



THE CITY OF SAN DIEGO
REPORT TO THE PLANNING COMMISSION

DATE ISSUED: January 6, 2011 **REPORT NO. PC-11-002**

ATTENTION: Planning Commission, Agenda of January 13, 2011

SUBJECT: ALTA LA JOLLA DRIVE DRAINAGE REPAIR PHASE II
PROJECT NUMBER 128971. PROCESS 3.

REFERENCE: Hearing Officer Report No. HO-10-099

**OWNER/
APPLICANT:** La Jolla Alta Master Council/
City of San Diego, Engineering and Capital Project Department

SUMMARY

Issue(s): Should the Planning Commission uphold the Hearing Officer's decision to approve a drainage and slope repair project to follow up emergency work performed previously within the La Jolla Community Plan area?

Staff Recommendation:

1. CERTIFY Mitigated Negative Declaration (MND) No. 128971 and ADOPT the Mitigation, Monitoring, and Reporting Program (MMRP); and
2. DENY the appeal and APPROVE Site Development Permit No. 443956.

Community Planning Group Recommendation: On May 6, 2010, the La Jolla Community Planning Association voted 14-0-1 to recommend approval of the project with no conditions.

Environmental Review: Mitigated Negative Declaration No. 128971 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level below significance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: In accordance with a settlement agreement with the La Jolla

Alta Master Council, the City of San Diego is responsible for all processing and construction costs for this project.

Code Enforcement Impact: None

Housing Impact Statement: None

BACKGROUND

The project is located in Lot 1, Unit 15 of La Jolla Alta Planned Residential Development (PRD), which is owned by the La Jolla Alta Master Council (Attachments 1-3). The canyon receives erosive storm water flows that originate from La Jolla Alta Canyon open space, public streets, sidewalks, and residential developments. The drainage channel in the canyon became severely eroded due to storm water and non-storm water flows over the past few decades. As a result of the deeply incised channel along the toe of slope, homes along the northwestern boundary of the project were at risk of potential slope failure.

In 2003, the La Jolla Alta Master Council sued the City of San Diego for failure to reasonably operate the Storm Drain System which resulted in the damage to the canyon. The Master Council performed the emergency work in early 2007 which has been referred to as Phase I. The City was found liable in 2007 and entered into a settlement agreement to pay damages, complete the repair, and perform maintenance (Attachment 4).

In accordance with the Settlement Agreement, The City has taken over Phase 2 of the Project, which includes finalizing the drainage repair and obtaining the required environmental and development permits for the entire Project area. In 2009, the City retained Geosyntec to provide engineering services, obtain environmental permits, public improvement plans and required planning approvals for the entire project.

DISCUSSION

Project Description:

The proposed drainage repair project is located in an open-space canyon that has been severely eroded from storm water and non-storm water flows. The 20.75-acre site is located in a privately-owned canyon within a negative open space easement in the La Jolla Alta Planned Residential Development 87-0226, in the RS-1-4 zone and Coastal Height Limit Overlay zone and within the La Jolla Community Plan area (Attachment 5). Approximately 7.9-acres of the site will be impacted with 3.3 acres of the eastern portion of the project located within the MHPA of the City's MSCP Planning Area.

The proposed project will include installation of approximately 1,240 linear feet (LF) of reinforced concrete pipe (RCP) storm drains ranging between 18- and 42-inches in diameter (installed below grade); construction of a concrete energy dissipater (CED) and weir structure, measuring approximately 15-feet by 18-feet in area with an approximately 5-foot by 5-foot catch

basin; construction of an approximately 1,270 LF restored natural drainage channel, measuring approximately 1-foot deep with a 4-foot wide natural bed, with natural banks approximately 10-feet in width; and, construction of an approximately 0.67-acre detention basin (Attachment 6). The storm drains in the northern (Phase 1) portion of the project area will convey storm water and non-storm water flows to the CED and weir structure, installed near the central portion of project footprint. The weir structure will split flows into two storm drain systems; the natural restored drainage channel and the storm drain pipe. Pre-development level flows (velocities, volume, etc.) will be directed into the natural channel. Low and non-storm water flows and high erosive flows will be diverted to the extent possible, into a storm drain line installed along the eastern project slope, which will discharge into the detention basin installed in the southern portion of the project area. The detention basin and the natural drainage channel will discharge into the City's 48-inch storm drain inlet at Vickie Drive. Unimproved maintenance access roads will be constructed to maintain the storm drain system. All disturbed areas will be planted with native vegetation upon completion of construction activities. The project design will repair the City's storm drain system and provide long-term slope and channel stability (Attachments 7-8).

Community Plan Analysis:

The La Jolla Community Plan has goals to preserve and protect its natural amenities and open space areas, and recommends that impacts to sensitive resources from projects within the Community Plan area be mitigated within the La Jolla Community. The proposed project involves repair of a public facility which will restore the canyon's natural features and provides all mitigation located on-site and within the La Jolla Community Plan area.

Environmental Analysis:

Mitigated Negative Declaration No. 128971 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level below significance, any potential impacts identified in the environmental review process (Attachment 9).

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas: Land Use/Multiple Species Conservation Program (MSCP), Biological Resources, Historical Resources, and Paleontological Resources. Subsequent revisions in the project proposal created specific mitigation identified in the Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report is not required.

A hydrologic study (Geosyntec, 2010) was conducted to design the weir structure to divert flows into the natural channel that will be similar to pre-development flow volume, duration, and rates to maintain the long-term stability of the restored channel. The restored natural channel will be designed to match its pre-developed slope and geometry, as determined by historic topographic maps and will create channel conditions (velocities, shear

stresses, etc.) that mimic pre-development hydraulics, to the extent possible. Cobbles will be placed in the channel bed and along the lower portion of the channel banks to mitigate scour. Flows will be able to sinuate naturally within the channel banks and no berms, channelization, man-made constraints or barriers will be constructed in the restored drainage channel.

The restored channel will be designed to receive flows to support vegetation similar to pre-development conditions. The restored channel and buffer zone will be revegetated in accordance with the requirements outlined in the project's Biological Resource Report, Revegetation Plan and other applicable City and Agency requirements.

An approximately 0.67 acre detention basin will be constructed in the southern portion of the site. The detention basin will be designed to capture all non-storm water flows and treat as much of the 85th percentile storm (0.5"), as possible and will help attenuate the increase in the 100-year flood peak due to development. The detention basin is designed to drain within 40 hours to avoid vector control issues. At the completion of construction activities all disturbed areas including the detention basin and unimproved maintenance roads will be revegetated with native vegetation in accordance with the regulatory and environmental permit requirements and the project's Revegetation Plan (Rocks Bio, 2010a). The maintenance roads will be mowed as necessary to maintain vehicle access. The detention basins will be maintained as necessary to continue functioning as designed, which will include sediment and debris removal, and vegetation management.

Typical construction/grading equipment will be used for earthwork activities. BMPs, including fiber rolls, silt fences, and other erosion and sediment controls, will be installed during construction activities in accordance with the Construction NPDES Permit. Two permanent unimproved maintenance roads will be installed in the southern and northern portions of the project, totaling 0.54 acres in area. A temporary staging area (0.16 acres in area) will be constructed in the southern portion of the site within the footprint of the permanent detention basin. An existing approximately 0.12 acre maintenance staging area is located in the southern portion of the project area and will remain in place permanently to stage future storm drain and detention basin maintenance activities.

Project-Related Issues:

Community Planning Group Recommendation

On November 1, 2007, the La Jolla Community Planning Association voted 11-0-2 to recommend approval of the project. Staff suggested that the project return after the City took over the permitting and implementation of Phase II and altered the design. On May 6, 2010, the Planning Association voted 14-0-1 to recommend approval of the revised project with no conditions (Attachment 11)

Appeal of Hearing Officer's Decision:

On October 27, 2010, the Hearing Officer approved Site Development Permit No. 443956, after reviewing all documents and listening to public testimony. On November 8, 2010, Joseph C. Crudo appealed the Hearing Officer's decision. The stated reasons for appeal were lengthy and incorporated by reference all previously provided comments that were responded to in the final Mitigated Negative Declaration. Because of the length of the appeal it has been attached to this report with staff responses (Attachment 12).

Conclusion:

The proposed drainage repair project is sited within a canyon that could continue to erode if not properly addressed. The project would protect the canyon from further erosion and would further protect the residential neighborhood located at the top of the slope from potential future sliding which could cause damage to those properties. The impacts to environmentally sensitive lands are being mitigated and restored on site. Staff has reviewed the proposed Site Development Permit and has found it to be in conformance with the requirements of the Municipal Code. Staff believes the required findings can be supported and recommends the Hearing Officer approve the project as proposed.

ALTERNATIVE:

Grant the Appeal and Deny Site Development Permit No. 443956, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Jeannette Temple
Development Project Manager
Development Services Department

WESTLAKE/JT

Attachments:

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

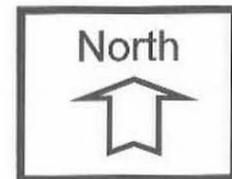
4. Settlement Agreement (provided to the Planning Commission only)
5. Project Data Sheet
6. Project Plans
7. Draft Permit Resolution with Findings
8. Draft Permit with Conditions
9. Environmental Resolution with MMRP
10. Copy of Recorded Permits
11. Community Planning Group Recommendation
12. Project Appeal with Staff Responses
13. Ownership Disclosure Statement
14. Project Chronology

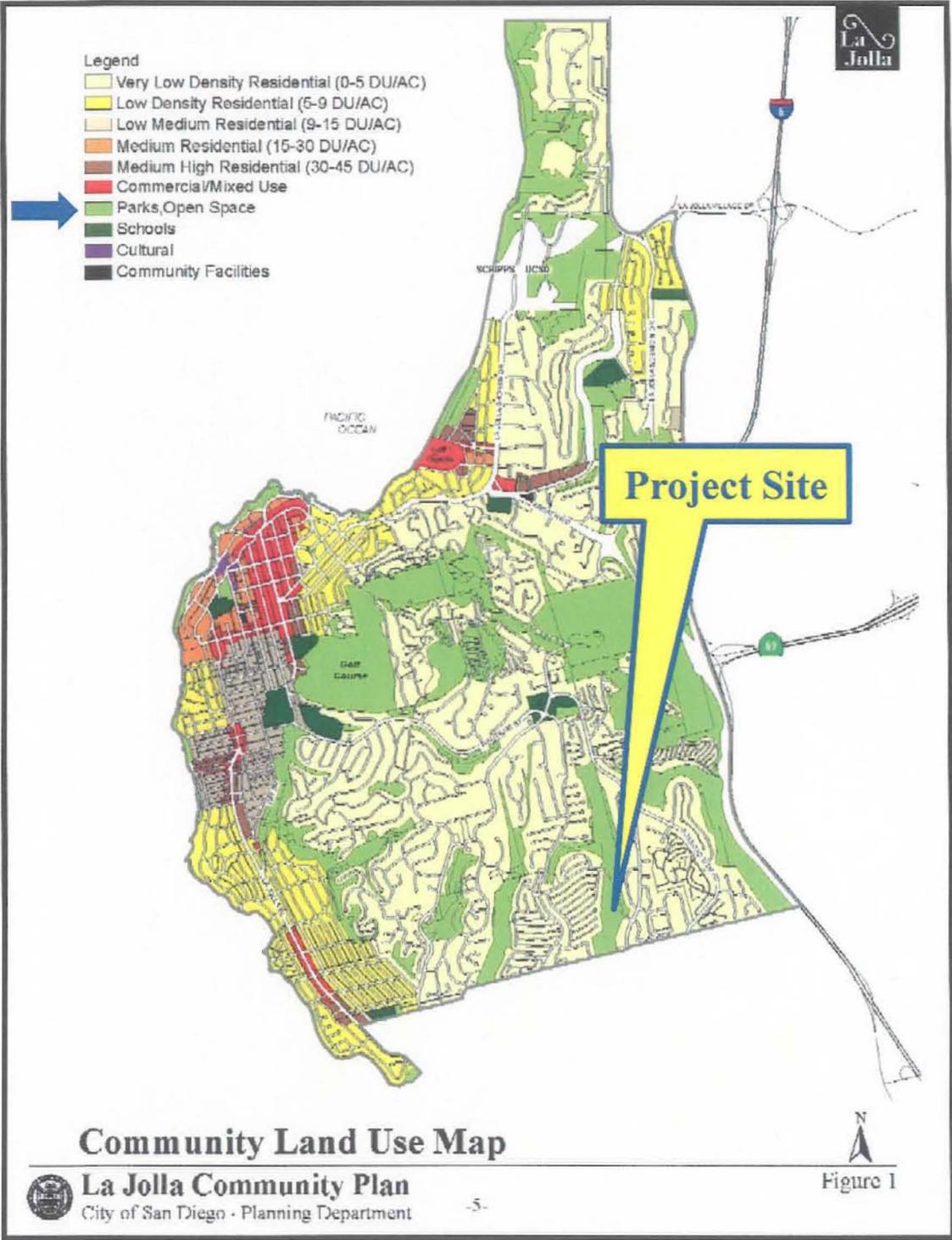


Aerial Photo

ALTA LA JOLLA DRIVE DRAINAGE REPAIR PHASE II – 2105 1/3 ALTA LA JOLLA DRIVE

PROJECT NO. 128971





Land Use Map

**ALTA LA JOLLA DRIVE DRAINAGE REPAIR PHASE II-
2105 1/3 ALTA LA JOLLA DRIVE
PROJECT NO. 128971**





Project Location Map

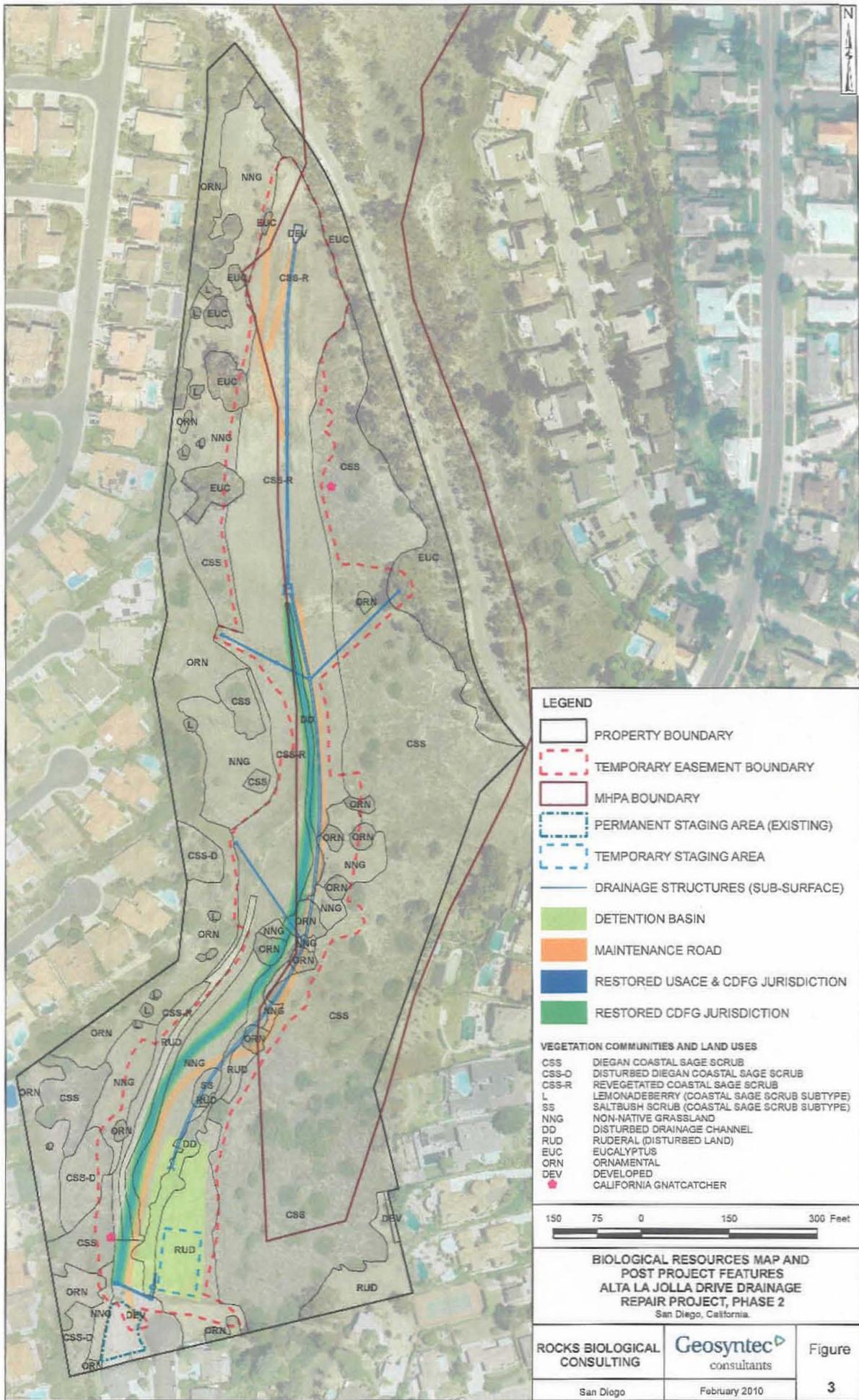
ALTA LA JOLLA DRIVE DRAINAGE REPAIR PHASE II – 2105 1/3 ALTA LA JOLLA DRIVE
PROJECT NO. 128971



PROJECT DATA SHEET

PROJECT NAME:	Alta La Jolla Drive Drainage Repair Phase II	
PROJECT DESCRIPTION:	Site Development Permit for repair and restoration of drainage channel. Open Space lot part of PRD 87-0226	
COMMUNITY PLAN	La Jolla	
DISCRETIONARY ACTIONS:	Site Development Permit (SDP)	
COMMUNITY PLAN LAND USE DESIGNATION:	Parks, Open Space	
<p><u>ZONING INFORMATION:</u> ZONE: RS-1-14 DENSITY: One Dwelling Unit per Lot HEIGHT LIMIT: 30-Foot maximum height limit. LOT SIZE: 10,000 square-foot minimum lot size. FLOOR AREA RATIO: 0.45 FRONT SETBACK: 20 feet. SIDE SETBACK: 6 feet. STREETSIDE SETBACK: 10 feet REAR SETBACK: 20 feet. PARKING: NA</p>		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential/Parks, Open space	Residential/open space
SOUTH:	Residential	Residential
EAST:	Residential	Residential
WEST:	Residential	Residential
DEVIATIONS OR VARIANCES REQUESTED:	none	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On May 6, 2010, the La Jolla Community Planning Association voted 14-0-1 to recommend approval with no conditions.	





LEGEND

- PROPERTY BOUNDARY
- TEMPORARY EASEMENT BOUNDARY
- MHPA BOUNDARY
- PERMANENT STAGING AREA (EXISTING)
- TEMPORARY STAGING AREA
- DRAINAGE STRUCTURES (SUB-SURFACE)
- DETENTION BASIN
- MAINTENANCE ROAD
- RESTORED USACE & CDFG JURISDICTION
- RESTORED CDFG JURISDICTION

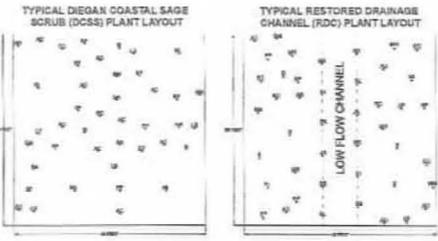
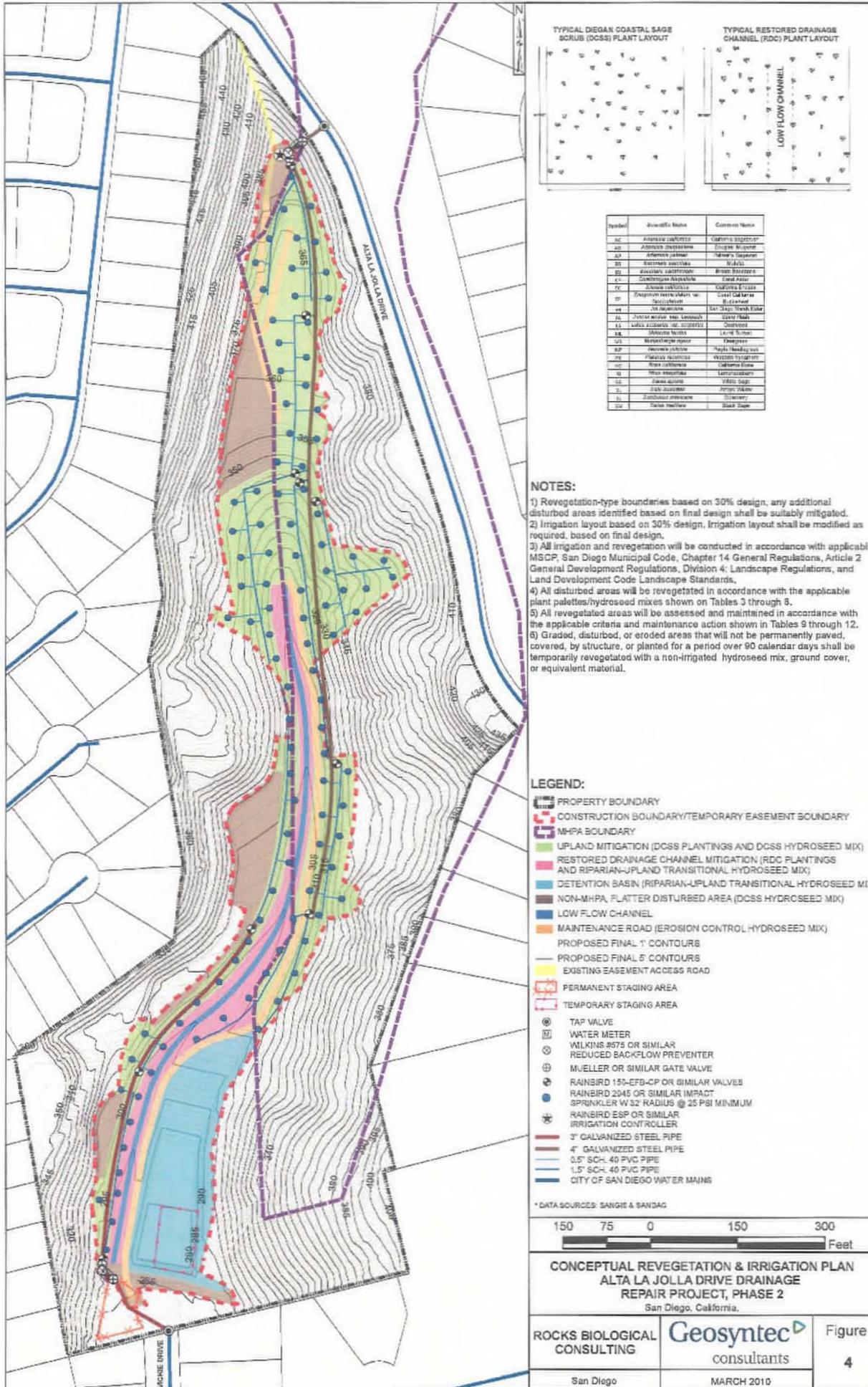
VEGETATION COMMUNITIES AND LAND USES

CSS	DIEGAN COASTAL SAGE SCRUB
CSS-D	DISTURBED DIEGAN COASTAL SAGE SCRUB
CSS-R	REVEGETATED COASTAL SAGE SCRUB
L	LEMONADEBERRY (COASTAL SAGE SCRUB SUBTYPE)
SS	SALTBUSH SCRUB (COASTAL SAGE SCRUB SUBTYPE)
NNG	NON-NATIVE GRASSLAND
DD	DISTURBED DRAINAGE CHANNEL
RUD	RUDERAL (DISTURBED LAND)
EUC	EUCALYPTUS
ORN	ORNAMENTAL
DEV	DEVELOPED
●	CALIFORNIA GNATCATCHER



**BIOLOGICAL RESOURCES MAP AND
POST PROJECT FEATURES
ALTA LA JOLLA DRIVE DRAINAGE
REPAIR PROJECT, PHASE 2**
San Diego, California.

ROCKS BIOLOGICAL CONSULTING	Geosyntec consultants	Figure
San Diego	February 2010	3



Symbol	Scientific Name	Common Name
10	<i>Adiantum capillare</i>	Common Spotted Fern
20	<i>Adiantum distentifolium</i>	English Fern
30	<i>Adiantum platyneuron</i>	Common Spotted Fern
40	<i>Asplenium platyneuron</i>	Woods Fern
50	<i>Asplenium platyneuron</i>	Woods Fern
60	<i>Asplenium platyneuron</i>	Woods Fern
70	<i>Asplenium platyneuron</i>	Woods Fern
80	<i>Asplenium platyneuron</i>	Woods Fern
90	<i>Asplenium platyneuron</i>	Woods Fern
100	<i>Asplenium platyneuron</i>	Woods Fern
110	<i>Asplenium platyneuron</i>	Woods Fern
120	<i>Asplenium platyneuron</i>	Woods Fern
130	<i>Asplenium platyneuron</i>	Woods Fern
140	<i>Asplenium platyneuron</i>	Woods Fern
150	<i>Asplenium platyneuron</i>	Woods Fern
160	<i>Asplenium platyneuron</i>	Woods Fern
170	<i>Asplenium platyneuron</i>	Woods Fern
180	<i>Asplenium platyneuron</i>	Woods Fern
190	<i>Asplenium platyneuron</i>	Woods Fern
200	<i>Asplenium platyneuron</i>	Woods Fern

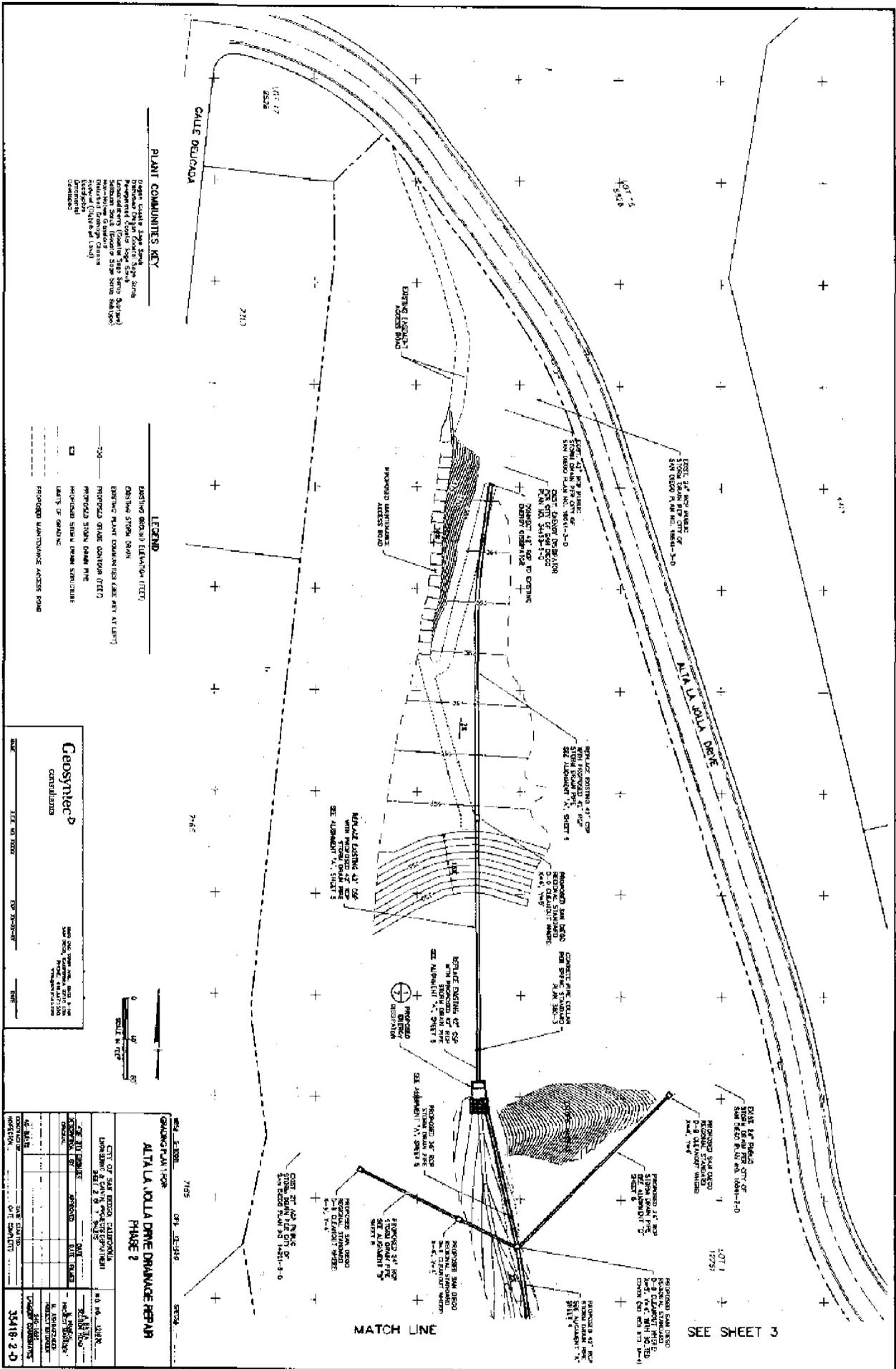
- NOTES:**
- 1) Revegetation-type boundaries based on 30% design, any additional disturbed areas identified based on final design shall be suitably mitigated.
 - 2) Irrigation layout based on 30% design, Irrigation layout shall be modified as required, based on final design.
 - 3) All irrigation and revegetation will be conducted in accordance with applicable MSCP, San Diego Municipal Code, Chapter 14 General Regulations, Article 2 General Development Regulations, Division 4: Landscape Regulations, and Land Development Code Landscape Standards.
 - 4) All disturbed areas will be revegetated in accordance with the applicable plant palettes/hydroseed mixes shown on Tables 3 through 8.
 - 5) All revegetated areas will be assessed and maintained in accordance with the applicable criteria and maintenance action shown in Tables 9 through 12.
 - 6) Graded, disturbed, or eroded areas that will not be permanently paved, covered, by structure, or planted for a period over 90 calendar days shall be temporarily revegetated with a non-irrigated hydroseed mix, ground cover, or equivalent material.

- LEGEND:**
- PROPERTY BOUNDARY
 - CONSTRUCTION BOUNDARY/TEMPORARY EASEMENT BOUNDARY
 - MHPA BOUNDARY
 - UPLAND MITIGATION (DCSS PLANTINGS AND DCSS HYDROSEED MIX)
 - RESTORED DRAINAGE CHANNEL MITIGATION (RDC PLANTINGS AND RIPARIAN-UPLAND TRANSITIONAL HYDROSEED MIX)
 - DETENTION BASIN (RIPARIAN-UPLAND TRANSITIONAL HYDROSEED MIX)
 - NON-MHPA, FLATTER DISTURBED AREA (DCSS HYDROSEED MIX)
 - LOW FLOW CHANNEL
 - MAINTENANCE ROAD (EROSION CONTROL HYDROSEED MIX)
 - PROPOSED FINAL 1' CONTOURS
 - PROPOSED FINAL 5' CONTOURS
 - EXISTING EASEMENT ACCESS ROAD
 - PERMANENT STAGING AREA
 - TEMPORARY STAGING AREA
 - TAP VALVE
 - WATER METER
 - WILKINS #875 OR SIMILAR REDUCED BACKFLOW PREVENTER
 - MUELLER OR SIMILAR GATE VALVE
 - RAINSIRD 150-EFB-CP OR SIMILAR VALVES
 - RAINSIRD 2045 OR SIMILAR IMPACT SPRINKLER W 32' RADIUS @ 25 PSI MINIMUM
 - RAINSIRD ESP OR SIMILAR IRRIGATION CONTROLLER
 - 3" GALVANIZED STEEL PIPE
 - 4" GALVANIZED STEEL PIPE
 - 0.5" SCH. 40 PVC PIPE
 - 1.5" SCH. 40 PVC PIPE
 - CITY OF SAN DIEGO WATER MAINS

* DATA SOURCES: SANGIE & SANDAG

150 75 0 150 300 Feet

**CONCEPTUAL REVEGETATION & IRRIGATION PLAN
ALTA LA JOLLA DRIVE DRAINAGE
REPAIR PROJECT, PHASE 2**
San Diego, California.



PLANT COMMUNITIES KEY

Paper: 24x36
 Scale: 1/4" = 1'-0"
 Project: 11/15/10
 Date: 11/15/10
 Location: 11/15/10
 Drawing: 11/15/10
 Author: 11/15/10
 Checker: 11/15/10
 Title: 11/15/10

LEGEND

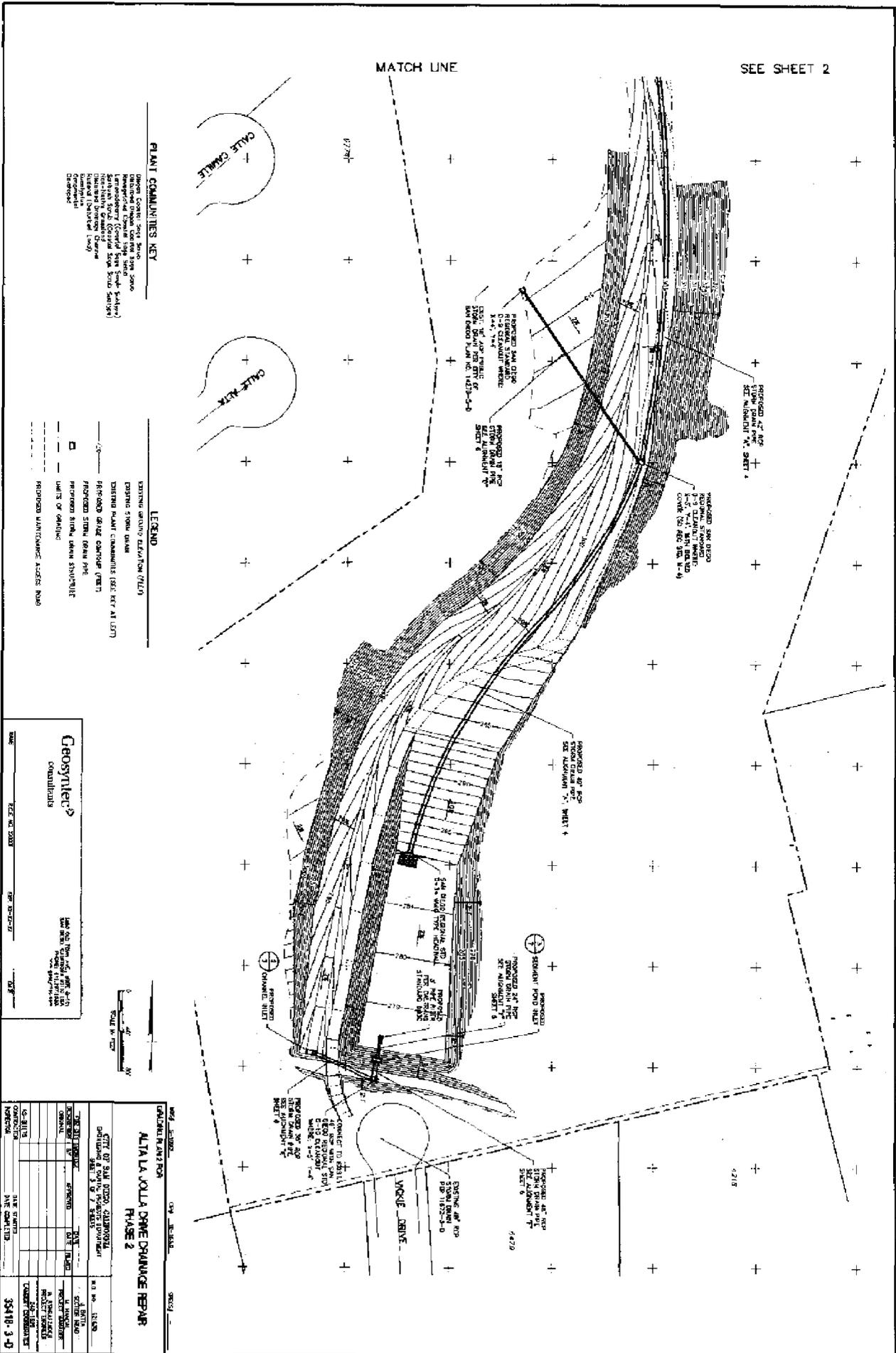
DASHING (SOLID) ELEVATION (FEET)
 DASHING (SOLID) ELEVATION (FEET)

Geosyntec
 CONSULTANTS

1111 17th Street, NW
 Atlanta, GA 30339
 Phone: 404.521.1111
 Fax: 404.521.1112
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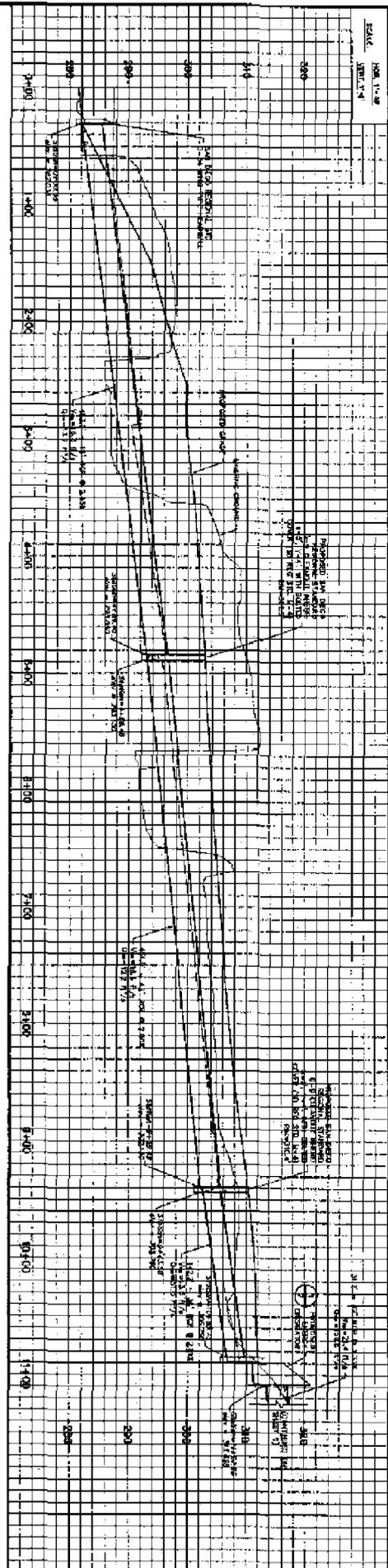
GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES.
 5. THE CONTRACTOR SHALL MAINTAIN RECORD DRAWINGS.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS.
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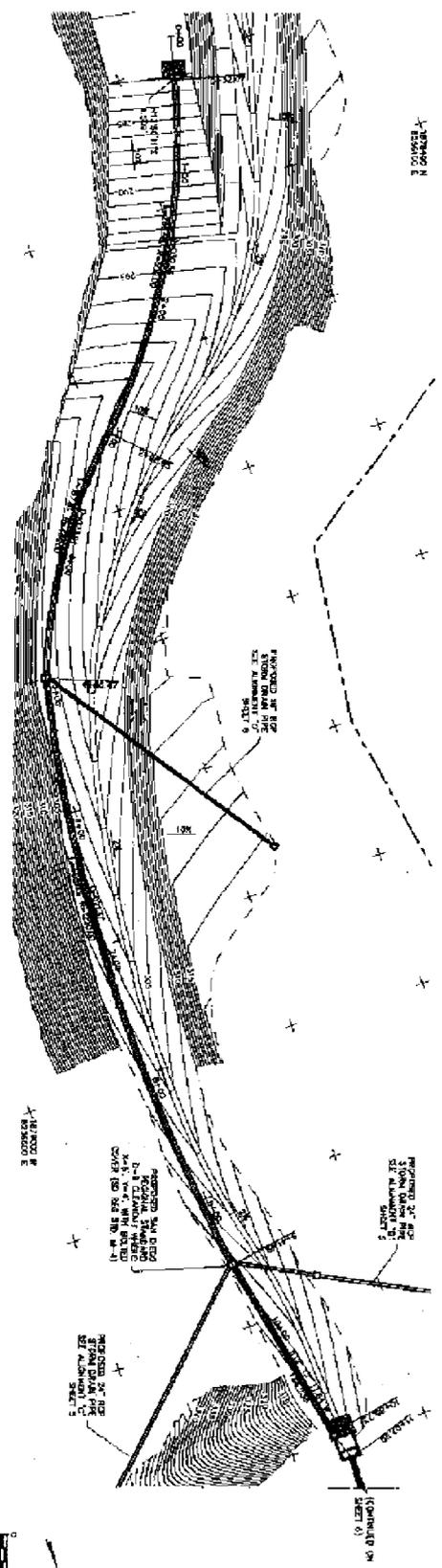


PLANT QUANTITIES KEY

18" DIA. CONCRETE PIPE
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PROFILE - ALIGNMENT "A" (0+00 TO 11+25)
 HORIZONTAL SCALE: 1"=40'
 VERTICAL SCALE: 1"=40'



PLAN VIEW - ALIGNMENT "A" (0+00 TO 11+25)
 SCALE: 1"=40'

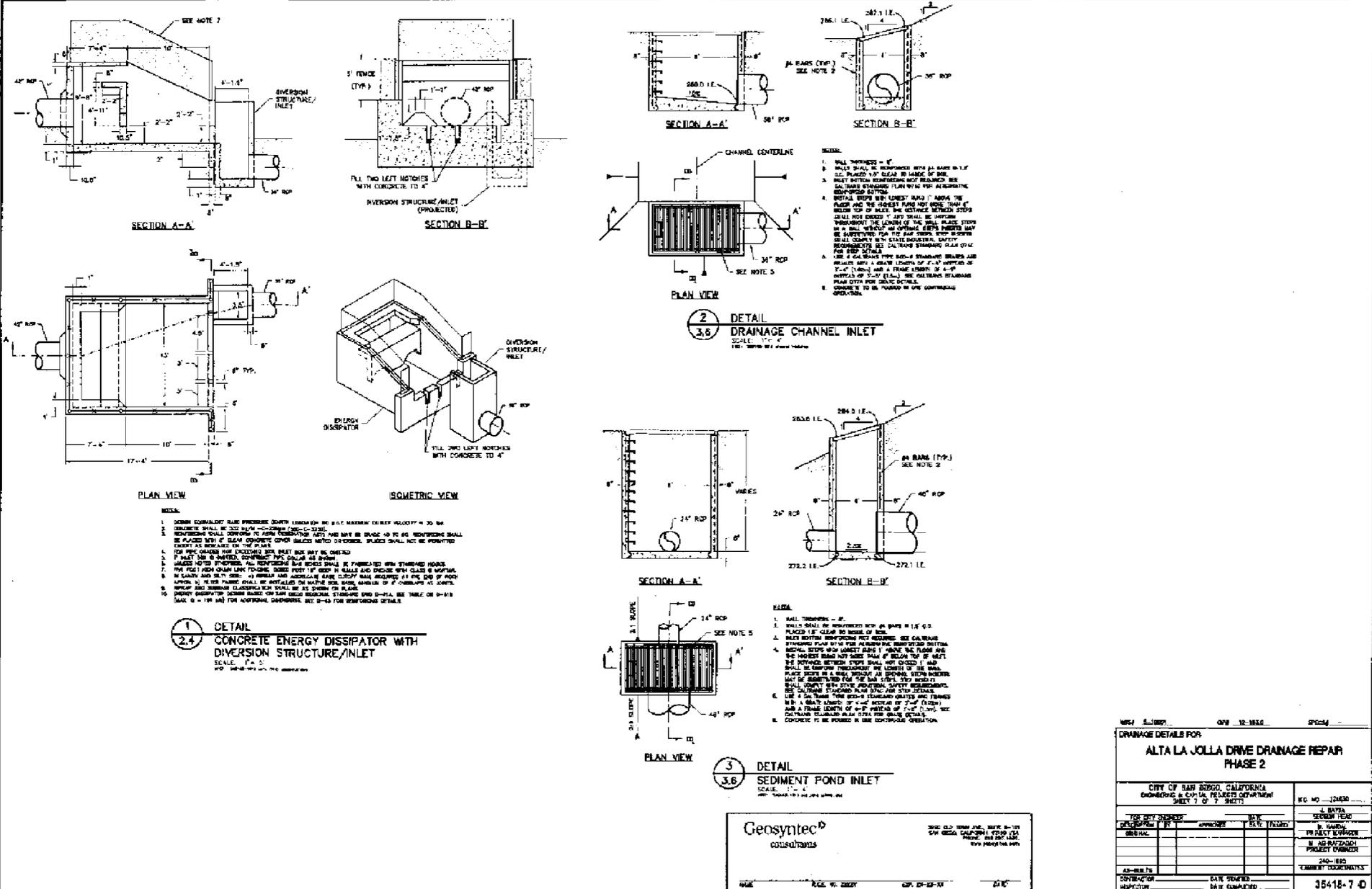
- LEGEND**
- EXISTING GRADE (ELEVATION FEET)
 - EXISTING STORM DRAIN
 - PROPOSED DRAIN CONTIGUOUS FEET
 - PROPOSED STORM DRAIN PIPE
 - PROPOSED STORM DRAIN STRUCTURE
 - LINES OF CHANNEL
 - PROPOSED GRADE LINE (PROFILE VIEW)

Geosyntec
 CONSULTANTS

2000 WEST 10TH AVENUE
 SUITE 200
 DENVER, CO 80202
 TEL: 303.733.1100
 FAX: 303.733.1101
 WWW.GEOSYNTEC.COM

DATE: 02.16.2007 07:30:00 08:00:00

PROJECT	ALTA LA VILLA DRIVE DRAINAGE REPAIR
PHASE	PHASE 2
CLIENT	CITY OF SAN DIEGO, CALIFORNIA
LOCATION	ALTA LA VILLA DRIVE, SAN DIEGO, CALIFORNIA
DATE	02.16.2007
SCALE	1"=40'
PROJECT NO.	35418-4-3



REV. 5/1999 QTY. 12-1830 SPEC. 1

DRAINAGE DETAILS FOR:
ALTA LA JOLLA DRIVE DRAINAGE REPAIR
PHASE 2

CITY OF SAN DIEGO, CALIFORNIA ENGINEERING & CIVIL DESIGN DEPARTMENT SHEET 1 OF 2 SHEETS		FIG. NO. 12430
DESIGNED BY	CHECKED BY	DATE
DRAWN BY	PROJECT ENGINEER	
	PROJECT MANAGER	
	DATE	
AS-BUILT	DATE	
CONTRACTOR	DATE	
INSPECTOR	DATE	

35418-7-D

Geosyntec
 CONSULTANTS

3500 OLD TORRE AVENUE, SUITE 80-100
 SAN DIEGO, CALIFORNIA 92121
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SCALE: 1/4" = 1'-0"
 DATE: 05-20-2007 QTY: 12-1830 DATE: 05-20-07

PLANT PALETTE

Plant Name	Code	Quantity	Unit	Plant Name	Code	Quantity	Unit
...

Plant Name	Code	Quantity	Unit	Plant Name	Code	Quantity	Unit
...

Plant Name	Code	Quantity	Unit	Plant Name	Code	Quantity	Unit
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REGENERATION TIMELINE

Activity	Start Date	End Date	Duration
...

Activity	Start Date	End Date	Duration
...

Activity	Start Date	End Date	Duration
...

SUCCESS CRITERIA AND MAINTENANCE ACTIONS

Success Criteria	Maintenance Actions
...	...

Success Criteria	Maintenance Actions
...	...

Success Criteria	Maintenance Actions
...	...

Cresyntec
 CONSULTING & DESIGN
 10000 CRENSHAW BLVD, SUITE 1000
 CHICAGO, IL 60619
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ALTA LA JOLLA DRIVE DRAINAGE REPAIR PHASE 2

PROJECT NO. 151000
 SHEET NO. 35418-9-D

PLANNING COMMISSION RESOLUTION NO. PC-XXX-2
SITE DEVELOPMENT PERMIT NO. 443956
ALTA LA JOLLA DRIVE DRAINAGE REPAIR PHASE II
PROJECT NO. 128971 [MMRP]

WHEREAS, the City of San Diego, a Municipal Corporation, Permittee, filed an application with the City of San Diego for a permit to stabilize the slopes, repair the Alta La Jolla Drive storm drain system, restore and provide long-term stabilization of the natural drainage channel and vegetative buffers in the project footprint and provide water quality benefits for the developed watershed runoff, (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 443956), on portions of a 20.75-acre site;

WHEREAS, the project site is located in Lot 1, Unit 15 of La Jolla Alta Planned Residential Development (PRD 80 and PRD 87-0226), adjacent to 2105 Alta La Jolla Drive in the RS-1-4 zone and Coastal Height Limit Overlay zone within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Lot 1 of La Jolla Alta PRD Unit No. 15, Map No. 12751;

WHEREAS, on October 27, 2010, the Hearing Officer of the City of San Diego considered Site Development Permit No. 443956 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on November 8, 2010, Joseph C. Crudo appealed the project approval;

WHEREAS, on January 13, 2011, the Planning Commission of the City of San Diego considered Site Development Permit No. 443956 pursuant to the Land Development Code of the City of San Diego;
NOW THEREFORE

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

That the Planning Commission adopts the following written Findings, dated October 27, 2010.

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 proposed drainage repair project is located in an open-space canyon that has been severely eroded from erosive storm water and non-storm water flows. The 20.75-acre site is located in a privately-owned canyon within a negative open space easement in the La Jolla Alta Planned Residential Development 87-0226, RS-1-4 zone and Coastal Height Limit Overlay zone within the La Jolla Community Plan area. Approximately 7.9-acres of the site will be impacted with 3.3 acres of the eastern portion of the project located within the MHPA of the City's MSCP Planning Area.

The project will include installation of approximately 1,240 linear feet (LF) of reinforced concrete pipe (RCP) storm drains ranging between 18- and 42-inches in diameter (installed below grade); construction of a concrete energy dissipater (CED) and weir structure, measuring approximately 15-feet by 18-feet in area with an approximately 5-foot by 5-foot catch basin; construction of an approximately 1,270 LF restored natural drainage channel, measuring approximately 1-foot deep with a 4-foot wide natural bed, with natural banks approximately 10-feet in width; and construction of an approximately 0.67-acre detention basin. The project design will repair the City's storm drain system and provide long-term slope and channel stability.

The La Jolla Community Plan has goals to preserve and protect its natural amenities and open space areas, and recommends that impacts to sensitive resources from projects within the Community Plan area, be mitigated within the La Jolla Community. The proposed project involves repair of an essential public facility, which will restore the canyon's natural features and provides all mitigation on-site and within the La Jolla Community Plan area. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The proposed drainage repair project is located in an open-space canyon that has been severely eroded from erosive storm water and non-storm water flows. The 20.75-acre site is located in a privately-owned canyon within a negative open space easement in the La Jolla Alta Planned Residential Development 87-0226, RS-1-4 zone and Coastal Height Limit Overlay zone within the La Jolla Community Plan area. Approximately 7.9-acres of the site will be impacted with 3.3 acres of the eastern portion of the project located within the MHPA of the City's MSCP Planning Area.

As a result of the eroded channel, homes along the northwest boundary of the project were at risk due to potential slope failure. The proposed drainage repair design provides long term slope stability and prevents further slope failure, manages storm water and non-storm water flows in a non-erosive manner to prevent channel incising, and limits future erosion problems. The geotechnical design and conveyance of storm water and non-storm water flows through a storm drain in the northern portion of the project area will provide long term stability of the slopes in the northern portion of the site. The concrete energy dissipater and weir structure will restore flows in the natural drainage to pre-development levels, minimizing future erosion of the restored drainage channel, and provide channel and slope stability in the southern portion of the project area. Additionally, all engineered cut and fill slopes meet the City's slope stability factors for safety. The project's detention basin is designed to fully drain within 48 hours to avoid vector control issues (i.e. mosquito breeding). The basin is designed to maximize treatment of storm water as well as capture and treat all non-storm water flows and is anticipated to improve the water quality of discharges from the project site into the City's storm drain system. The detention basin will also help attenuate the increase of the 100-year flood peak due to surrounding urban development. With these design measures the proposed drainage repair project will not be detrimental to public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The proposed drainage repair project is located in an open-space canyon that has been severely eroded from erosive storm water and non-storm water flows. The 20.75-acre site is located in a privately-owned canyon within a negative open space easement in the La Jolla Alta Planned Residential Development 87-0226, RS-1-4 zone and Coastal Height Limit Overlay zone within the La Jolla Community Plan area. Approximately 7.9-acres of the site will be impacted with 3.3 acres of the eastern portion of the project located within the MHPA of the City's MSCP Planning Area.

The drainage repair project is consistent with the development regulations of the Land Development Code for land use. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Site Development Permit No. 443956. Construction of the storm drainage system, restoration of the drainage channel, and revegetation of the disturbed areas with native plant species within the project area shall meet all requirements of the regulations and development criteria in effect for the site. All relevant City of San Diego, Land Development Code regulations shall be complied with at all times for the life of the project.

B. Supplemental Findings--Environmentally Sensitive Lands

- 1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.**

The proposed drainage repair project is located in an open-space canyon that has been severely eroded from erosive storm water and non-storm water flows. The 20.75-acre site is located in a privately-owned canyon within a negative open space easement in the La Jolla Alta Planned Residential Development 87-0226, RS-1-4 zone and Coastal Height Limit Overlay zone within the La Jolla Community Plan area. Approximately 7.9-acres of the site will be impacted with 3.3 acres of the eastern portion of the project located within the MHPA of the City's MSCP Planning Area.

The proposed design was developed to minimize disturbance to environmentally sensitive lands, including the MHPA area, sensitive biological resources and steep hillsides, to the maximum extent practicable, while meeting the project objectives of providing slope stability and restoring the incised channel. The project will result in direct (sensitive upland habitat) and indirect impacts to the MHPA due to project construction. The project will be mitigated through on-site revegetation and restoration in compliance with the City's Biology Guidelines. Adverse impacts to the California Gnatcatcher will also be avoided by restricting clearing, grubbing, and grading activities between March 1 and August 15 and by complying with other appropriate remedial measures. Adverse impacts to avian nests will be avoided by restricting nest removal during the avian breeding season (February 1 – September 15) if biological surveys identify the presence of birds nesting in these areas. Loss of jurisdictional waters (0.31 acres) will be mitigated on-site in accordance with the regulatory agencies requirements through reconstruction of a natural drainage channel.

- 2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

The proposed drainage repair project is located in an open-space canyon that has been severely eroded from erosive storm water and non-storm water flows. The 20.75-acre site is located in a privately-owned canyon within a negative open space easement in the La Jolla Alta Planned Residential Development 87-0226, RS-1-4 zone and Coastal Height Limit Overlay zone within the La Jolla Community Plan area. Approximately 7.9-acres of the site will be impacted with 3.3 acres of the eastern portion of the project located within the MHPA of the City's MSCP Planning Area.

The project is designed to minimize alteration of natural landforms to the maximum extent possible, while mitigating the existing slope and channel stability risk from erosional forces. The proposed project is mass balanced with cut and fill and no additional soil will be imported. The project will restore the drainage channel to its pre-development slope and geometry. The weir will be designed to direct flows into the restored drainage that mimic pre-development hydrology (flow rates, flow durations, and flow volumes) to the extent possible, thus providing the newly restored channel with flows that are less erosive than current flow rates. The restored drainage will not contain any berms or man-made features and stream flows will be able to sinuate naturally within the channel banks. The project will minimize further negative environmental impacts by preventing additional erosion to the canyon, which would likely further erode and degrade the sensitive surrounding habitat, including Diegan Coastal Sage Scrub and California Gnatcatcher habitat, if left unabated. The project's detention basin will help attenuate the increase of the 100-year flood peak due to surrounding urban development. All disturbed areas will be planted and stabilized with native vegetation at completion of construction activities to reduce soil erosion. No flammable structures will be constructed and the proposed work area is more than 100 feet from all existing residences. All the surrounding areas will continue to be regulated under existing Brush Management Guidelines for their private structures. As a result of these design features the project will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

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

The proposed drainage repair project is located in an open-space canyon that has been severely eroded from erosive storm water and non-storm water flows. The 20.75-acre site is located in a privately-owned canyon within a negative open space easement in the La Jolla Alta Planned Residential Development 87-0226, RS-1-4 zone and Coastal Height Limit Overlay zone within the La Jolla Community Plan area. Approximately 7.9-acres of the site will be impacted with 3.3 acres of the eastern portion of the project located within the MHPA of the City's MSCP Planning Area.

The proposed project adheres to the City's MHPA Adjacency Guidelines as it will not result in any lighting, noise, new parking lots, paved areas, public access points to the MHPA, or any development features that drain into the MHPA, and includes construction of a vegetated detention basin that is anticipated to improve water quality. The detention basin will be maintained by the City's Wastewater Department to maintain the basin's functionality. All disturbed areas including the unimproved maintenance road, detention basin, and restored channel will be vegetated with native plant species appropriate to the canyon and the project includes a restoration component that provides adequate habitat mitigation. Adverse impacts to sensitive

species will also be avoided by restricting clearing, grubbing, and grading activities between March 1 and August 15 and by complying with other appropriate remedial measures. As a result of these design features the project will not result in adverse impacts on adjacent environmentally sensitive lands.

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

The proposed drainage repair project is located in an open-space canyon that has been severely eroded from erosive storm water and non-storm water flows. The 20.75-acre site is located in a privately-owned canyon within a negative open space easement in the La Jolla Alta Planned Residential Development 87-0226, RS-1-4 zone and Coastal Height Limit Overlay zone within the La Jolla Community Plan area. Approximately 7.9-acres of the site will be impacted with 3.3 acres of the eastern portion of the project located within the MHPA of the City's MSCP Planning Area.

The proposed project is an essential public facility and is a compatible land use per the City's MSCP Subarea Plan, as it is required in order to stabilize the drainage channel and prevent slope failure to the surrounding residences. Project geotechnical engineers have taken into consideration the natural resources present in the canyon and have avoided channelization of the stream to the maximum extent practicable, and all surface runoff will be directed away from the MPHA. The project will minimize further negative environmental impacts by preventing additional erosion to the canyon, which would likely further erode and degrade the sensitive surrounding habitat, including Diegan Coastal Sage Scrub and California Gnatcatcher habitat, if left unabated. The project will result in direct (sensitive upland habitat) and indirect impacts to the MHPA due to project construction. The project impacts will be mitigated through on-site revegetation and restoration in compliance with the City's Biology Guidelines, and all disturbed areas, including the maintenance roads, drainage channel and detention basin, will be revegetated with native species. Adverse impacts to the California Gnatcatcher will also be avoided by restricting clearing, grubbing and grading activities between March 1 and August 15, and by complying with other appropriate remedial measures. Adverse impacts to habitat with nests will be avoided by restricting removal of this habitat during the avian breeding season (February 1 – September 15), if biological surveys identify the presence of birds nesting in these areas. Loss of jurisdictional waters will be mitigated on-site, in accordance with regulatory agency requirements through reconstruction of the natural channel in the southern portion of the project area. The restored drainage channel will be designed to be similar to pre-development slope and geometry, as determined by historic topographic maps, and will create channel conditions that mimic pre-development hydraulics, to the extent possible. As such, natural, ecological, geological, hydrological, and other processes will be significantly restored and/or enhanced along most of the channel with implementation of the proposed project. With implementation of these project designs and mitigation measures the proposed project will be consistent with the MSCP Subarea Plan.

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

The proposed drainage repair project is located in an open-space canyon that has been severely eroded from erosive storm water and non-storm water flows. The 20.75-acre site is located in a

privately-owned canyon within a negative open space easement in the La Jolla Alta Planned Residential Development 87-0226, RS-1-4 zone and Coastal Height Limit Overlay zone within the La Jolla Community Plan area. Approximately 7.9-acres of the site will be impacted with 3.3 acres of the eastern portion of the project located within the MHPA of the City's MSCP Planning Area.

The ephemeral drainage channel within the project site flows into the City's 48-inch storm drain that discharges onto Tourmaline Beach, about 1.5 miles southwest of the site. The project design will reduce storm water discharge to pre-development conditions, to the extent possible. Therefore, the project will not contribute to the erosion of public beaches.

The project is mapped by U.S. Soil Conservation Services as being underlain by Olivenhain soil, which consists of cobbly loam, very cobbly clay loam, and cobbly clay loam. The fine grained portion of these soils is classified predominantly as clay and silty clay; therefore the project site is currently not a significant source of beach sand. The proposed project will not adversely impact the 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 nature and extent of mitigation required is in accordance with the City's Biology Guidelines and resource agency requirements, occurring through reconstruction of the natural channel in the southern portion of the project area and fully mitigates biological resource disturbance on-site. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 443956 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 443956, a copy of which is attached hereto and made a part hereof.

Jeannette Temple
Development Project Manager
Development Services

Adopted on: October 27, 2010

WBS# S-10001.02.06

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

WBS No. S-10001.02.06

SITE DEVELOPMENT PERMIT NO. 443956
ALTA LA JOLLA DRIVE DRAINAGE REPAIR PHASE II
PROJECT NO. 128971 [MMRP]
PLANNING COMMISSION

This Site Development Permit No. 443956 is granted by the Planning Commission of the City of San Diego to the City of San Diego, a Municipal Corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 20.75-acre site is located in Lot 1, Unit 15 of La Jolla Alta Planned Residential Development (PRD 80 and PRD 87-0226), adjacent to 2105 Alta La Jolla Drive in the RS-1-4 zone and Coastal Height Limit Overlay zone within the La Jolla Community Plan area. The project site is legally described as Lot 1 of La Jolla Alta PRD Unit No. 15, Map No. 12751.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to stabilize the slopes, repair the Alta La Jolla Drive storm drain system, restore and provide long-term stabilization of the natural drainage channel and vegetative buffers in the project footprint and provide water quality benefits for the developed watershed runoff, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 27, 2010, on file in the Development Services Department.

The project shall include:

- a. Earthwork to repair the Alta La Jolla Drive storm drain system, including slope stabilization; restore and provide long-term stabilization of the natural drainage channel and vegetative buffers in the project footprint and provide water quality benefits for the developed watershed runoff;
- b. Construction of a storm drain system to restore the hydraulics in the restored channel to pre-development conditions;

- c. Construction a detention basin to improve water quality and to attenuate peak flood events;
- d. Restoration of degraded vegetation in the project footprint;
- e. Landscaping (native vegetation planting, temporary irrigation and landscape related improvements);
- f. Maintenance access, staging and storage areas;
- g. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

8. 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.

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

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

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. 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.

12. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 128971 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 128971 to the satisfaction of the Development Services Department and the City Engineer. Prior to the issuance of the "Notice to Proceed" with construction, 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:

LAND USE/MULTIPLE SPECIES CONSERVATION PLAN (MSCP)
BIOLOGICAL RESOURCES
HISTORICAL RESOURCES
PALEONTOLOGICAL RESOURCES

ENGINEERING REQUIREMENTS:

14. Prior to the issuance of any construction permit, the applicant 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.

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

16. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ and the San Diego County Municipal Storm Water Permit, Order No. R9-2007-0001 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permits, a Storm Water Pollution Prevention Plan (SWPPP) and a Construction Site Monitoring Plan (CSMP) shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

17. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of

the property covered by this grading permit and by SWRCB Order No. 2009-0009-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-0009-DWQ.

18. Additional geotechnical review may be necessary if final grading plans and a grading permit are required for the project.

LANDSCAPE REQUIREMENTS:

19. Prior to approval of 100% completion of construction documents by the Permittee Department, construction documents shall be submitted to the Development Services Department for processing of final review and approval. Construction Documents shall be prepared in accordance with the Land Development Code - Landscape Standards to include the revegetation and hydroseeding of all disturbed land and shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.

20. The Permittee Department shall be responsible for the establishment and maintenance of all landscape improvements shown on the approved plans, consistent with the Landscape Standards and Exhibit 'A' Conceptual Revegetation Plan, dated March 15, 2010.

21. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department Mitigation Monitoring Coordination staff within 30 days of damage.

MULTIPLE SPECIES CONSERVATION PROGRAM:

22. The issuance of this permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 (EAS) and any amendments thereto (16 U.S.C. Section 1531 et seq.). In accordance with authorization granted to the City of San Diego from the USFWS pursuant to Sec. 10(a) of the ESA and by the CDFG pursuant to Fish & Game Code sec. 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS or CDFG, except in the limited circumstances described in Section 9.6 and 9.7 of the IA. For lands identified as mitigation but not yet dedicated, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee

maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

PLANNING/DESIGN REQUIREMENTS:

23. 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.

APPROVED by the Planning Commission of the City of San Diego on January 13, 2011, and by Resolution No. PC-XXXX.

Permit Type/PTS Approval No.: SDP No. 443956
Date of Approval: October 27, 2010

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Jeannette Temple
Development Project Manager

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

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

La Jolla Alta Master Council
Owner

By _____
NAME
TITLE

City of San Diego
Permittee

By _____
Michael Handal
Project Manager, E&CP

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

RESOLUTION NUMBER PC-XXXX-1

ADOPTED ON JANUARY 13, 2011

WHEREAS, on May 31, 2007, Gary Roth, La Jolla Alta Master Council, submitted an application to the Development Services Department for a Site Development Permit; and

WHEREAS, the permit 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 October 27, 2010, and adopted by Resolution No. HO-6373-1;

WHEREAS, on November 8, 2010, Joseph C. Crudo appealed the project approval;

WHEREAS, on January 13, 2011, the Planning Commission of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 128971; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 128971 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission; directing staff to file a Notice of Determination..

BE IT FURTHER RESOLVED that the Planning Commission finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is attached hereto and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code, Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: Jeannette Temple, Development Services Department, Project Manager

By: _____
Jeannette Temple, Development Project Manager

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

SITE DEVELOPMENT PERMIT

PROJECT NO. 128971

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 Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No. 128971) shall be made conditions of Site Development Permit as may be further described below.

A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary,

overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

**Qualified archaeological monitor
Qualified biological monitor
Qualified paleontological monitor**

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant is also required to call **RE** and **MMC** at **858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 128971 and/or Environmental Document Number 128971, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder

obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

Regional Water Quality Control Board
 U.S. Department of Fish and Game
 California Department of Fish and Game
 U.S. Army Corps of Engineers
(tentative)

4. MONITORING EXHIBITS

All consultants are required to submit , to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline’s work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. OTHER SUBMITTALS AND INSPECTIONS:

The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

ISSUE AREA	DOCUMENT SUBMITTAL	ASSOCIATED INSPECTION/APPROVALS/NOTES
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-Construction meeting
Biology	Biologist Limit of Work Verification	Limit of Work inspection
Paleontology	Paleontology Reports	Paleontology site observation
Archaeology	Archaeology Reports	Archaeology/Historic site observation

Biology	Biology Report	Biology/Habitat Restoration inspection
Land Use	Land Use Adjacency issues CSVs	Land Use Adjacency issue site observations
Bond Release	Request for Bond Release letter	Final MMRP inspections prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

LAND USE/MULTIPLE SPECIES CONSERVATION PLAN (MSCP)

Prior to the issuance of any construction permits, the ADD Environmental Designee shall verify that all Multi-Habitat Planning Area (MHPA) boundaries and limits of disturbance have been delineated on all construction documents.

- A. Prior to the first pre-construction meeting, the Owner/Permittee shall provide a letter of verification to the Mitigation Monitoring Coordination Section stating that a qualified Biologist, as defined in the City of San Diego Biological Review References, has been retained to implement the projects MSCP monitoring Program. The letter shall include the names and contact information of all persons involved in the Biological Monitoring of the project.
- B. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall submit all required documentation to MMC, verifying that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, MSCP requirements, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.
- C. The qualified biologist (project biologist) shall attend the first preconstruction meeting and discuss the projects biological monitoring program.
- D. In addition, the following mitigation measures related to the MHPA Land Use Adjacency Guidelines shall be implemented:
 - 1. Prior to initiation of any construction-related grading, the construction foreman and/or project biologist shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor.
 - 2. The limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The limits of grading, as shown on approved Exhibit A, shall be defined with silt fencing or orange construction fencing and checked by the biological monitor before initiation of construction grading. All native plants or species of special concern, (i.e. western dichondria, San Diego barrel cactus, California adolphia, Nuttal’s scrub oak, summer holly) as identified in the biological technical report, shall be staked, flagged and avoided within Brush Management Zone 2, if applicable.
 - 3. Invasive non-native plant species shall not be introduced into areas adjacent to the MHPA. Landscape plans shall contain non-invasive native species adjacent to sensitive biological areas as shown on approved Exhibit A.

4. All lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields. If lighting adjacent to the MHPA is required for nighttime construction, it shall be directed away from the preserve and the tops of adjacent trees with potentially nesting raptors, using appropriate placement and shielding.
5. All construction activities (including staging areas and/or storage areas) shall be restricted to the development area as shown on the approved Exhibit A. No equipment maintenance shall be conducted within or near the adjacent open space and/or sensitive areas and shall be restricted to the development area as shown on the approved Exhibit A and shall not encroach into sensitive biological areas within either the open-space and/or MHPA areas. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit A.
6. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City Engineer.
7. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading, as shown on approved Exhibit A. All construction related debris shall be removed off-site to an approved disposal facility.
8. The Limits of Work shall be marked with construction fencing prior to the start of work. A qualified biologist shall supervise the placement of fencing along the Limits of Work.
9. Should construction occur during the breeding season (March 1 through August 15) of the coastal California gnatcatcher, the following mitigation measures shall be required and implemented:

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)

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

No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:

- A. A Qualified Biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the coastal California gnatcatcher. Surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If coastal California gnatcatchers are present, then the following conditions must be met:
- I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and
 - II. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or
 - III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If coastal California gnatcatchers are not detected during the protocol survey, the Qualified Biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
 - I. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
 - II. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

BIOLOGICAL RESOURCES

In order to avoid significant direct impacts to biological resources, the following mitigation measures shall be implemented by the project applicant. Compliance with the mitigation measures shall be the responsibility of the applicant.

I. Prior to Permit Issuance

A. Entitlements Division Plan Check

- 1. Prior to NTP or issuance for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, whichever is applicable, the ADD environmental designee shall verify that the requirements for the revegetation/restoration plans and specifications, including mitigation of direct impacts to Diegan Coastal Sage Scrub [Tier II] and Non-native Grassland [Tier IIIB] (as outlined within Tables 1 below/Table 4 within Initial Study Checklist) have been shown and noted on the appropriate landscape construction documents.

Table 1
Collective Mitigation Requirements for Sensitive Upland Vegetation Communities
Phase 1 and Phase 2 Project Impacts

Impact				Mitigation Options	
Habitat Type	Tier	Within the MHPA	Outside the MHPA	Mitigation Inside the MHPA	Mitigation Outside the MHPA
Diegan Coastal Sage Scrub DCSS – Phase 1 DCSS – Phase 2 [Disturbed CSS] [Saltbush Scrub (DCSS subtype)]	II	1.51 [0.88] [0.63]	0.36	1.87 (1:1)	3.59 [3.14 + 0.45] (2:1 for impacts inside MHPA; 1.5:1 for impacts outside MHPA)
Non-Native Grassland	IIIB	0.24	0.86	0.67 [0.24 + 0.43] (1:1 for impacts inside MHPA; 0.5:1 for impacts outside MHPA)	1.22 [0.36 + 0.86] (1.5:1 for impacts inside MHPA; 1:1 for impacts outside MHPA)
TOTALS		1.75	1.22	2.54	4.81

The landscape construction documents and specifications must be found to be in conformance with the Exhibits in the *Alta La Jolla Drainage Repair Project, Phase 2 Revegetation Plan*, prepared by Rocks Biological Consulting, March 15, 2010, the requirements of which are summarized below:

- B. Revegetation/Restoration Plan(s) and Specifications
1. Landscape Construction Documents (LCD) shall be prepared on D-sheets and submitted to the City of San Diego Development Services Department, Landscape Architecture Section (LAS) for review and approval. LAS shall consult with Mitigation Monitoring Coordination (MMC) and obtain concurrence prior to approval of LCD. The LCD shall consist of revegetation/restoration, planting, irrigation and erosion control plans; including all required graphics, notes, details, specifications, letters, and reports as outlined below.
 2. Landscape Revegetation/Restoration Planting and Irrigation Plans shall be prepared in accordance with the San Diego Land Development Code

(LDC) Chapter 14, Article 2, Division 4, the LDC Landscape Standards submittal requirements, and Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines (July 2002). The Principal Qualified Biologist (PQB) shall identify and adequately document all pertinent information concerning the revegetation/restoration goals and requirements, such as but not limited to, plant/seed palettes, timing of installation, plant installation specifications, method of watering, protection of adjacent habitat, erosion and sediment control, performance/success criteria, inspection schedule by City staff, document submittals, reporting schedule, ect. The LCD shall also include comprehensive graphics and notes addressing the ongoing maintenance requirements (after final acceptance by the City).

3. The Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Construction Manager (CM) and Grading Contractor (GC), where applicable shall be responsible to insure that for all grading and contouring, clearing and grubbing, installation of plant materials, and any necessary maintenance activities or remedial actions required during installation and the 120 day plant establishment period are done per approved LCD. The following procedures at a minimum, but not limited to, shall be performed:
 - a. The RMC shall be responsible for the maintenance of the *upland* mitigation area for a minimum period of 120 days. Maintenance visits shall be conducted on a *weekly* basis throughout the plant establishment period.
 - b. At the end of the 120-day period the PQB shall review the mitigation area to assess the completion of the short-term plant establishment period and submit a report for approval by MMC.
 - c. MMC will provide approval in writing to begin the *five-year* long-term establishment/maintenance and monitoring program.
 - d. Existing indigenous/native species shall not be pruned, thinned or cleared in the revegetation/mitigation area.
 - e. The revegetation site shall not be fertilized.
 - f. The RIC is responsible for reseeding (if applicable) if weeds are not removed, within one week of written recommendation by the PQB.
 - g. Weed control measures shall include the following: (1) hand removal, (2) cutting, with power equipment, and (3) chemical control. Hand removal of weeds is the most desirable method of control and will be used wherever possible.
 - h. Damaged areas shall be repaired immediately by the RIC/RMC. Insect infestations, plant diseases, herbivory, and other pest problems will be closely monitored throughout the *five-year* maintenance period. Protective mechanisms such as metal wire netting shall be used as necessary. Diseased and infected plants

shall be immediately disposed of off-site in a legally-acceptable manner at the discretion of the PQB or Qualified Biological Monitor (QBM) (City approved). Where possible, biological controls will be used instead of pesticides and herbicides.

4. If a Brush Management Program is required the revegetation/restoration plan shall show the dimensions of each brush management zone and notes shall be provided describing the restrictions on planting and maintenance and identify that the area is impact neutral and shall not be used for habitat mitigation/credit purposes.

C. Letters of Qualification Have Been Submitted to ADD

1. The applicant shall submit, for approval, a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the PQB, Principal Restoration Specialist (PRS), and QBM, where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and biological monitoring program, as they are defined in the City of San Diego Biological Review References. Resumes and the biology worksheet should be updated annually.
2. MMC will provide a letter to the applicant confirming the qualifications of the PQB/PRS/QBM and all City Approved persons involved in the revegetation/restoration plan and biological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the revegetation/restoration plan and biological monitoring of the project.
4. PQB must also submit evidence to MMC that the PQB/QBM has completed Storm Water Pollution Prevention Program (SWPPP) training.

II. Prior to Start of Construction

A. PQB/PRS Shall Attend Preconstruction (Precon) Meetings

1. Prior to beginning any work that requires monitoring:
 - a. The owner/permittee or their authorized representative shall arrange and perform a Precon Meeting that shall include the PQB or PRS, Construction Manager (CM) and/or Grading Contractor (GC), Landscape Architect (LA), Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC.
 - b. The PQB shall also attend any other grading/excavation related Precon Meetings to make comments and/or suggestions concerning the revegetation/restoration plan(s) and specifications with the RIC, CM and/or GC.
 - c. If the PQB is unable to attend the Precon Meeting, the owner shall schedule a focused Precon Meeting with MMC, PQB/PRS, CM, BI, LA, RIC, RMC, RE and/or BI, if appropriate, prior to the start

- of any work associated with the revegetation/ restoration phase of the project, including site grading preparation.
2. Where Revegetation/Restoration Work Will Occur
 - a. Prior to the start of any work, the PQB/PRS shall also submit a revegetation/restoration monitoring exhibit (RRME) based on the appropriate reduced LCD (reduced to 11" x 17" format) to MMC, and the RE, identifying the areas to be revegetated/restored including the delineation of the limits of any disturbance/grading and any excavation.
 - b. PQB shall coordinate with the construction superintendent to identify appropriate Best Management Practices (BMP's) on the RRME.
 3. When Biological Monitoring Will Occur
 - a. Prior to the start of any work, the PQB/PRS shall also submit a monitoring procedures schedule to MMC and the RE indicating when and where biological monitoring and related activities will occur.
 4. PQB Shall Contact MMC to Request Modification
 - a. The PQB may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the revegetation/restoration plans and specifications. This request shall be based on relevant information (such as other sensitive species not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA) which may reduce or increase the potential for biological resources to be present.

III. During Construction

- A. PQB or QBM Present During Construction/Grading/Planting
 1. The PQB or QBM shall be present full-time during construction activities including but not limited to, site preparation, cleaning, grading, excavation, landscape establishment in association with *project-related impacts i.e., construction and/or grading activity*, which could result in impacts to sensitive biological resources as identified in the LCD and on the RRME. **The RIC and/or QBM are responsible for notifying the PQB/PRS of changes to any approved construction plans, procedures, and/or activities. The PQB/PRS is responsible to notify the CM, LA, RE, BI and MMC of the changes.**
 2. The PQB or QBM shall document field activity via the Consultant Site Visit Record Forms (CSVR). The CSVR's shall be faxed by the CM the first day of monitoring, the last day of monitoring, monthly, and in the event that there is a deviation from conditions identified within the LCD and/or biological monitoring program. The RE shall forward copies to MMC.

3. The PQB or QBM shall be responsible for maintaining and submitting the CSVr at the time that CM responsibilities end (i.e., upon the completion of construction activity other than that of associated with biology).
 4. All construction activities (including staging areas) shall be restricted to the development areas as shown on the LCD. The PQB/PRS or QBM staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved LCD.
 5. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) all sensitive habitats, as shown on the approved LCD.
 6. The PBQ shall provide a letter to MMC that limits of potential disturbance has been surveyed, staked and that the construction fencing is installed properly
 7. The PQB or QBM shall oversee implementation of BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measures, as needed to ensure prevention of any significant sediment transport. In addition, the PQB/QBM shall be responsible to verify the removal of all temporary construction BMP's upon completion of construction activities. Removal of temporary construction BMP's shall be verified in writing on the final construction phase CSVr.
 8. PQB shall verify in writing on the CSVr's that no trash stockpiling or oil dumping, fueling of equipment, storage of hazardous wastes or construction equipment/material, parking or other construction related activities shall occur adjacent to sensitive habitat. These activities shall occur only within the designated staging area located outside the area defined as biological sensitive area.
 9. The long-term establishment inspection and reporting schedule per LCD must all be approved by MMC prior to the issuance of the Notice of Completion (NOC) or any bond release.
- B. Disturbance/Discovery Notification Process
1. If unauthorized disturbances occurs or sensitive biological resources are discovered that were not previously identified on the LCD and/or RRME, the PQB or QBM shall direct the contractor to temporarily divert construction in the area of disturbance or discovery and immediately notify the RE or BI, as appropriate.
 2. The PQB shall also immediately notify MMC by telephone of the disturbance and report the nature and extent of the disturbance and recommend the method of additional protection, such as fencing and appropriate Best Management Practices (BMP's). After obtaining concurrence with MMC and the RE, PQB and CM shall install the approved protection and agreement on BMP's.

3. The PQB shall also submit written documentation of the disturbance to MMC within 24 hours by fax or email with photos of the resource in context (e.g., show adjacent vegetation).
- C. Determination of Significance
1. The PQB shall evaluate the significance of disturbance and/or discovered biological resource and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to obtain concurrence and formulate a plan of action which can include fines, fees, and supplemental mitigation costs.
 2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

IV. Post Construction

- A. Mitigation Monitoring and Reporting Period
1. *Five-Year* Mitigation Establishment/Maintenance Period
 - a. The RMC shall be retained to complete maintenance monitoring activities throughout the *five-year* mitigation monitoring period.
 - b. Maintenance visits will be conducted twice per month for the first six months, once per month for the remainder of the first year, and quarterly thereafter.
 - c. Maintenance activities will include all items described in the LCD.
 - d. Plant replacement will be conducted as recommended by the PQB (note: plants shall be increased in container size relative to the time of initial installation or establishment or maintenance period may be extended to the satisfaction of MMC).
 2. *Five-Year* Biological Monitoring
 - a. All biological monitoring and reporting shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.
 - b. Monitoring shall involve both qualitative horticultural monitoring and quantitative monitoring (i.e., performance/success criteria). Horticultural monitoring shall focus on soil conditions (e.g., moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g., invasive exotic) species, any significant disease or pest problems, irrigation repair and scheduling, trash removal, illegal trespass, and any erosion problems.
 - c. After plant installation is complete, qualitative monitoring surveys will occur monthly during year one and quarterly during years two through five.
 - d. Upon the completion of the 120-days short-term plant establishment period, quantitative monitoring surveys shall be conducted at 0, 6, 12, 24, 36, 48 and 60 months by the PQB or QBM. The revegetation/restoration effort shall be quantitatively

evaluated once per year (in spring) during years three through five, to determine compliance with the performance standards identified on the LCD. All plant material must have survived without supplemental irrigation for the last two years.

- e. Quantitative monitoring shall include the use of fixed transects and photo points to determine the vegetative cover within the revegetated habitat. Collection of fixed transect data within the revegetation/restoration site shall result in the calculation of percent cover for each plant species present, percent cover of target vegetation, tree height and diameter at breast height (if applicable) and percent cover of non-native/non invasive vegetation. Container plants will also be counted to determine percent survivorship. The data will be used determine attainment of performance/success criteria identified within the LCD.
- f. Biological monitoring requirements may be reduced if, before the end of the fifth year, the revegetation meets the fifth year criteria and the irrigation has been terminated for a period of the last two years.
- g. The PQB or QBM shall oversee implementation of post-construction BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measure, as needed to ensure prevention of any significant sediment transport. In addition, the PQB/QBM shall be responsible to verify the removal of all temporary post-construction BMP's upon completion of construction activities. Removal of temporary post-construction BMPs shall be verified in writing on the final post-construction phase CSV.

B. Submittal of Draft Monitoring Report

- 1. A draft monitoring letter report shall be prepared to document the completion of the 120-day plant establishment period. The report shall include discussion on weed control, horticultural treatments (pruning, mulching, and disease control), erosion control, trash/debris removal, replacement planting/reseeding, site protection/signage, pest management, vandalism, and irrigation maintenance. The revegetation/restoration effort shall be visually assessed at the end of 120-day period to determine mortality of individuals.
- 2. The PQB shall submit two copies of the Draft Monitoring Report, which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring. Monitoring reports shall be prepared on an annual basis for a period of five years. Site progress reports shall be prepared by the PQB following each site visit and provided to the owner, RMC and RIC. Site progress reports shall review maintenance activities,

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

BIOLOGICAL RESOURCES-RAPTOR

In order to avoid significant direct impacts to biological resources, the following mitigation measures shall be implemented by the project applicant. Compliance with the mitigation measures shall be the responsibility of the applicant.

1. If project grading is proposed during the raptor breeding season (Feb. 1-Sept. 15), the project biologist shall conduct a pregrading survey for active raptor nests in within 300

feet of the development area and submit a letter report to MMC prior to the preconstruction meeting.

- A. If active raptor nests are detected, the report shall include mitigation in conformance with the City's Biology Guidelines (i.e. appropriate buffers, monitoring schedules, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD of Entitlements shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.
- B. If no nesting raptors are detected during the pregrading survey, no mitigation is required.

BIOLOGICAL RESOURCES-GENERAL AVIAN

In order to avoid significant direct impacts to biological resources, the following mitigation measures shall be implemented by the project applicant. Compliance with the mitigation measures shall be the responsibility of the applicant.

- 1. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. Feb. 1-Sept. 15), or an active nest is noted, the project biologist shall conduct a pregrading survey for active nests in the development area and within 300 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.
 - A. If active nests are detected, or considered likely, the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.
 - B. If no nesting birds are detected per "A" above, mitigation under "A" is not required.

HISTORICAL RESOURCES

In order to avoid significant historical resources impacts, the following mitigation measures shall be implemented by the project applicant:

- I. **Prior to Permit Issuance or Bid Opening/Bid Award**
 - A. Entitlements Plan Check
 - 1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological

Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

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

II. Prior to Start of Construction

- A. Verification of Records Search
1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
 3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.
- B. PI Shall Attend Precon Meetings
1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects) - The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.
3. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).
 - c. MMC shall notify the PI that the AME has been approved.
4. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.
5. Approval of AME and Construction Schedule - After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**

2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation

must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA Section 15064.5, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**

Note: For pipeline trenching and other linear projects in the public Right-of-Way, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."

- c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
 - (1) **Note:** For Pipeline Trenching and other linear projects in the public Right-of-Way, if the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
 - (2) **Note,** for Pipeline Trenching and other linear projects in the public Right-of-Way, if significance can not be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources - Pipeline Trenching and other Linear Projects in the Public Right-of-Way

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities or for other linear project types within the Public Right-of-Way including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

- 1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
 - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.

- c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
- d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Discovery of Human Remains

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

A. Notification

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

B. Isolate discovery site

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

C. If Human Remains ARE determined to be Native American

- 1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
- 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
- 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.

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

D. If Human Remains are NOT Native American

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

V. Night and/or Weekend Work

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

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

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

VI. Post Construction

- A. Submittal of Draft Monitoring Report
- 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe as a result of delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.

b. Recording Sites with State of California Department of Parks and Recreation

The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection C.
3. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
4. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
5. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

PALEONTOLOGICAL RESOURCES

In order to avoid significant paleontological resources impacts, the following mitigation measures shall be implemented by the project applicant:

I. Prior to Permit Issuance or Bid Opening/Bid Award**A. Entitlements Plan Check**

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction**A. Verification of Records Search**

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

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE),

Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)

The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the paleontological monitoring program.

3. Identify Areas to be Monitored

a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits.

Monitoring shall begin at depths below 10 feet from existing grade or as determined by the PI in consultation with MMC. The determination shall be based on site specific records search data which supports monitoring at depths less than ten feet.

b. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

c. MMC shall notify the PI that the PME has been approved.

4. When Monitoring Will Occur

a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.

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

5. Approval of PME and Construction Schedule

After approval of the PME by MMC, the PI shall submit to MMC written authorization of the PME and Construction Schedule from the CM.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
1. The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the PME that could result in impacts to formations with high and/or moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
 2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
 3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.

- b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval of the program from MMC, MC and/or RE. PRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.

Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."

- c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.
 - (1) Note: For Pipeline Trenching Projects Only. If the fossil discovery is limited in size, both in length and depth; the information value is limited and there are no unique fossil features associated with the discovery area, then the discovery should be considered not significant.
 - (2) Note, for Pipeline Trenching Projects Only: If significance cannot be determined, the Final Monitoring Report and Site Record shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources - Pipeline Trenching Projects

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance.

- 1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the fossil resources within the trench alignment and width shall be documented in-situ photographically, drawn in plan view (trench and profiles of side walls), recovered from the trench and photographed after cleaning, then analyzed and curated consistent with Society of Invertebrate Paleontology Standards. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact and so documented.
 - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.

- c. The PI shall be responsible for recording (on the appropriate forms for the San Diego Natural History Museum) the resource(s) encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines. The forms shall be submitted to the San Diego Natural History Museum and included in the Final Monitoring Report.
- d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Night and/or Weekend Work

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

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to

MMC via the RE for review and approval within 90 days following the completion of monitoring.

- a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
- C. Curation of artifacts: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall submit the Deed of Gift and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 3. The RE or BI, as appropriate shall obtain signature on the Deed of Gift and shall return to PI with copy submitted to MMC.
 4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC of the approved report.

2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 87-0226,
LA JOLLA ALTA UNITS 4, 14, 15
(AMENDMENT TO PRD NO. 80)

CITY COUNCIL

This Planned Residential Development Permit Amendment is granted by the City Council of the City of San Diego to TECHBILT CORP., a California corporation, Owner/Permittee, under the conditions contained in Section 101.0900 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct a Planned Residential Development described as La Jolla Alta PRD Unit No. 4, Map No. 8252, Portion of Pueblo Lots 1780 and 1781 and Lots 1-32, Block 1, Sea View Heights Map No. 1125, located generally east of Rutgers Drive south of La Jolla Scenic Drive west of Soledad Road, and north of Turquoise Street, in the R1-5000, R1-10,000 and Hillside Review Overlay Zone.
2. The Planned Residential Development Permit shall include the total of the following facilities:
 - a. 130 total dwelling units consisting of:
 - (1) Eight duplex units in Unit No. 4;
 - (2) 122 single-family detached and duplex units in Unit No. 14; and
 - (3) No dwelling units in Unit No. 15, (Unit 15 is required open space as identified and required in PRD Permit No. 80.
 - b. Off-street parking;
 - c. Incidental accessory uses as may be determined and approved by the Planning Director.
3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property. Permits may be issued for model units prior to the final map recordation, subject to the requirements of the City Attorney, Engineering and Development Director and Planning Director.
4. A "Non-Building Area" designation shall be granted and shown on said map on all areas not shown for building sites in Unit No. 4. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be

maintained as open space. Lot 1 of Unit 15 shall have a negative open space easement over it in a manner satisfactory to the Park and Recreation Department. The easement shall be maintained by the homeowners association. Lots 123 and 124 of Unit 14 shall have a negative open space easement over it in a manner satisfactory to the Park and Recreation Department. All easements shall be maintained by the homeowner's association.

5. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Planning Director for approval. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Planning Director for approval. All plans shall be in substantial conformity to Exhibit "A," dated January 24, 1989, on file in the Planning Department. All landscaping shall be installed prior to issuance of an occupancy permit. Subsequent to the completion of this project, no changes shall be made until an appropriate application for an amendment to this permit shall have been granted. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
6. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
7. Three hundred seventy-one (371) total parking spaces, twenty-six (26) in Unit No. 4 and three hundred forty-five (345) in Unit No. 14, shall be provided (at a ratio of 2.85:1 spaces per dwelling unit. Of those spaces, 111 shall be provided for guests (at a ratio of .85:1 spaces per unit. One hundred eleven (111) curb spaces, ten (10) in Unit No. 4 and one hundred one (101) in Unit No. 14, may be included in the calculation. Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the C.C. and R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated January 24, 1989. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for use of these off-street parking spaces.
8. Exterior radio or television antennas shall be prohibited, except for one master antenna for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation.

9. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Planning Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
10. No manufactured slope shall be steeper than a ratio of 2:1.
11. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.
12. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Planning Director and shall be consistent with the criteria established by the R1-5000, and R1-10000 Zones.
13. Sidewalks shall be provided from each unit to the sidewalk within the dedicated right-of-way, and if the sidewalks are contiguous to the curb of private streets, a five-foot general utility easement must be provided behind this walk.
14. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
15. The effective date of this permit shall be the date of final action by the Planning Director or the effective date of a concurrent rezoning case. If an appeal is filed, the effective date shall be the date of final action by the Planning Commission or, if appealed, the date of City Council action. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0900 of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.
16. No development shall commence, nor shall any permit for construction be issued, until:
 - a. The Permittee signs and returns the permit to the Planning Department;
 - b. The Planned Residential Development Permit is recorded in the Office of the County Recorder.

If the signed permit is not received by the Planning Department within 90 days of receipt of the permit, the permit shall be void.

17. The property included within this Planned Residential Development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by the City of San Diego.
18. This Planned Residential Development Permit may be cancelled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City or Permittee.
19. This Planned Residential Development shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.
20. All accessory structures less than 100 square feet require the approval of the Planning Director and must meet zoning criteria and Planned Residential Development Permit Guidelines and Standards irregardless of Building Inspection Department requirements for building permits.
21. Unless otherwise provided specifically within this Permit, all signs requested and proposed for this project shall conform to City Wide Sign Regulations and be administered by the Sign Code Administration Division of the Planning Department.
22. Vehicular access to the dwelling units within the PRD shall be by means of a system of named, non-dedicated, privately maintained private streets constructed in a manner satisfactory to the City Engineer.
23. Private streets shall be named and begin with appropriate terms such as "Caminito," "Ruelle," "Row," or "Square." Public refuse collection shall not be permitted unless approved by the Director of General Services. All private streets shall be improved to the requirements set forth by the Engineering and Development Director. No parking shall be permitted on any private streets except in approved locations.
24. This Planned Residential Development shall be constructed prior to sale to individual owners to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Planning Director.
25. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

26. The timely landscaping of the slopes identified herein is considered to be in the public interest and the developer shall initiate such landscaping within 90 days from the date that the grading of the designated slopes is deemed to be complete. Such landscaping and the supporting irrigation systems and appurtenances, shall be installed in accordance with the plans approved by the Planning Director and City Engineer and the landscaping shall be properly maintained to insure the survival and propagation of the plant material during the period prior to the acceptance of the public improvements or establishment of a Home Owners Association which will assure responsibility for the landscape maintenance. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

The slopes designated for timely landscaping as described above include all slopes. All other slopes are to be landscaped as shown.

27. All buildings abutting open space shall observe a minimum setback of no less than five feet and no more than 10 feet from the front property line to ensure a maximum building setback from the rear property line and the canyon, for brush management purposes.
28. No retaining wall may exceed a maximum of height six feet.
29. No crib wall may exceed a maximum height of ten feet and shall have a landscape and irrigation plan satisfactory to the Planning Director prior to approval of said crib wall.
30. All front and street yards shall be landscaped in substantial conformity to Exhibit "A," dated January 24, 1989, prior to issuance of final occupancy permits.
31. The maximum floor area shall not exceed 2,700 square feet plus garage for lots with zero line units and 3,000 square feet plus garage for lots with detached dwelling units.
32. Prior to acceptance of the Negative Open Space easement over Lot 1 of Unit No. 15, the erosion hazard must be corrected in a manner satisfactory to the Park and Recreation Director.
33. No final maps shall be filled for Unit No. 14 until, or concurrently with, a final map has been filled for Unit No. 15.
34. Mitigation measures as required in the EIR (EQD No. 87-0226) shall be implemented as presented in the following Mitigation Monitoring Program:

a. Landscaping. All manufactured slopes shall be landscaped in accordance with the approved landscaping plan. The manufactured slope in Van Nuys Canyon shall be landscaped with native plant species indicative of surrounding native vegetation. The Environmental Quality Division (EQD) shall review and approved plant species and hydroseed mix prior to installation. EQD shall be notified in writing when landscaping has been installed. EQD staff shall conduct a site inspection one year following installation of landscaping to determine if landscaping is adequately established. If it is determined that landscaping is not adequately established. EQD staff may require additional one year monitoring inspections until establishment occurs.

b. Geology. The subdivider shall submit a site specific analysis of grading for Units 4 and 14. The site specific geotechnical recommendations shall incorporate the following:

- (1) Areas of loose or compressible surface soils shall be removed down to firm ground.
- (2) All areas receiving fill or other surface improvements shall be scarified to a minimum depth of six inches brought to slightly above optimum moisture conditions and compacted to at least 90 percent.
- (3) Fill soils placed within the upper three feet of building pads shall be nonexpansive and contain no cobbles or boulders over six inches in dimension.
- (4) Structural fill shall have a minimum relative compaction of 90 percent.

Prior to releasing the certificate of occupancy, EQD shall be notified in writing, by a certified geotechnical engineer, that the recommendations have been accomplished.

c. Paleontology. The applicant has submitted to the City of San Diego a letter of intent to initiate a paleontological survey by a qualified paleontologist of Units 4 and 14. In order to ensure mitigation of potentially significant paleontological resources, the following measures shall be implemented:

- (1) Grading plans and schedule shall be provided to a qualified paleontologist in advance of actual development.

- (2) A qualified paleontologist shall be present at any pre-grading meetings to discuss grading plans with the grading and excavation contractors.
 - (3) During grading, a qualified paleontologist shall be on-site during the original cutting of previously undisturbed sediments of the San Diego Formation to inspect cuts for potential fossils. During cutting of the Ardath Shale, the monitoring should initially be half-time, then increased or decreased depending on the results of initial investigation.
 - (4) In the event that well-preserved fossils are discovered, the paleontologist shall be allowed to temporarily direct, divert or halt grading operations to allow recovery of fossil remains in a timely manner. It may be necessary to set up a screen-washing operation on the site.
 - (5) Fossil remains collected during this salvage program shall be cleaned, sorted and cataloged and then, with the owner's permission, deposited in a scientific institution with paleontological collections.
 - (6) A letter shall be prepared by the developer and submitted to the City of San Diego to confirm that a paleontological study has been conducted of Units 4 and 14. The letter will include the results of the paleontological survey.
35. A brush management program shall be implemented which provides the following definitions of three zones of defense for fire safety:
- Zone 1. Consists of plantings adjacent to structures. While these plantings typically consist of irrigated, ornamental non-native species, native plants may also be used. When used, native plants should be able to survive with summer water. Generally, irrigation of this zone is required. All plantings, native or non-native, if not maintained in a succulent (moisture-filled) condition will increase the chance of fire spreading from the landscape to structures.
 - Zone 2. Can be implemented in a variety of ways, the simplest being the selective thinning and pruning of the native plants. Long-term ongoing thinning cost may be reduced by the introduction of low growing fire retardant shrubs and groundcovers that are visually and culturally compatible with the native vegetation. Zone 2 plantings can also be established in disturbed areas that have been cleared of native vegetation by

replanting appropriate native plant species in combination with appropriate introduced plant materials. The maximum native plant coverage in this zone is 20 percent and 40 percent.

Zone 3. The first line of defense for fire safety and involves only the selective thinning and pruning of native vegetation to reduce the fuel load. Planting of non-natives is not recommended and pruning and thinning should be done in a way that preserves the natural appearance of the area. The maximum native plant coverage in this zone is 40 percent to 60 percent.

Together these zones provide for a transitional buffer of 50 to 150 feet between structures and undisturbed native vegetation. The exact width of each of these zones would depend on the Fire Department's Fire Hazard Severity Classification for the western canyon.

36. Prior to the recordation of a final map, a phasing plan shall be submitted to the satisfaction of the Planning Director which ties development to: (a) the allocation schedule of the La Jolla and Pacific Beach Community Plans, as set forth in Schedule A of the Interim Development Ordinance, adopted by the City Council on July 21, 1987 and any successor ordinance, plan or policy imposing the same or similar requirements; and (b) the construction and actual installation of all public facilities specified in the Capital Improvement Program portion of the applicable community plan that would be required for this project approval.
37. This map and site plan shall comply with the standards, policies and requirements of all ordinances in effect at the time of approval of this map, including the Interim Development Ordinance adopted by the City Council on July 21, 1987; and any successor ordinance, plan or policy imposing the same or similar requirements upon environmentally sensitive habitats, floodplains, hillsides, wetlands or coastal bluffs, which approval shall be binding upon all subsequent approvals and permits required for the development.
38. Prior to the issuance of any building permits, the applicant must submit to the Planning Department a site plan which identifies all resident parking spaces (delineating assigned and unassigned) and all guest parking spaces. All curb parking shall be located on this exhibit.
39. Grading and lot design in and around the Van Nuys Canyon shall comply with Alternative 5.2) of Environmental Impact

Report No. 87-0226 as certified by the City Council on January 24, 1989, and shall be approved by the Planning Director.

40. The subdivider shall install landscaping in Cardeno Drive and the Decatur School area to the satisfaction of the Planning Director prior to the issuance of the first building permit for Unit 14.
41. The subdivider shall provide a traffic signal at the intersection of La Jolla Scenic South and Soledad Mountain Road to the satisfaction of Deputy Director of Engineering and Development.
42. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void.

APPROVED by the Council of The City of San Diego on January 24, 1989.

FCC:lc
05/03/89
06/12/89 REV. 1
r-89-1698-p

(R-89-1698 REV. 1)

RESOLUTION NUMBER R-272754

ADOPTED ON JANUARY 24, 1989

WHEREAS, Techbilt Construction Corporation represented by Paul A. Peterson, Esq., appealed the decision of the Planning Commission in approving the conditions for Planned Residential Development Permit No. 87-0226 (Amendment to PRD No. 80), submitted by Techbilt Construction Corporation, Owner, for La Jolla Alta Units 4, 14, and 15, located generally east of Rutgers Drive, south of La Jolla Scenic Drive, west of Soledad Road and north of Turquoise Street, and is further described as a portion of Pueblo Lots 1780 and 1781, and Lots 1-32, Block 1, Sea View Heights, Map No. 1125, and Lot 10 of Map No. 8252, within the boundaries of the La Jolla and Pacific Beach Community Plan areas, in the R1-5000, R1-10000 and Hillside Review Overlay Zones; and

WHEREAS, Save the Canyon Committee by Leysia Wake and Foothills Managed Growth Committee by Marsha Peterson Ingersoll, appealed the decision of the Planning Commission in approving Planned Residential Development Permit No. 87-0226 (Amendment to PRD No. 80), submitted by Techbilt Construction Corporation, Owner, for La Jolla Alta Units 4, 14, and 15, located generally east of Rutgers Drive, south of La Jolla Scenic Drive, west of Soledad Road and north of Turquoise Street, and is further described as a portion of Pueblo Lots 1780 and 1781, and

Lots 1-32, Block 1, Sea View Heights, Map No. 1125, and Lot 10 of Map No. 8252, within the boundaries of the La Jolla and Pacific Beach Community Plan areas, in the R1-5000, R1-10000 and Hillside Review Overlay zones; and

WHEREAS, the matter was set for public hearing on January 24, 1989, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Planned Residential Development Permit No. 87-0226 (Amendment to PRD No. 80):

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The project provides 36.8 acres of open space which maintains the unique topographic and vegetational features of the surrounding area. The total 130 dwelling units (3.9 dwelling units per acre) is consistent with the La Jolla and Pacific Beach community plan designations for the site of residential use at 0-5 and 0-9 dwelling units per acre respectively.

2. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area and

will not adversely affect other property in the vicinity. The site design of the development minimizes impacts upon landform and the surrounding properties. The use of zero lot line buildings minimizes the visual affect of the development upon the surrounding properties by reducing the number of buildings. The risk of fire damage has been reduced through the use of front yard setbacks, which locate the buildings further away from the canyon rims.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The project meets and exceeds the minimum requirements of the Planned Residential Development Ordinance. Specifically, Unit No. 14 development provides 13.7 acres of open space (45 percent of the site) where 8.9 acres are required (27 percent of the site).

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

BE IT FURTHER RESOLVED, that the appeals of Save the Canyon Committee and Foothills Managed Growth Committee are denied and that the appeal of Techbilt Construction Corporation is granted; the decision of the Planning Commission is overruled, and Planned Residential Permit No. 87-0226 (Amendment to PRD No. 80) is hereby granted to Techbilt Construction Corporation, under the

terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
05/03/89
06/12/89 REV. 1
Or.Dept:Clerk
PRD-87-0226
R-89-1698
Form=r.permit

Passed and adopted by the Council of The City of San Diego on

JAN 24 1989

by the following vote:

YEAS: Wolfsheimer, Roberts, McColl, Pratt, Struiksma, Henderson,
McCarty, Filner, Mayor O'Connor.

NAYS: None.

NOT PRESENT: None.

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: RHONDA R. BARNES, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. R- 272754, passed and adopted by the Council of The City of San Diego, California on JAN 24 1989.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: Rhonda R. Barnes, Deputy

DEC 20 1974

FILED

OFFICE OF THE CITY CLERK

SAN DIEGO, CALIFORNIA

PLANNED RESIDENTIAL DEVELOPMENT PERMIT

CITY COUNCIL

This planned residential development permit is granted by the Council of The City of San Diego to TECHBILT CONSTRUCTION CORPORATION, a corporation, owner, hereafter referred to as "Permittee," for the purposes and under the terms as set out herein pursuant to the authority contained in Section 101.0900 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a planned residential development, located southerly of the easterly terminus of Nautilus Street, between Cardeno Drive and Rutgers Road on the west and Soledad Road and Soledad Mountain Road on the east, more particularly described as portions of Pueblo Lots 1775, 1255, 1780, 1781, and all of Block 1, Sea View Heights, in the R-1-5, R-1-10 and R-1-20 Zones.

2. The planned residential development shall include and the term "Project" as used in the planned residential development permit shall mean the total of the following facilities:

- a. 649 living units consisting of the following:
- (1) Single-family detached - 10 units.
 - (2) Zero lot line homes - 112 units.
 - (3) Two-family attached homes - 188 units.
 - (4) Mixed 3, 4 and 5 family attached - 339 units.

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PLANNING DEPT.

- b. Recreation facilities consisting of (1) major facility not exceeding seven tennis courts, olympic size swimming pool and recreation buildings, and (2) secondary recreation facilities not exceeding five swimming pool centers.
 - c. Neighborhood convenience center - 15,000 square feet of floor area.
 - d. Off-street parking.
 - e. Incidental accessory uses as may be determined and approved by the Planning Director.
3. Prior to the issuance of any building permits, a final subdivision map or maps shall be recorded on the subject property.
4. An open space easement shall be granted and shown on said map on all areas not shown for building sites.
5. Not less than 2500 off-street parking spaces (or at a ratio of 3.85 to 1) shall be provided and at least two spaces per unit shall be enclosed in a garage. 98 off-street parking spaces shall be provided at the neighborhood convenience center and recreation facility. Each of the parking spaces shall be a minimum of 8-1/2 feet by 20 feet in dimension and shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the C.C. & R.'s. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit A, dated

July 31, 1974. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.

6. Exterior radio or television antennas shall be prohibited; however, one master antenna may be permitted for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation.

7. All of the private streets shall be named and begin with the term "Caminito."

8. Public refuse collection shall not be permitted unless approved by the Director of Public Works.

9. All interior private streets shall be of alignment, grade width, and structural section satisfactory to the City Engineer. All turnarounds shall be of design satisfactory to the City Engineer.

10. PCC sidewalk shall be provided from each unit to a walkway within the dedicated right-of-way, and if the walkway is contiguous to the curb, a five-foot general utility easement must be provided behind this walk.

11. The developer shall provide adequate street lighting, acceptable to the City Engineer, which will provide illumination in the private street in accordance with minimum City standards for public streets. This lighting system shall be privately owned

and maintained by a property owners' association.

12. No parking shall be permitted on any private streets except in approved locations.

13. No building additions, except patio covers, shall be permitted unless approved by the Planning Commission. Patio covers shall be permitted only if they are consistent with the architecture of the dwelling unit and have been approved by the Homeowners' Association.

14. The applicant shall post a copy of the approved resolution on exhibit in the sales office that can be reviewed by each prospective buyer.

15. Permittee shall install landscaping on the entire area outside all structures for the whole project, except for the areas to be left in their natural state.

16. The project shall be phased in such a manner that building permits shall not be issued for more than 130 dwelling units per calendar year, commencing with the calendar year 1974; the right to building permits shall be cumulative.

17. The major recreation facility and neighborhood convenience center shall be owned by the residents of the project or by the Homeowners' Association.

18. The neighborhood convenience center consisting of 15,000 square feet of floor area shall be permitted the following general uses: Specialty stores, beauty shop, barber shop, cleaner, clothing

store, drug store, boutique and professional offices.

19. The hours of operation of the neighborhood convenience center shall not commence prior to 6 a.m. nor continue later than 11 p.m.

20. All signs for the neighborhood convenience center shall be consistent with the CN Zone sign regulations and shall be approved by the Planning Director.

21. Tennis courts shall be permitted to remain lighted no later than 10 p.m.

22. All manufactured slopes shall have a ratio of 2 to 1 or as indicated on the grading plan.

23. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Planning Director and shall be consistent with the criteria established by the R-1-5 Zone.

24. Prior to the recording of each subdivision map for the project, the developer will provide evidence to the City that the developer has complied, or will properly comply, in connection with such subdivision, with its contract with the San Diego Unified School District to provide additional financial or other contribution to the District.

25. After issuance of building permits for the initial 130 dwelling units, no final subdivision map will be recorded for additional dwelling units until Permittee has submitted

evidence to the reasonable satisfaction of the Planning Commission as to whether development of the premises can feasibly be such to contribute to a balanced community. Such evidence shall be provided by a written report from Permittee to the Planning Commission and shall include (1) character and availability of Federal subsidy funds, if any, which would then allow for effectuation of said balanced community and (2) the recommendations, if any, of Permittee which would permit said subsidy funds then available to be utilized to achieve said balanced community. Permittee shall not at one time render said report for map or maps containing more than 130 dwelling units. Unless the Planning Commission finds, within 30 days after said submission, that the submitted evidence is unsatisfactory, the same shall be incontrovertibly deemed satisfactory.

26. Permittee shall comply with the General Conditions for Planned Residential Development Permits attached hereto and made a part hereof.

Passed and adopted by the Council of The City of San Diego on September 19, 1974.

GENERAL CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENT PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A dated July 31, 1974, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the Project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit A, dated July 31, 1974, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

4. This planned residential development permit must be utilized within 18 months after the effective date thereof. Failure to utilize subject permit within 18 months will automatically void the same, unless an extension of time has been granted by The City of San Diego as set forth in Section 101.0900 of the Municipal Code.

5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

6. The effectiveness of this planned residential development permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this planned residential development permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the City Council granted this planned residential development permit.

b. This planned residential development permit executed as indicated shall have been recorded in the office of the County Recorder.

7. After the establishment of the Project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or City Council, or both unless the proposed use meets every requirement of the zone existing for the subject property at the time of conversion.

8. The property included within this planned residential development permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

9. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this planned residential development permit may be cancelled or revoked. Cancellation or revocation of this planned residential development permit may be instituted by City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0900. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0900.

10. This planned residential development permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

Acknowledgment

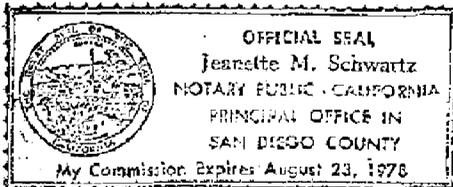
STATE OF CALIFORNIA) ss
COUNTY OF SAN DIEGO)

On this 13th day of December, 1974, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Paul K. Tchang known to me to be the President *and*

_____ known to me to be the
_____ of _____
Techbilt Construction Corp.

the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.
(Notary Stamp)



Jeannette M. Schwartz
Notary Public in and for the County
of San Diego, State of California

PRD

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 80
PLANNING COMMISSION

This Planned Residential Development Permit is granted by the City Planning Commission of San Diego to TECHBILT CONSTRUCTION CORPORATION, a California Corporation, "Owner/Permittee", for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0900 et sequitur of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to "Owner/Permittee" to construct and operate a Planned Residential Development located between Soledad Mountain Road on the northeast and easterly of Cardeno Drive, more particularly described as portions of Pueblo Lots 1255, 1775, 1780 and 1781, and all of Block 1, Sea View Heights, Map No. 1125, in the R-1-10, R-1-10 (LC Overlay), R-1-20 and R-1-20 (LC Overlay) (proposed R-1-5) zones.
2. The Planned Residential Development shall include and the term "Project" as used in the Planned Residential Development shall mean the total of the following facilities:
 - a. 649 living units consisting of the following:
 - 1) Single-family detached - 10 units.
 - 2) Zero lot line homes - 112 units.
 - 3) Two-family attached homes - 188 units.
 - 4) Mixed 3, 4 and 5 family attached - 339 units.
 - b. Recreation facilities consisting of (1) Major facility not exceeding seven tennis courts, olympic size swimming pool and recreation buildings, and (2) secondary recreation facilities not exceeding five swimming pool centers.
 - c. Neighborhood convenience center - 15,000 square feet of floor area.
 - d. Offstreet parking.
 - e. Incidental accessory uses as may be determined and approved by the Planning Director.
3. Prior to the issuance of any building permits, a final subdivision map or maps shall be recorded on the subject property.
4. An open space easement shall be granted and shown on said map on all areas not shown for building sites.
5. Not less than 2500 offstreet parking spaces (or at a ratio of 3.85 to 1) shall be provided and at least two spaces per unit shall be enclosed in a garage. 98 offstreet parking spaces shall be provided at the neighborhood convenience center and recreation facility. Each of the parking spaces shall be a minimum of 8-1/2 feet by 20 feet in dimension and shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the C.C. & R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A" dated July 31, 1974. Areas and driveways shall

(PRD #80)

be surfaced with not less than 2" A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these offstreet parking spaces.

6. Exterior radio or television antennas shall be prohibited; however, one master antenna may be permitted for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation.

7. All of the private streets shall be named and begin with the term "Caminito".

8. Public refuse collection shall not be permitted unless approved by the Director of Public Works.

9. All interior private streets shall be of alignment, grade, width, and structural section satisfactory to the City Engineer. All turnarounds shall be of design satisfactory to the City Engineer.

10. PCC sidewalk shall be provided from each unit to a walkway within the dedicated right-of-way, and if the walkway is contiguous to the curb, a five-foot general utility easement must be provided behind this walk.

11. The developer shall provide adequate street lighting, acceptable to the City Engineer, which will provide illumination in the private street in accordance with minimum City standards for public streets. This lighting system shall be privately owned and maintained by a property owners' association.

12. No parking shall be permitted on any private streets except in approved locations.

13. No building additions, except patio covers, shall be permitted unless approved by the Planning Commission. Patio covers shall be permitted only if they are consistent with the architecture of the dwelling unit and have been approved by the Home Owners' Association.

14. The applicant shall post a copy of the approved resolution on exhibit in the sales office that can be reviewed by each prospective buyer.

15. "Owner/Permittee" shall install landscaping on the entire area outside all structures for the whole project, except for the areas to be left in their natural state.

16. The project shall be phased in such a manner that building permits shall not be issued for more than 130 dwelling units per calendar year, commencing with the calendar year 1974; the right to building permits shall be cumulative.

17. The major recreation facility and neighborhood convenience center shall be owned by the residents of the project or by the Home Owners' Association.

18. The neighborhood convenience center consisting of 15,000 square feet of floor area shall be permitted the following general uses: Specialty stores, beauty shop, barber shop, cleaner, clothing store, drug store, boutique and professional offices.

19. The hours of operation of the neighborhood convenience center shall not commence prior to 6:00 A.M. nor continue later than 11:00 P.M.

(PRD #80)

20. All signs for the neighborhood convenience center shall be consistent with the CN Zone sign regulations and shall be approved by the Planning Director.
21. Tennis courts shall be permitted to remain lighted no later than 10:00 P.M.
22. All manufactured slopes shall have a ratio of 2 to 1 or as indicated on the grading plan.
23. Adequate street lighting, acceptable to the Public Works Director and the City Engineer shall be provided, which will illuminate the private street in accordance with minimum City standards for public streets. This lighting system shall be privately owned and maintained by a property owners' association.
24. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Planning Director and shall be consistent with the criteria established by the R-1-5 zone.
25. Prior to the recording of each subdivision map for the project, the developer will provide evidence to the City that the developer has complied, or will properly comply, in connection with such subdivision, with its contract with the San Diego Unified School District to provide additional financial or other contribution to the District.
26. After issuance of building permits for the initial 130 dwelling units, no final subdivision map will be recorded for additional dwelling units until "Owner/Permittee" has submitted evidence to the reasonable satisfaction of the Planning Commission as to whether development of the Premises can feasibly be such to contribute to a balanced community. Such evidence shall be provided by a written report from the "Owner/Permittee" to the Planning Commission and shall include (1) the character and availability of Federal subsidy funds, if any, which would then allow for effectuation of said balanced community and (2) the recommendations, if any, of "Owner/Permittee" which would permit said subsidy funds then available to be utilized to achieve said balanced community. "Owner/Permittee" shall not at one time render said report for map or maps containing more than 130 dwelling units. Unless the Planning Commission finds, within 30 days after said submission, that the submitted evidence is unsatisfactory, the same shall be incontrovertibly deemed satisfactory.
27. The Permittee shall comply with the General Conditions for Planned Residential Development Permits attached hereto and made a part hereof.

Passed and adopted by the Planning Commission of The City of San Diego on July 31, 1974.

(PRD #80)

20. All signs for the neighborhood convenience center shall be consistent with the CN Zone sign regulations and shall be approved by the Planning Director.
21. Tennis courts shall be permitted to remain lighted no later than 10:00 P.M.
22. All manufactured slopes shall have a ratio of 2 to 1 or as indicated on the grading plan.
23. Adequate street lighting, acceptable to the Public Works Director and the City Engineer shall be provided, which will illuminate the private street in accordance with minimum City standards for public streets. This lighting system shall be privately owned and maintained by a property owners' association.
24. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Planning Director and shall be consistent with the criteria established by the R-1-5 zone.
25. Prior to the recording of each subdivision map for the project, the developer will provide evidence to the City that the developer has complied, or will properly comply, in connection with such subdivision, with its contract with the San Diego Unified School District to provide additional financial or other contribution to the District.
26. After issuance of building permits for the initial 130 dwelling units, no final subdivision map will be recorded for additional dwelling units until "Owner/Permittee" has submitted evidence to the reasonable satisfaction of the Planning Commission as to whether development of the Premises can feasibly be such to contribute to a balanced community. Such evidence shall be provided by a written report from the "Owner/Permittee" to the Planning Commission and shall include (1) the character and availability of Federal subsidy funds, if any, which would then allow for effectuation of said balanced community and (2) the recommendations, if any, of "Owner/Permittee" which would permit said subsidy funds then available to be utilized to achieve said balanced community. "Owner/Permittee" shall not at one time render said report for map or maps containing more than 130 dwelling units. Unless the Planning Commission finds, within 30 days after said submission, that the submitted evidence is unsatisfactory, the same shall be incontrovertibly deemed satisfactory.
27. The Permittee shall comply with the General Conditions for Planned Residential Development Permits attached hereto and made a part hereof.

Passed and adopted by the Planning Commission of The City of San Diego on
July 31, 1974.

ACKNOWLEDGED:

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 Permittee hereunder.

TECHBILT CONSTRUCTION CORPORATION, a California corporation, "Owner/Permittee"

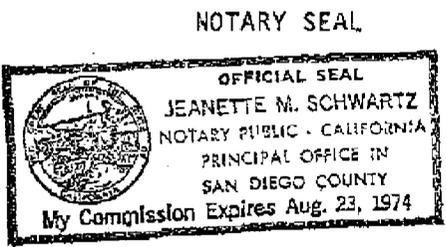
By [Signature], PRES.
Authorized Signator

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

On August 21, 1974, before me, the undersigned, a Notary Public in and for said State, personally appeared DAUL K. TCHANG known to me to be the PRESIDENT of the corporation the executed the within instrument, known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

WITNESS my hand and official seal.

Signature [Signature]
JEANETTE M. SCHWARTZ
Name (Typed or Printed)



AUTHENTICATED BY:

Tom Murphy, Senior Planner
Planning Department

Mary M. Bagaloff

Mary M. Bagaloff, Secretary of the
Planning Commission

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)ss.

On this _____ day of _____, 19____, before me, the undersigned,
a Notary Public in and for said County and State, personally appeared

_____, known to me to be Senior Planner of The
City of San Diego Planning Department, and MARY M. BAGALOFF, known to me to
be the Secretary of the Planning Commission of The City of San Diego and known
to me to be the persons whose names are subscribed to the within instrument
and acknowledged that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County
of San Diego, State of California, the day and year in this certificate first
above written.

Notary Public in and for the County of
San Diego, State of California

NOTARY STAMP

GENERAL CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENT PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" dated July 31, 1974, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.
2. Prior to the issuance of any building permits a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" dated July 31, 1974, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.
3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.
4. This Planned Residential Development Permit must be utilized within 18 months after the effective date thereof. Failure to utilize subject permit within 18 months will automatically void the same, unless an extension of time has been granted by the Planning Commission as set forth in Section 101.0900 of the Municipal Code.
5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.
6. This Planned Residential Development Permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0900 of the Municipal Code of The City of San Diego.
7. The effectiveness of this Planned Residential Development Permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:
 - a. Permittee shall have agreed to each and every condition hereof by having this Planned Residential Development Permit signed within 90 days of the Commission's decision. In no event shall this condition be construed to extend the time limitation set forth in Condition 4 above, i.e., the time commences to run on the date that the Planning Commission granted this Planned Residential Development Permit.
 - b. This Planned Residential Development Permit executed as indicated shall have been recorded in the office of the County Recorder.
8. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning

(Gen. Conds., PRD's, P.2)

Commission or unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

9. The property included within this Planned Residential Development shall be used only for the purposes and under the terms and conditions as set forth in this Permit unless the Permit shall have been revoked by The City of San Diego.

10. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this Permit or any default on the part of the Permittee or its successors in interest, shall be deemed a material breach hereof and this Permit may be canceled or revoked. Cancellation or revocation of this Permit may be instituted by the City or permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0900, Paragraph E. An appeal from the decision of the Planning Commission may be taken to the City Council within 10 days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0900.

11. This Planned Residential Development Permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.



LA JOLLA COMMUNITY PLANNING ASSOCIATION
 P.O. Box 889 La Jolla CA 92038 Ph 858.456.7900
<http://www.LaJollaCPA.org> Email: Info@LaJollaCPA.org

Regular Meeting – 6 May 2010

Attention: Jeannette Temple, DSD, City of San Diego

Project: Alta La Jolla Restoration
 2105 Alta La Jolla Drive
 PN 128971

Action: To accept the recommendation of the DPR Committee Alta La Jolla Restoration: 2105 Alta La Jolla Drive – Reconsideration of previously approved CDP based on updated engineering design, and forward the recommendation to the City **Vote: 14-0-1**

Submitted by: *Joseph LaCava* **6 May 2010**
 Joe LaCava, President **Date**
 La Jolla CPA

DPR Report

Project Name: ALTA LA JOLLA RESTORATION
 2105 Alta La Jolla Drive
 Permits: SDP Project #: JO#00-0000/128971
 DPM: Jeannette Temple 619-557-7908, jtemple@sandiego.gov
 Zone: RS-1-4
 Applicant: Kathleen Harrison 619.297.1530 x211 KHarrison@Geosyntec.com
 Scope of Work:
 Reconsideration of previously approved project (CDP – Approved 8/14/07 & CPA – recommendation approval upheld 11/1/2007)...Original proposal was a conceptual design to restore Alta La Jolla drainage channel; new proposed design includes a natural drainage channel restored in the southern portion, flow-splitting weir structure, storm water and non-storm water retention to improve water quality.
 Presented by Nathan Jacob Approved

Motion: The findings for a SDP can be made. (Addington/Collins 7-0-0)

In favor: Addington, Ashley, Collins, Costello, Ducharme Conboy, Gaenzle, Hayes Recused: Merten

La Jolla Community Planning Association

President: Tim Golba Vice President: Lance Peto Secretary: Sherri Lightner

REGULAR MEETING – November 1, 2007

Present: Dave Abrams, Darcy Ashley, Orrin Gabsch, Tim Golba, Lynne Hayes, Todd Lesser, Sherri Lightner, Mark Lyon, Phil McConkey, Marty McGee, Phil Merten, Paul Metcalf, Michael Morton, Alice Perricone, Lance Peto, Robert Thiele, Rob Whittemore

Absent: Ray Weiss.

Late: Abrams (6:55 PM)

Left Early: Metcalf (8 PM)

AGENDA ITEMS:

1. Welcome and Call to Order:

THE CHAIR, PRESIDENT TIM GOLBA, CALLED THE REGULAR MEETING TO ORDER 6:38 PM.

2. Request for Agenda Modifications

Item 17 – Mr. Merten received Notice for a Substantial Conformance Review the day before the meeting and it was dated October 25, 2007. Request the item be pulled until public notice has been given.

MOTION: To continue Item 17 (Jack's) due to lack of notice and send back to committee for hearing as an SCR (Substantial Conformance Review). (Merten/Lightner: 15-0-0)

Affirmative Votes: Darcy Ashley, Orrin Gabsch, Lynne Hayes, Todd Lesser, Sherri Lightner, Mark Lyon, Phil McConkey, Marty McGee, Phil Merten, Paul Metcalf, Michael Morton, Alice Perricone, Lance Peto, Robert Thiele, Rob Whittemore

No Votes: None

MOTION: Letter to be written to City Development Services Department Staff requesting no action on the project (Jack's) until the recommendation from the Community Planning Association is received. (Lesser/Gabsch: 15-0-0)

Affirmative Votes: Darcy Ashley, Orrin Gabsch, Lynne Hayes, Todd Lesser, Sherri Lightner, Mark Lyon, Phil McConkey, Marty McGee, Phil Merten, Paul Metcalf, Michael Morton, Alice Perricone, Lance Peto, Robert Thiele, Rob Whittemore

No Votes: None

MOTION: To amend the agenda to hear Item 12 as the next item on the agenda, to be followed by time certain agenda item 11. (Lesser/Lyon: 15-0-0)

Affirmative Votes: Darcy Ashley, Orrin Gabsch, Lynne Hayes, Todd Lesser, Sherri Lightner, Mark Lyon, Phil McConkey, Marty McGee, Phil Merten, Paul Metcalf, Michael Morton, Alice Perricone, Lance Peto, Robert Thiele, Rob Whittemore

No Votes: None

4. President's Report – Tim Golba

- 1.) CPC updates – There was no meeting due to the fire.
- 2.) Coastal Permit Exemption process will be discussed next month.

5. Treasurer's Report – Lynne Hayes

Previous ending balance: \$833.51 Collected at September Meeting: \$57.00 Expenses: \$xx
Ending Balance: \$761.61

6. Public Comment

- COMPACT –Gail Forbes - There was no meeting.
- Bird Rock Community Council – No comment.
- UCSD Community Planner – Milt Phegley – Not present.

Anne Cleveland – The 50th Annual La Jolla Town Council Parade will be Sunday, December 2 at 2 PM. You can watch it, volunteer to help or be in the Parade.

Marshall Merrifield – Announced that he was a candidate for City Council District 1 and that his assistant Shannon Mesa would be attending the CPA meetings. He had information outside on the porch.

Susan Goulian – Announced that Sherri Lightner is a candidate for City Council District 1.

Carol Shively – Commented that pupping season is approaching and contact Morris Dye in the Development Services Department to support placement of rope barricade,

Roger Wiggins – Is working with Thyme Curtis to extend notice area from 300 ft to one-half mile.

Ed Ward – Announced the Veteran's Program at Mount Soledad on Saturday November 10 at 2 PM.

- 12. Waste Water Update – Update and presentation of the Secondary treatment at the Point Loma Wastewater Treatment Plant – Dr. Timothy Bertch. Time certain – 7:00.** A handout was provided. The request is for a waiver to defer going to secondary treatment. It will be heard by the San Diego City Council on November 19 or 20. A panel from the Scripps Institution of Oceanography did a report on the results of studies performed in the vicinity of the outfall. The test information can be accessed from the City's website. There is data for the last ten years. The waiver is requested for five years. The City almost went to secondary treatment in 1987, but a Judge said no – the \$1.5 billion cost was too high. As the technology keeps improving the costs keep going down.

MOTION: The La Jolla Community Planning Association endorses the waiver of secondary treatment application based upon Scripps Institution of Oceanography's endorsement. (Merten/Lesser: 15-1-0)

Affirmative Votes: Dave Abrams, Darcy Ashley, Orrin Gabsch, Lynne Hayes, Todd Lesser, Sherri Lightner, Mark Lyon, Phil McConkey, Marty McGee, Phil Merten, Paul Metcalf, Michael Morton, Lance Peto, Robert Thiele, Rob Whittemore

No Votes: Alice Perricone

Comments: Merten supported only because of SIO's endorsement. Lightner supported waiver only because secondary treatment cannot be accomplished by the time the current waiver expires.

- 15. Beach Alcohol Ban – Update on the proposed ban, approval process and key dates – Thyme Curtis - Council District 2.** This will go to San Diego City Council and is the only item on the agenda on November 5, 2007. Faulconer is recommending Item D. There are four proposals for consideration: Item A is from the City Attorney; Item B is from the Mayor; Item C is from the City Attorney and only for La Jolla, and Item D is for all areas south of La Jolla. District 2 is supporting a ban in the Coastal Parks and ROW's and District 1 is supporting the Beaches and Coastal ROW's.

NO MOTION.

Comment Merten: We need Police enforcement. Why cannot a ¼% sales/alcohol tax be used to fund additional enforcement?

- 14. Airport Expansion Master Plan – Update and presentation of the Lindberg Field Master Plan – Lance Murphy from the Airport Noise Advisory Committee and Airport Technical Advisory Group.** Mr. Murphy is on the Peninsula Planning Board and has dealt with land use issues around 16 local airports. He presented a power point presentation. Information is available on their website. Comments are due on the Draft Environmental Impact Report are due by November 30, 2007. Contact Mr. Murphy at lmurphy@cox.net.

- 11. La Jolla Pilot Parking Program – Update and presentation of the Pilot Program for parking in the Village.** Members of the Community Parking District Advisory Board were introduced. Mr. Metcalf introduced the program and said that the presentation was for information only. Ms. Tiffany Sherer made a power point presentation. Comments on the proposal are to be submitted to the Parking Board by November 3, 2007. Comments may be submitted to parking@lajollabythesea.com or P.O.

ATTACHMENT 11

Box 9047, La Jolla 92038. Mr. McGee went through Frequently Asked Questions and the responses. Mr. McGee stated that if we don't get 80% of the revenues, his support for the plan would end.

Speaker Slips in Opposition: 15 without names. 14 with names. 11 with names and wished to speak.

Speaker Slips in Favor: 3 without names. 8 with names. 5 with names and wished to speak.

Copies of the speaker slips are attached to the minutes.

For all public testimony, please see the DVD of the meeting. Following are from notes taken of the meeting.

Speakers in Opposition:

Joe LaCava - If employees are the problem how does this plan fix it? - If the vacancy rate is more than 15% will the fees go away?

Chuck Myers - Curious why the Executive Director of PLJ [Promote La Jolla] is making the [power point] presentation for the Parking Board. Not issue of revenue. Residents need to be considered.

Nancy Manno - Not present.

Jim Fitzgerald - There are no measures of success, no baseline. No quantification of problem that you are trying to solve. No standards. Success as measured by what? CP 100-18 used to create the parking district by waiving provisions for a traffic study. Just a grab for OPM - Other People's Money.

Anne Cleveland - The La Jolla Town Council passed this motion at its regularly held and noticed October meeting: The LJTC opposes the Pilot Parking Program and reiterates its previous and continued opposition to paid on street parking. Where do employees park?

Joseph Manno - Not present

Glen Rasmussen - Can a public garage be built. There should be a feasibility study as a part of the Pilot Plan. There is money available to fund the GPS vehicle. Why don't do that?

Sherri Lightner - The La Jolla Shores Association at its publicly noticed and regular October meeting had as an agenda item the Pilot Parking Plan. The Board passed the following motion: The LJSA is strongly opposed to the Pilot Parking Program. Additional questions are: has the California Coastal Commission cleared the residential permit-parking zone? Where is the money for the pay stations coming from? Has the form for the agreement with respect to revenue division been investigated? Suggest that the MTDB Shuttle study be read by anyone interested, because it did not show that a shuttle would not work for La Jolla - it showed that if a shuttle duplicates a bus route - it would not be successful.

Hillary Hulce - Commented on the high land costs for a garage. FY 2008 \$135K. MOU for a shuttle. CEQA concerns.

Roger Wiggans - At one of the parking board meetings it was asserted that \$18K was paid by George's and La V for parking. Employers should be more involved in taking care of employees' parking needs.

Debby Tremble - Not present

Michael Ullman - In favor of paid on street parking

Reza Ghasemi - Expressed concern about fights he has witnessed over on street parking spaces.

Martin Mosier - Subsidize bus passes. Discussion of Mr. Trippi with parking enforcement and the successful use of GPS enforcement vehicles.

George Hauer - Supports the Pilot Parking Program.

Trustee Comment:

Todd Lesser – Reiterated the list of concerns raised by the Traffic and Transportation Board and expressed concern that the problem had not been adequately defined. Stated that answers are required to at least the following questions: What is the number of employees; the number of paid spaces; the number of free spaces; number of employers; number of spaces provided by the employers; number of spaces required; are there any deed restrictions or shared parking agreements and what is the status of them

Rob Whittemore – Better enforcement with GPS might achieve the goal of 10-15% on street parking space vacancy. Asked Tom Brady to explain his ideas on this subject.

Tom Brady – The GPS enforcement vehicle is relatively inexpensive and could increase the turnover of the on street parking supply. The cost is on the violator, not on the rest of us as a tax on everyone else. We could buy one vehicle and use it only in La Jolla. We would need an ordinance to allow enforcement of tickets issued by the vehicle. It can do 1000 cars in an hour. Check out the information in the La Jolla Village News and on the Monterey California website.

Darcy Ashley – Concerned that the Casa de Manana was not noticed about any of these plans. A lot of employers do not know about this and we should be considering the ripple effect into the surrounding neighborhoods.

Phil McConkey – The parking fees are taxes/tariffs/fees – if the City does this will we get any of them?

Dave Abrams – Agrees that there should be some benchmarks and targets for success as discussed by Jim Fitzgerald.

Response from CPD member – Aspen the sales tax revenue went up.

Marty McGee – Pacific Beach and Old Town are putting forward plans.

Phil Merten – Why is not better enforcement the answer?

Orrin Gabsch – This is the most serious issue the community has faced since BLOB or 939 Coast. There is an intensification of use. What would happen if every business had to provide its required parking on site? The City is the culprit. Consider how the Transit Area Overlay Zone reduces the parking requirements, and then 1 year ago bus service was cut. There are no parking requirements for outdoor dining and that is being abused. Shared parking agreements are not enforced. Do you think there will ever be a 10-15% vacancy on Prospect – how much will the parking need to cost to achieve this? How much on street parking is available from Herschel to Cave on Prospect? We need to increase enforcement and follow the money. The businesses really need to look at a Maintenance Assessment District – all that money comes back. Business needs to be an equal partner. The current proposal is like a MAD tax on residents and tourists.

MOTION: To continue this discussion until all other business is complete. (McGee/McConkey: 13-2-0)

Affirmative Votes: Dave Abrams, Darcy Ashley, Orrin Gabsch, Lynne Hayes, Todd Lesser, Mark Lyon, Phil McConkey, Marty McGee, Phil Merten, Alice Perricone, Lance Peto, Robert Thiele, Rob Whittemore

No Votes: Sherri Lightner, Michael Morton

Absent: Paul Metcalf

16. La Jolla Alta Restoration – 2105 1/3 Alta La Jolla Drive – Canyon Restoration Project.

APPROVED MOTION: To accept recommendation of the CDP Committee on Agenda Item (16) and forward recommendations to the City. (Lightner/Hayes: 13-0-0)

Affirmative Votes: Dave Abrams, Darcy Ashley, Orrin Gabsch, Lynne Hayes, Todd Lesser, Sherri Lightner, Mark Lyon, Phil McConkey, Marty McGee, Michael Morton, Alice Perricone, Robert Thiele, Rob Whittemore

No Votes: None

Absent: Paul Metcalf, Lance Peto

Recused: Phil Merten

MOTION: To call the question. (McGee/xx: 11-0-2)

Affirmative Votes: Darcy Ashley, Orrin Gabsch, Lynne Hayes, Todd Lesser, Sherri Lightner, Mark Lyon, Phil McConkey, Marty McGee, Michael Morton, Robert Thiele, Rob Whittemore

No Votes: None

Abstentions: Dave Abrams, Alice Perricone

Absent: Paul Metcalf, Lance Peto

Recused: Phil Merten

3. Approval for the October 4, 2007 Minutes

APPROVED MOTION: To approve the minutes. (Ashley/McGee: 11-0-2)

Affirmative Votes: Dave Abrams, Darcy Ashley, Lynne Hayes, Todd Lesser, Sherri Lightner, Marty McGee, Phil Merten, Michael Morton, Alice Perricone, Robert Thiele, Rob Whittemore

No Votes: None

Abstentions: Orrin Gabsch, Mark Lyon

Absent: Phil McConkey, Paul Metcalf, Lance Peto

13. Windansea Parking Lot Improvements – Update and presentation of the public improvements to the Windansea Parking Lot – Jim Neri from Jim Neri Landscape Architects. Information only. Windansea Parking Lot is the third phase of the improvements, which were to be made at Windansea. They have finished the final hurdle with the City and will finalize the cost estimate. Construction will be soon. Improvements along Coast Blvd from Goldfish Point to southern end of the shoreline. Two phases are done. It ended at the Children's Pool. Funds have been provided for the design from People's Wall to Nick Wallner's house. A half-day workshop will be conducted in early December or next year. The workshop will be announced and published in the paper.

7. City of San Diego Planning Department: No report.

8. Keely Sweeney – CD 1 Representative for Council President Peters – No report.

9. Thyme Curtis - CD 2 Representative for Kevin Faulconer – see item 15.

10. COMMITTEE REPORTS & CONSENT ITEMS:

A) Planned District Ordinance Review Committee:

(1) Minutes of October 1, 2007 (No Meeting October 15, 2007) – For information only.

(2) Recommendations to the CDP committee.

A. Burger Lounge Sidewalk Café, 1101 Wall Street, PDO Zone 1

MOTION: To approve the proposal as presented with the white-colored corral and the attachment of the corral to the exterior wall of the building. (Wagenselner/Marengo: 7-0-0)

Note: There was a lengthy discussion by the committee of DSD's failure to require parking for the 1998 CDP when there was a change of use (retail to restaurant), even though the community made the requirement a condition of project approval. Suggestion that the CDP review this issue.

(3) Final Review for CPA Consent - None

B) Coastal Development Permit Review Committee:

(1) Sea Cliff Residence, 7985 Prospect Place – construct a 3,303 square foot addition to a 5,602 sq. ft. existing home. APPROVED 7-0-0.

(2) Aliezer Residence, 2042 Via Casa Alta – New 8,067 square foot Single Family Residence on a 28,518 sq. ft. lot. APPROVED 7-0-0.

(3) Hillside La Jolla, 7430 Hillside Drive – Findings cannot be made for 7,990 sq. ft. residence. DENIED 6-1-0.

(4) Burger Sidewalk Café, 1101 Wall Street – 250 square foot sidewalk café. APPROVED 5-1-1

APPROVED MOTION: To accept recommendation of the CDP Committee on Items (1), (3) and (4) and forward recommendations to the City. (Hayes/Lyon: 13-0-0)

Affirmative Votes: Dave Abrams, Darcy Ashley, Orrin Gabsch, Lynne Hayes, Todd Lesser, Sherri Lightner, Mark Lyon, Marty McGee, Phil Merten, Michael Morton, Alice Perricone, Robert Thiele, Rob Whittemore

No Votes: None

Abstentions: None

Absent: Phil McConkey, Paul Metcalf, Lance Peto

The Chair, Mr. Golba, recused from Item 3 and left the room. The chair was passed to Lance Peto.

APPROVED MOTION: To accept recommendation of the CDP Committee on Item (2) and forward recommendations to the City. (Lyon/McGee: 12-0-0)

Affirmative Votes: Dave Abrams, Darcy Ashley, Orrin Gabsch, Todd Lesser, Sherri Lightner, Mark Lyon, Marty McGee, Phil Merten, Michael Morton, Alice Perricone, Robert Thiele, Rob Whittemore

No Votes: None

Abstentions: None

Absent: Phil McConkey, Paul Metcalf, Lance Peto

Applicant was present for Item (3) and missed the opportunity to attempt pulling of his item from the consent agenda. The Trustees agreed to reconsider the approval of the denial of the project.

APPROVED MOTION: To reconsider the motion re: Items 1, 3, and 4. (Merten/Hayes: 8-5-0)

Affirmative Votes: Darcy Ashley, Lynne Hayes, Todd Lesser, Mark Lyon, Marty McGee, Phil Merten, Alice Perricone, Rob Whittemore

No Votes: Dave Abrams, Orrin Gabsch, Sherri Lightner, Michael Morton, Robert Thiele,

Abstentions: None

Absent: Phil McConkey, Paul Metcalf, Lance Peto

No trustee was interested in pulling Item 3 from the consent agenda.

APPROVED MOTION: To accept recommendation of the CDP Committee on Items (1), (3) and (4) and forward recommendations to the City. (Hayes/Ashley: 12-0-1)

Affirmative Votes: Dave Abrams, Darcy Ashley, Orrin Gabsch, Lynne Hayes, Todd Lesser, Sherri Lightner, Mark Lyon, Marty McGee, Phil Merten, Michael Morton, Robert Thiele, Rob Whittemore

No Votes: None

Abstentions: Alice Perricone: Needs more information.

Absent: Phil McConkey, Paul Metcalf, Lance Peto

C) La Jolla Shores Permit Review Committee (LJSPRC) – No meeting this month. No quorum.

D) Traffic & Transportation Board (T&T):

- 1.) Coastwise Run – one mile run near Ellen Browning Scripps Park on May 18, 2008
- 2.) La Jolla Community Parking Board – Presentation – See Item 11
- 3.) Via Capri/Hidden Valley Traffic Calming – Presentation

Discussion of Item 11 continued:

Ms. Hayes – Thinks will support the Pilot Plan.

Mr. Thiele – Supports the Pilot Parking Plan

Mr. Lyon – Will support.

Mr. Whittemore – Consider other sources of revenue – Raise BID fees or form a Maintenance Assessment District or a similar funding mechanism.

Mr. Morton – Supports

Ms. Ashley – the 45-day public comment period ends on November 3. Need to incorporate the public comments before voting.

Martin Mosier – Plan – whole thing goes or doesn't go.

Mr. Morton – Would like the CPD to address the goals and criteria for success of the plan before it comes back to the CPA. Describe the uses for the money.

Meeting adjourned at 9:50 PM. Next regular meeting on December 6, 2007. Recreation Center Auditorium.

Submitted by Sherri Lightner, 11/14/07

 City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 (619) 446-5210 <small>THE CITY OF SAN DIEGO</small>	Development Permit/ Environmental Determination Appeal Application	FORM DS-3031 MAY 2010
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See Information Bulletin 506, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

<input checked="" type="checkbox"/> Process Two Decision - Appeal to Planning Commission <input type="checkbox"/> Process Three Decision - Appeal to Planning Commission <input type="checkbox"/> Process Four Decision - Appeal to City Council	<input type="checkbox"/> Environmental Determination - Appeal to City Council <input type="checkbox"/> Appeal of a Hearing Officer Decision to revoke a permit
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2. Appellant Please check one: Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.0103)

Name: Joseph C. Crudo
 Address: 5354 Vickie Drive San Diego CA 92103
 Email Address: jcrudo@comcast.net
 State: CA Zip Code: 92103 Telephone: (619) 405-5070

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Alta La Jolla Dr. Drainage Repair Phase II - Project#126971	10/27/2010	Jeannette Temple

Decision (describe the permit/Approval decision): Residents of Vickie Drive voiced concern regarding design and placement of settling pond/water basin, accuracy of the hydrology report, decrease in wildlife, removal of existing vegetation, and insufficient size of trees and plants in the revegetation plan. After hearing testimony from Vickie Drive Residents and witnesses for the City, Hearing Officer Larson approved the plan.

5. Grounds for Appeal (Please check all that apply)

<input checked="" type="checkbox"/> Factual Error (Process Three and Four decisions only)	<input checked="" type="checkbox"/> New Information (Process Three and Four decisions only)
<input type="checkbox"/> Conflict with other matters (Process Three and Four decisions only)	<input type="checkbox"/> City-wide Significance (Process Four decisions only)
<input checked="" type="checkbox"/> Findings Not Supported (Process Three and Four decisions only)	

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 6 of the San Diego Municipal Code. Attach additional sheets if necessary.) Please refer and incorporate by reference all previously filed materials from Joseph C. Crudo, Al Brenner and the San Diego

Audubon Society as well as the attached document for the purpose of and reasons for this appeal.

1) The figures used in the Hydrology Report are off by a factor of 1.5 - 2.0. Thus, all water flow calculations are inaccurate. 2) The findings in the mitigated negative declaration with regard to: alternative designs, effects to wildlife, aesthetics, pollutants, adverse effects to habitat (no consideration is given for the extended period of years which there will be no mature trees to support wildlife), creation of a Dangerous Condition in making the settling pond, potential for significant hazard involving hazardous materials, collecting in the area of the settling pond, design of the water basin to prevent potential for exposing people or property to significant risk of loss or injury from overflow, the substantial increase of ambient noise pollution due to the removal of fully grown trees which now presently block this noise, and promises to maintain the site are all conclusory and completely unsupported by fact. 3) After the public hearing there was substantial conversation with Nathan Jacobson from Geosyntec in which he expressed new information in that there are ways to address and accommodate our concerns with some minor changes to the design.

PLEASE SEE ATTACHED DOCUMENT

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: [Signature] Date: 11/4/10

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1: As previously responded in the Final Mitigated Negative Declaration, Response to comments, the Hydrology Report adheres to the City of San Diego design requirements and procedures. Hydrological or metrological data supports the hydrology analyses completed for the project.

The commenter's contention that rainfall is 1.5 to 2 times greater than the values used in the project's design discharge calculation is not applicable to the project's design. The discharge calculations used for the design are not dependent on the Lindberg Field rainfall data used in the USEPA Storm Water Management Model (SWMM) presented in the Project's Hydrology and Hydraulic Report, Appendix B (Geosyntec, 2010), which appears to be the basis of concern for this comment. All the project drainage elements (storm drains; manholes; proposed channel, and detention basin design) are designed for the 100 year event per City of San Diego Drainage Design Manual (CSDDDM, 1984) requirements. The Rational method listed in Appendix I of the City of San Diego Drainage Design Manual (CSDDDM, 1984) was used for estimating the design discharges for the 100 year event as the drainage area of the watershed is less than 0.5 square mile (this is a regulated requirement for all projects within City of San Diego jurisdiction). The Rational methodology and the analysis results are summarized in Section 4.1.1 and Section 5.1, respectively, of the Project's Hydrology and Hydraulic Report (Geosyntec, 2010), provided for public review. Based on this method, the design discharge is a product of runoff coefficient, rainfall intensity and drainage area. The runoff coefficient and rainfall intensity are estimated using data presented in the table and charts provided in the City of San Diego Drainage Design Manual (CSDDDM, 1984), and are not based on Lindberg Field rainfall data.

There is no requirement for a long term model for the proposed project type in City of San Diego Drainage Design Manual. The purpose of the model presented in Appendix B of the Hydrology and Hydraulic report, which utilized Lindberg Field rainfall data, was to evaluate the performance of the proposed design, not to complete the design. This analysis did not change the data input values used (i.e. rainfall intensity) for the project design, which as described above, came from data provided in the City of San Diego Drainage Design Manual.

November 30, 2010

ATTACHMENT 12

 City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 (619) 444-5210 <small>THE CITY OF SAN DIEGO</small>	Development Permit/ Environmental Determination Appeal Application	FORM DS-3031 MAY 2010
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See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

<input checked="" type="checkbox"/> Process Two Decision - Appeal to Planning Commission	<input type="checkbox"/> Environmental Determination - Appeal to City Council
<input checked="" type="checkbox"/> Process Three Decision - Appeal to Planning Commission	<input type="checkbox"/> Appeal of a Hearing Officer Decision to revoke a permit
<input type="checkbox"/> Process Four Decision - Appeal to City Council	

2. Appellant Please check one Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 143.0103)

Name: Joseph C. Crudo
 Address: 5354 Vickie Drive, San Diego, CA 92109
 E-mail Address: jcrudo69@yahoo.com
 Telephone: (858) 405-5070

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

City of San Diego, Engineering and Capital Projects

4. Project Information

Permit/Environmental Determination & Permit/Document No.: AIA La Jolla Dr. Drainage Repair, Phase II - Project# 128971	Date of Decision/Determination: 10/27/2010	City Project Manager: Jeannette Temple
--	--	--

Decision (describe the permit/approval decision): Residents of Vickie Drive voiced concern regarding design and placement of settling pond/water basin, accuracy of the hydrology report, decrease in wildlife, removal of existing vegetation, and insufficient size of trees and plants in the revegetation plan. After hearing testimony from Vickie Drive Residents and witnesses for the City, Hearing Officer Larson approved the plan.

5. Grounds for Appeal (Please check all that apply)

<input checked="" type="checkbox"/> Factual Error (Process Three and Four decisions only)	<input checked="" type="checkbox"/> New Information (Process Three and Four decisions only)
<input checked="" type="checkbox"/> Conflict with other matters (Process Three and Four decisions only)	<input type="checkbox"/> City-wide Significance (Process Four decisions only)
<input checked="" type="checkbox"/> Findings Not Supported (Process Three and Four decisions only)	

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.) Please refer and incorporate by reference all previously filed materials from Joseph C. Crudo, Al Brenner and the San Diego

Audubon Society as well as the attached document for the purpose of and reasons for this appeal.

1) The figures used in the Hydrology Report are off by a factor of 1.5 - 2.0. Thus, all water flow calculations are inaccurate. 2) The findings in the mitigated negative declaration with regard to: alternative designs, effects to wildlife, aesthetics, pollutants, adverse affects to habitat (no consideration is given for the extended period of years which there will be no mature trees to support wildlife), creation of a Dangerous Condition in making the settling pond, potential for significant hazard involving hazardous materials, collecting in the area of the settling pond, design of the water basin to prevent potential for exposing people or property to significant risk of loss or injury from overflow, the substantial increase of ambient noise pollution due to the removal of fully grown trees which now presently block this noise, and promises to maintain the site are all conclusory and completely unsupported by fact.

3) After the public hearing there was substantial conversation with Nathan Jacobson from Geosyntec in which he expressed new information in that there are ways to address and accommodate our concerns with some minor changes to the design.

PLEASE SEE ATTACHED DOCUMENT

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: *Joe Crudo* Date: 11/4/10

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2: It is acknowledged that during the plant establishment period, there will not be mature trees present within the project boundary for wildlife habitat. As described in the Project's Revegetation Plan (Rocks Biological Consulting, 2010), sixty (60) Arroyo Willows (*Salix lasiolepis*) (1-gallon container size), ten (10) Western Sycamores (*Platanus racemosa*) (5-gallon container size), and other transitional native vegetation including 160 Mulefat (*Baccharis salicifolia*) (1-gallon container size) will be planted during project restoration activities in the vicinity of the restored drainage channel. The container size was developed based on City standards and on experience with other revegetation efforts. Because the Arroyo Willow trees are relatively fast-growing species, with up to 4-5 feet of growth per year observed under good conditions in similar local revegetation efforts, one gallon containers were selected. The Sycamores are anticipated to grow approximately 1-3 feet per year and will be planted in 5 gallon containers to provide larger sizes. The trees in the revegetation area will also be irrigated during the three year monitoring period to stimulate growth.

The avian and mammal species present in the project area are adapted to urban environments and will continue to utilize the Eucalyptus, pines, and other trees that exist in the surrounding residential and open space areas, during the plant establishment period. The Project adheres to all local, state and federal regulations to protect wildlife. The Project has been reviewed by City planners, the California Department of Fish and Game, the US Fish and Wildlife Service, and the US Army Corps of Engineers and is in compliance with all regulations for wildlife protection. Measures will be implemented to minimize impacts to wildlife in the project area. These measures include no clearing, grubbing, or grading between March 1 and August 15 to avoid impacts to the California Gnatcatcher and other breeding birds. Other construction activities (besides clearing, grubbing, or grading) performed between March 1 and August 15 will be subject to the restrictions outlined in the Biological Resource Report. Clearing of trees or other tall (>15 feet) vegetation will not be allowed during the raptor breeding season (typically between February 1 and August 31) unless surveys by a qualified biologist show that no nesting raptors are present. If surveys show that nesting raptors are present, construction shall be delayed until the end of the breeding season or until surveys by a qualified biologist confirm that fledglings are no longer dependent on the nest, or the Project Biologist shall work with EAS and the appropriate wildlife agencies.

ATTACHMENT 12

November 30, 2010

City of San Diego
 Development Services
 1222 First Ave. 3rd Floor
 San Diego, CA 92101
 (619) 446-5210

**Development Permit/
 Environmental Determination
 Appeal Application**

FORM DS-3031
 May 2010

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:
 Process Two Decision - Appeal to Planning Commission
 Process Three Decision - Appeal to Planning Commission
 Process Four Decision - Appeal to City Council
 Environmental Determination - Appeal to City Council
 Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one: Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.0103)

Name: Joseph C. Crudo
 Address: 5354 Vickie Drive San Diego CA 92109
 E-mail Address: jcrudo@vickie.com
 State: CA Zip Code: 92109 Telephone: (858) 405-5070

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

City of San Diego, Engineering and Capital Projects

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Alta La Jolla Dr. Drainage Repair Phase II - Project#126971	10/27/2010	Jeanette Temple

Decision (describe the permit/approval decision): Residents of Vickie Drive voiced concern regarding design and placement of settling pond/water basin, accuracy of the hydrology report, decrease in wildlife, removal of existing vegetation, and insufficient size of trees and plants in the revegetation plan. After hearing testimony from Vickie Drive Residents and witnesses for the City, Hearing Officer Larson approved the plan.

4. Grounds for Appeal (Please check all that apply)
 Factual Error (Process Three and Four decisions only)
 Conflict with other matters (Process Three and Four decisions only)
 Findings Not Supported (Process Three and Four decisions only)
 New Information (Process Three and Four decisions only)
 City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)
 Please refer and incorporate by reference all previously filed materials from Joseph C. Crudo, Al Brenner and the San Diego

Audubon Society as well as the attached document for the purpose of and reasons for this appeal

1) The figures used in the Hydrology Report are off by a factor of 1.5 - 2.0. Thus, all water flow calculations are inaccurate. 2) The findings in the mitigated negative declaration with regard to: alternative designs, effects to wildlife, aesthetics, pollutants, adverse effects to habitat (no consideration is given for the extended period of years which there will be no mature trees to support wildlife),

creation of a Dangerous Condition in making the settling pond, potential for significant hazard involving hazardous materials

collecting in the area of the settling pond, design of the water basin to prevent potential for exposing people or property to

significant risk of loss or injury from overflow, the substantial increase of ambient noise pollution due to the removal of fully grown

trees which now presently block this noise, and promises to maintain the site are all conclusory and completely unsupported by fact.

3) After the public hearing there was substantial conversation with Nathan Jacobeen from Geovantec in which he expressed new information in that there are ways to address and accommodate our concerns with some minor changes to the design.

PLEASE SEE ATTACHED DOCUMENT

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: *Joe Crudo* Date: 11/4/10

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

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3: As previously responded in the Final Mitigated Negative Declaration, Response to comments, one of the project goals is to provide a water quality benefit. The detention basin provides water quality treatment to a previously un-treated watershed and is a standard practice supported by the RWQCB. The basin provides additional benefit to minimizing pollutant discharges to Tourmaline Beach. The proposed project will not use hazardous materials and review of historical land uses did not identify industrial actives, landfills, or other historical land use in the watershed that would be potential sources of hazardous contaminants. The water quality pollutants anticipated to accumulate in the basin would be associated with medium to low density urban development and open space and would primarily be adsorbed onto sediments. Maintenance of the basin by the City of San Diego will limit the amount of sediments and associated pollutants accumulated in the basin. Water quality pollutants that are retained within the basin are not anticipated to migrate to nearby homes or gardens via surface water, groundwater, or airborne pathways. Additionally, access to the basin is prohibited to the public, so direct contact with the sediments in the basin will not occur.

4: As previously responded in the Final Mitigated Negative Declaration, Response to comments, the detention basin is designed to contain and convey the 100-year storm event, thereby minimizing the risk of flooding to Vickie Drive. The design includes two outlets to the existing 48" storm drain to minimize the potential of overflow.

5: As previously responded in the Final Mitigated Negative Declaration, Response to comments, the tree species to be removed are non-native, invasive species, and their removal is in compliance with local, state, and federal biological regulations. Only native species will be planted as part of the project revegetation. Sixty (60) Arroyo Willows (*Salix lasiolepis*) and ten (10) Western Sycamores (*Platanus racemosa*) will be planted near the drainage and detention basin at the south end of the project. The Western Sycamores and Arroyo Willows are anticipated to reach 15 feet in height by the end of the 5 year monitoring period however, but could reach 90 and 35 feet at maturity, respectively. An additional 160 Mulefat (*Baccharis salicifolia*) will be planted along the channel edge. These species will provide similar attributes of existing and removed invasive Pepper Trees. Based on historical photos the number of trees that will be planted during restoration activities is greater than the number of trees removed during Phase 1 and Phase 2.

3 →
 4 →
 5 →

ATTACHMENT 12

November 30, 2010

 City of San Diego Development Services 1222 First Ave, 3rd Floor San Diego, CA 92101 (619) 446-5210 <small>The City of San Diego</small>	Development Permit/ Environmental Determination Appeal Application	FORM DS-3031 MAY 2010

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. **Type of Appeal:**

Process Two Decision - Appeal to Planning Commission
 Process Three Decision - Appeal to Planning Commission
 Process Four Decision - Appeal to City Council
 Environmental Determination - Appeal to City Council
 Appeal of a Hearing Officer Decision to revoke a permit

2. **Appellant Please check one** Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.0103)

Name: Joseph C. Crudo E-mail Address: jcrudo69@yahoo.com
 Address: 5364 Vickie Drive San Diego CA 92109 Telephone: (658) 405-5070

3. **Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.**

City of San Diego, Engineering and Capital Projects

4. **Project Information**

Permit/Environmental Determination & Permit/Document No.: Alta La Jolla Dr. Drainage Repair Phase II - Project#128971	Date of Decision/Determination: 10/27/2010	City Project Manager: Jeannette Temple
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Decision (describe the permit/approval decision): Residents of Vickie Drive voiced concern regarding: design and placement of settling pond/water basin, accuracy of the hydrology report, decrease in wildlife, removal of existing vegetation, and insufficient size of trees and plants in the revegetation plan. After hearing testimony from Vickie Drive Residents and witnesses for the City, Hearing Officer Larson approved the plan.

5. **Grounds for Appeal (Please check all that apply)**

Factual Error (Process Three and Four decisions only)
 Conflict with other matters (Process Three and Four decisions only)
 Findings Not Supported (Process Three and Four decisions only)
 New Information (Process Three and Four decisions only)
 City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.) Please refer and incorporate by reference all previously filed materials from Joseph C. Crudo, Al Brunner and the San Diego

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1) The figures used in the Hydrology Report are off by a factor of 1.5 - 2.0. Thus, all water flow calculations are inaccurate. 2) The findings in the mitigated negative declaration with regard to: alternative designs, effects to wildlife, aesthetics, pollutants, adverse affects to habitat (no consideration is given for the extended period of years which there will be no mature trees to support wildlife), creation of a Dangerous Condition in making the settling pond, potential for significant hazard involving hazardous materials collecting in the area of the settling pond, design of the water basin to prevent potential for exposing people or property to significant risk of loss or injury from overflow, no substantial increase of ambient noise pollution due to the removal of fully grown trees which now presently block this noise, and promises to maintain the site are all conclusory and completely unsupported by fact.

3) After the public hearing there was substantial conversation with Nathan Jacobsen from Geosyntec in which he expressed new information in that there are ways to address and accommodate our concerns with some minor changes to the design.

PLEASE SEE ATTACHED DOCUMENT

6. **Appellant's Signature:** I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: *Joe Crudo* Date: 11/4/10

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DEVELOPMENT SERVICES

5 (continued): It is acknowledged that during the plant establishment period, there will not be mature trees present within the project boundary to provide noise attenuation similar to the conditions that existed prior to Phase 1. However, studies evaluating the vegetation noise barriers indicate that the most effective vegetative barriers are located near the noise source. In order to significantly reduce noise from moderate traffic levels, a belt of trees 20 to 50 feet in width, with 6 to 8 feet of shrubs behind the trees, are typically recommended. This type of vegetative barrier is not currently or formerly in place adjacent to Alta La Jolla Drive, and the proposed project will not disturb the existing trees located adjacent to the road. Therefore, the proposed project is not anticipated to change the noise attenuation provided by the vegetation located close to the noise source. A range of foliage shapes and sizes; closely spaced vegetation; foliage from the ground up; year round foliage; and a combination of shorter shrubs, tall grasses, and trees, near the receiver of the noise has also been reported to increase the effectiveness of vegetation in reducing noise. As discussed above in the response to Question #2, the trees selected for the revegetation are relatively fast growing and will be supplemented with irrigation for the first three years of the mitigation monitoring period to stimulate growth. The trees and transitional shrubs will be planted near the drainage channel and basin in the southern portion of the site, near the homes on Vickie Drive. The proposed plant pallet, with the exception of the Western Sycamores, maintain their foliage year round, will consist of a variety of species of various heights and foliage, and once established will provide more overall vertical coverage than was provided by the non-native vegetation in place prior to Phase 1. Once established, the proposed vegetation is anticipated to provide noise attenuation at least as effective as pre-project conditions.

5

 City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 (619) 448-5210 <small>The City of San Diego</small>	Development Permit/ Environmental Determination Appeal Application	FORM DS-3031 MAY 2010

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

Process Two Decision - Appeal to Planning Commission
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 Process Four Decision - Appeal to City Council

Environmental Determination - Appeal to City Council
 Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one Applicant Officially recognized Planning Committee Interested Person (Per M.C. Sec. 113.0108)

Name: Joseph C. Crudo E-mail Address: jcrudo69@yahoo.com
 Address: 5354 Vickie Drive San Diego CA 92109 Telephone: (858) 405-6070

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

City of San Diego, Engineering and Capital Projects

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Alla La Jolla Cr. Drainage Repair Phase II - Project# 128971	10/27/2010	Jeannette Temple

Decision (describe the permit/approval decision): Residents of Vickie Drive voiced concern regarding: design and placement of settling pond/water basin, accuracy of the hydrology report, decrease in wildlife, removal of existing vegetation, and insufficient size of trees and plants in the revegetation plan. After hearing testimony from Vickie Drive Residents and witnesses for the City, Hearing Officer Larson approved the plan.

5. Grounds for Appeal (Please check all that apply)

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New Information (Process Three and Four decisions only)
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DEVELOPMENT SERVICES

6: As previously responded in the Final Mitigated Negative Declaration, Response to comments, the City is required to maintain the Site in accordance with requirements of the Project's USACOE 404 and RWQCB 401 permits, the CDFG Streambed Alteration Agreement, City regulations and permits (MSCP, SDP, etc.) and the Settlement Agreement.

7: Mr. Jacobsen never discussed the project with Mr. Crudo. After the public hearing, Mr. Jacobsen did discuss the project with Mr. Al Brenner whom reiterated the same comments presented in the public hearing. All of the comments made by Mr. Jacobsen were relevant to finalizing the project design without changing the findings of the Mitigated Negative Declaration for the project. If changes to the design do not change the CEQA findings, the project description, does not increase the project impacts, does not change the mitigation within the project footprint, and are allowed by City standards and code, minor changes will be considered in the final design.

6
7

November 30, 2010

ATTACHMENT 12

After the public hearing on October 27, 2010, a conversation was had with Nathan Jacobsen of Geosyntec in which we expressed our concerns again to him. He indicated an ability to address some of our concerns with some minor changes to the designs. This is all new information which needs review, consideration and implementation before this project proceeds.

The minor changes which can be made and the risks that would be mitigated are as follows:

1) Grading of Basin

Actions

- 1. Headwall: Move the headwall of the detention basin up the canyon such that a berm is no longer required as a result of the basin being below grade with the ground from Vickie Drive and the adjacent properties. The ground from Vickie Drive and the adjacent properties would rise with natural contours to the lip of the detention basin without a berm. } 8
- 2. Spillway: Create a defined spillway for overflow at the approximate center of the detention basin such that any overflow would run down the center of Vickie Drive. The spillway would be at least two feet lower than the sides even with the curbs on Vickie Drive. } 9
- 3. Contours: Grade the sides and bottom of the detention basin with curves to match the contours of the terrain and better blend in the basin to the canyon. } 10
- 4. Singular drainage point: Grade the bottom of the basin to a singular drainage point. This detail was not shown on the drawings at this stage of the process. } 11

Risks Mitigated

- Overflow of detention into adjacent properties and houses
 - Potential for washout of detainment basin headwall berm resulting in rapid containment failure and flooding
 - Visual attraction to hazards of basin through blending the basin into the canyon and placing the bottom below the horizon of a naturally appearing lip when viewed from Vickie Drive
 - Aesthetic degradation by blending detention basin into the contours of the canyon, removing the berm of the headwall, and placing the bottom of the basin below the naturally appearing horizon when viewed from Vickie Drive
 - Mosquitoes and odors with singular drainage point
- } 12

8: Due to the project limits and geotechnical considerations, the basin and headwall cannot be located upstream from its current location. The basin and berm will be contoured and vegetated to blend with the surrounding contours. The berm at Vickie Drive is designed to contain the 100-year storm with freeboard and will be vegetated.

9: A spillway that would direct overflow down the center of Vickie Drive will be considered and incorporated into the 100% design if the project feature does not conflict with City of San Diego design and maintenance requirements and the scope and findings of the Final Negative Declaration.

10: See Response 8

11: The basin design to drain to the outlet structure to allow the basin to fully drain into the existing 48" storm drain. Details of this design will be included in the 100% design.

12: The initial study conducted did not identify any significant impacts that would warrant additional mitigation. All impacts are being mitigated to a level below a level of significant.

2) Separation of Toxic Low-Flow Urban Runoff from Residential Housing

Actions

- Design manholes with larger open bottoms and surrounding soil/gravel to promote infiltration of low-flow urban runoff into the ground at these points. Design goal is for no low-flow urban runoff to reach detention basin. } 13
- Infiltrate low-flow contaminants } 14

Risks Mitigated

- Toxic contaminants being concentrated at location near homes in by providing a greater separation to housing from low-flow urban runoff
 - Infiltrates water below ground level to avoid standing surface water and promotion of invasive vegetation
 - Brooding of mosquitoes near residential housing and associated West Nile disease
- } 15

3) Increased Number of Large Trees

Actions

- Increase number of large trees such as Western Sycamore or other appropriate trees from 10 to 30
 - Plant 5 gallon trees instead of 1 gallon trees
 - Plant a grove of these large trees in location of removed (during Phase I and the rest removed during Phase II) pepper trees for acoustic attenuation of noise channeled from Alta La Jolla Drive to the houses on Vickie Drive. Acoustic attenuation should be similar to before the start of Phase I and throughout the year with due consideration for the dropping of leaves in the winter months.
- } 16

Risks Mitigated

- Duration of interim habitat loss mitigated by quicker period of growth from 5-gallon trees instead of smaller trees.
- Loss of raptors, larger mammals such as foxes, and other species which have been living in the canyon prior to the beginning of this project which have relied on the coolness of the shade, shelter and the trees themselves for habitat
- Loss of species in the shaded and damper microclimate of the trees

13: All manholes included in the project adhere to the City of San Diego design standards. An alternative manhole design to promote infiltration of low-flow and urban runoff will be considered and incorporated into the 100% design if it does not conflict with City of San Diego design and maintenance requirements and the scope and findings of the Final Negative Declaration.

14: See Response 13

15: The initial study conducted did not identify any significant impacts that would warrant additional mitigation. All impacts are being mitigated to a level below a level of significant.

16: As described in the Project's Revegetation Plan (Rocks Biological Consulting, 2010), sixty (60) Arroyo Willows (*Salix lasiolepis*) and ten (10) Western Sycamores (*Platanus racemosa*) will be planted during project restoration activities in the vicinity of the restored drainage channel. The container size was developed based on City standards and on experience with other revegetation efforts. The Willows are exceptionally fast-growing trees, with up to 4-5 feet of growth per year observed under good conditions in similar local revegetation efforts, so one-gallon containers were selected. The Sycamores are anticipated to grow approximately 1-3 feet per year, and will be planted in five gallon containers. Additionally, the trees in the revegetation area will be irrigated for during the five year mitigation monitoring period, so relatively fast rates of growth can be expected during this period. The Western Sycamores and Arroyo Willows are anticipated to reach 15 feet in height within the 5 year monitoring period, but could reach 90 and 35 feet at maturity, respectively. As described in the project's Revegetation Plan, Species type and number can be changed at the discretion of Restoration Biologist.

2) Separation of Toxic Low-Flow Urban Runoff from Residential Housing

Actions

- Design manholes with larger open bottoms and surrounding soil/gravel to promote infiltration of low-flow urban runoff into the ground at these points. Design goal is for no low-flow urban runoff to reach detainment basin.
- Infiltrate low-flow contaminants

Risks Mitigated

- Toxic contaminants being concentrated at location near homes in by providing a greater separation to housing from low-flow urban runoff
- Infiltrates water below ground level to avoid standing surface water and promotion of invasive vegetation
- Breeding of mosquitoes near residential housing and associated West Nile disease

3) Increased Number of Large Trees

Actions

- Increase number of large trees such as Western Sycamore or other appropriate trees from 10 to 30
- Plant 5 gallon trees instead of 1 gallon trees
- Plant a grove of these large trees in location of removed (during Phase I and the rest removed during Phase II) pepper trees for acoustic attenuation of noise channeled from Alta La Jolla Drive to the houses on Vickie Drive. Acoustic attenuation should be similar to before the start of Phase I and throughout the year with due consideration for the dropping of leaves in the winter months.

17

Risks Mitigated

- Duration of interim habitat loss mitigated by quicker period of growth from 5-gallon trees instead of smaller trees.
- Loss of raptors, larger mammals such as foxes, and other species which have been living in the canyon prior to the beginning of this project which have relied on the coolness of the shade, shelter and the trees themselves for habitat
- Loss of species in the shaded and damper microclimate of the trees

18

17: See Responses 2, 5 and 16. As described above, both one and five-gallon containers of trees will be planted. The trees and transitional shrubs will be planted near the drainage channel and basin in the southern portion of the site, closer to the homes on Vickie Drive. The proposed plant pallet will consist of a variety of species of various heights and foliage, are fast growing, and will receive supplemental irrigation during the first three years of the maintenance and monitoring period. The Western Sycamores and Arroyo Willows are anticipated to reach 15 feet in height within the 5 year monitoring period, but could grow to 90 and 35 feet at maturity, respectively. Once established the vegetation in the project area will provide shelter, shade, and similar acoustic attenuation than was provided by the non-native vegetation in place prior to Phase 1.

18: The initial study conducted did not identify any significant impacts that would warrant additional mitigation. All impacts are being mitigated to a level below a level of significant.

- Increased noise from Alta La Jolla Drive at houses on Vickie Drive due to the loss of acoustic attenuation provided by a grove of trees which were removed from a narrow section of the lower canyon

4) Maintenance

Actions

- Agree that the restoration plan and maintenance plan is key part of the success of this design, and that a modification or failure to perform as stated is a change to the design which is likely to result in unmitigated environmental impacts and would therefore adversely affect the approval of the Mitigated Negative Declaration. } 19
- Acknowledge responsibility for the drainage from Soledad Way to the detention basin across Lot 1 and identify maintenance plan. Additional concern is the 12" CMP of unknown origin. Issue is that outflow gets to the detention basin. } 20
- Provide annual sampling of the soil in the settling basin to monitor the concentration of retained contaminants from low-flow urban runoff or "first wash" rain events, and provide corrective action as necessary. Report the result to interested parties for the sample analysis } 21
- Monitor the system for excessive low-flow urban runoff and trigger enforcement actions if necessary to correct violations of the watering restrictions in effect in the City of San Diego. } 22

Risks Mitigated

- Failure of the project due to lack of follow through such as with the next canyon over, Van Nuys Canyon } 23
- Assurance that the city has fulfilled their obligations to maintain open storm drain systems and specifically the obligations within Lot 1 according to the terms of the settlement with LJAMC
- Protect residents from the unknown creation of toxic hazards and take any necessary corrective actions early
- Prevent environmental impacts of excessive urban runoff

Further Considerations

- Soledad Way drainage could be handled outside this project if there is a defined mechanism under which this maintenance would be performed.
- The Audubon Society made specific recommendations for clearing invasive species before native re-vegetation. This would ensure the success of the restoration by minimizing maintenance during the 5 year restoration period. Due consideration should be given to these recommendations and their effect on the overall project life cycle cost.

19: Comment noted. As described in the Project's Revegetation Plan, if a performance criterion is not met for all or a portion of the revegetation areas in any year, or if the final success criteria are not met, the permittee shall prepare an analysis of the cause(s) of failure and, if determined necessary by the City, propose remedial action for approval. If the revegetation site has not met the performance standards, the responsible party's maintenance and monitoring obligations shall continue until the City's Development Services Department gives final project confirmation. Based on these requirements, unmitigated environmental impacts related to the project restoration would not occur.

20: The drainage from Soledad Way concrete channel currently drains via an earthen (trenched) channel to the project. No modification to the design is necessary to drain this watershed to the basin. A private (the ownership of this pipe is unknown) 12" diameter CMP drain that contributes to the flows to the earthen channel is not within the City's jurisdiction.

21: The discharge point for the project's watershed at Tourmaline Beach is not part of the City of San Diego's storm water monitoring program. Annual sampling of the detention basin is not required by the City of the San Diego Regional Water Quality Control Board.

22: Monitoring for excessive low-flow urban runoff is not within the scope of the project

23: The initial study conducted did not identify any significant impacts that would warrant additional mitigation. All impacts are being mitigated to a level below a level of significant.

- Increased noise from Alta La Jolla Drive at houses on Vickie Drive due to the loss of acoustic attenuation provided by a grove of trees which were removed from a narrow section of the lower canyon

4) Maintenance

Actions

- Agree that the restoration plan and maintenance plan is key part of the success of this design, and that a modification or failure to perform as stated is a change to the design which is likely to result in unmitigated environmental impacts and would therefore adversely affect the approval of the Mitigated Negative Declaration.
- Acknowledge responsibility for the drainage from Soledad Way to the detention basin across Lot 1 and identify maintenance plan. Additional concern is the 12" CMP of unknown origin. Issue is that outflow gets to the detention basin.
- Provide annual sampling of the soil in the settling basin to monitor the concentration of retained contaminants from low-flow urban runoff or "first wash" rain events, and provide corrective action as necessary. Report the result to interested parties for the sample analysis
- Monitor the system for excessive low-flow urban runoff and trigger enforcement actions if necessary to correct violations of the watering restrictions in effect in the City of San Diego.

Risks Mitigated

- Failure of the project due to lack of follow through such as with the next canyon over, Van Nuys Canyon
- Assurance that the city has fulfilled their obligations to maintain open storm drain systems and specifically the obligations within Lot 1 according to the terms of the settlement with LJAMC
- Protect residents from the unknown creation of toxic hazards and take any necessary corrective actions early
- Prevent environmental impacts of excessive urban runoff

Further Considerations

- Soledad Way drainage could be handled outside this project if there is a defined mechanism under which this maintenance would be performed. } 24
- The Audubon Society made specific recommendations for clearing invasive species before native re-vegetation. This would ensure the success of the restoration by minimizing maintenance during the 5 year restoration period. Due consideration should be given to these recommendations and their effect on the overall project life cycle cost. } 25

24: Maintenance of the curb inlet on Soledad Way falls under the jurisdiction of the City of San Diego Storm Water Department. The City is not responsible for the private (the ownership of this pipe is unknown) 12" diameter CMP drain that contributes to the flows to the earthen channel that flows into the project area.

25: As previously responded in the Final Mitigated Negative Declaration, Response to comments, the canyon floor within the Project area will be cleared of vegetation during grading activities as part of the Project restoration activities, thus minimal invasive seed bank will be available upon project completion. While it is recognized that invasive plants/seed sources are located upstream and beyond the project boundaries, removal of off-site invasive plants is not within the scope of this project. Invasive plants will be inspected for, and removed, in accordance Project's Revegetation Plan and Mitigation Monitoring Requirements. The revegetated areas will receive irrigation and/or supplemental water as needed to promote plant establishment during the first three years of the mitigation monitoring period. Control of invasive vegetation will occur in accordance with the Project's 5-year Mitigation and Monitoring Plan.



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: Alta La Jolla Restoration
Project No. For City Use Only: 128971

Project Address: S/O Alta La Jolla Drive, La Jolla

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):
La Jolla Alta Master Council

Owner Tenant/Lessee Redevelopment Agency

Street Address:
1570 Alta La Jolla Dr.

City/State/Zip:
La Jolla CA 92037

Phone No: 858-459-6903 Fax No: 858-459-3416

Signature: *[Signature]* Date: 04/20/2007

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:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

On 3/28/08 before me, Carol Duke Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Daryn M. Roth
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature Carol Duke
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Change of Financially Responsible Party

Document Date: 3/28/08 Number of Pages: _____

Signer(s) Other Than Named Above: _____

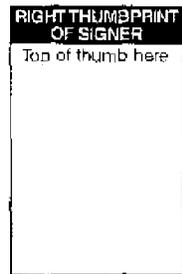
Capacity(ies) Claimed by Signer(s)

- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____



Signer Is Representing: _____

- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____



Signer Is Representing: _____

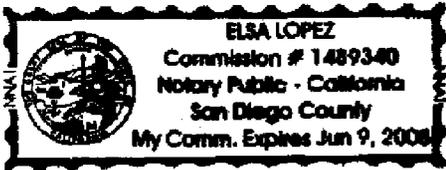
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of San Diego } ss.

On 4/9/09 before me, Elsa Lopez
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Hasan Yousef
Name(s) of Signer(s)

personally known to me
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Elsa Lopez
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Change of financially Responsible Party

Document Date: 3/28/08 Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____

Signer Is Representing: _____





City of San Diego
 Development Services Department
 Attn.: Deposit Accounts
 1222 First Ave. MS-401
 San Diego, CA 92101
 (619) 446-5000

Change of Financially Responsible Party

NOTE: NOTARY ACKNOWLEDGMENTS (FOR ALL SIGNATURES) MUST BE ATTACHED, PER CIVIL CODE SEC. 1180.SEQ. ORIGINAL DOCUMENTS MUST BE MAILED TO THE ABOVE ADDRESS

Please print legibly or type information

1. Project Title: <u>Alta La Jolla Restoration</u>			
2. Project Number: <u>128971</u>		3. Job Order Number: (Deposit Account) <u>42-7767</u>	
4. Current Responsible Party: <u>La Jolla Alta Master Council</u>			
5. Address: <u>1570 Alta La Jolla</u> City <u>La Jolla</u> State <u>CA</u> ZIP Code <u>92037</u>			
6. New Responsible Party: <u>Dep. Director Street Division General Services - City of San Diego</u>			
7. Address: <u>2781 Caminito Chollas</u> City <u>San Diego, CA</u> State <u>CA</u> ZIP Code <u>92105</u>			
8. Telephone No. <u>619-527-7504</u>		9. Fax No. <u>619-527-7534</u>	10. E-mail Address: <u>H.Yousef@sandiego.gov</u>

Current Responsible Party

I/We GARY M. ROTH PRESIDENT LTA/MC agree to transfer all funds, and/or liabilities in the above named customer account, including any Lot Stakes and Monument Surety (if applicable). The entire amount of funds, and/or liability is to be transferred to the above named New Responsible Party.

For Lot Stakes and Monument only in the amount of \$ _____
 * Subject to Subdivisions Approval

GARY M. ROTH [Signature] 03/28/08
 Print Name Signature Date

New Responsible Party

I/We Hasan Yousef / General Services Dept. agree to accept all funds and/or liabilities, of the above customer account and the obligation to deposit additional funds when requested by the City of San Diego. I/We agree to obtain new agreement and surety (or new permit(s) and surety, if applicable) in my/our name to replace one issued to above named current responsible party in connection with this account.

Hasan Yousef [Signature] 4/19/08
 Print Name Signature Date

DEVELOPMENT SERVICES DEPARTMENT
PROJECT CHRONOLOGY
ALTA LA JOLLA DRIVE DRAINAGE REPAIR PHASE II
- PROJECT NO. 128971

Date	Action	Description	City Review Time (Calendar Days)	Applicant Response
5/31/07	First Submittal	Project Deemed Complete	-	-
7/23/07	First Assessment Letter		1 month, 22 days	
10/16/07	Second Submittal			2 months, 23 days
11/21/07	Second Assessment Letter		1 month, 6 days	
		Settlement Issues and transfer to City Project Process on 9/1/09	1 years, 9 months, 10 days	
1/14/10	Third Submittal			3 months, 13 days
2/11/10	Third Assessment Letter		28 days	
3/23/10	Fourth Submittal			1 month, 12 days
4/26/10	Fourth Assessment Letter	Minor issues for MND and staff workload	1 month, 3 days	
8/25/10		Draft MND out for Review	4 months	
10/13/10	Hearing		1 month, 18 days	
TOTAL STAFF TIME		(Calendar days/ Does not exclude City Holidays or weekends)	2 years, 7 months, 26 days	
TOTAL APPLICANT TIME		(Calendar days/ Does not exclude City Holidays or weekends)		7 months, 18 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Hearing	3 years, 4 months, 14 days	