0.0
X	4,015	124	963	7.0	99.0	99.0	100.0	1.0
Y	4,258	112	814	8.2	99.9	99.9	100.7	0.8
Z	4,489	118	943	5.9	101.4	101.4	101.8	0.4

¹ Feet Above Downstream Face of Atchison, Topeka & Santa Fe Railway Bridge

**REVISED TO
REFLECT LOMR**

EFFECTIVE: July 24, 2017

FLOODWAY DATA

FEDERAL EMERGENCY MANAGEMENT AGENCY

**SAN DIEGO COUNTY, CA
AND INCORPORATED AREAS**

CARROLL CANYON CREEK

TABLE 13

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD 88)			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
Carroll Canyon Creek (cont'd)								
AA	4,720	74	422	13.3	102.0	102.0	103.0	1.0
AB	5,204	235	919	6.1	107.8	107.8	108.8	1.0
AC	5,908	125	518	10.8	113.0	113.0	113.0	0.0
AD	6,579	266	795	7.0	119.4	119.4	120.0	0.6
AE	7,138	235	607	9.2	126.3	126.3	126.3	0.0
AF	8,018	251	850	6.6	133.2	133.2	134.1	0.9
AG	8,872	119	485	11.5	142.4	142.4	142.4	0.0
AH	9,162	107	599	9.4	144.8	144.8	145.1	0.3
AI	9,191	139	578	9.7	145.6	145.6	146.1	0.5
AJ	9,622	213	624	8.6	148.3	148.3	149.3	1.0
AK	9,857	239	629	8.9	151.7	151.7	152.0	0.3
AL	9,932	239	652	8.6	152.3	152.3	152.3	0.0
AM	10,602	101	451	10.0	158.9	158.9	159.9	1.0
AN	11,055	120	465	9.7	165.3	165.3	165.9	0.6
AO	11,635	72	356	12.6	171.3	171.3	171.3	0.0
AP	11,994	189	690	6.5	175.0	175.0	175.8	0.8
AQ	12,654	104	423	10.6	179.8	179.8	180.8	1.0
AR	13,050	160	684	6.6	183.8	183.8	184.8	1.0
AS	13,723	104	409	11.0	189.2	189.2	189.5	0.3
AT	14,416	265	792	5.6	194.7	194.7	195.7	1.0
AU	14,696	200	533	9.5	199.9	199.9	199.9	0.0
AV	15,368	33	232	15.0	205.4	205.4	206.4	1.0
AW	15,947	100	578	6.9	211.4	211.4	212.3	0.9
AX	15,997	61	289	12.6	211.5	211.5	212.5	1.0
AY	16,377	52	283	14.0	215.3	215.3	215.5	0.2
AZ	17,035	68	307	13.2	222.2	222.2	222.8	0.6

¹ Feet Above Downstream Face of Atchison, Topeka & Santa Fe Railway Bridge

REVISED TO
REFLECT LOMR

EFFECTIVE: July 24, 2017

FEDERAL EMERGENCY MANAGEMENT AGENCY

TABLE 13

FLOODWAY DATA

SAN DIEGO COUNTY, CA
AND INCORPORATED AREAS

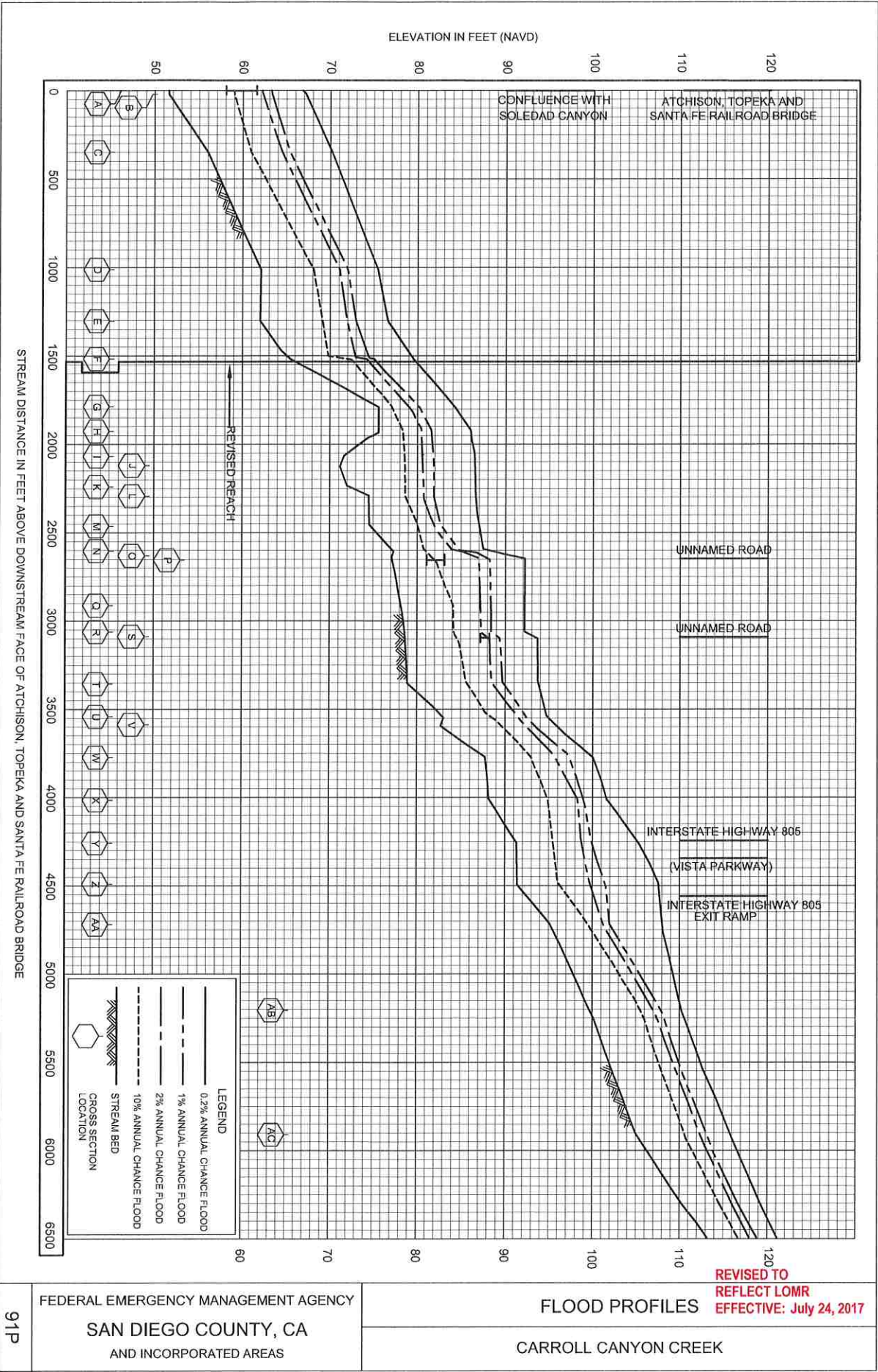
CARROLL CANYON CREEK

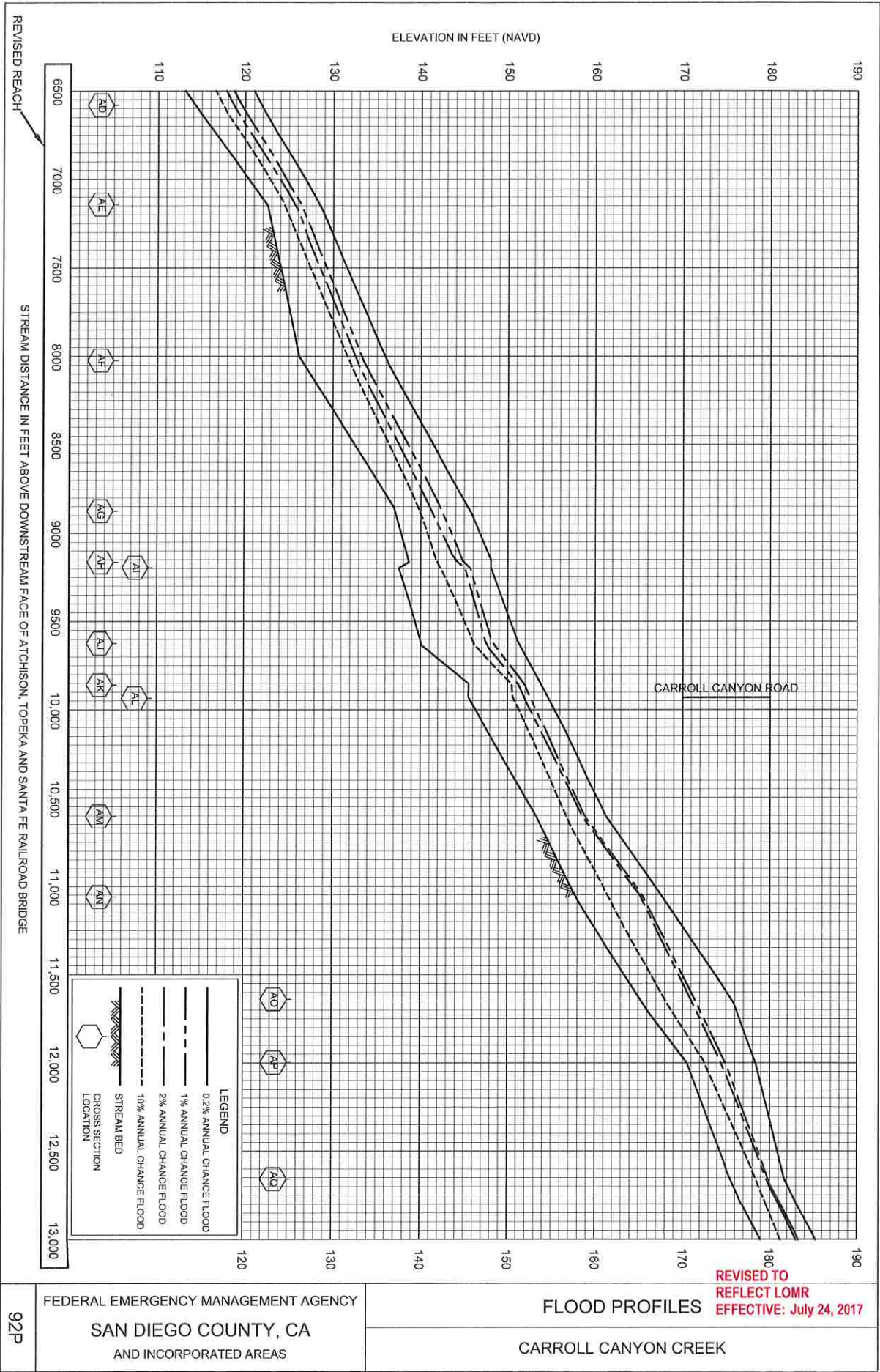
FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD 88)			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
Carroll Canyon Creek (cont'd)								
BA	17,450	REVISED DATA 46	269	15.4	228.1	228.1	228.1	0.0
BB	17,700	39	245	14.3	230.9	230.9	231.2	0.3
BC	17,878	38	245	14.6	233.1	233.1	233.4	0.3
BD	18,117	46	300	12.4	235.5	235.5	236.2	0.7
BE	18,267	29	222	15.7	238.2	238.2	238.8	0.6
BF	18,359	100	891	6.2	251.1	251.1	251.1	0.0
BG	18,790	72	568	6.3	251.4	251.4	251.4	0.0
BH	19,182	160	759	4.8	252.4	252.4	252.5	0.1
BI	19,541	162	552	6.3	252.6	252.6	253.2	0.6
BJ	19,849	144	564	6.2	254.3	254.3	254.5	0.2
BK	20,029	229	1,064	3.3	255.2	255.2	255.3	0.1
BL	20,275	142	510	6.9	255.4	255.4	255.5	0.1
BM	20,440	248	453	7.7	258.7	258.7	258.7	0.0
BN	20,986	169	831	4.2	261.1	261.1	261.5	0.4
BO	21,389	125	359	9.7	263.2	263.2	263.6	0.4
BP	22,144	121	512	6.8	273.7	273.7	274.7	1.0
BQ	22,734	89	348	10.1	280.4	280.4	281.2	0.8
BR	23,295	121	443	7.9	289.0	289.0	290.0	1.0
BS	24,012	62	305	11.5	306.3	306.3	306.3	0.0
BT	24,552	100	444	7.9	313.5	313.5	314.2	0.7
BU	25,002	69	490	7.1	323.3	323.3	324.3	1.0
BV	25,707	72	511	6.9	327.9	327.9	328.9	1.0
BW	26,142	42	272	12.9	332.9	332.9	332.9	0.0
BX	26,308	38	324	10.8	335.9	335.9	336.1	0.2
BY	26,628	35	521	6.8	345.5	345.5	345.5	0.0
BZ	26,936	236	1,123	3.1	345.7	345.7	346.4	0.7
¹ Feet Above Downstream Face of Atchison, Topeka & Santa Fe Railway Bridge								
FEDERAL EMERGENCY MANAGEMENT AGENCY					REVISED TO REFLECT LOMR EFFECTIVE: July 24, 2017			
SAN DIEGO COUNTY, CA AND INCORPORATED AREAS					FLOODWAY DATA			
TABLE 13					CARROLL CANYON CREEK			

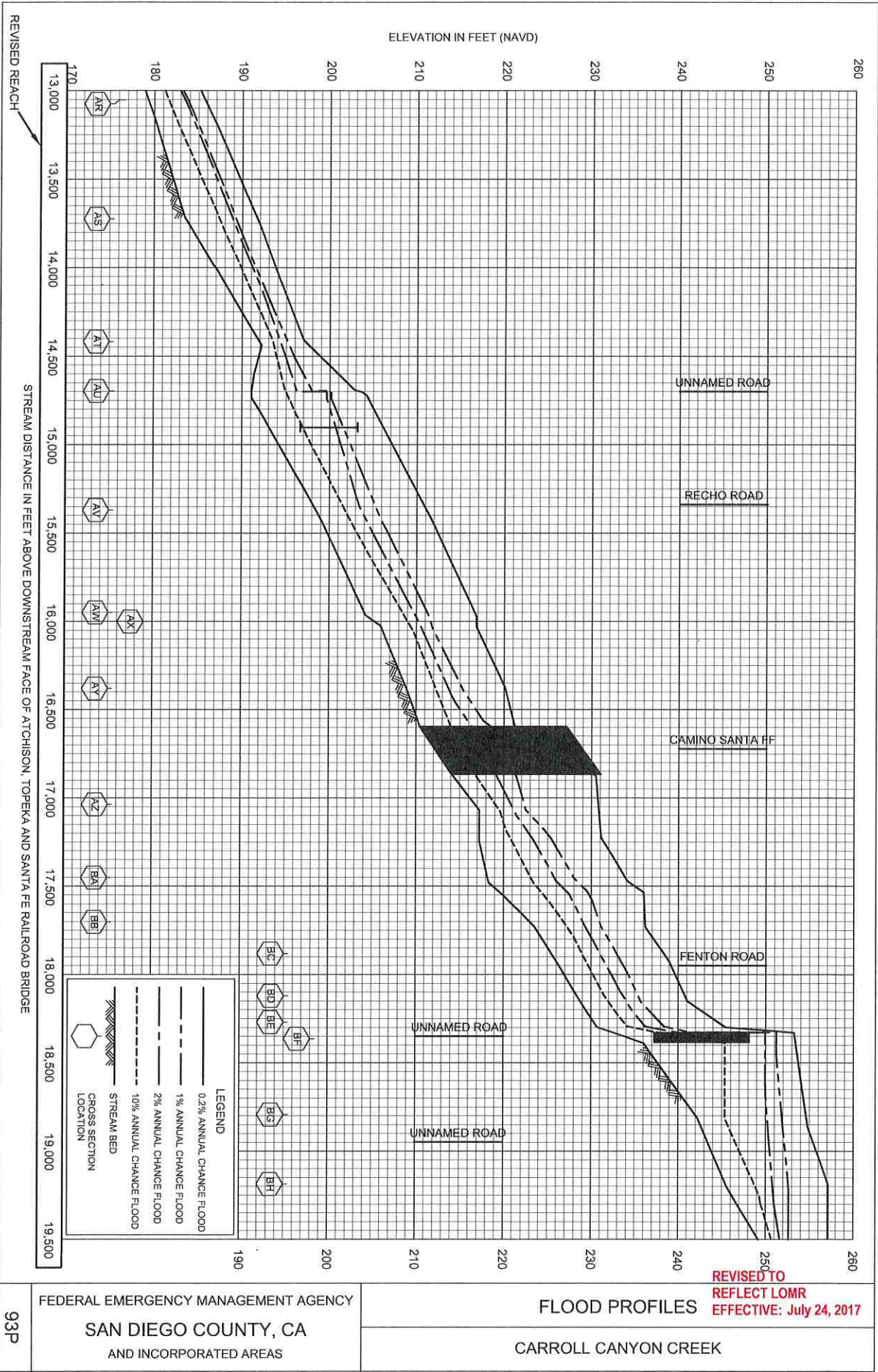
REVISED BY
LOMR EFFECTIVE
DECEMBER 17, 2012

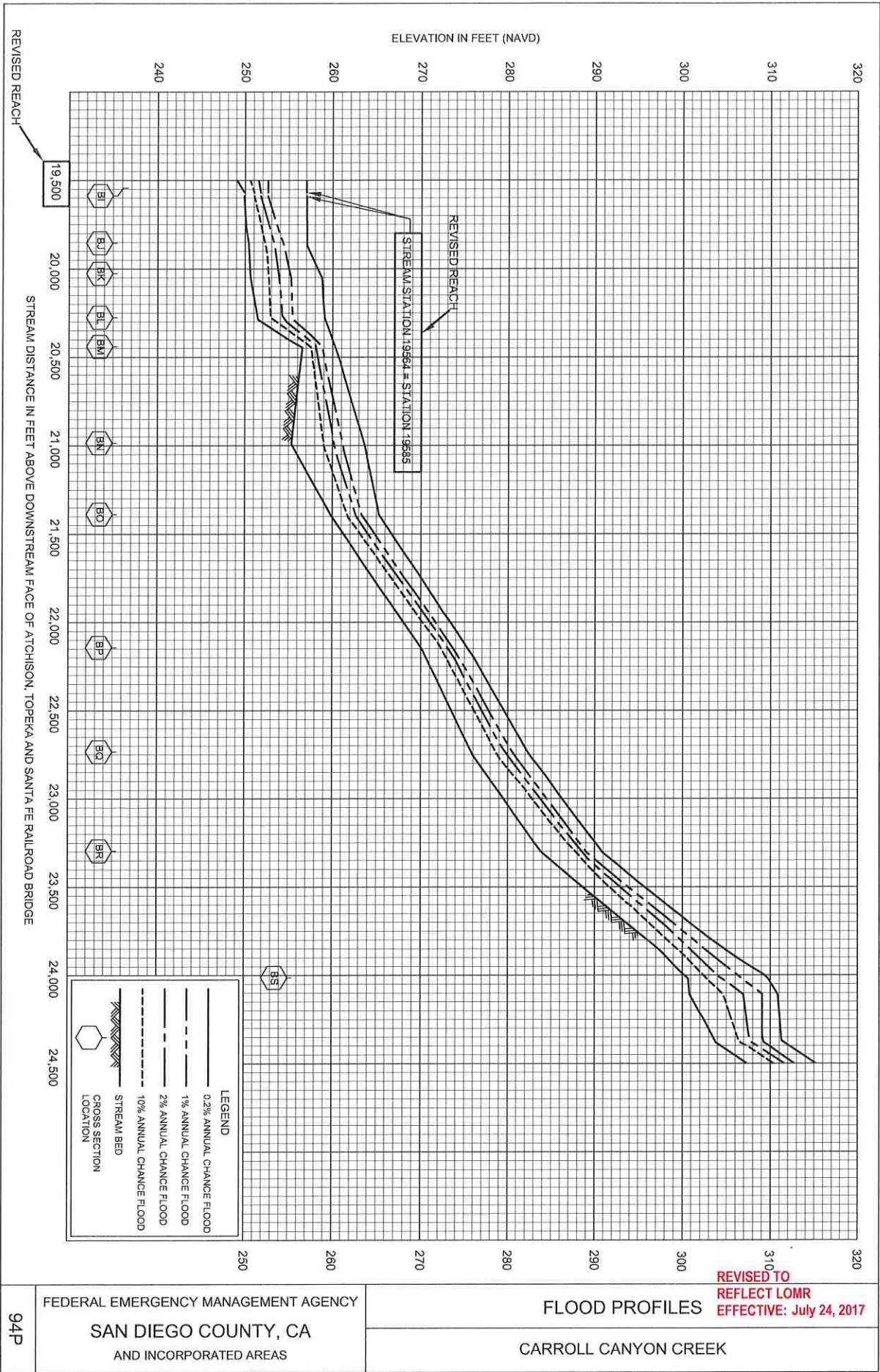
FLOODING SOURCE		FLOODWAY				1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD 88)			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE	
Soledad Canyon (cont'd)									
AA	15,900	450	1,947	3.5	36.1	36.1	37.1	1.0	
AB	16,242	374	2,007	3.8	36.6	36.6	37.6	1.0	
AC	16,629	474	2,174	3.1	37.3	37.3	38.2	0.9	
AD	16,897	432	2,068	3.2	37.7	37.7	38.5	0.8	
AE	17,216	286	948	7.1	37.7	37.7	38.2	0.5	
AF	17,524	444	1,694	4.0	38.7	38.7	39.2	0.5	
AG	17,711	350	565	11.9	38.8	38.8	38.8	0.0	
AH	18,151	370	1,767	3.8	41.7	41.7	41.7	0.0	
AI	18,267	91	502	13.3	41.8	41.8	41.8	0.0	
AJ	18,437	103	621	10.8	41.8	41.8	41.8	0.0	
AK	18,954	105	524	12.8	43.0	43.0	43.0	0.0	
AL	19,282	110	538	12.5	44.6	44.6	44.6	0.0	
AM	19,520	107	528	12.7	46.6	46.6	46.6	0.0	
AN	19,740	86	527	12.7	48.5	48.5	48.5	0.0	
AO	20,332	117	843	8.0	53.8	53.8	54.2	0.4	
AP	20,958	149	612	11.0	56.2	56.2	56.2	0.0	
AQ	21,362	240	1,074	6.2	60.2	60.2	60.2	0.0	
AR	21,592	269	1,227	5.5	61.5	61.5	61.5	0.0	
AS	21,845	265	1,385	4.8	62.5	62.5	62.5	0.0	
AT	21,879	242	1,307	5.1	62.6	62.6	62.6	0.0	
					↑	REVISED TO			
						REFLECT LOMR			
						EFFECTIVE: July 24, 2017			
1 Feet Above North Torrey Pines Road									
FEDERAL EMERGENCY MANAGEMENT AGENCY					REVISED DATA				
SAN DIEGO COUNTY, CA AND INCORPORATED AREAS					FLOODWAY DATA				
					SOLEDAD CANYON				

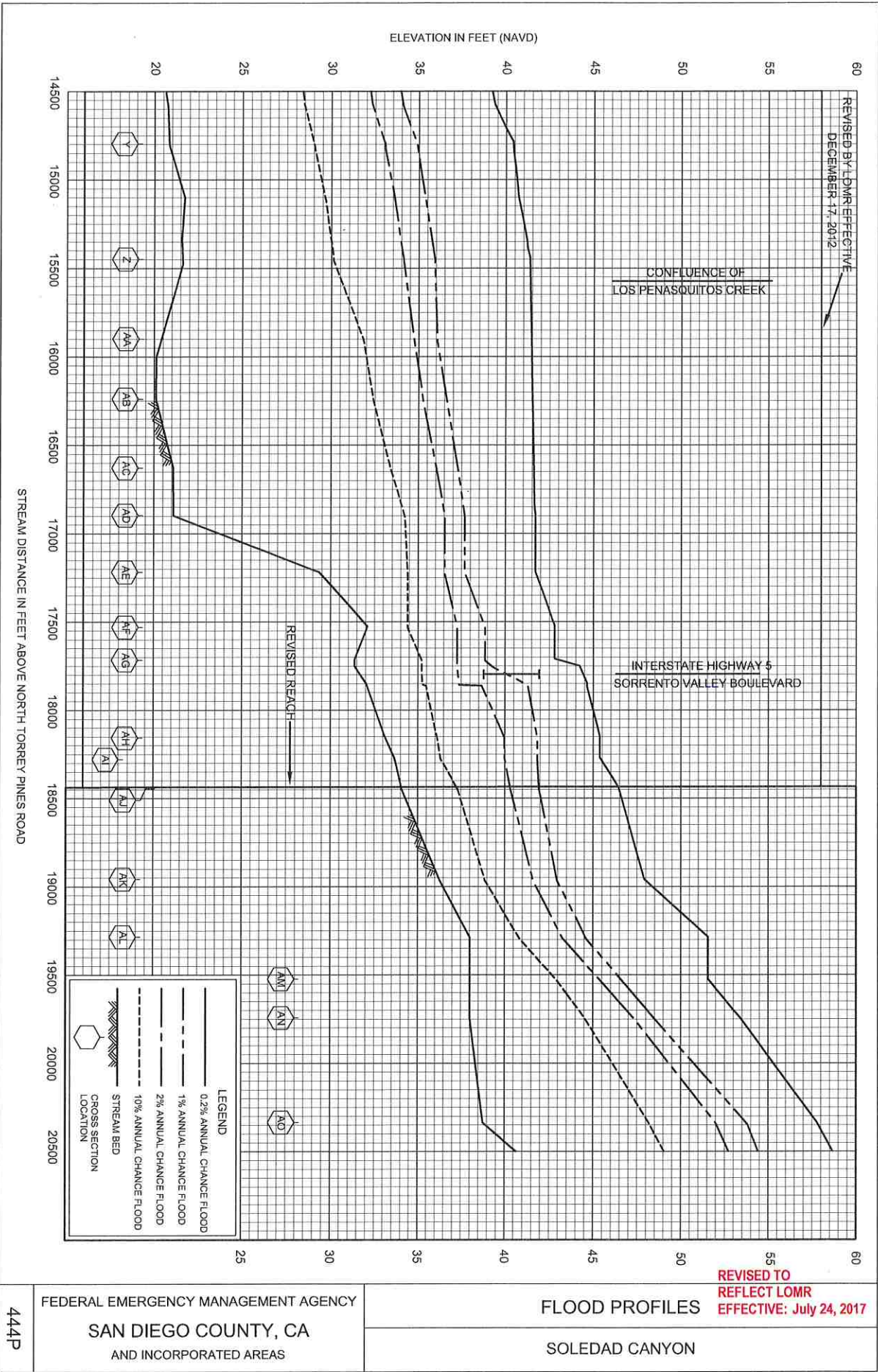
TABLE 13

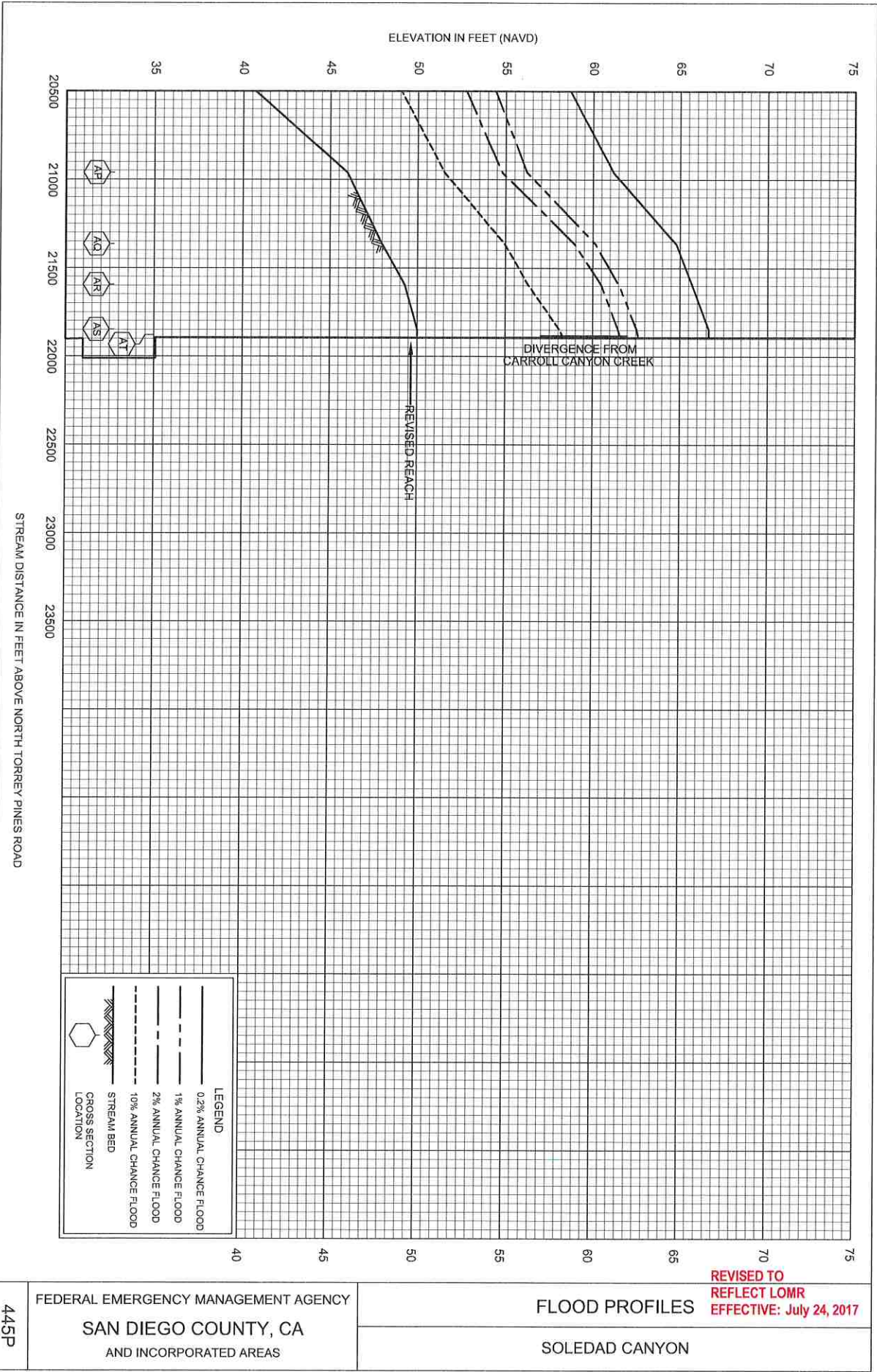












VISTA
SORRENTO
PARKWAY

SCIENCE
CENTER
DRIVE

nel

SORRENTO
VALLEY ROAD

Soledad Canyon

ROSELLE
STREET

JOINS PANEL 1339

56.2

AP

1905000 FT


CAMPUS POINT COURT

Without Base Flood Elevation (BFE)
Zone A, V, A99

With BFE or Depth Zone AE, AO, AH, VE, AR

 **Regulatory Floodway**

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X

 Future Conditions 1% Annual
Chance Flood Hazard Zone X

 Area with Reduced Flood Risk due to Levee
See Notes. Zone X

OTHER AREAS OF FLOOD HAZARD

**▲
N**

Map Projection:
NAD 1983 UTM Zone 11N
Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet 1:6,000

0 250 500 1,000 Feet

0 75 150 300 Meters



NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

SAN DIEGO COUNTY, CALIFORNIA
and Incorporated Areas

PANEL 1338 OF 2375

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
SAN DIEGO, CITY OF	060295	1338	G

**REVISED TO
REFLECT LOMR
EFFECTIVE: July 24, 2017**

VERSION NUMBER
1.1.1.0
MAP NUMBER
06073C1338G
EFFECTIVE DATE
MAY 16, 2012

NOTE: MAP AREA SHOWN ON THIS PANEL IS
LOCATED WITHIN RANCHO PUEBLO LANDS
OF SAN DIEGO LAND GRANT.

CAMPUS POINT COURT

Attachment 10

AREA REVISED BY
LOMR EFFECTIVE
DECEMBER 17, 2012

LAND GRANT BOUNDARY

NOTE: MAP AREA SHOWN ON THIS PANEL IS LOCATED
WITHIN TOWNSHIP 14 SOUTH, RANGE 3 WEST;
TOWNSHIP 15 SOUTH, RANGE 3 WEST AND THE
RANCHO LOS PENASQUITOS LAND GRANT AND THE
RANCHO PUEBLO LANDS OF SAN DIEGO LAND GRANT
AND THE MISSION RANCHO SAN DIEGO LAND GRANT.

City of
San Diego
060295

ZONE AE

REVISED
AREA

Profile
Baseline

VISTA SORRENTO PARKWAY

JOINS PANEL 1338

Soledad
Canyon

RAILROAD

PRIVATE
ROAD

ZONE AE

City of
San Diego
060295

RANCHO PUEBLO LANDS
OF SAN DIEGO LAND GRANT

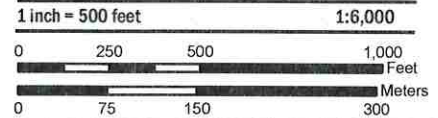
SPECIAL FLOOD
HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway
- 0.2% Annual Chance Flood Hazard, Areas
of 1% annual chance flood with average
depth less than one foot or with drainage
areas of less than one square mile Zone X
- Future Conditions 1% Annual
Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee
See Notes. Zone X

OTHER AREAS OF
FLOOD HAZARD

SCALE

Map Projection:
NAD 1983 UTM Zone 11N
Western Hemisphere, Vertical Datum: NAVD 88



FEMA
National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

SAN DIEGO COUNTY, CALIFORNIA
and Incorporated Areas

PANEL 1339 OF 2375

Panel Contains:

COMMUNITY SAN DIEGO, CITY OF NUMBER 060295 PANEL 1339 SUFFIX G

REVISED TO
REFLECT LOMR
EFFECTIVE: July 24, 2017

VERSION NUMBER
1.1.1.0
MAP NUMBER
06073C1339G
EFFECTIVE DATE
MAY 16, 2012

VISTA
SORRENTO
PARKWAY

Carroll Canyon Creek

RAILROAD



THE CITY OF SAN DIEGO

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

Ownership Disclosure Statement

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

Project Title

Roselle Street

Project No. For City Use Only

150566

Project Address:

10325 Roselle Street, San Diego CA 92121

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):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

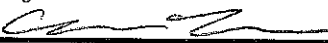
Project Title: Roselle Street	Project No. (For City Use Only) 150566
---	--

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

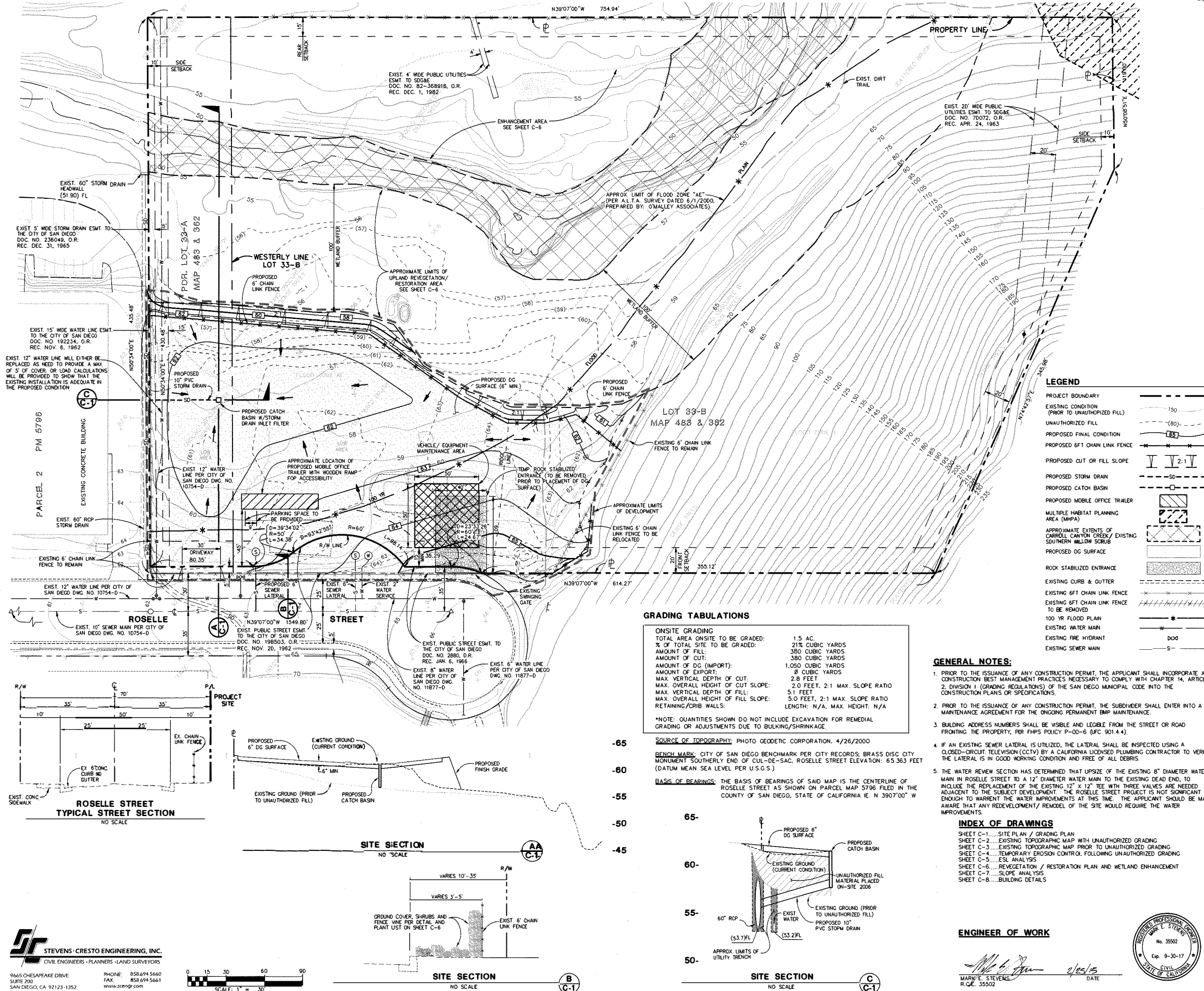
☐ Corporation
 ☒ Limited Liability -or-
 ☐ General) What State? CA
 Corporate Identification No. FEIN: 33-0921397
☐ Partnership

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 names, titles 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 corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **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

Corporate/Partnership Name (type or print): <u>CLL - Roselle, LLC</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <hr/> Street Address: <u>3565 Riviera Drive</u> City/State/Zip: <u>San Diego, CA 92109-6639</u> Phone No: <u>(858) 272-4400</u> Fax No: <u>(858) 272-4600</u> Name of Corporate Officer/Partner (type or print): <u>Chris Loughridge</u> Title (type or print): <u>Manager</u> Signature :  Date: <u>1/17/08</u>	Corporate/Partnership Name (type or print): <hr/> <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <hr/> Street Address: <hr/> City/State/Zip: <hr/> Phone No: Fax No: <hr/> Name of Corporate Officer/Partner (type or print): <hr/> Title (type or print): <hr/> Signature : Date:
Corporate/Partnership Name (type or print): <hr/> <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <hr/> Street Address: <hr/> City/State/Zip: <hr/> Phone No: Fax No: <hr/> Name of Corporate Officer/Partner (type or print): <hr/> Title (type or print): <hr/> Signature : Date:	Corporate/Partnership Name (type or print): <hr/> <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <hr/> Street Address: <hr/> City/State/Zip: <hr/> Phone No: Fax No: <hr/> Name of Corporate Officer/Partner (type or print): <hr/> Title (type or print): <hr/> Signature : Date:
Corporate/Partnership Name (type or print): <hr/> <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <hr/> Street Address: <hr/> City/State/Zip: <hr/> Phone No: Fax No: <hr/> Name of Corporate Officer/Partner (type or print): <hr/> Title (type or print): <hr/> Signature : Date:	Corporate/Partnership Name (type or print): <hr/> <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <hr/> Street Address: <hr/> City/State/Zip: <hr/> Phone No: Fax No: <hr/> Name of Corporate Officer/Partner (type or print): <hr/> Title (type or print): <hr/> Signature : Date:

ROSELLE STREET

SITE DEVELOPMENT PERMIT / COASTAL DEVELOPMENT PERMIT NEIGHBORHOOD DEVELOPMENT PERMIT



* DEVELOPMENT SUMMARY *

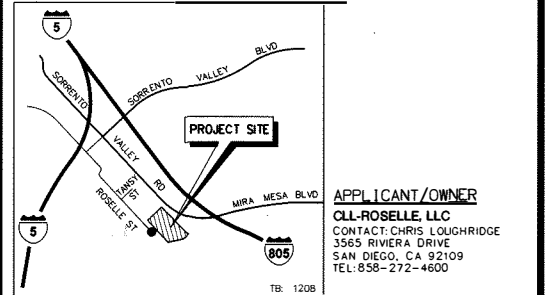
- PROJECT PROPOSES A FENCED, GRADED PAD, AND OPEN SPACE ON A 7.04-ACRE LOT IN THE TORREY PINES COMMUNITY. THE SITE PREVIOUSLY WAS USED FOR A CHILDREN'S DAY CAMP. THE PROJECT LIES WITHIN BOTH THE APPEALABLE AND NON-APPEALABLE AREA OF THE COASTAL ZONE. ALL PROPOSED DEVELOPMENT IS WITHIN THE NON-APPEALABLE AREA AND WITHIN EXISTING DISTURBED AREAS. NO VARIANCES ARE REQUESTED. THE PROJECT REQUIRES THE FOLLOWING DISCRETIONARY APPROVALS:
 - ENVIRONMENTALLY SENSITIVE LANDS SITE DEVELOPMENT PERMIT
 - COASTAL DEVELOPMENT PERMIT
 - NEIGHBORHOOD DEVELOPMENT PERMIT
- PROJECT TEAM IS LISTED BELOW IN THE TITLE BLOCK
- LEGAL DESCRIPTION: LOT "B" AND THE SOUTHEASTERLY 65 FEET OF LOT "A" OF ACRE LOT 33 OF TOWN OF SORRENTO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NOS. 362 AND 483, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 30, 1887, AND FEBRUARY 9, 1888, RESPECTIVELY.
- APN: 340-080-40
- OWNER: CUL-ROSELLE LLC
3565 RIVERA DRIVE
SAN DIEGO, CA 92109
CONTACT: CHRIS LOUGHRIDGE
- TYPE OF CONSTRUCTION: N/A
OCCUPANCY CLASSIFICATION: N/A
- ZONING: IL-3-1 (INDUSTRIAL-LIGHT) - NO CHANGE PROPOSED
COASTAL - APPEALABLE AND NON-APPEALABLE AREA 1
AIRPORT INFLUENCE ZONE (MCAS-MIRAMAR)
FAA PART 77 NOTIFICATION AREA (MCAS-MIRAMAR)
AIRPORT ENVIRONS OVERLAY ZONE (60-ONEL)
ACCIDENT POTENTIAL ZONE 2
LAND USE DESIGNATION: TORREY PINES COMMUNITY PLAN DESIGNATION:
INDUSTRIAL AND OPEN SPACE - NO CHANGE PROPOSED
- GROSS SITE AREA: 7.04 ACRES
NET SITE AREA: 6.97 ACRES
FLOOR AREA: 720 S.F. - (12'x60' OFFICE TRAILER PROPOSED)
MAX. ALLOWED FLOOR AREA RATIO: 2.0
PROPOSED FLOOR AREA RATIO: 0.002
- EXISTING USE: CURRENTLY VACANT. SITE CONTAINS REMNANTS OF THE FORMER CHILDREN'S DAY CAMP, WHICH OPERATED FROM THE LATE 1950S TO THE 1970S (SWIMMING POOL, BATH HOUSE, HORSE STABLES); INSTALLATION AND REPAIR OF A CITY WATER LINE OCCURRED ALONG THE WESTERN BOUNDARY, AND WAS MOST RECENTLY USED FOR AN UNAUTHORIZED TRUCK DRIVING SCHOOL ESTABLISHED WITHOUT REQUIRED DEVELOPMENT PERMITS, SUBJECT TO CODE VIOLATION CASE NC#121971.
- PROPOSED USE: THE PROJECT IMPACTS APPROXIMATELY 1.53 ACRES OF THE SITE. THE GRADED PAD AREA WILL BE SURFACED WITH DISINTEGRATED GRANITE TO MINIMIZE IMPACTS TO THE ON-SITE SENSITIVE ARCHAEOLOGICAL RESOURCE. THE PAD WILL BE USED FOR NEW VEHICLE STORAGE, TRUCK STORAGE ASSOCIATED WITH AN OFF-SITE TRUCK DRIVING INSTRUCTION FACILITY, AND MATERIALS AND EQUIPMENT STORAGE THAT WOULD NOT ADVERSELY IMPACT THE SENSITIVE BIOLOGY AND ARCHAEOLOGICAL RESOURCES ON-SITE. THE STORAGE OR PARKING OF INOPERABLE VEHICLES, HAZARDOUS/TOXIC EQUIPMENT AND MATERIALS WOULD NOT BE ALLOWED ON THIS SITE. THIS STORAGE/PARKING AREA WILL BE FENCED TO PRECLUDE INTRUSION INTO THE BIOLOGICAL AND STEEP HILLSIDE RESOURCES ON-SITE, AND TO FURTHER PROTECT THE ARCHAEOLOGICAL RESOURCE BY PREVENTING UNAUTHORIZED ACCESS ONTO THE SITE. ALL EQUIPMENT, CARS, TRUCKS, OR OTHER ALLOWED VEHICLES, AND MOBILE OFFICE, ARE RESTRICTED TO THE GRADED, D.G. PAD AREA OF THE SITE. SEE SHEET C-6 FOR PROPOSED E.S.L. COVENANT OF EASEMENT AREA.
- REMNANTS OF A SWIMMING POOL AND BATH HOUSE PERMITTED IN 1956-1957 WILL REMAIN IN PLACE.
- THIS PROJECT IS INTENDED TO FULFILL CODE VIOLATION COMPLIANCE REQUIREMENTS SPECIFIED IN THE STIPULATION IN FULL SETTLEMENT FOR FINAL JUDGEMENT OF PERMANENT INJUNCTION, SAN DIEGO COUNTY SUPERIOR COURT NO. 37-2007-0002605-CU-MC-CL, DATED 12/19/07.

* PROJECT CONSULTANTS *

PLANNER
RBF CONSULTING
CONTACT: CAROL CHASE
9755 CLAIREMONT MESA BLVD., #100
SAN DIEGO, CA 92124
TEL: (858) 614-5000
FAX: (858) 614-5080

CIVIL ENGINEER
STEVENS CRESTO ENGINEERING, INC.
CONTACT: MARK E. STEVENS
9665 CHESAPEAKE DRIVE, SUITE 200
SAN DIEGO, CA 92124
TEL: (858) 694-5660
FAX: (858) 694-5661

* PROJECT LOCATION *



APPLICANT/OWNER
CUL-ROSELLE LLC
CONTACT: CHRIS LOUGHRIDGE
3565 RIVERA DRIVE
SAN DIEGO, CA 92109
TEL: 858-272-4600

CCS 83 COORDINATE = 1905-8265
LAMBERT COORDINATE = 284-7705

Prepared By:
STEVENS CRESTO ENGINEERING
9665 CHESAPEAKE DRIVE
SUITE 200
SAN DIEGO, CA 92123
TEL: (858) 694-5660
FAX: (858) 694-5661

Project Address:
10325 ROSELLE STREET
SORRENTO VALLEY, CA 92121

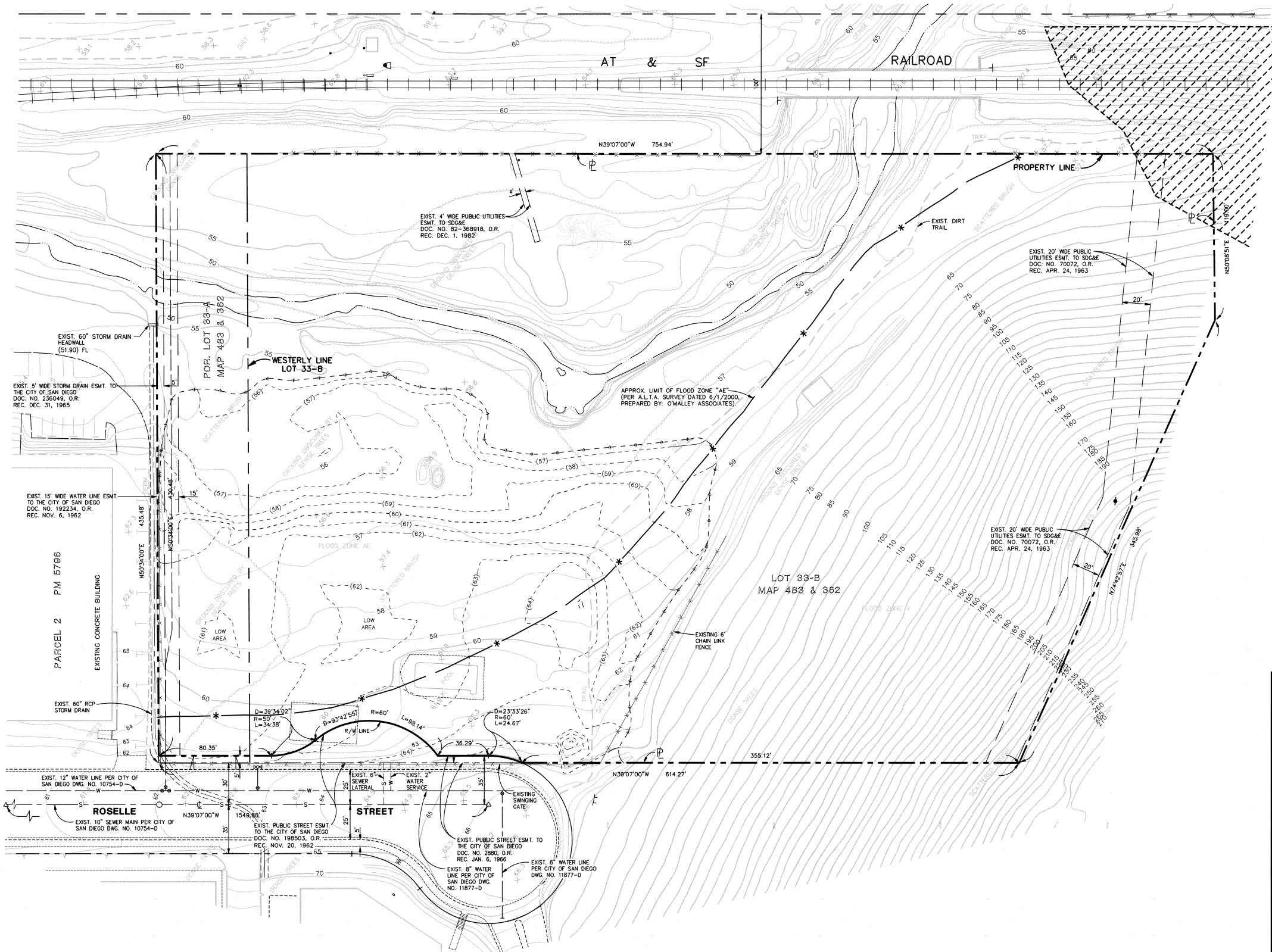
Project Name:
ROSELLE STREET

Sheet Title:
SITE PLAN / GRADING PLAN

C-1

ROSELLE STREET

SITE DEVELOPMENT PERMIT / COASTAL DEVELOPMENT PERMIT



LEGEND

PROJECT BOUNDARY

EXISTING CONDITION
(PRIOR TO UNAUTHORIZED FILL)

UNAUTHORIZED FILL

EXISTING CURB & GUTTER

EXISTING 6FT CHAIN LINK FENCE

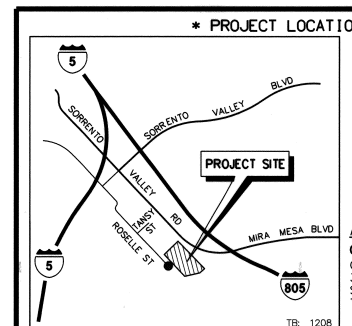
100 YR FLOOD PLAIN

EXISTING WATER MAIN

EXISTING FIRE HYDRANT

EXISTING SEWER MAIN

MULTIPLE HABITAT PLANNING
AREA (MHPA)



APPLICANT/OWNER
CLL-ROSELLE, LLC
CONTACT: CHRIS LOUGHRIDGE
3565 RIVIERA DRIVE
SAN DIEGO, CA 92109
TEL: 858-272-4600

CCS 83 COORDINATE = 1905-6265
LAMBERT COORDINATE = 264-1705

Prepared By:
STEVENS CRESTO ENGINEERING
9665 CHESAPEAKE DRIVE
SUITE 200
SAN DIEGO, CA 92123
TEL (858) 694-5660
FAX (858) 694-5661

Project Address:
10325 ROSELLE STREET
SORRENTO VALLEY, CA 92121

Project Name:
ROSELLE STREET

Sheet Title:
**EXISTING TOPOGRAPHIC WITH
UNAUTHORIZED GRADING**

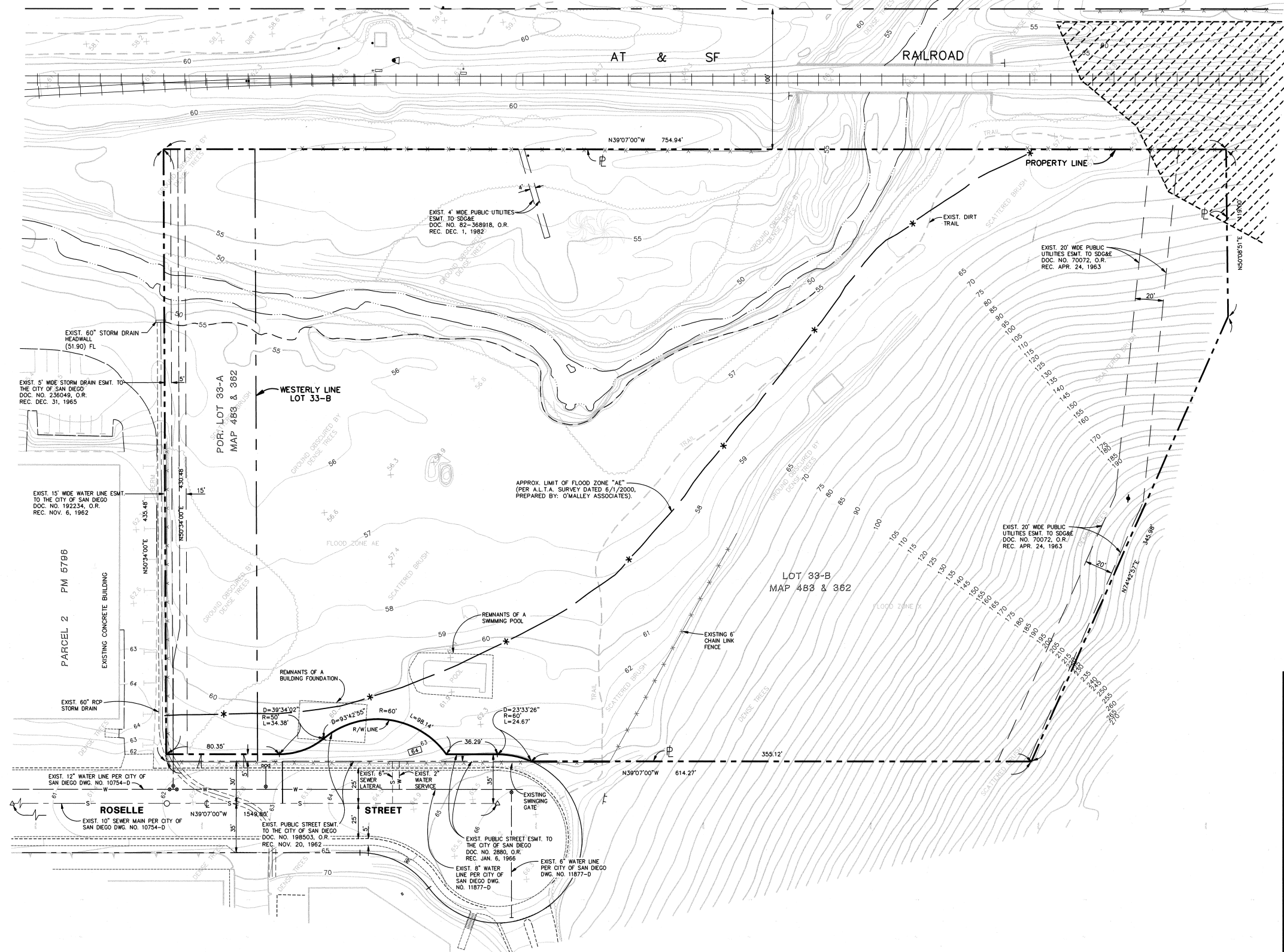
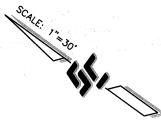
C-2

Revision 10: _____
Revision 9: _____
Revision 8: _____
Revision 7: _____
Revision 6: 02/26/15
Revision 5: 08/12/09
Revision 4: 05/11/09
Revision 3: 04/21/09
Revision 2: 11/25/08
Revision 1: 08/05/08
Original Date: 02/14/08
Sheet 2 of 8
PTS# 133029

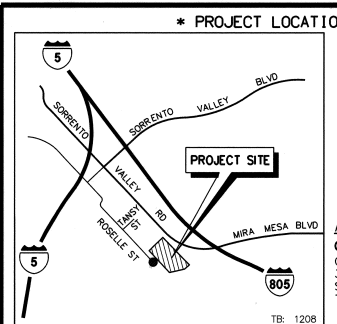
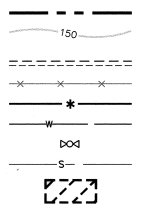
ENGINEER OF WORK

 2/25/15
MARK E. STEVENS
R.C.E. 35502 DATE





PROJECT BOUNDARY
EXISTING CONDITION
(PRIOR TO UNAUTHORIZED FILL)
EXISTING CURB & GUTTER
EXISTING 6FT CHAIN LINK FENCE
100 YR FLOOD PLAIN
EXISTING WATER MAIN
EXISTING FIRE HYDRANT
EXISTING SEWER MAIN
MULTIPLE HABITAT PLANNING
AREA (MHPA)



APPLICANT/OWNER
CLL-ROSELLE, LLC
CONTACT: CHRIS LOUGHRIDGE
3565 RIVIERA DRIVE
SAN DIEGO, CA 92109
TEL: 858-272-4600

CCS 83 COORDINATE = 1905-6265
LAMBERT COORDINATE = 264-1705

Prepared By:
STEVENS CRESTO ENGINEERING
9665 CHESAPEAKE DRIVE
SUITE 200
SAN DIEGO, CA 92123
TEL (858) 694-5660
FAX (858) 694-5661

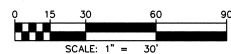
Project Address:
10325 ROSELLE STREET
SORRENTO VALLEY, CA 92121

Project Name:
ROSELLE STREET

Sheet Title: **EXISTING TOPOGRAPHIC PRIOR TO UNAUTHORIZED GRADING**

C-3

Revision 10: _____
Revision 9: _____
Revision 8: _____
Revision 7: _____
Revision 6: 02/26/15
Revision 5: 08/12/09
Revision 4: 05/11/09
Revision 3: 04/21/09
Revision 2: 11/25/08
Revision 1: 08/05/08
Original Date: 02/14/08
Sheet 3 of 8
PTS# 133029



ENGINEER OF WORK

 2/25/15

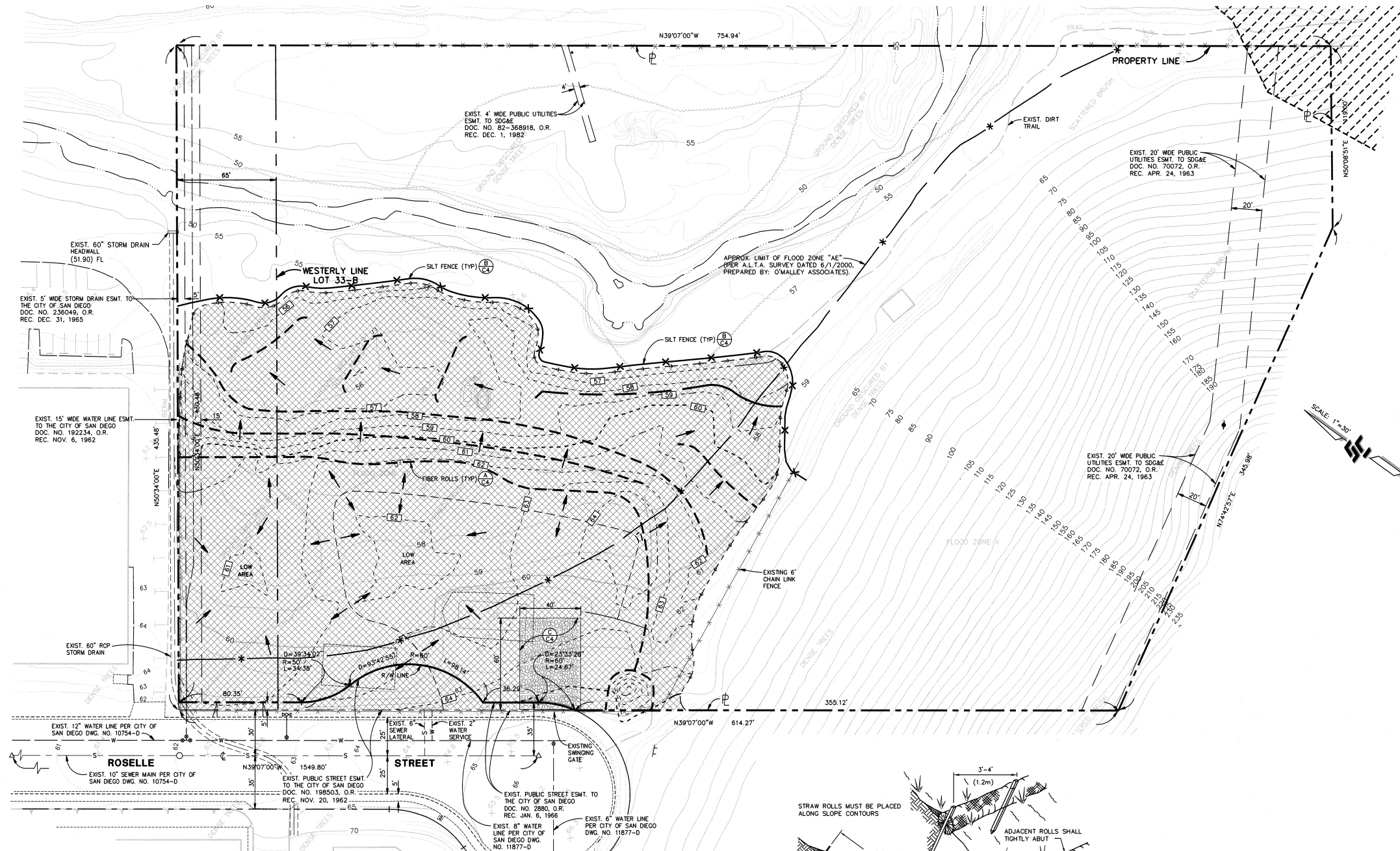
MARK E. STEVENS DATE
R.C.E. 35502



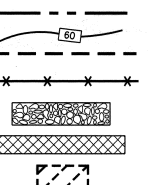
ROSELLE STREET

SITE DEVELOPMENT PERMIT / COASTAL DEVELOPMENT PERMIT

NEIGHBORHOOD DEVELOPMENT PERMIT

**LEGEND**

- PROJECT BOUNDARY
PROPOSED CONTOUR
FIBER ROLL/STRAW WATTLES
(CA STORMWATER BMP HANDBOOK SE-5)
SILT FENCE
(CA STORMWATER BMP HANDBOOK SE-1)
STABILIZED CONSTRUCTION ENTRANCE
(CA STORMWATER BMP HANDBOOK TC-1)
HYDROSEED AREAS (MIX PER TABLE THIS SHEET)
(CA STORMWATER BMP HANDBOOK EC-4)
MULTIPLE HABITAT PLANNING AREA (MHPA)

SYMBOL**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:
- 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/IMPROVEMENTS CONSISTENT WITH 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.
 - FOR STORM DRAIN INLET, PROVIDE A GRAVEL BAG SILT BASIN IMMEDIATELY UPSTREAM OF INLET AS INDICATED ON DETAILS.
 - FOR INLETS LOCATED AT SUMPS ADJACENT TO TOP OF SLOPES, THE CONTRACTOR SHALL ENSURE THAT WATER DRAINING TO THE SUMP IS DIRECTED INTO THE INLET AND THAT A MINIMUM OF 1'00' FREEBOARD EXISTS AND IS MAINTAINED ABOVE THE TOP OF THE INLET. IF FREEBOARD IS NOT PROVIDED BY GRADING SHOWN ON THESE PLANS, THE CONTRACTOR SHALL PROVIDE IT VIA TEMPORARY MEASURES, I.E. GRAVEL BAGS OR DIKES.
 - THE CONTRACTOR OR QUALIFIED PERSON SHALL BE RESPONSIBLE FOR CLEANUP OF SILT AND MUD ON ADJACENT STREET(S) DUE TO CONSTRUCTION ACTIVITY.
 - THE CONTRACTOR OR QUALIFIED PERSON SHALL CHECK AND MAINTAIN ALL LINED AND UNLINED DITCHES AFTER EACH RAINFALL.
 - THE CONTRACTOR SHALL REMOVE SILT AND DEBRIS AFTER EACH MAJOR RAINFALL.
 - EQUIPMENT AND WORKERS FOR EMERGENCY WORK SHALL BE MADE AVAILABLE AT ALL TIMES DURING THE RAINY SEASON. ALL NECESSARY MATERIALS SHALL BE STOCKPILED ON SITE AT CONVENIENT LOCATIONS TO FACILITATE RAPID CONSTRUCTION OF TEMPORARY DEVICES WHEN RAIN IS IMMINENT.
 - THE CONTRACTOR SHALL RESTORE ALL EROSION/SEDIMENT CONTROL DEVICES TO WORKING ORDER TO THE SATISFACTION OF THE CITY ENGINEER OR RESIDENT ENGINEER AFTER EACH RUN-OFF PRODUCING RAINFALL.
 - THE CONTRACTOR SHALL INSTALL ADDITIONAL EROSION/SEDIMENT CONTROL MEASURES AS MAY BE REQUIRED BY THE RESIDENT ENGINEER DUE TO UNCOMPLETED GRADING OPERATIONS OR UNFORESEEN CIRCUMSTANCES, WHICH MAY ARISE.
 - THE CONTRACTOR SHALL BE RESPONSIBLE AND SHALL TAKE NECESSARY PRECAUTIONS TO PREVENT PUBLIC TRESPASS ONTO AREAS WHERE IMPOUNDED WATERS CREATE A HAZARDOUS CONDITION.
 - ALL EROSION/SEDIMENT CONTROL MEASURES PROVIDED PER THE APPROVED GRADING PLAN SHALL BE INCORPORATED HEREON. ALL EROSION/SEDIMENT CONTROL FOR INTERIM CONDITIONS SHALL BE DONE TO THE SATISFACTION OF THE RESIDENT ENGINEER.
 - GRADED AREAS AROUND THE PROJECT PERIMETER MUST DRAIN AWAY FROM THE FACE OF THE SLOPE AT THE CONCLUSION OF EACH WORKING DAY.
 - ALL REMOVABLE PROTECTIVE DEVICES SHOWN SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN RAIN IS IMMINENT.
 - THE CONTRACTOR SHALL ONLY GRADE, INCLUDING CLEARING AND GRUBBING FOR THE AREAS FOR WHICH THE CONTRACTOR OR QUALIFIED PERSON CAN PROVIDE EROSION/SEDIMENT CONTROL MEASURES.
 - THE CONTRACTOR SHALL ARRANGE FOR WEEKLY MEETINGS DURING OCTOBER 1ST TO APRIL 30TH FOR PROJECT TEAM (GENERAL CONTRACTOR, QUALIFIED PERSON, EROSION CONTROL SUBCONTRACTOR IF ANY, ENGINEER OF WORK, OWNER/DEVELOPER AND THE RESIDENT ENGINEER) TO EVALUATE THE ADEQUACY OF THE EROSION/SEDIMENT CONTROL MEASURES AND OTHER RELATED CONSTRUCTION ACTIVITIES.

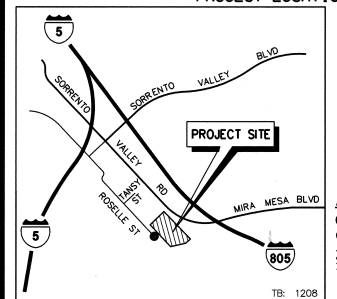
EMERGENCY EROSION CONTROL MEASURES NOTES:

- ALL BUILDING PADS TO BE DIKED AND MAINTAINED TO PREVENT WATER FROM FLOWING FROM THE PAD UNTIL THE STREETS AND DRIVEWAYS ARE PAVED AND WATER CAN FLOW FROM THE PADS WITHOUT CAUSING EROSION, OR CONSTRUCT DRAINAGE FACILITIES TO THE SATISFACTION OF THE CITY'S DEPARTMENT OF PUBLIC WORKS THAT WILL ALLOW WATER TO DRAIN FROM THE PAD WITHOUT CAUSING EROSION.
- TOPS OF ALL SLOPES TO BE DIKED OR TRENCHED TO PREVENT WATER FROM FLOWING OVER THE CREST OF SLOPES.
- MANUFACTURED SLOPES AND PADS SHALL BE ROUNDED VERTICALLY AND HORIZONTALLY AS APPROPRIATE TO BLEND WITH THE SURROUNDING TOPOGRAPHY.
- AS SOON AS CUTS OR EMBANKMENTS ARE COMPLETED, BUT NOT LATER THAN NOVEMBER 1, (IF COASTAL PERMITS ARE REQUIRED, NO LATER THAN OCTOBER 1) ALL CUT AND FILL SLOPES SHALL BE STABILIZED WITH A HYDROMULCH MIXTURE OR AN EQUAL TREATMENT APPROVED BY THE CITY'S DEPARTMENT OF PUBLIC WORKS. BETWEEN NOVEMBER 1 (OR OCTOBER 1, IF COASTAL PERMIT IS REQUIRED) AND APRIL 15 APPROVED SLOPE PROTECTION MEASURES SHALL PROCEED IMMEDIATELY BEHIND THE EXPOSURE OF CUT SLOPES AND/OR THE CREATION OF EMBANKMENT SLOPES.
- CATCH BASINS, DESILTING BASINS AND STORM DRAIN SYSTEMS SHALL BE INSTALLED TO THE SATISFACTION OF THE CITY'S DEPARTMENT OF PUBLIC WORKS.
- GRAVEL BAG CHECK DAMS TO BE PLACED IN A MANNER APPROVED BY THE CITY'S DEPARTMENT OF PUBLIC WORKS IN UNPAVED STREETS WITH GRADIENTS IN EXCESS OF 2% AND ON OR IN OTHER GRADED OR EXCAVATED AREAS AS REQUIRED BY THE CITY'S DEPARTMENT OF PUBLIC WORKS.
- THE DEVELOPER TO MAINTAIN THE PLANTING AND EROSION CONTROL MEASURES DESCRIBED ABOVE UNTIL RELIEVED OF SAME BY THE CITY'S DEPARTMENT OF PUBLIC WORKS. THE DEVELOPER TO REMOVE ALL SOIL INTERCEPTED BY THE GRAVEL BAGS, CATCH BASINS AND DESILTING BASINS AND KEEP THESE FACILITIES CLEAN AND FREE OF SILT AND SAND AS DIRECTED BY THE CITY'S DEPARTMENT OF PUBLIC WORKS. THE DEVELOPER SHALL REPAIR ANY ERODED SLOPES AS DIRECTED BY THE CITY'S DEPARTMENT OF PUBLIC WORKS.

TEMPORARY EROSION CONTROL HYDROSEED MIX

LBS. PER ACRE	BOTANICAL SEED NAME	COMMON NAME
2.10	ARTEMESIA CALIFORNICA	CALIFORNIA SAGEBRUSH
0.80	ERIOGONUM FASCICULATUM	CALIFORNIA BUCKWHEAT
3.00	CEPHALOTHEA CHELANTHIFOLIA	BEACH EVENING PRIMROSE
20.00	PLANTAGO INDICA	PLANTAIN
3.00	SALVIA MELILLIFERA	BLACK SAGE

- TOTAL LBS. 28.90
- NEW SLOPES AND DISTURBED AREAS (WHEN APPLICABLE PER NOTE 3 BELOW) SHALL BE HYDROSEED WITH THE MIX NOTED ABOVE. FULL SITE PLANTING AND IRRIGATION SHALL BE PROVIDED PER LANDSCAPE PLAN - PTS NO.
- PRIOR TO THE ACCEPTANCE OF HYDROSEED AREAS, IF ANY, BY THE CITY OF SAN DIEGO RESIDENT ENGINEER, A CERTIFIED REPORT MUST BE SUBMITTED BY A REGISTERED LANDSCAPE ARCHITECT STATING THAT HYDROSEEDING WAS DONE ACCORDING TO THE PROJECT SPECIFICATIONS AND THAT ITS GROWTH IS ADEQUATELY ESTABLISHED TO PREVENT EROSION.
- DISTURBED AND GRADED PAD AREAS, WHERE NO CONSTRUCTION WILL OCCUR WITHIN 45 DAYS AFTER COMPLETION OF GRADING, SHALL BE HYDROSEED WITH DROUGHT TOLERANT AND NON-INVASIVE SEED MIX TO PREVENT EROSION.

*** PROJECT LOCATION *****APPLICANT/OWNER**

CLL-ROSELLE, LLC
CONTACT: CHRIS LOUGHRIDGE
3565 RIVIERA DRIVE
SAN DIEGO, CA 92109
TEL: 858-272-4600

CCS 83 COORDINATE = 1905-6265
LAMBERT COORDINATE = 264-705

Prepared By:
STEVENS CRESTO ENGINEERING
9665 CHESAPEAKE DRIVE
SUITE 200
SAN DIEGO, CA 92123
TEL (858) 694-5660
FAX (858) 694-5661

Project Address:
10325 ROSELLE STREET
SORRENTO VALLEY, CA 92121

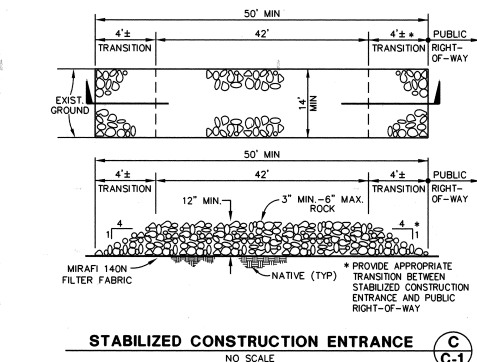
Project Name:
ROSELLE STREET

Sheet Title:
TEMPORARY EROSION
CONTROL FOLLOWING
UNAUTHORIZED GRADING

Revision 10: _____
Revision 9: _____
Revision 8: _____
Revision 7: _____
Revision 6: _____
Revision 5: 02/26/15
Revision 4: 05/11/09
Revision 3: 04/21/09
Revision 2: 11/25/08
Revision 1: 08/05/08
Original Date: 02/14/08
Sheet 4 of 8
PTS# 133029

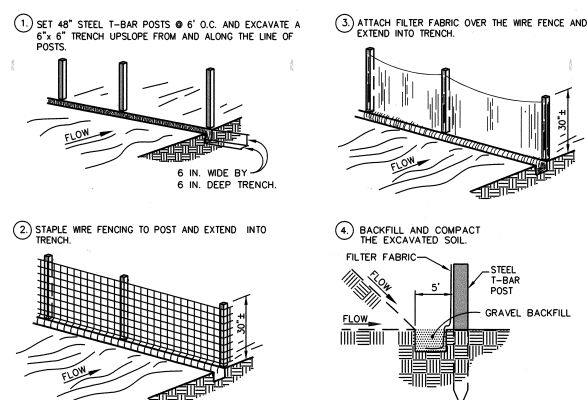
**ENGINEER OF WORK**

MARK E. STEVENS
R.P.E. 35502
2/25/15
DATE

**STABILIZED CONSTRUCTION ENTRANCE**

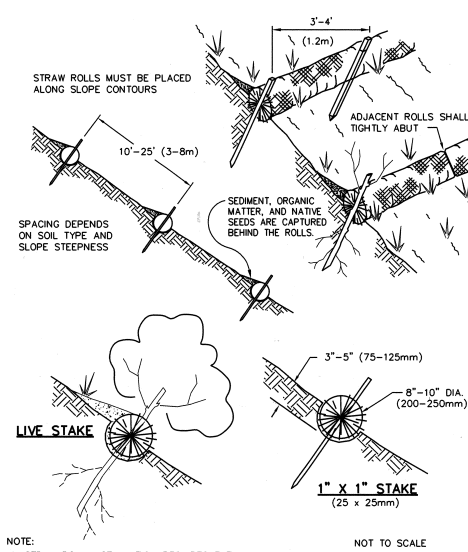
NO SCALE

C-1

**SILT FENCE**

NO SCALE

B

**FIBER ROLLS**

NO SCALE

A

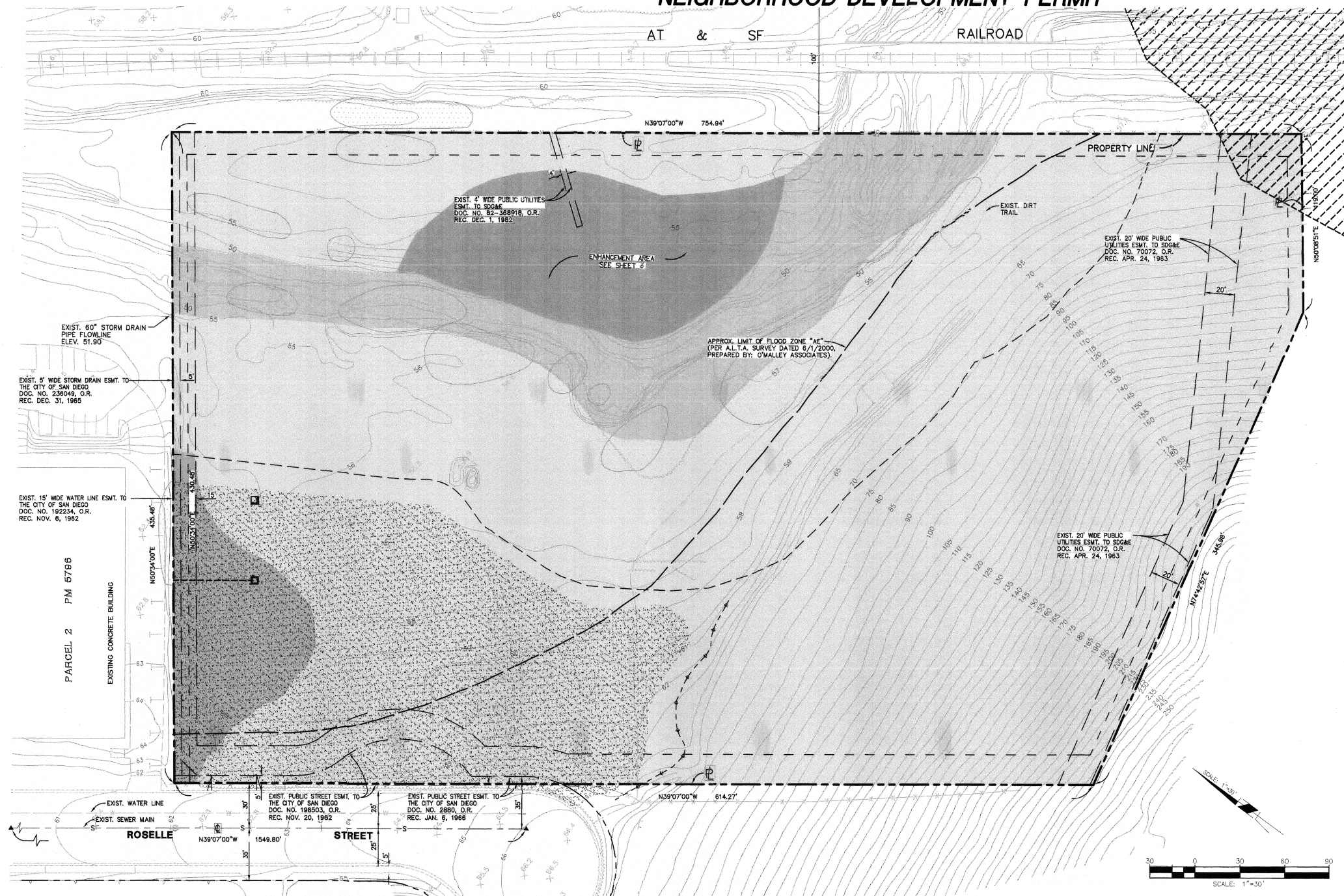
STEVENS-CRESTO ENGINEERING, INC.
CIVIL ENGINEERS - PLANNERS - LAND SURVEYORS
9665 CHESAPEAKE DRIVE
SUITE 200
SAN DIEGO, CA 92123-1352
PHONE: 858.694.5660
FAX: 858.694.5661
www.sceengr.com

SCALE: 1" = 30'

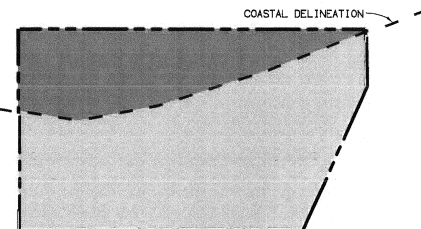
CONTRACTOR TO PROVIDE, INSTALL AND MAINTAIN MIRAFI SILT FENCE WITH POCKETS (OR EQUAL) PER THIS DETAIL AND MANUFACTURER'S RECOMMENDATIONS.

ROSELLE STREET

SITE DEVELOPMENT PERMIT / COASTAL DEVELOPMENT PERMIT NEIGHBORHOOD DEVELOPMENT PERMIT



PROPOSED ESL COVENANT OF EASEMENT AREA
EASEMENT WOULD ALLOW FOR MAINTENANCE OF FACILITIES AND SENSITIVE HABITAT.



COASTAL DELINEATION DETAIL
PROJECT AREA IS WITHIN COASTAL ZONE

LEGEND:

	SWS	SOUTHERN WILLOW SCRUB
	DSWS-C	DISTURBED SOUTHERN WILLOW SCRUB
	RUD	RUDERAL HABITAT
	EUC	EUCALYPTUS WOODLAND
		PALMER SAGEWORT (ARTEMISIA PALMERI)
		EXISTING MHPA AREA

SENSITIVE LANDS ANALYSIS

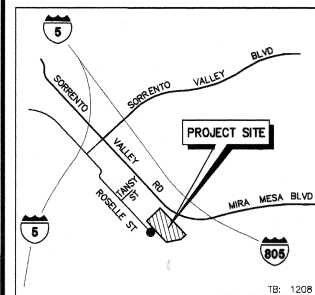
TOTAL PROJECT AREA	7.04 AC
100-YEAR FLOODPLAIN AREA	3.64 AC
SENSITIVE COASTAL BLUFF AREA	NONE
AREA IN COASTAL OVERLAY ZONE	7.04 AC
AREA IN STEEP SLOPE	2.42 AC (SEE SHEET 7 FOR SLOPE ANALYSIS)
AREA IN MHPA	0.05 AC (NO IMPACT)

* PROJECT CONSULTANTS *

PLANNER
RBF CONSULTING
CONTACT: CAROL CHASE
9755 CLAIREMONT MESA BLVD., #100
SAN DIEGO, CA 92124
TEL: (858) 614-5000
FAX: (858) 614-5080

CIVIL ENGINEER
STEVENS CRESTO ENGINEERING, INC.
CONTACT: MARK E STEVENS
9565 CHESAPEAKE DRIVE, SUITE 200
SAN DIEGO, CA 92123
TEL: (858) 694-5660
FAX: (858) 694-5661

* PROJECT LOCATION *



BIOLOGIST
WETLAND CREATION
DUDEK
CONTACT: MIKE HOWARD
605 3RD STREET
ENCINITAS, CA 92024
TEL: 760-942-5147

APPLICANT/OWNER
CLL-ROSELLE, LLC
CONTACT: CHRIS LOUGHRIDGE
3565 RIVIERA DRIVE
SAN DIEGO, CA 92109
TEL: 858-272-4600

CCS 83 COORDINATE = 1905-6265
LAMBERT COORDINATE = 265-1705

Prepared By:
RBF CONSULTING
CONTACT PERSON: CAROL CHASE
9755 CLAIREMONT MESA BLVD., #100
SAN DIEGO, CA 92124
TEL: (858) 614-5000
FAX: (858) 810-1450

Project Address:
10325 ROSELLE STREET
SORRENTO VALLEY, CA 92121

Project Name:
ROSELLE STREET

Sheet Title:
ESL ANALYSIS

Revision 10:
Revision 9:
Revision 8:
Revision 7:
Revision 6:
Revision 5:
Revision 4: 08/12/09
Revision 3: 5/11/09
Revision 2: 11/25/08
Revision 1: 8/5/08
Original Date: 2/14/08
Sheet 5 of 8
PTS# 133029

BIOLOGICAL HABITAT TABULATIONS UNAUTHORIZED GRADING

TABLE 1

HABITAT	TIER	TOTAL AREA	IMPACT	% OF IMPACT
SWS	WETLANDS	0.66 AC	0.02 AC*	2.5%
DSWS-C	WETLANDS	0.45 AC	0.00 AC	0.0%
EUC	IV	0.27 AC	0.26 AC	97.6%
RUD	IV	5.66 AC	1.84 AC	32.5%
TOTAL		7.04 AC	2.12 AC	30.1%

* PROJECT PROPOSES WETLAND ENHANCEMENT FOR THE 0.02 ACRE OF SOUTHERN WILLOW SCRUB IMPACTED. SEE SHEET C-5 FOR ENHANCEMENT AREA.

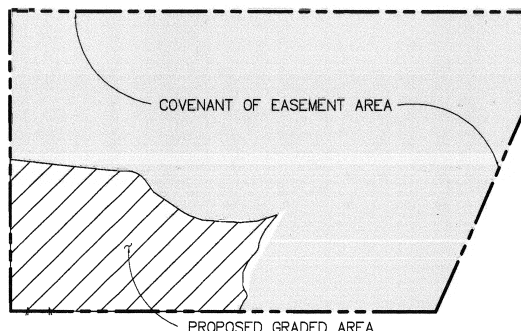
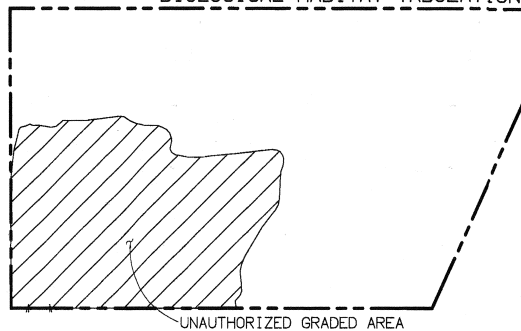
NOTE:
A MINOR DIFFERENCE IN THE TOTAL SOUTHERN WILLOW SCRUB ACREAGE ON THE SITE IS THE RESULT OF A SMALL INACCURACY IN THE PREVIOUS MAPPING OF VEGETATION, WHICH WAS RECTIFIED IN THE CURRENT MAPPING OF THE SITE.

BIOLOGICAL HABITAT TABULATIONS PROPOSED PROJECT

TABLE 2

HABITAT	TIER	TOTAL AREA	IMPACT	% OF IMPACT
SWS	WETLANDS	0.70 AC	0.00 AC	0.0%
DSWS-C	WETLANDS	0.45 AC	0.00 AC	0.0%
EUC	IV	0.27 AC	0.27 AC	100.0%
RUD	IV	5.62 AC	1.26 AC	22.4%
TOTAL		7.04 AC	1.53 AC	21.7%

NOTE:
A MINOR DIFFERENCE IN THE TOTAL SOUTHERN WILLOW SCRUB ACREAGE ON THE SITE IS THE RESULT OF A SMALL INACCURACY IN THE PREVIOUS MAPPING OF VEGETATION, WHICH WAS RECTIFIED IN THE CURRENT MAPPING OF THE SITE.



ROSELLE STREET

SITE DEVELOPMENT PERMIT / COASTAL DEVELOPMENT PERMIT NEIGHBORHOOD DEVELOPMENT PERMIT



WETLAND ENHANCEMENT AREA

PLAN NOTES THE WETLAND ENHANCEMENT AREA HAS BEEN PLANNED TO MEET THE HABITAT COMPENSATION REQUIREMENTS FOR THE PROPOSED PROJECT, AS DESCRIBED IN THE BIOLOGICAL RESOURCES LETTER REPORT FOR THE PROJECT (DUDEK 2009). NATIVE PLANT SPECIES HAVE BEEN SELECTED CONSISTENT WITH SPECIES OCCURRING IN THE ADJACENT RIPARIAN WETLAND COMMUNITY. A CONCEPTUAL WETLAND MITIGATION PLAN HAS BEEN PREPARED, WHICH WILL DESCRIBE THE DETAILS AND SPECIFICATIONS FOR WETLAND ENHANCEMENT AREA. THE SITE WILL BE MAINTAINED AND MONITORED AS SPECIFIED IN THE CONCEPTUAL WETLAND MITIGATION PLAN.

WETLAND ENHANCEMENT AREA — SOUTHERN WILLOW SCRUB PLANT PALETTE

SOUTHERN WILLOW SCRUB (SWS) ENHANCEMENT AREA CONTAINER PLANT PALETTE:
Assumed area: (0.42 ac. = 18,296 sq. ft.)

Botanical Name	Common Name	Average Spacing (Feet on Center)	Percent Composition Container Size	Estimated Number of Plants
Container Plants				
Shrubs (Understory)				
<i>Artemisia douglasiana</i>	Douglas mugwort	4	3%	1 gallon
<i>Artemisia palmeri</i>	Palmer sagewort	4	5%	1 gallon
<i>Baccharis salicifolia</i>	Mulleaf	6	5%	1 gallon
<i>Iva hayesiana</i>	San Diego marsh elder	4	4%	1 gallon
<i>Rosa californica</i>	California wild rose	4	3%	1 gallon
Trees (Overstory)				
Total Plants:				233
Trees (Cuttings)				
<i>Salix lasiolepis</i>	Arroyo willow	2"	Cuttings/takes	20
<i>Salix goodingii</i>	Black willow	3"	Cuttings/takes	20
<i>Salix hindiana</i>	Narrow-leaved willow	2"	Cuttings/takes	20
Total Cuttings:				60
Hydroseed Mix A*				
		Min. % Purity/ % Germination	Lbs. Per Acre	
<i>Ambrosia paltolechyae</i>	Western ragweed	20/30	3	
<i>Artemisia douglasiana</i>	Mugwort	15/50	6	
<i>Artemisia palmeri</i>	Palmer sagewort	20/50	5	
<i>Isocoma menziesii</i>	Coast goldenbush	40/30	3	
<i>Iva hayesiana</i>	San Diego marsh elder	30/50	6	
<i>Lupinus albus</i>	Deerweed	95/80	4	
<i>Lupinus bicolor</i>	Pygmy leaved lupine	98/85	3	
Total Lbs. Per Acre			30	

* All hydroseed mixes shall include the seed mix indicated in lbs. per acre, virgin wood cellulose fiber mulch at 2,500 lbs. per acre, fertilizer (11-52-0) at 250 lbs. per acre, and binder at 100 lbs. per acre (when seasonally appropriate).

** All cuttings shall be placed along the creek bank.

* PROJECT CONSULTANTS *

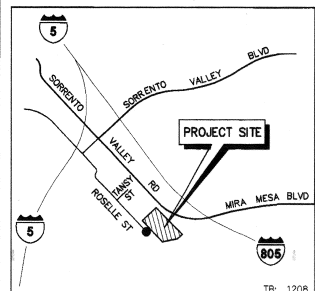
PLANNER

RBF CONSULTING
CONTACT: CAROL CHASE
9755 CLAIREMONT MESA BLVD., #100
SAN DIEGO, CA 92124
TEL: (858) 614-5000
FAX: (858) 614-5080

CIVIL ENGINEER

STEVENS CRESTO ENGINEERING, INC.
CONTACT: MARK E STEVENS
9665 CHESAPEAKE DRIVE, SUITE 200
SAN DIEGO, CA 92123
TEL: (858) 694-5660
FAX: (858) 694-5661

* PROJECT LOCATION *



BIOLOGIST WETLAND CREATION

DUDEK
CONTACT: MIKE HOWARD
805 3RD STREET
ENCINITAS, CA 92024
TEL: 760-942-5147

APPLICANT/OWNER

CL-ROSELLE, LLC
CONTACT: CHRIS LOUGHBRIDGE
3555 RIVIERA DRIVE
SAN DIEGO, CA 92109
TEL: 858-272-4600

COS 83 COORDINATE = 1905-6265
LAMBERT COORDINATE = 265-1705

Prepared By:

RBF CONSULTING
CONTACT PERSON: CAROL CHASE
9755 CLAIREMONT MESA BLVD., #100
SAN DIEGO, CA 92124
TEL: (858) 614-5000
FAX: (858) 810-1450

Project Address:
10325 ROSELLE STREET
SORRENTO VALLEY, CA 92121

Project Name:

ROSELLE STREET

Sheet Title:

REVEGETATION PLAN AND
WETLAND ENHANCEMENT /
COVENANT OF EASEMENT AREA

C-6

LEGEND:

- SITE PREPARATION AREA
- WETLAND BUFFER ZONE SEEDING (CSS)
- ENHANCEMENT AREA
- PALMER SAGEWORT
- PARKING LOT AREA - DECOMPOSED GRANITE (DG)
- EXISTING MHPA AREA

NOTE:

ALL REQUIRED REVEGETATION AND EROSION CONTROL SHALL BE COMPLETED WITHIN 90 CALENDAR DAYS OF THE COMPLETION OF GRADING OR DISTURBANCE.

HYDROSEED SLURRY:

SEED MIX AT RATES INDICATED ABOVE
VIRGIN WOOD CELLULOSE FIBER MULCH @ 2,200 2,000 LBS./ACRE
AZ-TAC BINDER-TACKIFIER @ 100 LBS./ACRE (OR APPROVED EQUAL),
FOR INSTALLATION BETWEEN NOV. - FEB. OF ANY GIVEN YEAR.
FERTILIZER 15-15-15 (DIMONIUM PHOSPHATE) @ 250 200 LBS./ACRE
GREEN SLURRY MARKER DYE

WETLAND BUFFER ZONE SEED MIX

COASTAL SAGE SCRUB HYDROSEED MIX (non-irrigated application):
WETLAND BUFFER ZONE - COASTAL SAGE SCRUB (100 FT WIDE)

Botanical Name	Common Name	SP/SG	Lbs. /Acre
<i>Artemisia californica</i>	California sagebrush	15/80	4
<i>Encelia californica</i>	Coastal sunflower	40/60	2
<i>Eriogonum fasciculatum</i>	Flat-topped buckwheat	50/20	5
<i>Eschscholzia californica</i>	California poppy	98/80	4
<i>Isocoma menziesii</i>	Coastal goldenbush	40/30	2
<i>Lotus scoparius</i>	Deerweed	95/80	6
<i>Lupinus succulentus</i>	Arroyo lupine	98/85	2
<i>Nassella pulchra</i>	Purple needlegrass	90/80	4
<i>Plantago erecta</i>	Dot seed plantain	90/80	4
<i>Salvia mellifera</i>	Black sage	70/50	4
<i>Sisyrinchium bellum</i>	Blue eyed grass	95/75	3
		Total Lbs. Per Acre	40

* ALL HYDROSEED MIXES SHALL INCLUDE SEED MIX INDICATED IN LBS. PER ACRE, VIRGIN WOOD CELLULOSE FIBER MULCH AT 2,200 LBS. PER ACRE, FERTILIZER (11-52-0) AT 250 LBS. PER ACRE, AND BINDER AT 100 LBS. PER ACRE (WHEN SEASONALLY APPROPRIATE).

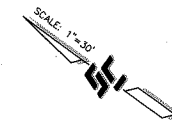
STREETSCAPE PLANT LIST

Species	Common Name	Container Size	Spacing
LOW GROWING SHRUBS, SUCH AS:			
<i>Arctostaphylos 'Sunset'</i>	Sunset Manzanita	1 gal.	3ft.
<i>Epilobium californicum</i>	California Fuchsia	1 gal.	2ft.
<i>Galvezia speciosa 'Firecracker'</i>	Island Bush Snap Dragon	1 gal.	3ft.
<i>Helianthemum scoparium</i>	Sun Rose	1 gal.	2ft.
<i>Salvia devianidii</i>	Cleveland Sage	1 gal.	3ft.
<i>Salvia greggii</i>	Autumn Sage	1 gal.	3ft.
<i>Salvia muniti</i>	San Miguel Mtn. Sage	1 gal.	2ft.
<i>Trichostema lanatum</i>	Woolly Blue Curlew	1 gal.	3ft.
<i>Viguiera iaciniata</i>	San Diego Co. Vigiera	1 gal.	3ft.
GROUND COVERS, SUCH AS:			
<i>Ceanothus gri. hor. 'Yankee pt.'</i>	Yankee Point Ceanothus	1 gal.	3ft.
<i>Baccharis pilularis 'Twin Peaks'</i>	Dwarf Coyote Bush	1 gal.	2ft.
<i>Eriogonum parvifolium</i>	Coastal Buckwheat	1 gal.	2ft.
<i>Iva hayesiana</i>	San Diego Marsh Elder	1 gal.	3ft.
<i>Salvia mellifera 'Terra Seca'</i>	Terra Seca Sage	1 gal.	3ft.
FENCE VINE:			
<i>Island morning glory 'Anacapa Pink'</i>	Calyptegia macrostegia	1 gal.	5ft.

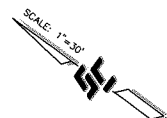
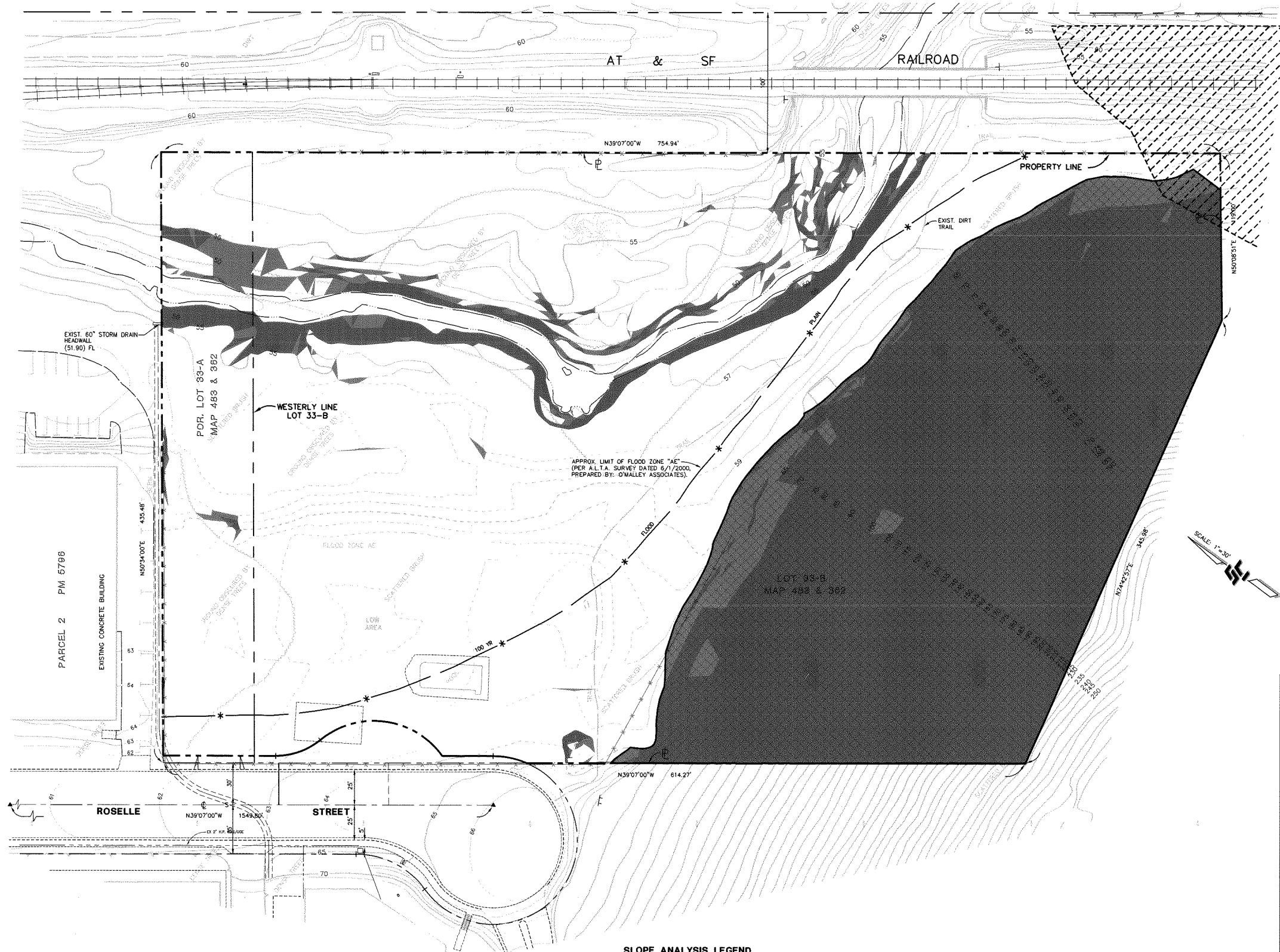
NOTE: 2 TO 3 SHRUB SPECIES AND 2 TO 3 GROUND COVER SPECIES WOULD BE SELECTED FROM THE ABOVE LISTS FOR PLANTING RAISED BERM AREA ALONG ROSELLE STREET.

ROSELLE STREET

SITE DEVELOPMENT PERMIT / COASTAL DEVELOPMENT PERMIT NEIGHBORHOOD DEVELOPMENT PERMIT

**LEGEND**

PROJECT BOUNDARY	---
EXISTING CONDITION (PRIOR TO UNAUTHORIZED FILL)	---
UNAUTHORIZED FILL	---
EXISTING CURB & GUTTER	---
EXISTING 6FT CHAIN LINK FENCE	---
100 YR FLOOD PLAIN	*
MULTIPLE HABITAT PLANNING AREA (MHPA)	██

**SLOPE ANALYSIS LEGEND**

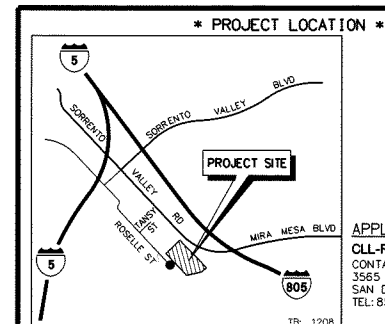
RANGE	COLOR	AREA	PERCENT
LESS THAN 25%	Light Gray	4.30± AC.	61.1
25% UP TO 35%	Medium Gray	0.26± AC.	3.7
35% AND GREATER	Dark Gray	2.48± AC.	35.2
TOTAL SITE AREA		7.04 AC.	100%

ESL STEEP HILLSIDES

RANGE	COLOR	AREA	PERCENT OF SITE	PERCENT IMPACTED
25% AND GREATER, GREATER THAN 50 FOOT RISE	Dark Gray	2.4± AC.	34%	0%

ENGINEER OF WORK

Mark E. Stevens
P.E. 35502
DATE: 2/25/13



APPLICANT/OWNER
CLL-ROSELLE, LLC
CONTACT: CHRIS LOUGHRIDGE
3565 RIVIERA DRIVE
SAN DIEGO, CA 92109
TEL: 858-272-4600

CCS 88 COORDINATE = 1905-6265
LAMBERT COORDINATE = 264-1705

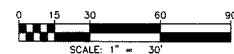
Prepared By:
STEVENS CRESTO ENGINEERING
9665 CHESAPEAKE DRIVE
SUITE 200
SAN DIEGO, CA 92123
TEL (858) 694-5660
FAX (858) 694-5661

Project Address:
10325 ROSELLE STREET
SORRENTO VALLEY, CA 92121

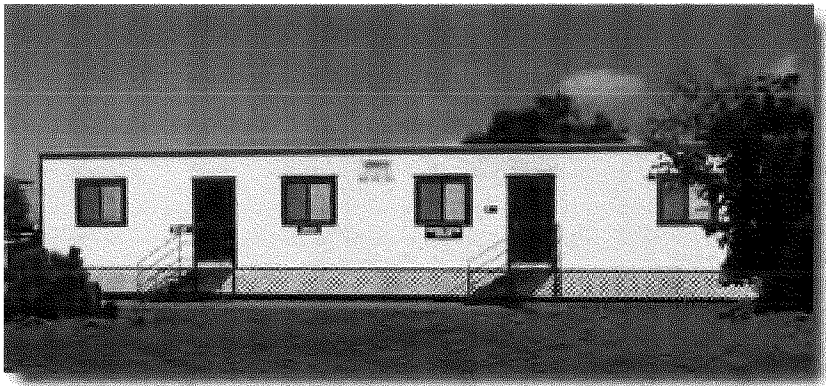
Project Name:
ROSELLE STREET

Sheet Title:
SLOPE ANALYSIS

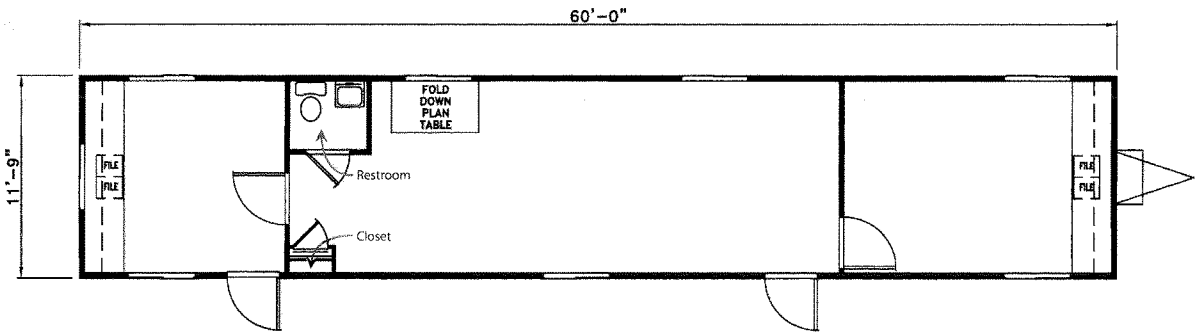
Revision 10:	
Revision 9:	
Revision 8:	
Revision 7:	
Revision 6:	02/26/15
Revision 5:	08/12/09
Revision 4:	05/11/09
Revision 3:	04/21/09
Revision 2:	11/25/08
Revision 1:	08/05/08
Original Date:	02/14/08
Sheet	7 of 8
PTS#	133029

C-7

ROSELLE STREET
SITE DEVELOPMENT PERMIT / COASTAL DEVELOPMENT PERMIT
NEIGHBORHOOD DEVELOPMENT PERMIT



TYPICAL ELEVATION - MOBILE OFFICE



TYPICAL FLOORPLAN - MOBILE OFFICE

No Scale

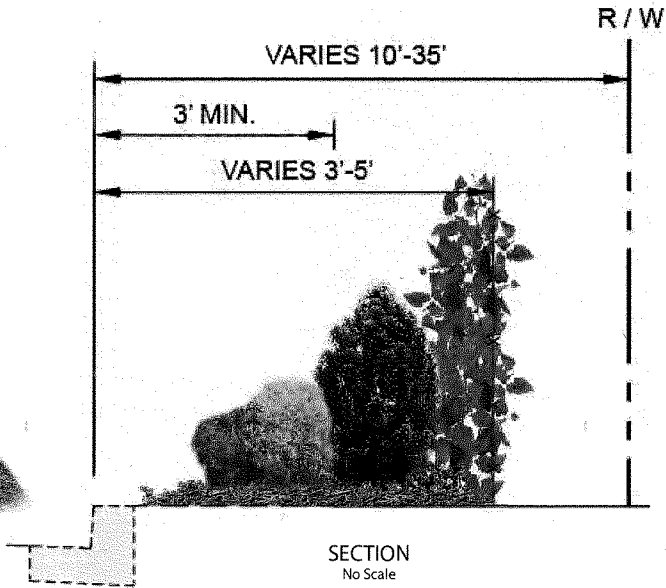
TYPICAL SPECIFICATIONS

- Size**
- 64' Long (including hitch)
 - 60' Box size
 - 12' Wide
 - 8' Ceiling height
 - Other double-wide sizes are available
- Interior Finish**
- Paneled walls
 - Vinyl tile floors
 - Gypsum ceiling
 - Private office(s)
 - Wide open shells available
- Electric**
- Fluorescent ceiling lights
 - Breaker panel
- Windows/Doors**
- Horizontal slider windows
 - Two vision panel doors with standard locks
- Heating and Cooling**
- Central HVAC or thru-wall AC
- Exterior Finish/Frame**
- Aluminum siding
 - I-Beam Frame
 - Standard drip rail gutters

SOURCE: William Scotsman



ROSELLE STREET LANDSCAPE ELEVATION
No Scale



SECTION
No Scale

ROSELLE STREET - STREETSCAPE PLANT LIST

STREETSCAPE PLANT MATERIALS LIST				
Species	Common Name	Container Size	Spacing	
LOW GROWING SHRUBS, SUCH AS:				
Arctostaphylos 'Sunset'	Sunset Manzanita	1 gal.	3ft.	
Epilobium californicum	California Fuchsia	1 gal.	2ft.	
Galvezia speciosa 'Firecracker'	Island Bush Snap Dragon	1 gal.	3ft.	
Helianthemum scoparium	Sun Rose	1 gal.	2ft.	
Salvia clevelandii	Cleveland Sage	1 gal.	3ft.	
Salvia greggii	Autumn Sage	1 gal.	3ft.	
Salvia munzii	San Miguel Mtn. Sage	1 gal.	2ft.	
Trichostema lanatum	Woolly Blue Curls	1 gal.	3ft.	
Viguiera lacinata	San Diego. Co. Viguiera	1 gal.	3ft.	
GROUND COVERS, SUCH AS:				
Ceanothus gri. hor. 'Yankeept'	Yankee Point Ceanothus	1 gal.	3ft.	
Baccharis pilularis 'Twin Peaks'	Dwarf Coyote Bush	1 gal.	2ft.	
Eriogonum parvifolium	Coastal Buckwheat	1 gal.	2ft.	
Iva hayesiana	San Diego Marsh Elder	1 gal.	3ft.	
Salvia mellifera 'Terra Seca'	Terra Seca Sage	1 gal.	3ft.	
FENCE VINE:				
Island morning glory 'Anacapa Pink'	Calystegia macrostegia	1 gal.	5ft.	

NOTE: 2 TO 3 SHRUB SPECIES AND 2 TO 3 GROUND COVER SPECIES WOULD BE SELECTED FROM THE ABOVE LISTS FOR PLANTING RAISED BERM AREA ALONG ROSELLE STREET.

*** PROJECT CONSULTANTS ***

PLANNER
RBF CONSULTING
CONTACT: CAROL CHASE
9755 CLAREMONT MESA BLVD., #100
SAN DIEGO, CA 92124
TEL: (858) 614-5000
FAX: (858) 614-5080

CIVIL ENGINEER
STEVENS CRESTO ENGINEERING, INC.
CONTACT: MARK E STEVENS
9665 CHESAPEAKE DRIVE, SUITE 200
SAN DIEGO, CA 92123
TEL: (858) 694-5660
FAX: (858) 694-5661

*** PROJECT LOCATION ***

BIOLOGIST
WETLAND CREATION
DUDEK
CONTACT: MIKE HOWARD
605 3RD STREET
ENCINITAS, CA 92024
TEL: 760-942-5147

APPLICANT/OWNER
CLL-ROSELLE, LLC
CONTACT: CHRIS LOUGHRIDGE
3565 RIVIERA DRIVE
SAN DIEGO, CA 92109
TEL: 858-272-4600

CCS 83 COORDINATE = 1905-6265
LAMBERT COORDINATE = 265-1705

Prepared By:
RBF CONSULTING
CONTACT PERSON: CAROL CHASE
9755 CLAREMONT MESA BLVD. #100
SAN DIEGO, CA 92124
TEL: (858) 614-5000
FAX: (858) 810-1450
Project Address:
10325 ROSELLE STREET
SORRENTO VALLEY, CA 92121

Project Name:
ROSELLE STREET

Sheet Title:
BUILDING DETAILS

Revision 10:
Revision 9:
Revision 8:
Revision 7:
Revision 6:
Revision 5:
Revision 4:
Revision 3:
Revision 2: 08/12/07
Revision 1: 05/11/09
Original Date: 11/25/08
Sheet: 8 of 8
PTS# 133029