



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: February 13, 2013

REPORT NO. HO 13-008

ATTENTION: Hearing Officer

SUBJECT: RABBITT RESIDENCE - PTS# 273122

LOCATION: 12516 Del Vino Court

OWNER/

APPLICANT: Rabbitt Family Trust dated September 11, 2007/Elizabeth Rabbit

SUMMARY

Issue(s): Should the Hearing Officer approve Site Development Permit No. 959803?

Staff Recommendation:

1. **Certify** Findings to a Master Environmental Impact Report No. 273122, and **Adopt** the Mitigation Monitoring and Reporting Program; and
2. **Approve** Site Development Permit No. 959803.

Community Planning Group Recommendation - On May 10, 2012 the Del Mar Mesa Community Planning Board voted unanimously to recommend approval.

Environmental Review – Findings to a Master Environmental Impact Report No. 273122 have been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement - No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - None with this action.

BACKGROUND

The Del Mar Mesa Specific Plan designates the entire site for Estate Residential development (Attachment 1). The site is located at 12516 Del Vino Court in the AR-1-2 zone (Attachment 2). The site has one residential dwelling, several agricultural buildings, tennis court, equestrian exercise area and other accessory uses consistent with the AR-1-2 zone and the Del Mar Mesa Specific Plan (Attachment 3). The site is located on the west side of Del Vino Court opposite the intersection with Rancho Toyon Place.

The eastern portion of the property is nearly level and developed. The western third of the site is essentially undeveloped and topographically characterized as the eastern terminus of a small westerly flowing natural drainage. The eastern edge of the drainage has been modified by the addition of relatively shallow fill placed in several episodes beginning prior to 1953.

The applicant purchased the property in 2005 and at that time the western portion of the site had been used by others as an illegal dumping ground. Old furniture, a refrigerator and other trash and debris had been deposited by others in the depression or bowl area closest to the westerly property line. In the process of removing trash and debris from the site, the owner graded portions of the site and removed sensitive habitat from the site which was protected by the Environmentally Sensitive Lands regulations.

On October 14, 2010 a Notice of Violation was issued by Neighborhood Code Compliance Division (Attachment 4). On March 8, 2012 the owner entered into a Stipulated Administrative Enforcement Order with the City of San Diego with two possible remedies, either restore the sensitive vegetation or submit an application for a Site Development Permit to legalize the grading and allow removal of the sensitive vegetation (Attachment 5).

DISCUSSION

Project Description

The Rabbitt Residence project proposes to legalize 1.20 acres of grading performed by the property owner without the required permits and in the course of the illegal grading resulted in the removal of sensitive habitat protected by the Environmentally Sensitive Lands (ESL) regulations, to mitigate at the appropriate ratios for the removal of sensitive habitat from the site and to permit uses allowed by the AR-1-2 Zone without further ESL regulation. The mitigation is based on the amount of sensitive habitat that existed prior to the ownership of the property by the Rabbitt Family Trust dated September 11, 2007. Of the 1.20 acres graded illegally not the entire 1.20 acres contained sensitive vegetation. No other changes to the property are proposed.

The biology report indicates a total of 1.26 acres of existing sensitive vegetation present on the site prior to the ownership of the property by the Rabbitt Family Trust dated September 11, 2007 and prior to the disturbance resulting from the illegal grading. There are no other areas on the site which contained or contain sensitive vegetation. The applicant is proposing to mitigate for the sensitive vegetation removed by the illegal grading and all of the remaining existing sensitive vegetation. By mitigating for sensitive vegetation removed by the illegal grading and what

sensitive vegetation is remaining, the applicant would be allowed to use the entire site in any manner allowed by the AR-1-2 Zone without the risk of a future code violation.

Should the Site Development Permit be approved a ministerial grading permit would be required to legalize the grading done on the western portion of the site. The applicant would preserve 0.56 acres of Tier I habitat from the Soledad Canyon Preserve and 0.70 acres of Tier II lands would be purchased from the Marron Valley Cornerstone Lands.

Community Plan Analysis

The Del Mar Mesa Specific Plan designates the entire site for Estate Residential development. No part of the site is designated as Open Space. The site has been developed in a manner consistent with the adopted policies of the Del Mar Mesa Specific Plan. The site has one residential dwelling, several agricultural buildings, tennis court, equestrian exercise area and other accessory uses consistent with the AR-1-2 zone and the Del Mar Mesa Specific Plan.

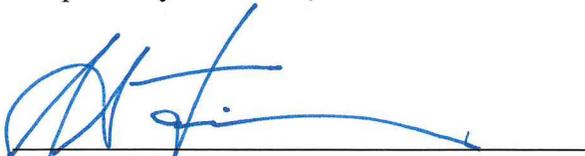
Conclusion

Staff has reviewed the request for a Site Development Permit to the minor grading and removal of the sensitive vegetation on a 4.80 acre property. All issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the Site Development Permit (Attachment 8) and draft conditions of approval (Attachment 9). Staff recommends the Hearing Officer approve the project as proposed.

ALTERNATIVES

1. **Approve Site Development Permit No. 959803, with modifications.**
2. **Deny Site Development Permit No. 959803, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



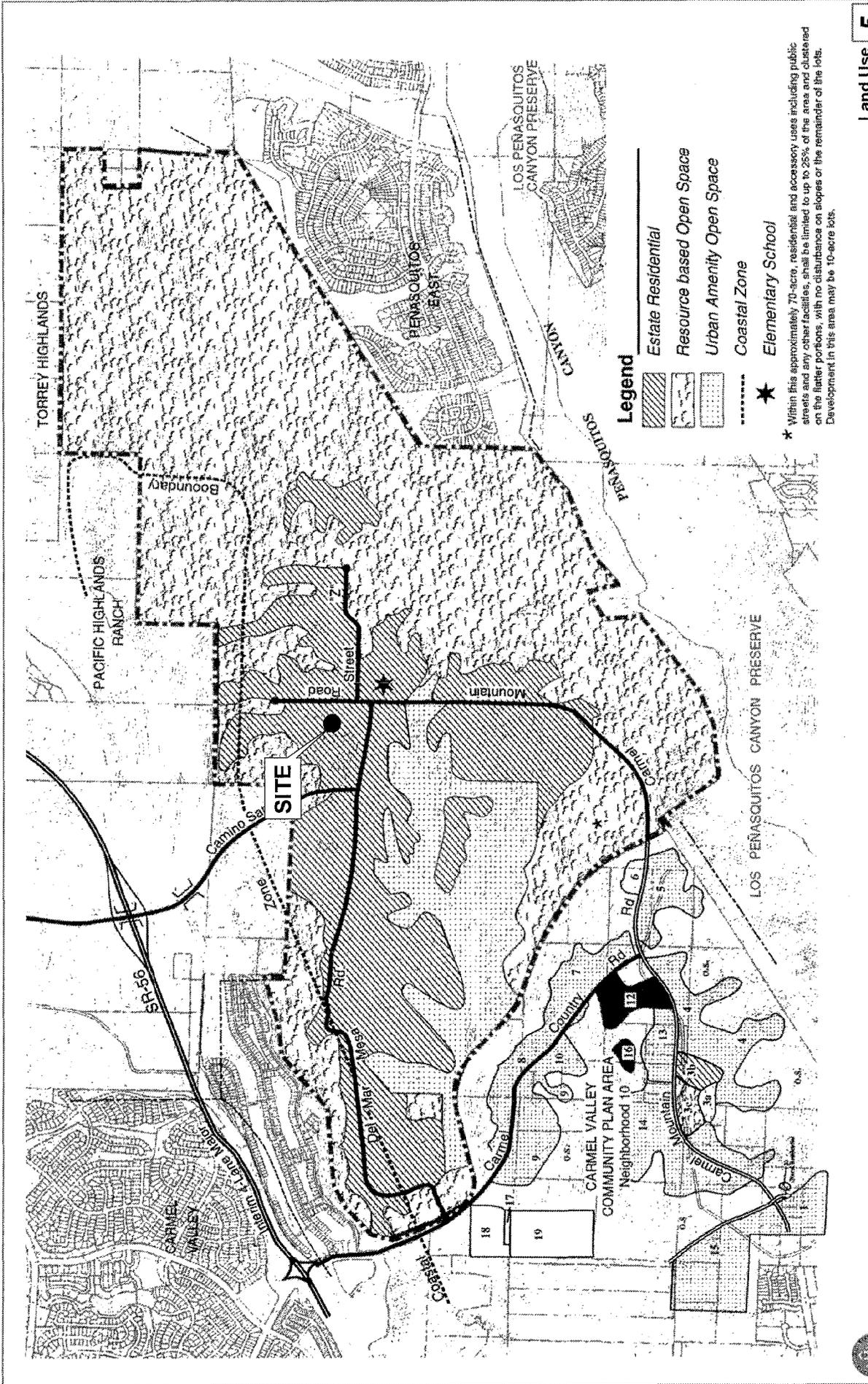
John S. Fisher
Development Project Manager
Development Services Department

BROUGHTON:JSF

Attachments:

1. Del Mar Mesa Subarea Plan Land Use Map

2. Aerial Photograph
3. Project Location Map
4. Notice of Violation
5. Stipulated Administrative Enforcement Order
6. Proposed Plans
7. Community Planning Group Recommendation
8. Draft Resolution with Findings
9. Draft CEQA Resolution
10. Draft Permit with Conditions
11. Ownership Disclosure Statement



Land Use **5**
Del Mar Mesa Specific Plan **FIGURE**

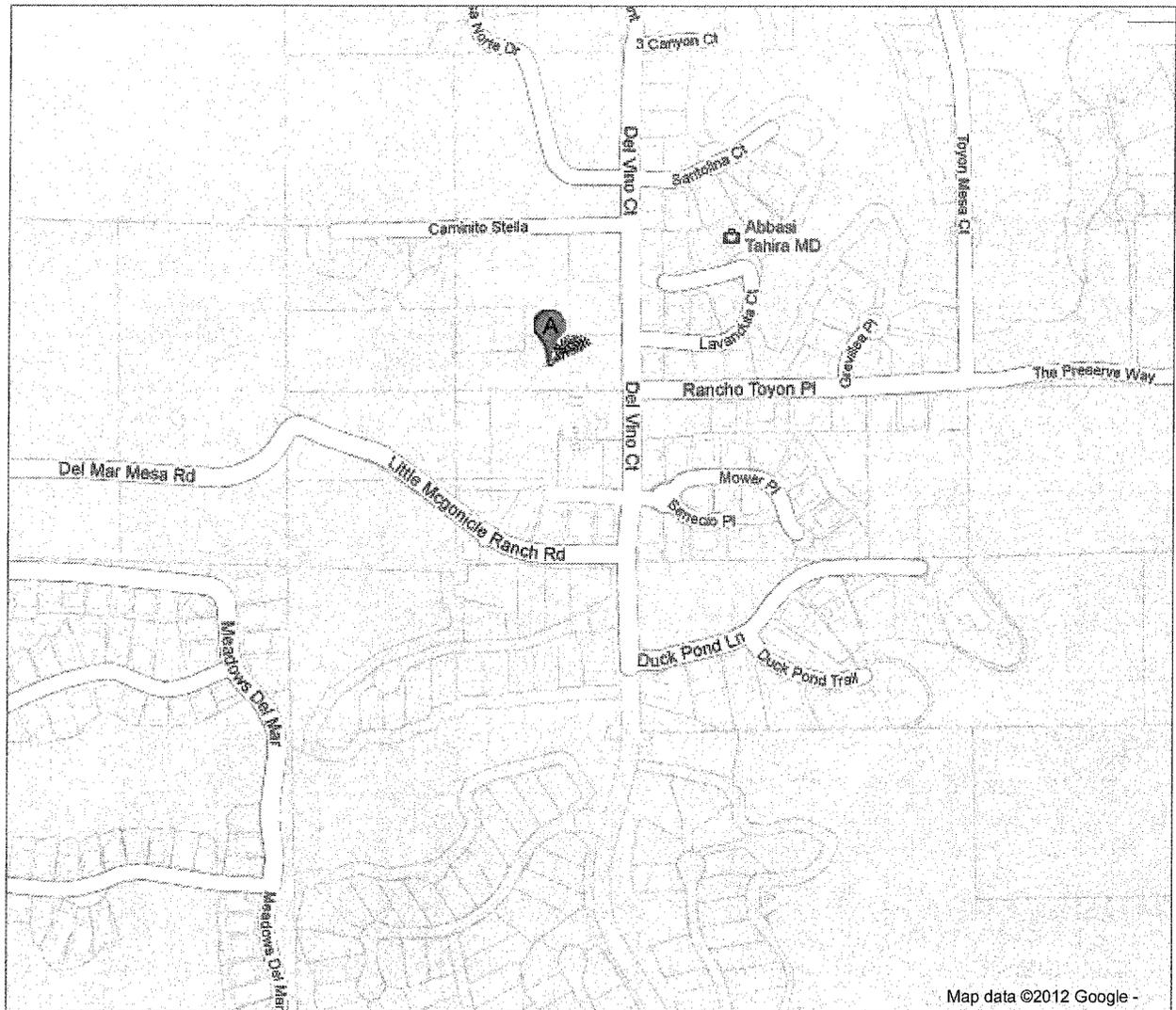
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To see all the details that are visible on the screen, use the "Print" link next to the map.





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THE CITY OF SAN DIEGO

MAILED

OCT 15 2010

NEIGHBORHOOD CODE COMPLIANCE

October 14, 2010

CIVIL PENALTY NOTICE AND ORDER

Location: 12516 Del Vino Court

APN NO.: 308-020-60, 308-020-75

Responsible Persons: Michael E. Rabbitt and Elizabeth Curtis Rabbitt
Address: 12516 Del Vino Court
 San Diego CA 92130

Zone: AR-1-2

You are hereby notified that the property at 12516 Del Vino Court is in violation of the San Diego Municipal Code (SDMC) and you are subject to civil penalties pursuant to San Diego Municipal Code Section 12.0801 through 12.0810.

Civil Penalties for violations of the Municipal Code may be assessed at a daily rate not to exceed **\$2,500** per day per violation; not to exceed a total maximum of **\$250,000** per parcel or structure for any related series of violation(s).

Penalties may be assessed for each individual code section violated. These penalties may accrue daily for as long as the violations exist.

You are violating the law by:

Conducting unauthorized grading on the rear portion of your property. The grading activity includes: impacts to Environmentally Sensitive Lands (ESL) containing steep hillsides and sensitive biological resources; removal of sensitive vegetation due to the horses that are trampling the sensitive vegetation on the hillside and the creation of new roads, the area of impact is approximately 2.14 acres. Additionally, you have constructed a platform/tower structure and tack buildings without required permits.



**Development Services Department
 Neighborhood Code Compliance Division**

1200 Third Avenue, 8th Floor, MS 51N • San Diego, CA 92101-4106
 Tel (619) 236-5500 Fax (619) 236-5920

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Based on the City Biologist's review of resource maps (El Nino) and field reconnaissance, it is evident that the property contains Sensitive Biological Resources (Maritime Chaparral, Coastal Sage Scrub), and Steep Hillside that have been impacted as a result of unauthorized grading.

The list of Maritime Chaparral (Tier I) and Coastal Sage Scrub (Tier II) impacted onsite include

Maritime Chaparral: *Quercus dumosa, Comarostaphylis diversifolia, Adenostoma fasciculatum, Marah macrocarpus, Mimulus aurantiacus, Rhus integrifolia, Heteromoles arbutifolia, Xylococcus bicolor, Eucrypta chrysanthemifolia, Eriophyllum confertiflorum Antirrhinum nuttallianum.*

Coastal Sage Scrub: *Dudleya pulverulenta, Adenostoma fasciculatum, Artemisia californica Eriogonun fasciculatum, Dichelostemma capitatum, Adolphia californica, Nassella lepida Rhus integrifolia, Lotus scoparius, Salvia mellifera, Antirrhinum nuttallianum, Mirabilis laevis, Salvia columbariae, Deinandra fasciculatum.*

On April 22, 2010, the property was observed to be in violation of the following section(s) of the SDMC.

<u>SDMC Sec.</u>	<u>Violation Description</u>
121.0302(a)	<p>Required Compliance with the Land Development Code 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.</p>
121.0302(b)	<p>It is unlawful for any person to engage in any of the following activities, or cause any of the following activities to occur in a manner contrary to the provisions of the Land Development Code:</p> <ol style="list-style-type: none"> (1) To erect, place, construct, convert, establish, alter, use, enlarge, repair, move, remove, equip, maintain, improve, occupy, or demolish any premises; (2) To grade, excavate, clear, fill, grub, build an embankment, construct slopes, or disturb sensitive natural or biological resources on any lot or premises; or (3) To change density or intensity of the use of land; or
126.0502(a)	<p>When A Site Development Permit is Required A Site Development Permit is required for single dwelling unit development on an individual lot that is greater than 15,000 square feet and contains steep hillsides, or sensitive biological resources.</p>

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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.

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;

(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;

(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.

Building Permits

129.0202

Failure to obtain the required building permit for structural work.

129.0111

Failure to obtain the required building inspections and approvals.

129.0302

Failure to obtain the required electrical permit for electrical work.

129.0314

Failure to obtain the required electrical inspections and approvals.

142.0103

When a Permit Is Required for Grading

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

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- 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).
- 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.
- 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).
- 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.
- 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

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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 the following measures that address the development's potential erosion, sedimentation, and water pollution impacts.

- (1) Erosion prevention.
- (2) Sediment control.

143.0110

When Environmentally Sensitive Land 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,
- (2) Steep hillsides.

143.0110(b)(1)

A Neighborhood Development Permit or Site Development Permit is required for all types of development proposals listed, in accordance with the indicated decision process.

143.0112

Required Documentation and Permits Prior to Development of Environmentally Sensitive Lands

It is unlawful to begin development on a premise that contains Environmentally Sensitive Lands without submitting the required documentation and obtaining the applicable development permit or an exemption, as required pursuant to the Environmentally Sensitive Lands Regulations. No development permit application may be processed until the enforcement action has been concluded.

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.

You are hereby ordered to correct the violations by completing the following actions set forth below:

Immediately cease all grading activity which includes removal of sensitive vegetation and allowing horses to access the rear portion of your property which contains sensitive biological resources.

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By October 26, 2010, a plan must be prepared by a qualified professional showing all erosion control measures to be installed. The erosion control plan must be submitted to the Neighborhood Code Compliance Division (NCCD).

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 and adjacent native habitat and properties. BMPs must be maintained throughout the construction and monitoring process.

By November 12, 2010, you shall contact Stephen Cousins at NCCD to schedule a pre-submittal site inspection. The site inspection will include your Biological Consultant and other design professionals along with the City Biologist and other city staff. You shall remove the tower/platform from your property.

By January 12, 2011, you shall submit a grading plan, prepared by a qualified Civil Engineer and Biological Consultant, for restoration and revegetation of the site to restore the property to its pre-existing topography and condition to NCCD for review and approval. You shall submit building plans for the non-permitted tack buildings or remove the tack buildings.

By January 22, 2011, you shall submit an application for a permit for restoration and revegetation to Development Services Department (DSD) and have it deemed complete to obtain a grading permit from DSD for restoration and revegetation of the site.

- 1) The property owner shall retain the services of a qualified biological consultant to prepare a Revegetation/Restoration Planting Plan prepared in accordance with Attachment "III" (General Outline for Revegetation/ Restoration Plans) of the City of San Diego's LDC Biology Guidelines /Guidelines for Conducting Biological Surveys (Pg. 22) (July 2002).
- 2) Repair of the site will require the preparation of a grading plan. The property owner must retain the services of a civil engineer to evaluate the slope and the geologic conditions, and design a remedial repair and grading plan to restore the surface to a stable condition in conformance with the requirements within the City of San Diego's Environmentally Sensitive Lands Regulations. All grading work shall incorporate storm water pollution prevention control measures in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations) and the standards established in the Land Development Manual. This shall include the design for controlling surface water runoff and drainage from the portion of the property that has been illegally graded to avoid erosion and siltation.
- 3) A site grading plan on D-sheets shall be submitted to the City of San Diego Development Services Department (Contact: **Steve Cousins**, Land Development Investigator). The drawing set shall conform to the Development Services Department project submittal requirements.

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- a. Summary/Grading specification sheet including all appropriate professional stamps and signatures, particularly under the headings of Grading and Geotechnical Specifications (geologist) and Declaration of Responsible Charge (civil engineer).
- b. Site Plan/Grading Plan illustrating both existing site contours and all restored contours and limits of work including reference point data as surveyed by either a civil engineer or land surveyor.
- c. Landscape /Irrigation Plan prepared in accordance with the San Diego Land Development Code (LDC) Chapter 14, Article 2, Division 4 and the LDC Landscape Standards (January 2000). All irrigation notes shall be incorporated into this plan set.
- d. Revegetation/Restoration Planting Plan prepared in accordance with the LDC, Chapter 14, Article 2, Division 4, the LDC Landscape Standards, and Attachment "III" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines /Guidelines for Conducting Biological Surveys (Pg. 22) (July 2002). All landscape maintenance and biological monitoring notes shall be incorporated into this plan set.
- e. Revegetation Maintenance and Monitoring Plan – Detailed note sheets documenting all of the revegetation requirements described in Attachment "III" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines /Guidelines for Conducting Biological Surveys (July 2002) shall be included in the plan set (i.e. The revegetation/restoration plan must include discussion of the restoration goals, responsible parties (i.e., consultants/contractors) and their qualifications, erosion control measures, revegetation seeding and planting specifications for specific habitats, performance criteria, long-term maintenance, five-year biological monitoring requirements, and an anticipated schedule for the completion of all work).

Upon submittal of the drawing set to the City of San Diego Development Services Department, the Landowner shall set up a deposit account in accordance with Information Bulletin 502 (Fee/Deposit Schedule for Construction Permits/Grading and Public Right-of-Way) to cover the cost of staff review.

By July 22, 2011, you shall obtain a grading permit for restoration/revegetation of the site to its pre-existing condition, perform all work required by the permit, and obtain all final inspection approvals.

You are required to attach a copy of this Civil Penalty Notice and Order to each set of plans that will be submitted for review.

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Failure to Comply with Notice and Order

Failure to comply with this Notice and Order will result in the ongoing assessment of Civil Penalties:

1. Civil Penalties Hearing

This Notice and Order may cause a date, time, and place to be set for a hearing regarding the existing violations and confirmation of assessed civil penalties.

Written notice of the time and place of the hearing will be served on you at least ten days prior to the date of the hearing.

At the hearing, you, your agent or any other interested person may present testimony or evidence concerning the existence of the violations and the means and time frames for correcting the violations. Testimony or evidence may also be presented relating to the duration, frequency of recurrences, nature and seriousness, and history of the violations; whether the offense impacted environmentally sensitive lands or historical resources the willfulness of the responsible person's misconduct, after issuance of the Notice and Order; the good faith effort by the responsible person to comply; the economic impact of the penalty on the responsible person; the impact of the violation upon community; and/or any other factor which justice may require.

Failure to attend the hearing shall constitute a waiver of your rights to an administrative hearing and administrative adjudication of the Notice and Order.

2. Assessment of Penalties

Any person violating any provision of the Municipal Code or applicable State Codes is subject to assessment of Civil Penalties.

Civil penalty amounts are established by the Deputy Director of the Neighborhood Code Compliance Division. The following factors were used in determining the amount: biological impact, seriousness of the violation.

The penalty rate for the above listed violation(s) has/have been established at **\$500.00** per day and shall be an ongoing assessment of penalties at the daily rate until the violations are corrected in accordance with Municipal Code Sections 12.0801 et seq.

Pursuant to SDMC, Section 12.0805(a), in determining the date on which civil penalties shall begin to accrue and the duration, the Deputy Director may consider a date when

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Neighborhood Code Compliance first discovered the violations as evidenced by the issuance of a Notice of Violation or any other written correspondence.

Administrative Costs

The Deputy Director or Hearing Officer is authorized to assess administrative costs. Administrative costs may include scheduling and processing of the hearing and all subsequent actions.

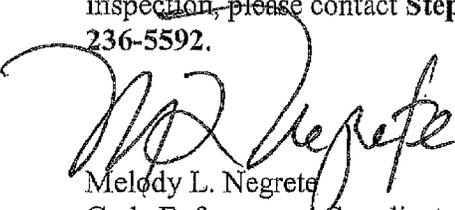
Waiver

Failure to attend the hearing shall constitute a waiver of your rights to an administrative hearing and adjudication of the Notice and Order or any portion thereof.

If you fail, neglect or refuse to obey an order to correct the violations, civil penalties will continue to accrue on a daily basis until the violation is corrected, except that such amount shall not exceed \$250,000.

If you fail, neglect or refuse to obey an order to pay civil penalties, the unpaid amount shall constitute a personal obligation and/or a lien upon the real property. Failure to pay a personal obligation will cause the Deputy Director to refer the obligation to the City Attorney to file a court action to recover these costs. Failure to pay a lien will cause the Deputy Director to refer the lien to the County Auditor for collection in the same manner that ordinary municipal taxes are collected.

If you have any questions concerning this Notice and Order, or to schedule a compliance inspection, please contact **Stephen Cousins, Land Development Investigator at (619) 236-5592.**



Melody L. Negrete
Code Enforcement Coordinator

MLN/SC/lm

cc: File

NC# 143380

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

CITY OF SAN DIEGO

IN THE MATTER OF)	
)	STIPULATED ADMINISTRATIVE
Elizabeth Curtis Rabbitt,)	
Elizabeth Curtis Rabbitt and)	ENFORCEMENT ORDER
Michael E. Rabbitt, Trustees of the)	
Rabbitt Family Trust 9-11-07)	
)	
12516 Del Vino Court)	
San Diego, CA 92130)	

The Development Services Department, Neighborhood Code Compliance Division, City of San Diego (City), and Responsible Persons Michael E. Rabbitt and Elizabeth Curtis Rabbitt (Responsible Persons) enter into the following agreement in full and final settlement of the existing administrative enforcement action, and agree that this final Stipulated Administrative Enforcement Order may be so entered.

1. This Stipulated Administrative Enforcement Order is executed as of March 8, 2012, 2012, between and among The Development Services Department (DSD), Neighborhood Code Compliance Division (NCCD), City of San Diego and the above-named Responsible Persons.

2. Elizabeth Curtis Rabbitt is the sole owner of one of two parcels which make up the subject Property described below. Michael E. Rabbitt and Elizabeth Curtis Rabbitt are Co-Trustees of the Rabbitt Family Trust 9-11-07, the owner of the remaining parcel which makes up the subject Property described below. Michael E. Rabbitt and Elizabeth Curtis Rabbitt

have the authority to act on behalf of The Rabbitt Family Trust 9-11-07, and enter into this Stipulated Administrative Enforcement Order on its behalf.

3. The Parties wish to avoid the burden and expense of further administrative action, and have decided to compromise and settle their differences in accordance with this Stipulated Administrative Enforcement Order.

4. This Stipulated Administrative Enforcement Order shall accompany all applications and submittals for restoration and/or development.

5. The property that is the subject of this Stipulated Administrative Enforcement Order consists of the following parcels in the City of San Diego known by the Assessor's Parcel Numbers 308-020-60-00 (owned by Elizabeth Curtis Rabbitt) and 308-020-75-00 (owned by The Rabbitt Family Trust 9-11-07) and legal descriptions listed below as recorded in the Office of the Recorder for the County of San Diego:

Parcel Number 308-020-60

THE WEST 1 ACRE OF THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY, LYING NORTHERLY OF A STRAIGHT LINE CONNECTION THE MID-POINT OF THE WEST LINE OF SAID SOUTH HALF WITH THE MID-POINT OF THE EAST LINE OF SAID SOUTH HALF.

ALSO AN EASEMENT OVER THE NORTH 15 FEET OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 14 SOUTH, RANGE 2 WEST, SAN BERNADINO MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY.

APN: 308-020-60

Parcel Number 308-020-75-00

PARCEL 1:

THE SOUTH 110.00 FEET OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, IN THE

COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THAT PORTION THEREOF WHICH LIES WITHIN THE WEST 2 ACRES OF SAID SOUTH HALF.

PARCEL 2:

THE NORTH 110 FEET OF THE SOUTH 220 FEET OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THAT PORTION THEREOF WHICH LIES WITHIN THE WEST 2 ACRES OF SAID SOUTH HALF.

PARCEL 3:

THE WEST 1 ACRE OF THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING SOUTHERLY OF A STRAIGHT LINE CONNECTING THE MID-POINT OF THE WEST LINE OF SAID SOUTH HALF OF WITH THE MID-POINT OF THE EAST LINE OF SAID SOUTH HALF.

PARCEL 4:

ALL THAT PORTION OF THE SOUTHEASTERLY QUARTER OF THE SOUTHWESTERLY QUARTER OF THE NORTHWESTERLY QUARTER OF SECTION 22, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE EASTERLY LINE OF THE SOUTHEASTERLY QUARTER OF THE SOUTHWESTERLY QUARTER OF THE NORTHWESTERLY QUARTER OF SAID SECTION 22, DISTANT THEREON 74 FEET FROM THE NORTHEAST CORNER THEREOF, THENCE ALONG A LINE OF TREES AND POLES AND AN EXTENSION THEREOF TO A POINT ON THE WESTERLY LINE OF THE SOUTHEASTERLY QUARTER OF THE SOUTHWESTERLY QUARTER OF THE NORTHWESTERLY QUARTER OF SAID SECTION 22, DISTANT THEREON 44 FEET FROM THE NORTHWEST CORNER THEREOF.

EXCEPTING THEREFROM THE WESTERLY 132.00 FEET.

APN: 308-020-75-00

6. Upon execution of this Stipulated Administrative Enforcement Order, Responsible Persons, their successors and assigns, and any of their agents, partners, members, employees, representatives and all persons, corporations or other entities acting by, through, under or on behalf of Responsible Persons and all persons acting in concert with or participating with the Responsible Persons with actual or constructive knowledge of this Order shall be abstain from:

a. Violating all applicable building and zoning laws, all applicable code sections of state law and the San Diego Municipal Code, and regulations at the Property.

b. Engaging in any activity constituting "development," as defined by San Diego Municipal Code [SDMC], at the property, without first obtaining the required permits, including but not limited to a Site Development Permit, a Conditional Use Permit, a Grading Permit, and a Building Permit.

c. Conducting unauthorized grading on the property including impacts to Environmentally Sensitive Lands (ESL), sensitive biological resources, and removal of sensitive vegetation.

COMPLIANCE MEASURES

7. Within 10 calendar days of the execution of this Stipulated Administrative Enforcement Order Responsible Persons must notify NCCD in writing of their intent to exercise **either OPTION I - RESTORATION or OPTION II - DEVELOPMENT.**

8. **Within 10 calendar days of the execution** of this Stipulated Administrative Enforcement Order, Responsible Persons shall submit a Temporary Erosion Control Plan to NCCD, prepared by a qualified professional using Best Management Practices (BMP), showing all temporary erosion control measures to be installed. Responsible Persons shall install and maintain the temporary erosion control measures throughout the permit process

and construction and monitoring process under either **OPTION 1 - RESTORATION** or **OPTION 2 – DEVELOPMENT** described below.

OPTION I – RESTORATION

9. **Within 60 calendar days of the date of notification to NCCD of the selection of OPTION I – RESTORATION , Responsible Persons shall** submit an application and complete set of plans for a ministerial **Grading Permit**, including all necessary drawings, photographs, reports, surveys, calculations, and fees prepared by a qualified Professional Engineer and Biological Consultant, for the purpose of restoration and revegetation of the Property to its pre-existing topography and condition to NCCD for review and approval. Plans shall address restoration of all previously unpermitted grading and removal of sensitive biological resources.

10. In the event NCCD requests modifications to Responsible Persons' plans regarding the ministerial **Grading Permit** for restoration, then **within 30 calendar days from the date of any such request**, Responsible Persons shall re-submit their modified plans to NCCD.

11. **Within 10 calendar days of approval from NCCD approval, Responsible Persons shall** submit an application and complete set of plans for a ministerial **Grading Permit**, prepared by a qualified Civil Engineer and Biological Consultant, for the purpose of restoration and revegetation of the Property to its pre-existing topography and condition to DSD and have the application deemed complete.

12. In the event DSD requests modifications to Responsible Persons' plans regarding the ministerial **Grading Permit** for restoration, then **within 30 calendar days from the date of any such request**, Responsible Persons shall re-submit their modified plans to DSD.

13. **Within 30 calendar days from the date the ministerial Grading permit is approved**, Responsible Persons must commence work required by the **Grading Permit**.

14. **Within 180 calendar days from the date the ministerial Grading Permit is approved,** Responsible Persons shall complete work required by the **Grading Permit,** obtain all necessary inspections and final approvals from the city of San Diego and provide required maintenance and monitoring for revegetation.

OPTION II – DEVELOPMENT

15. **Within 60 calendar days of the date of notification to NCCD of the selection of OPTION II- DEVELOPMENT,** Responsible Persons shall submit an application and complete set of plans for a **Site Development Permit (SDP)/Grading Plan and/or other required permits,** including all necessary drawings, photographs, reports, surveys, calculations, and fees prepared by a licensed Professional Engineer and other required licensed professionals, to NCCD for review and approval. Plans shall address all previously unpermitted and future proposed grading on the Property, include and quantify all areas of the Property cleared of sensitive biological resources, and clearly indicate all proposed uses and development.

16. In the event NCCD requests modifications to Responsible Persons' plans regarding the SDP/Grading Plan and/or other required permits, then **within 30 calendar days from the date of any such request,** Responsible Persons shall re-submit their modified plans to NCCD.

17. **Within 10 calendar days of approval from NCCD,** Responsible Persons shall submit an application and complete set of plans for a **Site Development Permit (SDP)/ Grading Plan and/or other required permits,** including all necessary drawings, photographs, reports, surveys, calculations, and fees prepared by a licensed Professional Engineer and other required licensed professionals, to DSD and have the application deemed complete.

18. In the event DSD requests modifications to Responsible Persons' plans regarding the **Site Development Permit (SDP)/Grading Plan and/or other required permits**, then **within 30 calendar days from the date of any such request**, Responsible Persons shall re-submit their modified plans to DSD.

19. If the Responsible Persons fail to obtain discretionary permit approvals due to the failure to proceed in a timely manner, withdrawal of the application, or denial of the project, then **within 60 days of expiration, withdrawal, or denial** Responsible Persons shall submit plans and application for a ministerial **Grading Permit** for restoration, OPTION 1 – RESTORATION, as described in Paragraphs 8 through 14 above.

20. **Within 60 days of approval of the Site Development Permit (SDP)/Grading Plan and/or other required permits**, Responsible Persons shall submit plans and applications for all ministerial permits required by the **Site Development Permit (SDP)/Grading Plan and/or other required permits** to NCCD for review and approval.

21. **Within 10 calendar days of approval from NCCD**, Responsible Persons shall submit plans and applications for all ministerial permits required by the **Site Development Permit (SDP)/Grading Plan and/or other required permits** to DSD and have the applications deemed complete.

22. In the event DSD requests modifications to Responsible Persons' plans regarding the ministerial permits required by the **Site Development Permit (SDP)/Grading Plan and/or other required permits**, then **within 30 calendar days from the date of any such request**, Responsible Persons shall re-submit their modified plans to DSD.

23. **Within 180 calendar days from the date the ministerial permits required by the Site Development Permit (SDP)/Grading Plan and/or other required permits are approved** Responsible Persons shall complete all work required by the ministerial permits and obtain all final inspection approvals.

MONETARY RELIEF

24. **Within 30 calendar days from the date of execution** of this Stipulated Administrative Enforcement Order, Responsible Persons shall pay **\$2,000.76** for **investigative costs** incurred by the City of San Diego for the investigation of the alleged violations on the Property. Payment shall be made in the form of a certified check, payable to the "City Treasurer." The check shall be delivered to the attention of Teresa Almazan on the 5th floor of the Neighborhood Code Compliance Division of the Development Services Department, 1222 First Avenue, San Diego, CA 92101.

25. Upon execution of this Stipulated Administrative Enforcement Order, Responsible Persons agree that Civil Penalties assessed against the Responsible Persons are **\$115,500.00**. The entire amount of Civil Penalties, **\$115,500.00**, shall be stayed pending full compliance with all terms of this Stipulated Administrative Enforcement Order.

ENFORCEMENT OF ADMINISTRATIVE ENFORCEMENT ORDER

26. In the event that Responsible Persons fail to comply with Paragraphs 6 through 25 above, Responsible Persons shall pay the City **\$30,000.00** in civil penalties being a portion of civil penalties previously stayed as described in paragraph 25 above. Said Civil Penalties shall be payable to the City of San Diego upon receipt of invoice. The remainder of stayed Civil Penalties in the amount of **\$85,500.00** shall only be assessed as determined by the Hearing Officer at a duly noticed administrative hearing.

27. Nothing in this Stipulated Administrative Enforcement Order shall prevent any Party from pursuing any remedy as provided by law, to subsequently enforce this Administrative Enforcement Order, the provisions of state law, or the provisions of the San Diego Municipal Code, including but not limited to, civil contempt, additional civil penalties, civil litigation and/or criminal prosecution.

RECORDATION OF ADMINISTRATIVE ENFORCEMENT ORDER

28. A certified copy of the Administrative Enforcement Order shall be recorded in the Office of the County Recorder pursuant to San Diego Municipal Code Section 12.0304(a) against the Property, Assessor's Parcel Nos. 308-020-60-00 and 308-020-75-00, commonly known as 12516 Del Vino Court.

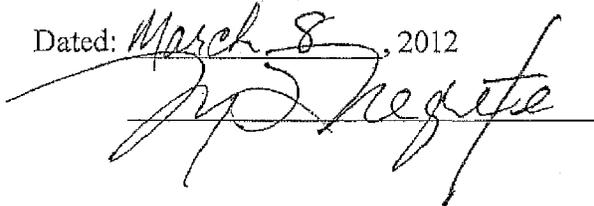
29. By signing this Stipulated Administrative Enforcement Order, Responsible Persons admit that they have personal knowledge of all the terms and conditions of this Stipulated Administrative Enforcement Order, as set forth herein. Service by mail shall constitute sufficient notice for all purposes.

RETENTION OF JURISDICTION

30. The Hearing Officer shall retain jurisdiction pursuant to San Diego Municipal Code Section 12.0407(c) for the purposes of granting a continuance, ensuring compliance with this Stipulated Administrative Enforcement Order, modifying this Order, or where extraordinary circumstances exist, granting a hearing.

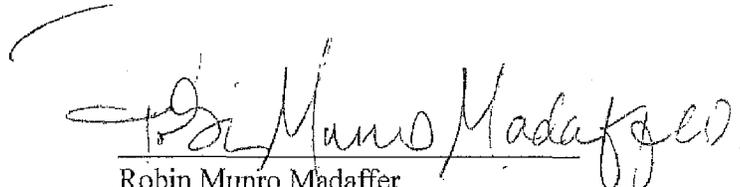
IT IS SO STIPULATED:

Dated: March 8, 2012



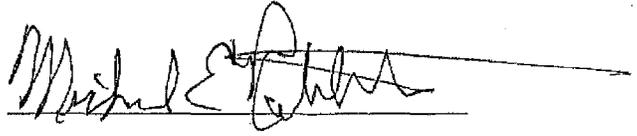
Melody L. Negrete, NCCD

Dated: March 6, 2012



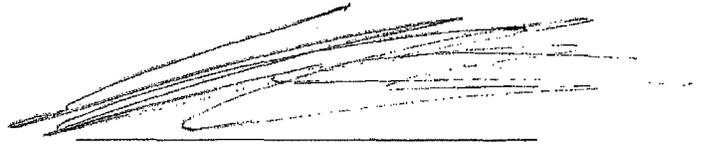
Robin Munro Madaffer
Attorney for Michael E. Rabbitt and
Elizabeth Curtis Rabbitt

Dated: 3-1, 2012



Michael E. Rabbitt

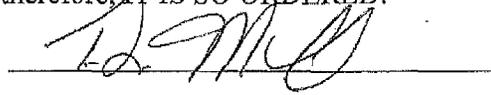
Dated: 3-1, 2012



Elizabeth Curtis Rabbitt

Upon the stipulation of the parties hereto and upon their agreement to the entry of the Order without a hearing, and good cause appearing therefore, IT IS SO ORDERED.

Dated: March 8, 2012



Administrative Hearing Officer

RABBITT

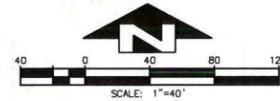
SITE DEVELOPMENT PERMIT No. 273122



SOURCE OF AERIAL PHOTOGRAPHY: EAGLE AERIAL, 3/2011
 SOURCE OF TOPOGRAPHY: RBF CONSULTING, SANGIS-CITY OF SAN DIEGO & CARMEL VIEW TENTATIVE MAP.

INDEX OF DRAWINGS

SHEET 1	SITE DEVELOPMENT PERMIT (ESL MITIGATION)
SHEET 2	SITE DEVELOPMENT PERMIT/GRAINO PLAN/SITE CROSS SECTIONS
SHEET 3	1999 & 2012 CONDITIONS AND TOPOGRAPHIC MAPS
SHEET 4	SLOPE ANALYSIS / STEEP SLOPE MAP
SHEET 5	BIOLOGICAL HABITAT MAP
SHEET 6	REVEGETATION / EROSION CONTROL AND BRUSH MANAGEMENT PLAN



*** DEVELOPMENT SUMMARY ***

PROJECT DESCRIPTION
 MITIGATE ESL TO ALLOW AR-1-2 USES WITHOUT ESL REGULATION, APPROVE UNPERMITTED GRADING ACTIVITY.

REQUIRED APPROVAL & PERMITS
 • SITE DEVELOPMENT PERMIT (SDP)

*** PROJECT DATA ***

ASSESSOR PARCEL NUMBER
 308-020-75

LEGAL DESCRIPTION
 APN 308-020-60:
 THE WEST 1 ACRE OF THAT PORTION OF THE S 1/4 OF THE NE 1/4 OF THE SW 1/4 OF THE NW 1/4 OF SEC. 22, T14S, R2W, SEM.

APN 308-020-75:
 THE SOUTH 110' OF THE S 1/4 OF THE NE 1/4 OF THE SW 1/4 OF THE NW 1/4 OF SEC. 22, T14S, R2W, SEM.

COMMUNITY PLAN
 DEL MAR MESA

COMMUNITY PLAN DESIGNATION
 ESTATE RESIDENTIAL (1 DU/ACRE)

ZONING DESIGNATION
 EXISTING: AR-1-2 (AGRICULTURAL RESIDENTIAL) (MIN. 1 ACRE LOT SIZE)
 PROPOSED: NO CHANGE

GROSS SITE AREA
 4.80 AC

GEOLOGIC HAZARD CATEGORY
 51 LEVEL MESAS - MINIMAL RISK
 53 LEVEL OR SLOPING TERRAIN, UNFAVORABLE GEOLOGICAL STRUCTURE - LOW TO MODERATE RISK

NOTE

ALL ESL VEGETATION WILL BE MITIGATED AND REMOVED FROM ESL REGULATION. AFTER SDP APPROVAL, ANY ESL MAY BE REMOVED AT ANY TIME WITHOUT FURTHER NOTICE, REGULATION, MITIGATION, REPLACEMENT OR PENALTY. ALL AREAS MAY BE USED FOR AGRICULTURAL AND/OR ORNAMENTAL LANDSCAPING PURPOSES AND OTHER PRINCIPAL AND ACCESSORY USES AS OTHERWISE PERMITTED IN THE AR 1-2 ZONE.

DEVELOPMENT REGULATIONS FOR AR-1-2 ZONE

	REQUIRED
1. MAX PERMITTED DENSITY (SF/DU)	1 AC/DU = 1 DU
2. MIN LOT AREA (SF)	43,560 SF
3. MIN LOT DIMENSIONS	
a. LOT WIDTH	100 FT
b. STREET FRONTAGE	100 FT
c. LOT DEPTH	150 FT
4. SETBACKS	
a. MIN FRONT	25 FT
b. MIN SIDE	20 FT
c. MIN REAR	25 FT
5. MAX STRUCTURE HEIGHT	30 FT
6. MAX LOT COVERAGE	40% FOR 1-STORY 30% FOR 2-STORY
7. MIN FLOOR AREA	650 SF

LEGEND

- SUBJECT PROPERTY
- PROPERTY LINE
- 10' TOPOGRAPHIC CONTOUR
- 2' TOPOGRAPHIC CONTOUR
- DRAINAGE PATH

1994 HABITAT MAPPING (ESTIMATED) TO BE MITIGATED:

- COASTAL SAGE SCRUB (0.70 AC.)
- SOUTHERN MARITIME CHAPARRAL (0.56 AC)

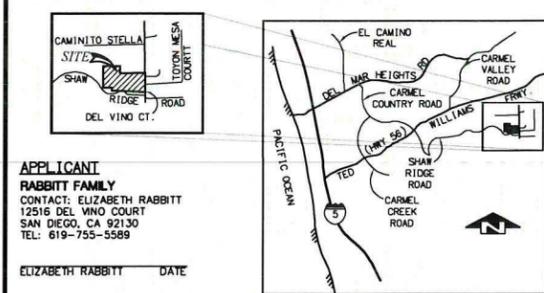
*** PROJECT CONSULTANTS ***

PLANNER/CIVIL ENGINEER

RBF CONSULTING
 CONTACT: DAN WERY
 9755 CLAREMONT MESA BLVD., #100
 SAN DIEGO, CA 92124
 TEL: (858) 614-5081
 FAX: (858) 810-1450



*** PROJECT LOCATION ***



APPLICANT

RABBITT FAMILY
 CONTACT: ELIZABETH RABBITT
 12516 DEL VINO COURT
 SAN DIEGO, CA 92130
 TEL: 619-755-5589

ELIZABETH RABBITT DATE

NAD 83 COORDINATE = 1924-8275
 LAMBERT COORDINATE/NAD 27 = 284-1718

Prepared By:
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Project Address:
 12516 DEL VINO COURT
 SAN DIEGO, CA 92130

Project Name:
RABBITT

Revision 10:	_____
Revision 9:	_____
Revision 8:	_____
Revision 7:	_____
Revision 6:	_____
Revision 5:	_____
Revision 4:	_____
Revision 3:	_____
Revision 2:	_____
Revision 1:	8/20/12
Original Date:	5/09/12
Sheet	1 of 6
Project	273122

Sheet Title: SITE PLAN
SITE DEVELOPMENT PERMIT (ESL MITIGATION)

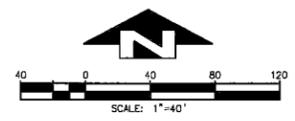
SHEET 1
 SCALE: 1"=40'



RABBITT

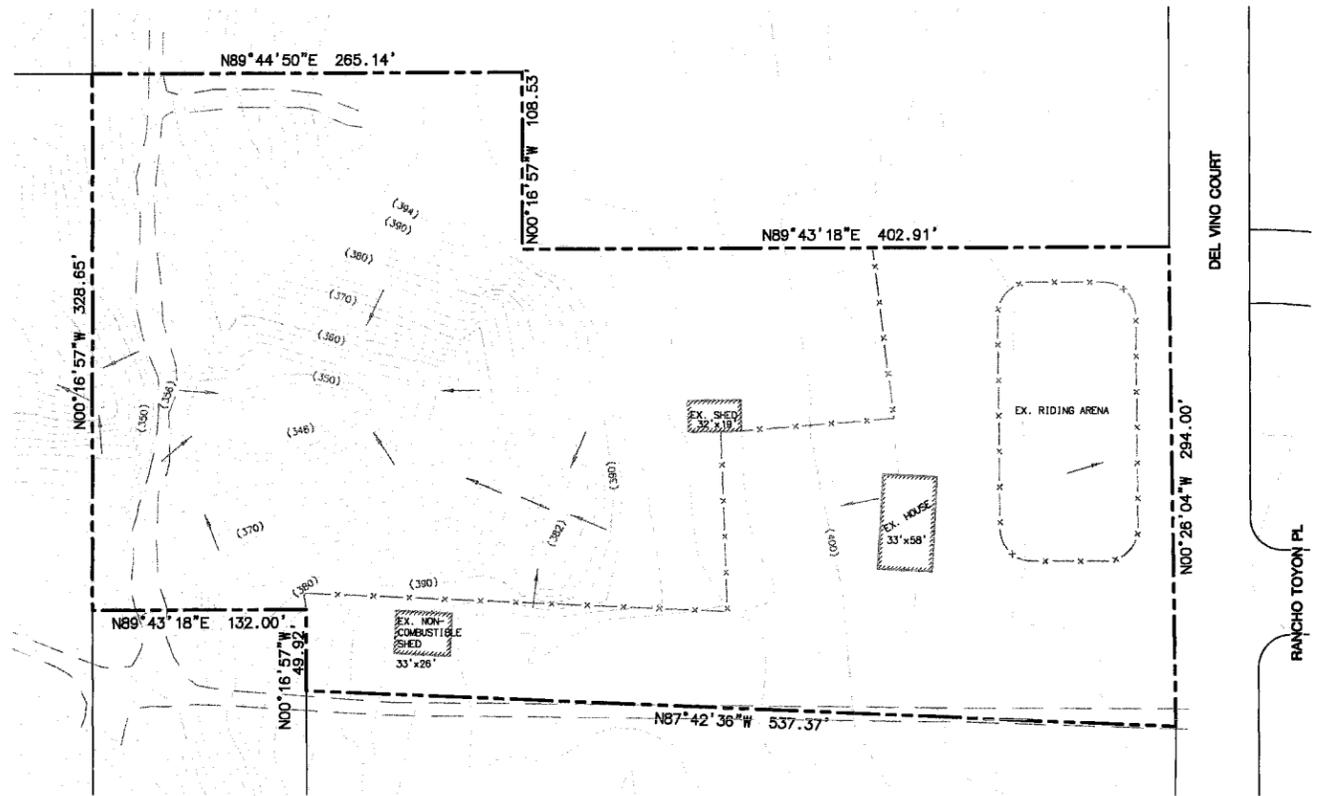
SITE DEVELOPMENT PERMIT No. 273122

- LEGEND**
- PROPERTY LINE
 - LOT LINE
 - (---) EXISTING CONTOUR 10'
 - (---) EXISTING CONTOUR 2'
 - x-x- EXISTING FENCE
 - ▣ EXISTING STRUCTURE
 - DIRECTION OF FLOW
 - EXISTING PATH



PRE-EXISTING TOPOGRAPHIC CONDITION

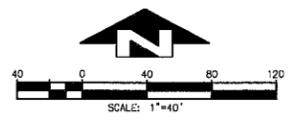
SOURCE OF TOPOGRAPHY: SANGIS, DATED: 1999 ORTHO PHOTOS
 DATUM: NVD 29



BENCHMARK:
 POINT No. 560, RECORD OF SURVEY No. 14492, 3/4" IRON PIPE WITH BRASS DISK MARKED "SD CITY ENG" ELEVATION: 397.33 (MSL.)

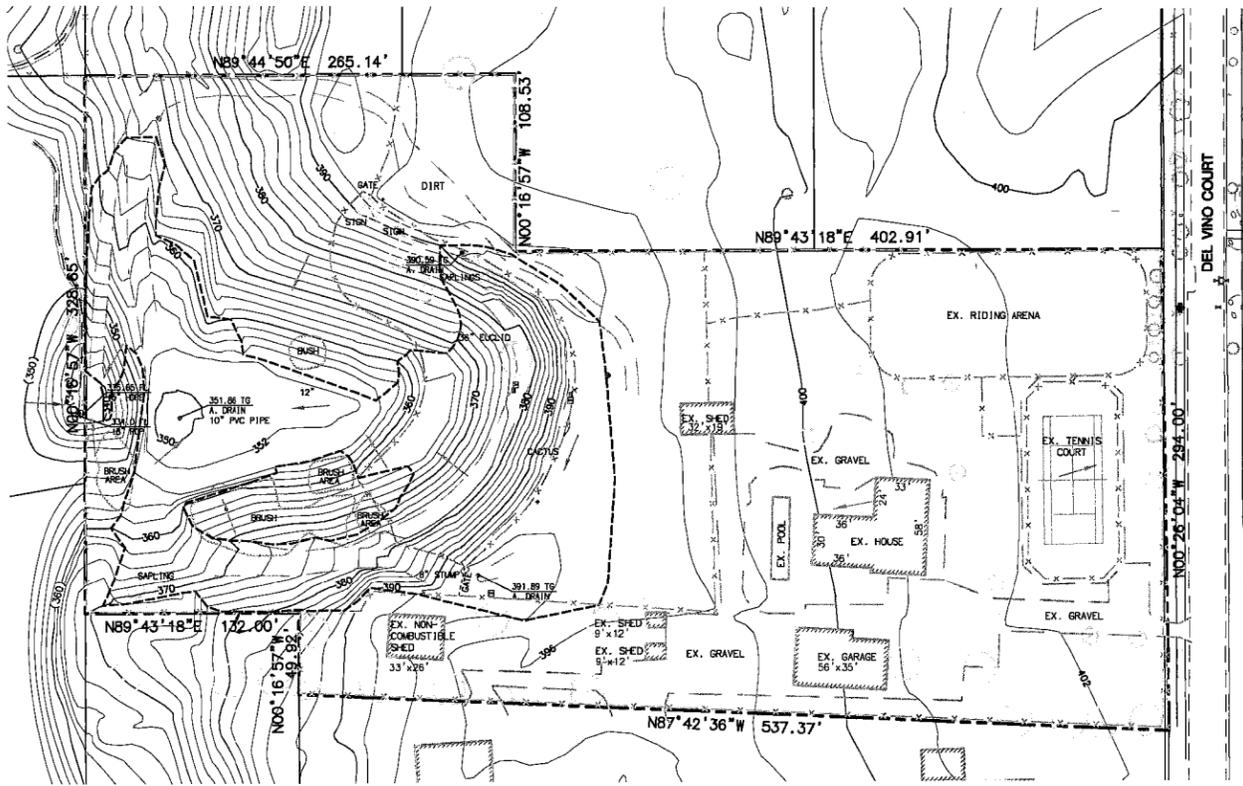
BASIS OF BEARINGS:
 THE BASIS OF BEARINGS FOR THIS MAP IS THE MOST WESTERLY LINE OF MESA VERDE ESTATES UNIT NO. 1, AS SHOWN ON MAP NO. 14111, I.E., N 00°26'21" W

- LEGEND**
- PROPERTY LINE
 - LOT LINE
 - (---) EXISTING CONTOUR 10'
 - (---) EXISTING CONTOUR 2'
 - LIMITS OF GRADING (1996-2010)
 - x-x- EXISTING FENCE
 - ▣ IRRIGATION CONTROL VALVE
 - ▣ IRRIGATION CONTROL BOX
 - FOUND SURVEY MONUMENT
 - AREA DRAIN
 - PVC/HDPE DRAIN PIPES (PLASTIC)
 - FL FLOW LINE
 - TG TOP OF GRATE
 - EXISTING CACTUS
 - EXISTING TREE
 - ▣ EXISTING STRUCTURE
 - DIRECTION OF FLOW
 - PATH



EXISTING/PROPOSED TOPOGRAPHIC CONDITION

SOURCE OF TOPOGRAPHY: RBF CONSULTING, DATED: APRIL 18, 2012
 DATUM: NVD 29

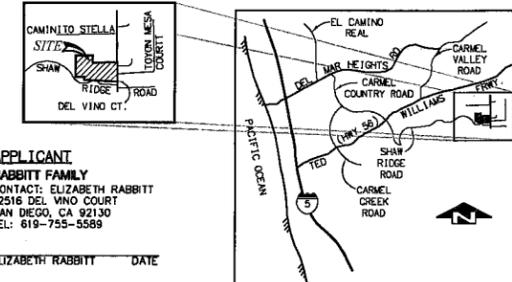


* PROJECT CONSULTANTS *

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* PROJECT LOCATION *



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ELIZABETH RABBITT DATE

NAD 83 COORDINATE = 1924-8275
 LAMBERT COORDINATE/NAD 27 = 284-1713

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Project Address:
 12516 DEL VINO COURT
 SAN DIEGO, CA 92130

Project Name:
RABBITT

Sheet Title: SITE PLAN
1999 AND 2012 CONDITIONS AND TOPOGRAPHIC MAPS

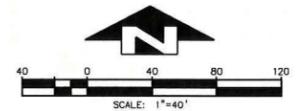
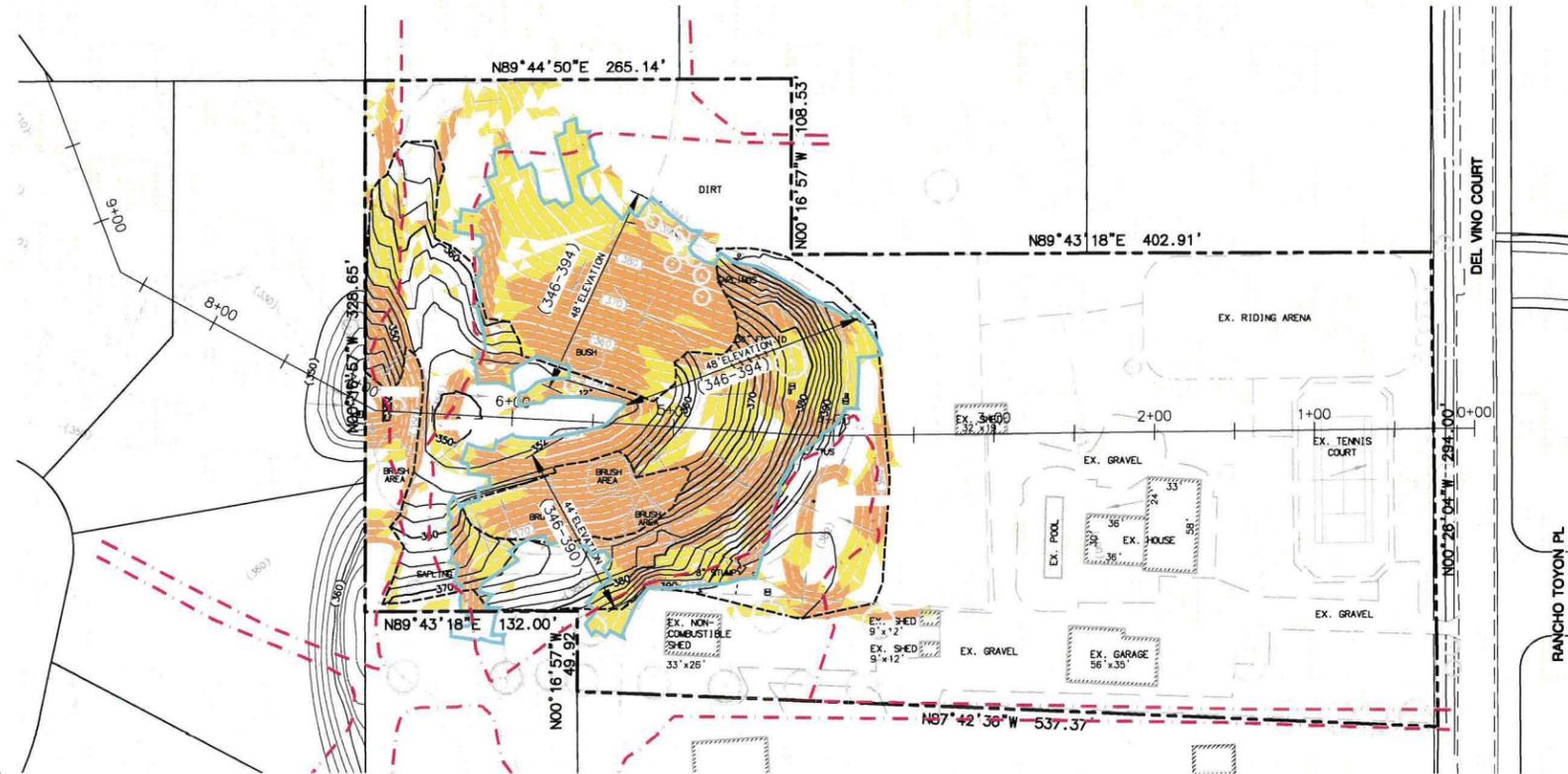
Revision 10:	_____
Revision 9:	_____
Revision 8:	_____
Revision 7:	_____
Revision 6:	_____
Revision 5:	_____
Revision 4:	_____
Revision 3:	_____
Revision 2:	_____
Revision 1:	_____
Original Date:	5/05/12
Sheet	3 of 8
PTS#	273122

SHEET 3

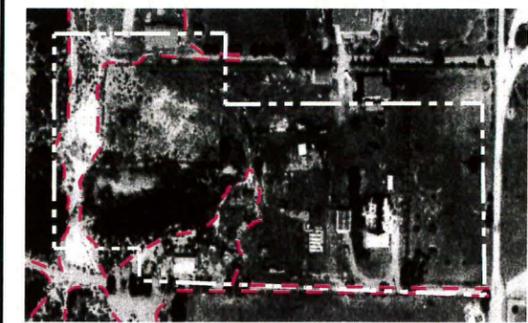


RABBITT

SITE DEVELOPMENT PERMIT No. 273122



**SLOPE ANALYSIS/
STEEP SLOPE MAP**



- 1970 IMAGE**
SCALE: 1"=100'
- LEGEND**
- PROPERTY LINE
 - LOT LINE
 - (320) - EXISTING CONTOUR 10' (1999)
 - (320) - EXISTING CONTOUR 2' (1999)
 - 320 --- CONTOUR 10' (2012)
 - CONTOUR 2' (2012)
 - LIMITS OF GRADING (1996-2010)
 - x - x - EXISTING FENCE
 - - - EXISTING CACTUS
 - - - EXISTING TREE TO REMAIN

SLOPE ANALYSIS LEGEND

COLOR	RANGE BEG.	RANGE END	%	ACRES	IMPACT
Orange	0.00	25.00	71.4	3.42	0.42
Yellow	25.00	35.00	11.2	0.54	0.32
Green	35.00	LF	17.4	0.84	0.46
TOTAL				100.00	4.80

- LIMITS OF NATURAL GRADIENT SLOPES ≥ 25%
- - - NON-NATURAL GRADIENT / PREVIOUSLY (PER-1995)
- - - GRADED LANDS (1953, 1966 & 1970 AERIALS)

SENSITIVE LANDS ANALYSIS

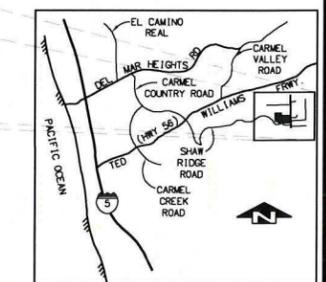
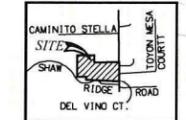
TOTAL PROJECT AREA	4.80 AC
STEEP HILLSIDE AREA	N/A
100-YEAR FLOODPLAIN AREA	N/A
SENSITIVE COASTAL BLUFF AREA	N/A
AREA IN COASTAL OVERLAY ZONE	N/A

* PROJECT CONSULTANTS *

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* PROJECT LOCATION *



APPLICANT
RABBITT FAMILY
 CONTACT: ELIZABETH RABBITT
 12516 DEL VNO COURT
 SAN DIEGO, CA 92130
 TEL: 619-755-5589

ELIZABETH RABBITT DATE

NAD 83 COORDINATE = 1924-8275
 LAMBERT COORDINATE/NAD 27 = 284-1713

Prepared By:
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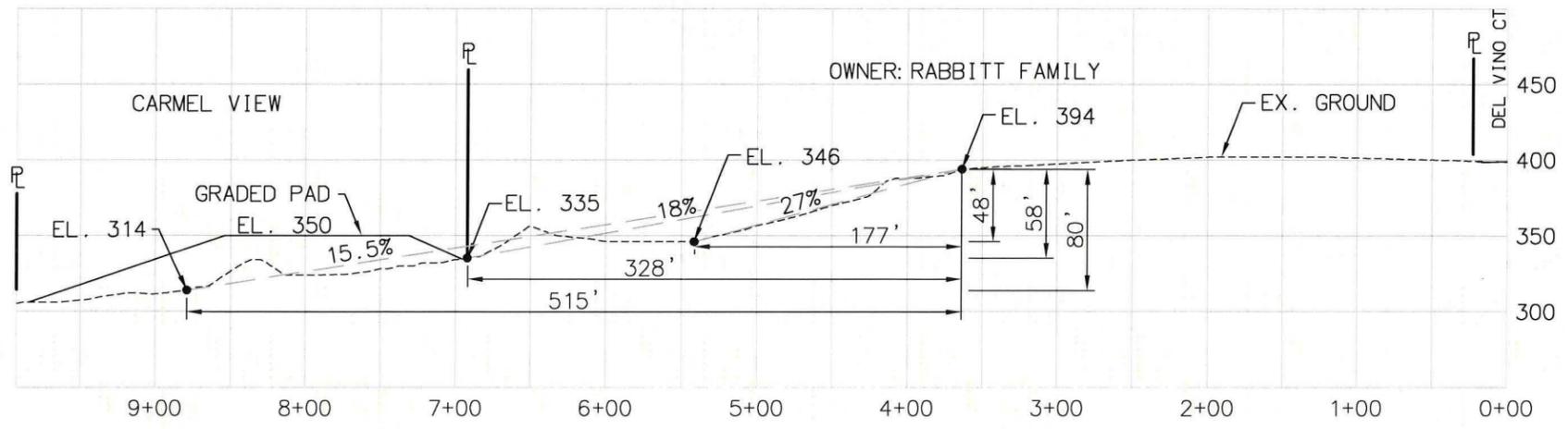
Project Address:
 12516 DEL VNO COURT
 SAN DIEGO, CA 92130

Project Name:
RABBITT

Revision 10:	_____
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Revision 3:	_____
Revision 2:	_____
Revision 1:	_____
Original Date:	5/09/12
Sheet	4 of 6
P15#	273122

Sheet Title: SITE PLAN
**SLOPE ANALYSIS/
 ESL STEEP SLOPE MAP**

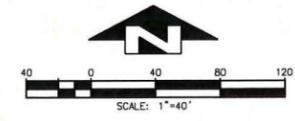
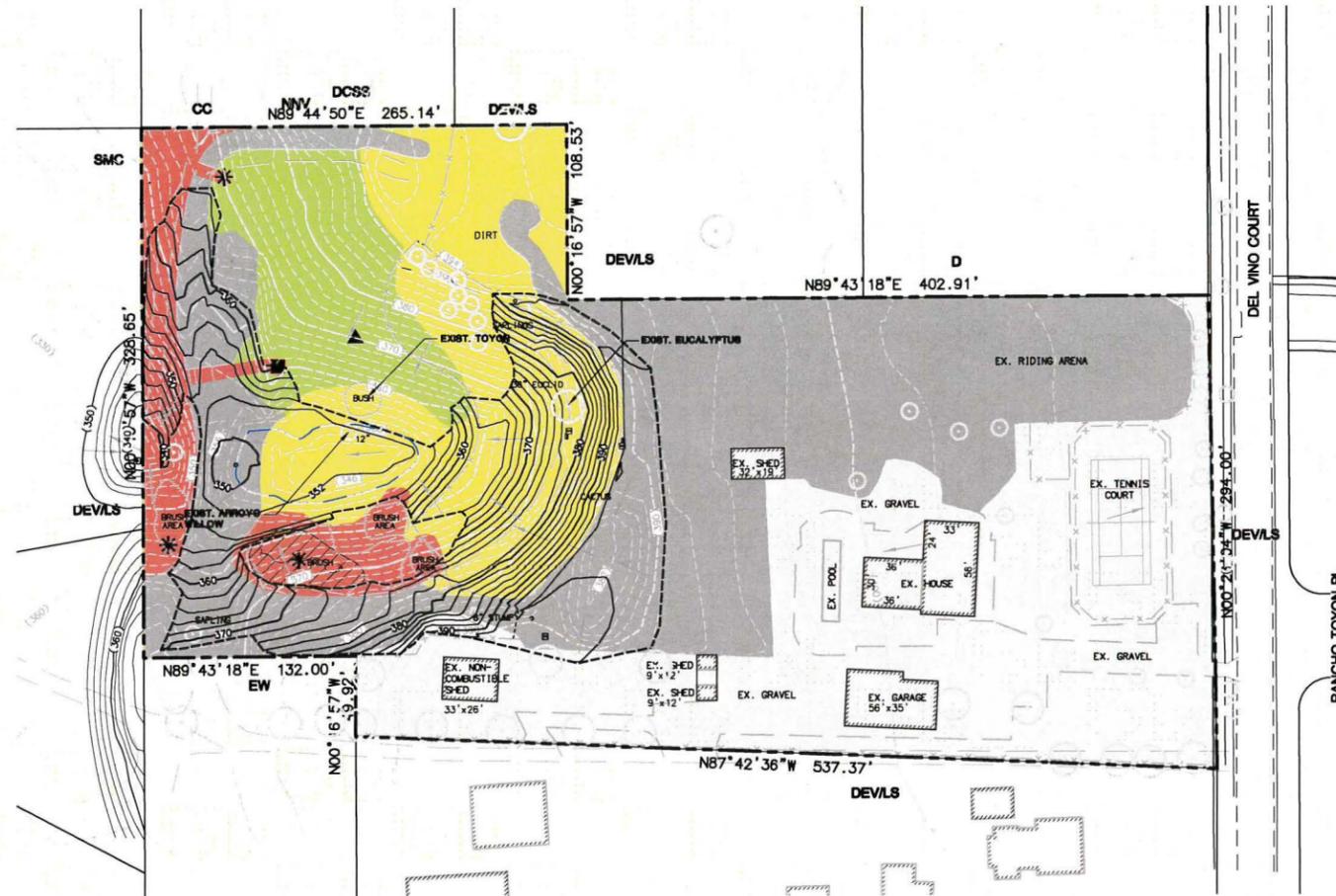
SHEET 4
SCALE: 1"=40'



STEEP SLOPE SECTION
 (1999 SANGIS TOPO)
 SCALE: 1"=40'

RABBITT

SITE DEVELOPMENT PERMIT No. 273122



2012 HABITAT MAPPING BIOLOGICAL CALCULATION

DESCRIPTION	ACRES	%
RUD RUDERAL	0.85 AC	17.7
SMC SOUTHERN MARITIME CHAPARRAL	0.33 AC	6.9
CBS COASTAL SAGE SCRUB	0.37 AC	7.7
DEVLS DEVELOPED/LANDSCAPED	1.62 AC	33.8
D DISTURBED AREAS	1.63 AC	33.9
TOTAL	4.80 AC	100.0

- CC** CHMISE CHAPARRAL
 - NWV** NON-NATIVE VEGETATION
 - EW** EUCALYPTUS WOODLAND
 - *** NUTTALL'S SCRUB OAK (QUERCUS DUMOSA), CALIFORNIA NATIVE PLANT SOCIETY (CNPS) LIST 1B: PLANTS RARE, THREATENED, OR ENDANGERED IN CALIFORNIA AND ELSEWHERE
 - ▲** CALIFORNIA ADOLPHIA (ADOLPHIA CALIFORNICA), CNPS LIST 2: PLANTS RARE, THREATENED, OR ENDANGERED IN CALIFORNIA, BUT MORE COMMON ELSEWHERE
 - WART-STEMMED CEANOTHUS (CEANOTHUS VERRUCCOSUS), CNPS LIST 2: PLANTS RARE, THREATENED, OR ENDANGERED IN CALIFORNIA, BUT MORE COMMON ELSEWHERE
- NOTE: NO FEDERAL- OR STATE-LISTED SPECIES, MSCP-COVERED SPECIES, OR NARROW ENDEMICS WERE OBSERVED OR ARE EXPECTED TO OCCUR ON THE PROPERTY.
- FORMER AGRICULTURAL/DETENTION POND
 - LIMITS OF UNPERMITTED GRADING (1996-2010)

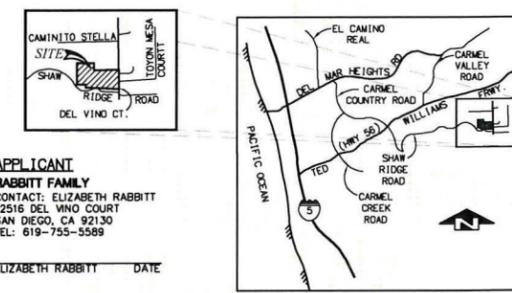
NOTES

1. ALL ESL VEGETATION WILL BE MITIGATED AND REMOVED FROM ESL REGULATION. AFTER SDP APPROVAL, ANY ESL MAY BE REMOVED AT ANY TIME WITHOUT FURTHER NOTICE. REGULATION, MITIGATION, REPLACEMENT OR PENALTY. ALL AREAS MAY BE USED FOR AGRICULTURAL AND/OR ORNAMENTAL LANDSCAPING PURPOSES AND OTHER PRINCIPAL AND ACCESSORY USES AS OTHERWISE PERMITTED IN THE AR 1-2 ZONE.
2. PRE-EXISTING (C. 1994) HABITAT BOUNDARIES ARE BASED ON ANALYSIS OF HISTORIC AERIAL PHOTOGRAPHS AND GROUND-BASED EVIDENCE.

* PROJECT CONSULTANTS *

PLANNER/CIVIL ENGINEER
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* PROJECT LOCATION *



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ELIZABETH RABBITT DATE

NAD 83 COORDINATE = 1924-6275
 LAMBERT COORDINATE/NAD 27 = 284-1713

Prepared By:
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 CONTACT PERSON: DAN WERY
 9755 CLAREMONT MESA BLVD. #100
 SAN DIEGO, CA 92124
 TEL: (858) 614-5081
 FAX: (858) 810-1450

Project Address:
 12516 DEL VINO COURT
 SAN DIEGO, CA 92130

Project Name:
RABBITT

Sheet Title: SITE PLAN
BIOLOGICAL HABITAT MAP
 (c. 1994)

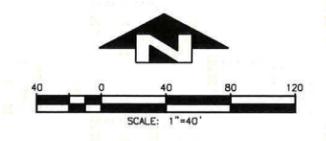
Revision 10: _____
Revision 9: _____
Revision 8: _____
Revision 7: _____
Revision 6: _____
Revision 5: _____
Revision 4: _____
Revision 3: _____
Revision 2: _____
Revision 1: <u>8/20/12</u>
Original Date: <u>5/09/12</u>
Sheet <u>5</u> of <u>6</u>
PTS# <u>273122</u>

SHEET 5

SCALE: 1"=40'
 RBF CONSULTING
 9755 CLAREMONT MESA BLVD. #100
 SAN DIEGO, CALIFORNIA 92124
 TEL: (858) 614-5081 FAX: (858) 810-1450

RABBITT

SITE DEVELOPMENT PERMIT No. 273122



ZONE ONE REQUIREMENTS

(1) THE REQUIRED ZONE ONE WIDTH SHALL BE PROVIDED BETWEEN NATIVE OR NATURALIZED VEGETATION AND ANY STRUCTURE AND SHALL BE MEASURED FROM THE EXTERIOR OF THE STRUCTURE TO THE VEGETATION.

(2) ZONE ONE SHALL CONTAIN NO HABITABLE STRUCTURES, OR OTHER COMBUSTIBLE CONSTRUCTION THAT PROVIDES A MEANS FOR TRANSMITTING FIRE TO THE HABITABLE STRUCTURES. STRUCTURES SUCH AS FENCES, WALLS, PALAPAS, PLAY STRUCTURES, AND NON-HABITABLE GAZEBOS THAT ARE LOCATED WITH BRUSH MANAGEMENT ZONE ONE SHALL BE OF NONCOMBUSTIBLE CONSTRUCTION.

(3) PLANTS WITHIN ZONE ONE SHALL BE PRIMARILY LOW-GROWING AND LESS THAN 4 FEET IN HEIGHT WITH THE EXCEPTION OF TREES. PLANTS SHALL BE LOW-FUEL AND FIRE-RESISTIVE.

(4) TREES WITHIN ZONE ONE SHALL BE LOCATED AWAY FROM STRUCTURES TO A MINIMUM DISTANCE OF 10 FEET AS MEASURED FROM THE STRUCTURES TO THE DRIP LINE OF THE TREE AT MATURITY IN ACCORDANCE WITH THE LANDSCAPE STANDARDS OF THE LAND DEVELOPMENT MANUAL.

(5) PERMANENT IRRIGATION IS REQUIRED FOR ALL PLANTING AREAS WITHIN ZONE ONE EXCEPT AS FOLLOWS:

(A) WHEN PLANTING AREAS CONTAIN ONLY SPECIES THAT DO NOT GROW TALLER THAN 24 INCHES IN HEIGHT, OR

(B) WHEN PLANTING AREAS CONTAIN ONLY NATIVE OR NATURALIZED SPECIES THAT ARE NOT SUMMER-DORMANT AND HAVE A MAXIMUM HEIGHT AT PLANT MATURITY OF LESS THAN 24 INCHES.

(6) ZONE ONE IRRIGATION OVERSPRAY AND RUNOFF SHALL NOT BE ALLOWED INTO ADJACENT AREAS OF NATIVE OR NATURALIZED VEGETATION.

(7) ZONE ONE SHALL BE MAINTAINED ON A REGULAR BASIS BY PRUNING AND THINNING PLANTS, CONTROLLING WEEDS, AND MAINTAINING IRRIGATION SYSTEMS.

ZONE TWO REQUIREMENTS

(1) THE REQUIRED ZONE TWO WIDTH SHALL BE PROVIDED BETWEEN ZONE ONE AND THE UNDISTURBED, NATIVE OR NATURALIZED VEGETATION, AND SHALL BE MEASURED FROM THE EDGE OF ZONE ONE THAT IS FARTHEST FROM THE HABITABLE STRUCTURE, TO THE EDGE OF UNDISTURBED VEGETATION.

(2) NO HABITABLE STRUCTURES SHALL BE CONSTRUCTED IN ZONE TWO.

(3) WITHIN ZONE TWO, 50 PERCENT OF THE PLANTS OVER 24 INCHES IN HEIGHT SHALL BE CUT AND CLEARED TO A HEIGHT OF 6 INCHES.

(4) WITHIN ZONE TWO, ALL PLANTS REMAINING AFTER 50 PERCENT ARE REDUCED IN HEIGHT, SHALL BE PRUNED TO REDUCE FUEL LOADING IN ACCORDANCE WITH THE LANDSCAPE STANDARDS IN THE LAND DEVELOPMENT MANUAL. NON-NATIVE PLANTS SHALL BE PRUNED BEFORE NATIVE PLANTS ARE PRUNED.

(5) THE FOLLOWING STANDARDS SHALL BE USED WHERE ZONE TWO AREA IS IN AN AREA PREVIOUSLY GRADED AS PART OF LEGAL DEVELOPMENT ACTIVITY AND IS PROPOSED TO BE PLANTED WITH NEW PLANT MATERIAL INSTEAD OF CLEARING EXISTING NATIVE OR NATURALIZED VEGETATION:

(A) ALL NEW PLANT MATERIAL FOR ZONE TWO SHALL BE NATIVE, NON-IRRIGATED, LOW-FUEL, AND FIRE-RESISTIVE. NO NON-NATIVE PLANT MATERIAL MAY BE PLANTED IN ZONE TWO EITHER INSIDE THE MHFA OR IN THE COASTAL OVERLAY ZONE, ADJACENT TO AREAS CONTAINING SENSITIVE BIOLOGICAL RESOURCES.

(B) NEW PLANTS SHALL BE LOW-GROWING WITH A MAXIMUM HEIGHT AT MATURITY OF 24 INCHES. SINGLE SPECIMENS OF NATIVE TREES AND TREE FORM SHRUBS MAY EXCEED THIS LIMITATION IF THEY ARE LOCATED TO REDUCE THE CHANCE OF TRANSMITTING FIRE FROM NATIVE OR NATURALIZED VEGETATION TO HABITABLE STRUCTURES AND IF THE VERTICAL DISTANCE BETWEEN THE LOWEST BRANCHES OF THE TREES AND THE TOP OF ADJACENT PLANTS ARE THREE TIMES THE HEIGHT OF THE ADJACENT PLANTS TO REDUCE THE SPREAD OF FIRE THROUGH LADDER FUELING.

(C) ALL NEW ZONE TWO PLANTINGS SHALL BE IRRIGATED TEMPORARILY UNTIL ESTABLISHED TO THE SATISFACTION OF THE CITY MANAGER. ONLY LOW-FLOW, LOW-GALLONAGE SPRAY HEADS MAY BE USED IN ZONE TWO. OVERSPRAY AND RUNOFF FROM THE IRRIGATION SHALL NOT DRIFT OR FLOW INTO ADJACENT AREAS OF NATIVE OR NATURALIZED VEGETATION. TEMPORARY IRRIGATION SYSTEMS SHALL BE REMOVED UPON APPROVED ESTABLISHMENT OF THE PLANTINGS. PERMANENT IRRIGATION IS NOT ALLOWED IN ZONE TWO.

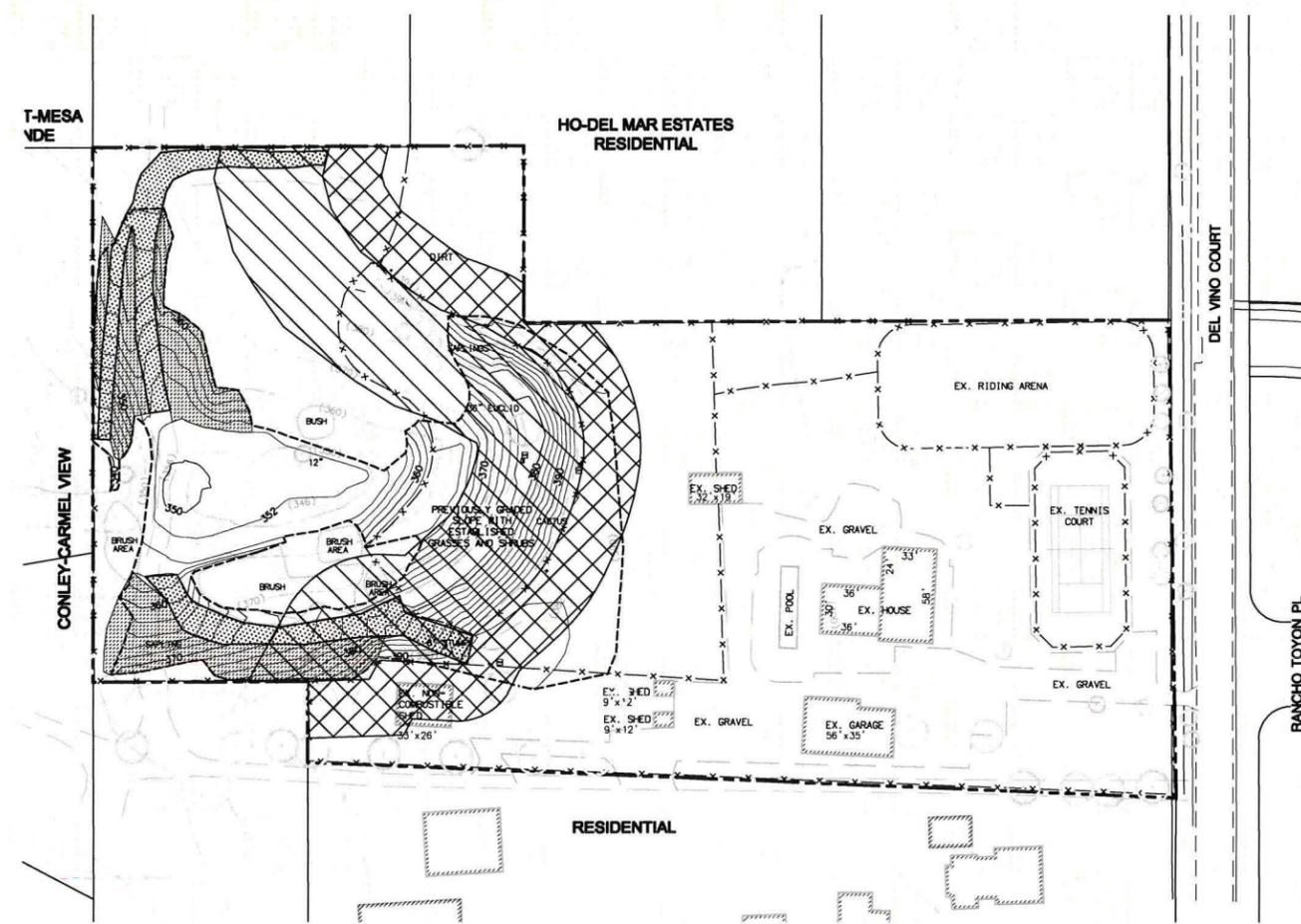
(D) WHERE ZONE TWO IS BEING REVEGETATED AS A REQUIREMENT OF SECTION 142.0411(A), REVEGETATION SHALL COMPLY WITH THE SPACING STANDARDS IN THE LAND DEVELOPMENT MANUAL. FIFTY PERCENT OF THE PLANTING AREA SHALL BE PLANTED WITH TALLER MATERIAL, BUT THIS MATERIAL SHALL BE MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS FOR EXISTING PLANT MATERIAL IN ZONE TWO.

(6) ZONE TWO SHALL BE MAINTAINED ON A REGULAR BASIS BY PRUNING AND THINNING PLANTS, CONTROLLING WEEDS.

(7) EXCEPT AS PROVIDED IN SECTION 142.0412(D), WHERE THE REQUIRED ZONE ONE WIDTH SHOWN IN TABLE 142-04H CANNOT BE PROVIDED ON PREMISES WITH EXISTING STRUCTURES, THE REQUIRED ZONE TWO WIDTH SHALL BE INCREASED BY ONE FOOT FOR EACH FOOT OF REQUIRED ZONE ONE WIDTH THAT CANNOT BE PROVIDED.

MAINTENANCE

REGULAR INSPECTIONS AND LANDSCAPE MAINTENANCE ARE NECESSARY TO MINIMIZE THE POTENTIAL DAMAGE OR LOSS OR PROPERTY FROM BRUSH FIRES AND OTHER NATURAL HAZARDS, SUCH AS EROSION AND SLOPE FAILURES. BECAUSE EACH PROPERTY IS UNIQUE, ESTABLISHING A PRECISE MAINTENANCE SCHEDULE IS NOT FEASIBLE, HOWEVER, FOR EFFECTIVE FIRE AND WATERSHED MANAGEMENT, PROPERTY OWNERS SHOULD EXPECT TO PROVIDE MAINTENANCE ACCORDING TO EACH BRUSH MANAGEMENT ZONE: ZONE 1: YEAR ROUND MAINTENANCE, ZONE 2: SEASONAL MAINTENANCE.



REVEGETATION PROGRAM

THE INTENT OF THE LANDSCAPE DESIGN IS TO REVEGETATE AND PROVIDE EROSION CONTROL TO GRADED SLOPES AND ALLOW USE FOR AGRICULTURE AND ORNAMENTAL LANDSCAPE. NATIVE AND DROUGHT TOLERANT PLANT MATERIAL WILL BE USED FOR LONG TERM WATER CONSERVATION EXCEPT WERE USED FOR AGRICULTURE OR ORNAMENTAL LANDSCAPE PURPOSES.

NOTES

1. ALL LANDSCAPE AREAS AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS, DEL MAR MESA SPECIFIC PLAN, THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL, LANDSCAPE STANDARDS.
2. THE EXISTING PLANT HABITAT OF THE NEARBY VEGETATION CONSISTS OF COASTAL SAGE SCRUB BRUSH AND CHAPARRAL ON STEEP SLOPES AND VALLEYS.
3. THE IRRIGATION SHALL BE A FULLY AUTOMATIC, ELECTRICALLY CONTROLLED, OVERHEAD SPRAY SYSTEM THAT PROVIDES 100% COVERAGE WITH 70% OVERLAP. LOW PRECIPITATION RATE SPRAY HEADS, ACCURATELY PROGRAMMABLE CONTROLLERS, AND A RAIN SENSING DEVICE WILL BE UTILIZED TO PROMOTE CONSERVATIVE WATER USE.
4. HYDROSEED MAY BE INSTALLED AT ANY TIME DURING THE YEAR UNDER THE CONDITIONS OUTLINED IN THE "GREENBOOK".
5. ALL PLANT MATERIAL SHALL BE ESTABLISHED FOR A MINIMUM OF 90 CALENDAR DAYS.
6. ALL LANDSCAPED AREAS SHALL BE MAINTAINED BY THE OWNER IN A HEALTHY AND VIGOROUS CONDITION. THE MAINTENANCE SHALL INCLUDE A PROGRAM OF REGULAR IRRIGATION, FERTILIZATION, PRUNING, WEEDING AND LITTER REMOVAL.
7. ALL AREAS MAY BE USED FOR AGRICULTURAL AND/OR ORNAMENTAL LANDSCAPING PURPOSES.
8. ALL ESL VEGETATION WILL BE MITIGATED AND REMOVED FROM ESL REGULATION. AFTER SOP APPROVAL, ANY ESL MAY BE REMOVED AT ANY TIME WITHOUT FURTHER NOTICE. REGULATION, MITIGATION, REPLACEMENT OR PENALTY. ALL AREAS MAY BE USED FOR AGRICULTURAL AND/OR ORNAMENTAL LANDSCAPING PURPOSES AND OTHER PRINCIPAL AND ACCESSORY USES AS OTHERWISE PERMITTED IN THE AR 1-2 ZONE.
9. ANY NEW NATIVE OR NATURALIZED VEGETATION THAT MAY OCCUR ON THE PROPERTY AFTER SOP APPROVAL AND ESL MITIGATION SHALL NOT BE SUBJECT TO ANY ESL REGULATION OR MITIGATION.

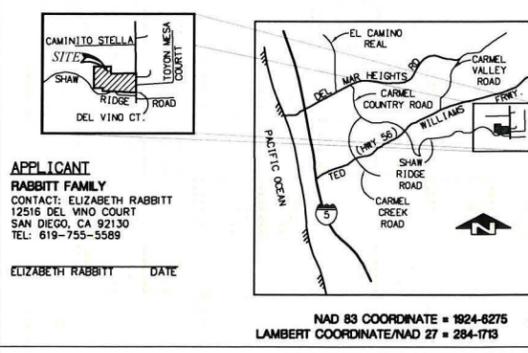
WATER BUDGET CALCULATION

WATER BUDGET = 47 (0.82)(0.70) (9,845)
= 200,818 GAL/YR

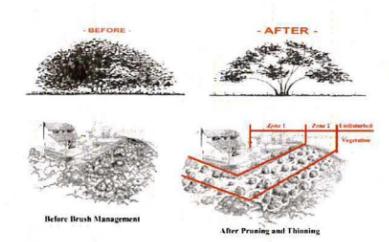
*** PROJECT CONSULTANTS ***

PLANNER/CIVIL ENGINEER
RBF CONSULTING
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SAN DIEGO, CA 92124
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LANDSCAPE ARCHITECT
RBF CONSULTING
CONTACT: JEREMY FRANZINI
14725 ALTON PARKWAY
IRVINE, CA 92618
TEL: (949) 472-3505
FAX: (949) 837-4122



BRUSH MANAGEMENT MAINTENANCE DIAGRAMS:



BRUSH MANAGEMENT ZONES

ON THE NORTH EDGE OF THE PROJECT, BRUSH MANAGEMENT ZONE 1 WAS INCREASED IN ORDER TO DECREASE BRUSH MANAGEMENT ZONE 2. THE ZONE 2 WIDTH WAS DECREASED BY 1.5 FEET FOR EACH 1 FOOT OF INCREASE IN ZONE 1 WIDTH UP TO A MAXIMUM REDUCTION OF 30 FEET OF ZONE TWO WIDTH. SEE BELOW:

CRITERIA	
BRUSH MANAGEMENT ZONE 1	35 FEET
BRUSH MANAGEMENT ZONE 2	65 FEET

PLANT LEGEND

SYMBOL	DESCRIPTION	QUANTITY
[Hatched Box]	HYDROSEED MIX FOR EROSION CONTROL OF GRADED SLOPES WITH TEMPORARY, AUTOMATIC, ABOVE GRADE IRRIGATION	
[Botanical Name]	BOTANICAL NAME	COMMON NAME
[Symbol]	*ARTEMISIA CALIFORNICA	CALIFORNIA SAGEBRUSH
[Symbol]	*ATRIPLEX LENTIFORMIS	QUAIL BUSH
[Symbol]	*BOCHARIS PILLULARIS	COYOTE BRUSH
[Symbol]	ENCHELIA CALIFORNICA	BUSH SUNFLOWER
[Symbol]	ERIPHILLUM CONFERTIFLORUM	GOLDEN YARROW
[Symbol]	ESCHSCHOLZIA CALIFORNICA	CALIFORNIA POPPY
[Symbol]	*NASELLA PULCHRA	PURPLE NEEDLEGRASS
[Symbol]	LASTHENIA CALIFORNICA	DRY-ROSE
[Symbol]	LATYA PLATYLOSA	TIDY-TIPS
[Symbol]	*LOTUS SCOPARIUS	DEERWEED
[Symbol]	LUPINUS NANUS	SKY LUPINE
[Symbol]	*MIMULUS AURANTIACUS PUNICEUS	STICKY MONKEY FLOWER
[Symbol]	WOOD FIBER HYDRAULIC MULCH WITH ORGANIC TACKIFIER	CONVED FIBERS 2000 FROM SMS SEEDS OR APPROVED EQUAL
[Symbol]	7-2-1 ORGANIC FERTILIZER	BIOSOL FORTE FROM SMS SEEDS OR APPROVED EQUAL
[Symbol]	MYCORRHIZAL INOCULUM	AM 120 ARBUSCULAR MYCORRHIZAL INOCULUM OR APPROVED EQUAL

*INDICATES ROOT DEPTH OF 5' OR GREATER
50% OF THE VIABLE SEED COUNT WILL HAVE A ROOT DEPTH OF 5' OR GREATER

LEGEND

[Dashed Line]	PROPERTY LINE
[Solid Line]	LOT LINE
[Dotted Line]	EXISTING CONTOUR 10' (1999)
[Dotted Line]	EXISTING CONTOUR 2' (1999)
[Dotted Line]	CONTOUR 10' (2012)
[Dotted Line]	CONTOUR 2' (2012)
[Dashed Line]	LIMITS OF GRADING (1996-2010)
[X-X]	EXISTING FENCE
[Symbol]	EXISTING CACTUS
[Symbol]	EXISTING TREE TO REMAIN
[Symbol]	EXISTING BRUSH AREAS
[Symbol]	EXISTING STRUCTURE
[Symbol]	GRAVEL PATH



Prepared By: RBF CONSULTING
CONTACT PERSON: DAN WERY
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SAN DIEGO, CA 92124
TEL: (858) 614-5081
FAX: (858) 810-1450

Project Address: 12516 DEL VINO COURT
SAN DIEGO, CA 92130

Project Name: RABBITT

Revision 10: _____
Revision 9: _____
Revision 8: _____
Revision 7: _____
Revision 6: _____
Revision 5: _____
Revision 4: _____
Revision 3: _____
Revision 2: _____
Revision 1: _____

Original Date: 5/09/12
Sheet 6 of 8
PTS# 273122

Scale: 1"=40'

SHEET 6

REVEGETATION / EROSION CONTROL AND BRUSH MANAGEMENT PLAN

RBF CONSULTING
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FAX: (858) 810-1450

Del Mar Mesa Community Planning Board
3525 Del Mar Heights Road, Box 246, San Diego, California 92130
Phone 858-361-8555 fax 858-755-1209 e-mail gary@seabreezeproperties.com

DRAFT

John S. Fisher
City of San Diego, Development Services
1222 First Avenue MS 501
San Diego, California 92101

May 11, 2012

RE: Rabbitt Project

Dear John,

At our May 10, 2012 meeting of the Del Mar Mesa Community Planning Group we reviewed the application of the Rabbitt Project, 12516 Del Vino Court.

We are confused by the width and breadth of the process required by the City of this Applicant. While someone at the City must have been receiving accolades for 'discovering' the fact that a portion of this property has been 'improved' without the required permits, one of the largest owners and developers in our community was intentionally grading trails in dedicated Open Space, without any permits and without 'discovery'. While dedicating significant hours of many senior personal on the Rabbit Residence issue, no one was protecting our primary resources.

While we understand that some changes were made to the existing topography, we find it difficult to reconcile ourselves to the type and quantity of reports and analysis requested of the applicant. After all, this property was 'developed' prior to 99.9% of any other development in Del Mar Mesa. Many of the members of this board can attest to the dilapidated and trash strewn conditions that existed on this property when we first visited the area.

Now that the homeowner's infraction has been identified, and despite the fact that there is no proposed development request, the type, quantity and detail of the information requested of the applicant are as extensive and expensive as if they were proposing major subdivision or development. Examples of this are that despite the property being surrounded on all sides by approved developments, which have or will shortly remove all surrounding natural vegetation, the applicant has been told that they should plan on mitigation on site, (is the city planning on an isolated island of nature in the middle of an area identified for development in the Community Plan, and which for all intent and purposes is 100% developed?), a brush management plan (despite no brush surrounding the property) and a geotechnical study (despite no construction planned for the property).

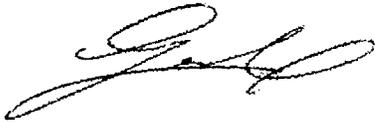
The Rabbitt home is an asset and treasure, reminding new residents of the original intent of the Community Plan. The Rabbitt's are unique in that they are not requesting any development or subdivision to which they would be entitled in the Community Plan, but are rather about preserving a residence that stands as one of the last examples of the desired agricultural, light residential and equestrian-oriented development that is the goal of the Community Plan. There will be no additional homes or streets proposed to impact our community.

The DMMPB reviewed and unanimously approved of the project as proposed at its May 10, 2012 meeting. The DMMPB noted that the project is consistent with the Community Plan goals, the SDP Findings, and

that the unpermitted grading was to maintain and restore the area, and has not substantially changed the landform of the bowl. They also noted that the property has been subject to grading and disturbance for decades before the Rabbitt's took ownership in late 1995 as evidenced by long term residents, site inspections and photographic history.

The DMMCPB requests of City Staff that they identify a simple resolution to this process, which avoids the Rabbitt family spending tens of thousand of dollars on reports and studies which do not have any value, on a home which is the best example of what DMM was meant to represent.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Levitt". The signature is fluid and cursive, with a large initial "G" and "L".

Gary Levitt, Chair

CC: Sherri Lightner's Office

HEARING OFFICER RESOLUTION NO.
SITE DEVELOPMENT PERMIT NO. 959803
RABBITT RESIDENCE PROJECT NO. 273122 - MMRP

WHEREAS, RABBITT FAMILY TRUST dated September 11, 2007, and ELIZABETH S. CURTIS, Owners/Permittees, filed an application with the City of San Diego for a permit to remove and mitigate approximately 1.26 acres of coastal sage scrub and southern maritime chaparral to clear a notice of violation, to remove Environmentally Sensitive Lands restrictions, and to continue agricultural use of the property (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 959803), on portions of a 4.80 acre site;

WHEREAS, the project site is located at 12516 Del Vino Court in the AR-1-2 zone of the Del Mar Mesa Specific Plan;

WHEREAS, the project site is legally described as the west one acre of that portion of the South one quarter of the Northeast one half of the Southwest one half of the Northwest one half of Section 22, Township 14, Range 2 West of the San Bernardino Meridian and the south 110 feet of the South one quarter of the Northeast one half of the Southwest one half of the Northwest one half of Section 22, Township 14 South, Range 2 West of the San Bernardino Meridian;

WHEREAS, on **V13 - DATE**, the Hearing Officer of the City of San Diego considered Site Development Permit No. 959803 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated **V19 - DATE**.

FINDINGS:

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

- 1. The proposed development will not adversely affect the applicable land use plan.** The Rabbitt Residence proposes to remove and mitigate approximately 1.26 acres of coastal sage scrub and southern maritime chaparral to clear a notice of violation, to remove Environmentally Sensitive Lands restrictions from the property, and to continue agricultural use of the property. The Del Mar Mesa Specific Plan designates the entire site for Estate Residential development. No part of the site is designated as Open Space. The site has been developed in a manner consistent with the adopted policies of the Del Mar Mesa Specific Plan. The site has one residential dwelling, several agricultural buildings, tennis court, equestrian exercise area and other accessory uses consistent with the AR-1-2 zone and the Del Mar Mesa Specific Plan. As such and because the proposed use and project are consistent with the AR-1-2 zone and the Del Mar Mesa Specific Plan, 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 Rabbitt Residence proposes to remove and mitigate approximately 1.26 acres of coastal sage scrub and southern maritime chaparral to clear a notice of violation, to remove Environmentally Sensitive Lands restrictions from the property, and to continue agricultural use of the property. The Rabbitt Residence project will not be detrimental to public health, safety and welfare because the permit controlling the development and continued use of the proposed project for this site contains specific conditions addressing the project compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area.

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 Rabbitt Residence proposes to remove and mitigate approximately 1.26 acres of coastal sage scrub and southern maritime chaparral to clear a notice of violation and to remove Environmentally Sensitive Lands restrictions from the property and to continue agricultural use of the property. The proposed project is consistent with the AR-1-2 zone and the Del Mar Mesa Specific Plan and no deviations are required to approve the project as proposed.

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 Rabbitt Residence proposes to remove and mitigate approximately 1.26 acres of coastal sage scrub and southern maritime chaparral to clear a notice of violation and to remove Environmentally Sensitive Lands restrictions from the property and to continue agricultural use of the property. The project site is located within geologic hazard zones 51 and 53 as shown on the City's Seismic Safety Study Geologic Hazards Maps. Zone 51 is characterized by level mesas underlain by terrace deposits and bedrock, nominal risk. Zone 53 is characterized by level or sloping to steep terrain with unfavorable geologic structure, low to moderate risk. The applicant commissioned a Geologic Reconnaissance of the Rabbitt Residence at 12516 Del Vino Court, San Diego, California prepared by Michael W. Hart, Engineering Geologist, dated May 2, 2012 and a Grading Plan prepared by RBF Consulting, dated May 9, 2012. The referenced geotechnical documents have been reviewed by licensed professional City staff. Based on that review, the geotechnical consultant has adequately addressed the soil and geologic conditions potentially affecting the proposed project for the purposes of environmental review. The proposed project will authorize work which has been accomplished on the site without benefit of the necessary permits, however, the owner of the property will mitigate all impacts to sensitive vegetation by purchasing or holding other lands in perpetuity for preservation. As such, the site is physically suitable for the design and siting of the proposed development and due to the mitigation 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 Rabbitt Residence proposes to remove and mitigate approximately 1.26 acres of coastal sage scrub and southern maritime chaparral to clear a notice of violation, to remove Environmentally

Sensitive Lands restrictions from the property, and to continue agricultural use of the property. Illegal grading has taken place at the site and additional alteration will be necessary as authorized by a grading permit. Licensed professional city staff have concluded there is no undue risk from geologic forces, erosional forces, flood hazards or fire hazards. The Rabbitt Residence 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 Rabbitt Residence proposes to remove and mitigate approximately 1.26 acres of coastal sage scrub and southern maritime chaparral to clear a notice of violation, to remove Environmentally Sensitive Lands restrictions from the property, and to continue agricultural use of the property. The site is not adjacent to any 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 Rabbitt Residence proposes to remove and mitigate approximately 1.26 acres of coastal sage scrub and southern maritime chaparral to clear a notice of violation and to remove Environmentally Sensitive Lands restrictions from the property and to continue agricultural use of the property. The site is outside of the Multiple Habitat Planning Area and will be consistent with the 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 Rabbitt Residence proposes to remove and mitigate approximately 1.26 acres of coastal sage scrub and southern maritime chaparral to clear a notice of violation and to remove Environmentally Sensitive Lands restrictions from the property and to continue agricultural use of the property. The site is approximately 4.8 miles in a straight line from the Pacific Ocean. There are no creeks, streams, rivers or drainage facilities which would carry sediments to the shoreline of any public beaches capable of causing erosion or impacting local shoreline sand supply. The Rabbitt Residence 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 Rabbitt Residence proposes to remove and mitigate approximately 1.26 acres of coastal sage scrub and southern maritime chaparral to clear a notice of violation, to remove Environmentally Sensitive Lands restrictions from the property, and to continue agricultural use of the property. The owner will preserve other sensitive lands in perpetuity at a ratio adopted by the City of San Diego and in agreement with the policies of the California Department of Fish and Game and the US Fish and Wildlife Service. The mitigation is directly related to the impacts caused by the project and is proportional to the impact. The mitigation have been calculated to alleviate the negative impacts created by the proposed Rabbitt Residence.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 959803 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 959803, a copy of which is attached hereto and made a part hereof.

John S. Fisher
Development Project Manager
Development Services

Adopted on: **V27 - DATE OF APPROVAL**

Job Order No. 24002522

RESOLUTION NUMBER R- _____

ADOPTED ON _____

A RESOLUTION ADOPTING FINDINGS AND MITIGATION
MONITORING AND REPORTING PROGRAM FOR THE
RABBITT RESIDENCE PROJECT NO. 273122

WHEREAS, on February 28, 2012, the RABBITT FAMILY TRUST and ELIZABETH S. CURTIS, Owners/Permittees submitted an application to Development Services Department for a Site Development Permit to remove and mitigate approximately 1.26 acres of coastal sage scrub and southern maritime chaparral to clear notice of violation and to remove Environmentally Sensitive Lands restrictions and to continue agricultural use of the property (the Rabbitt Residence project) (Project No. 273122); and

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

WHEREAS, the issue was heard by the Hearing Officer on February 13, 2013; and

WHEREAS, the City Council had previously certified Master Environmental Impact Report (MEIR) No. 95-0353 on July 30, 1996 for the Del Mar Mesa (Subarea V) Specific Plan; and

WHEREAS, the Rabbit Residence project site is within the Del Mar Mesa Specific Plan (Subarea V) Community Plan area; and

WHEREAS, in connection with the consideration of the Rabbitt Residence project, the Hearing Officer considered MEIR No. 95-0353, Findings to EIR No. 95-0353, and the Initial Study prepared for the Rabbitt Residence Project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer of the City of San Diego, that it makes the following findings with respect to the Rabbitt Residence Project in compliance with the California Environmental Quality Act of 1970 (CEQA) (California 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 findings reflect the independent judgment of the City of San Diego as Lead Agency, and that the information contained in MEIR No. 95-0353, the Findings to EIR No. 95-0353, the Initial Study prepared for the Rabbitt Residence Project, and any comments received during the public review process, has been reviewed and considered by the Hearing Officer:

- a) The proposed project will have no additional significant effect on the environment that was not identified in MEIR No. 95-0353, no new or additional mitigation measures or alternative may be required, and the project is within the scope of MEIR No. 95-0353; and
- b) No substantial changes have occurred with respect to the circumstances under

which MEIR No. 95-0353 was certified and no new information, which was not known and could not have been known at the time that the MEIR was certified, has become available.

BE IT RESOLVED that, pursuant to State CEQA Guidelines Section 15177(d) and California Public Resources Code Section 21081.6, the Hearing Officer adopts the project-specific Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Rabbitt Residence project as required by the Hearing Officer in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto as Exhibit A.

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

By:

John S. Fisher
Development Project Manager

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

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM**

Site Development Permit No. 959803
PROJECT NO. 273122

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Findings to Master Environmental Impact Report No. 273122 shall be made conditions of Site Development Permit No. 959803 as may be further described below.

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

A. GENERAL REQUIREMENTS – PART I**Plan Check Phase (Prior to Permit Issuance)**

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

Not Applicable

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) 273122, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the RE and ED (MMC). 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, if required.

4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the LIMIT OF WORK, the 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

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

<u>Issue Area</u>	<u>Document submittal</u>	<u>Assoc Inspection/Approvals/ Notes</u>
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-Construction Meeting
Bond Release	Request for Bond Release Letter	Final MMRP Inspections prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

BIOLOGICAL RESOURCES

1. Prior to the issuance of any construction permit, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall provide evidence of the following to the satisfaction of the Development Services Department:
 - a. Purchase 0.56-acres of Southern Maritime Chaparral (Tier I) lands inside the City of San Diego's Multiple Habitat Planning Area (MHPA) from the Soledad Canyon Mitigation Lands (APN 343-010-4700; 9.30 acres total);

and either b or c below,

- b. Purchase 0.70-acres of Diegan Coastal Sage Scrub (Tier II) from the City Department of Public Utilities Marron Valley Cornerstone Bank, or similar land bank inside the MHPA;

or,

- c. Contribute to the City of San Diego Habitat Acquisition Fund (HAF) to mitigate for the loss of 0.70 acres of Diegan coastal sage scrub (Tier II) based on the mitigation ratio, per the City of San Diego Biology Guidelines, of 1:1 for Diegan coastal sage scrub (the impacts of which occurred outside the MHPA, yet mitigation would be required inside the MHPA), plus a ten percent (10%) administrative fee.

Therefore, the resulting total mitigation required for direct project impacts is 1.26 acres through purchase of land bank preservation credits inside the MHPA and/or contribution to the Habitat Acquisition Fund (note if any mitigation is to be purchased/obtained outside the MHPA, appropriate ESL ratios would apply).

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

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

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002522

SITE DEVELOPMENT PERMIT NO. 959803
RABBITT RESIDENCE PROJECT NO. 273122 [MMRP]
HEARING OFFICER

This Site Development Permit No. 959803 is granted by the Hearing Officer of the City of San Diego to RABBITT FAMILY TRUST dated September 11, 2007 and ELIZABETH S. CURTIS, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] sections 126.0501 and 143.0101. The 4.80 acre site is located at 12516 Del Vino Court in the AR-1-2 zone of the Del Mar Mesa Specific Plan. The project site is legally described as: the west one acre of that portion of the South one quarter of the Northeast one half of the Southwest one half of the Northwest one half of Section 22, Township 14, Range 2 West of the San Bernardino Meridian and the south 110 feet of the South one quarter of the Northeast one half of the Southwest one half of the Northwest one half of Section 22, Township 14 South, Range 2 West of the San Bernardino Meridian.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to remove and mitigate approximately 1.26 acres of coastal sage scrub and southern maritime chaparral to satisfy the terms of Stipulated Administrative Enforcement Order, dated March 8, 2012, and to remove Environmentally Sensitive Lands restrictions and to continue residential and agricultural use of the property described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated **[INSERT Approval Date]**, on file in the Development Services Department.

The project shall include:

- a. The removal and mitigation of approximately 1.26 acres of coastal sage scrub and southern maritime chaparral, the removal of Environmentally Sensitive Lands restrictions from the property, to allow additional removal of any remaining sensitive vegetation at any time without further notice, regulation, mitigation, replacement or penalty, and all areas of the property may be used for agricultural and/or ornamental

landscaping purposes and other principal and accessory uses as otherwise permitted in the AR-1-2 zone.

- b. 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. This permit expires on [ENTER EXPIRATION DATE]. 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.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owners/Permittees signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owners/Permittees and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owners/Permittees for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species

Act [ESA] and by the California Department of Fish and Game [CDFG] pursuant to California Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owners/Permittees 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 Owners/Permittees by the City: (1) to grant Owners/Permittees 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 Owners/Permittees that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owners/Permittees maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owners/Permittees of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

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

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

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

If any condition of this Permit, on a legal challenge by the Owners/Permittees 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 Owners/Permittees shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Owners/Permittees 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 Owners/Permittees of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owners/Permittees 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, Owners/Permittees 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 Owners/Permittees 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 Owners/Permittees shall not be required to pay or perform any settlement unless such settlement is approved by Owners/Permittees.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

13. The mitigation measures specified in the MMRP and outlined in Findings to EIR No. 273122 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owners/Permittees shall comply with the MMRP as specified in Findings to EIR No. 273122, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Biological Resources

ENGINEERING REQUIREMENTS:

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

16. Prior to the issuance of a building permit, the Owners/Permittees shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

17. Prior to the issuance of any construction permits, the Owners/Permittees shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permits, the Owners/Permittees shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

19. Prior to the issuance of any construction permits, the Owners/Permittees shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards, satisfactory to the City Engineer.

GEOLOGY REQUIREMENTS:

20. The Owners/Permittees shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

21. The Owners/Permittees shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

PLANNING & DESIGN REQUIREMENTS:

22. The keeping of horses on the premises is permitted and is subject to the provisions of the San Diego Municipal Code Section 44.0308.

23. In order to preserve the rural character and dark night skies of Del Mar Mesa, all outdoor lighting shall be designed to minimize the emission of light rays onto neighboring lots and open space. The outdoor lighting of single family homes is permitted and may be installed for the purposes of safety and security, however, the lighting of private recreational facilities shall not be permitted. Swimming pools may be lighted for safety purposes, using ground lighting that does not project more than six feet from the lighting source.

24. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on **[INSERT Approval Date]** and **[Approved Resolution Number]**.

Permit Type/PTS Approval No.: SDP No. 959803
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

John S. Fisher
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 Owners/Permittees hereunder.**

RABBITT FAMILY TRUST dated September 11, 2007
Owner/Permittee

By _____
MICHAEL E. RABBITT
Co-Trustee

RABBITT FAMILY TRUST dated September 11, 2007
Owner/Permittee

By _____
ELIZABETH CURTIS RABBITT
Co-Trustee

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 Owners/Permittees hereunder.

ELIZABETH S. CURTIS, a married woman
Owner/Permittee

By _____
ELIZABETH S. CURTIS
Owner/Permittee

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



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

Ownership Disclosure Statement

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

Project Title **Project No. For City Use Only**
 Rabbitt ESL Mitigation Site Development Permit 273122

Project Address:
 12516 Del Vino Court, San Diego, CA 92130

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

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

Additional pages attached Yes No

Name of Individual (type or print):
 Elizabeth Rabbitt
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 12516 Del Vino Court
 City/State/Zip:
 San Diego
 Phone No: (619) 755-5589 Fax No:
 Signature: Date: 2-2-12

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: _____

Project No. (For City Use Only) _____

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? _____ Corporate Identification No. _____
 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): _____

Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____

Fax No: _____

Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature : _____

Date: _____

Corporate/Partnership Name (type or print): _____

Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____

Fax No: _____

Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature : _____

Date: _____

Corporate/Partnership Name (type or print): _____

Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____

Fax No: _____

Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature : _____

Date: _____

Corporate/Partnership Name (type or print): _____

Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____

Fax No: _____

Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature : _____

Date: _____

Corporate/Partnership Name (type or print): _____

Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____

Fax No: _____

Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature : _____

Date: _____

Corporate/Partnership Name (type or print): _____

Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____

Fax No: _____

Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature : _____

Date: _____