



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: November 7, 2012 **REPORT NO.** PC-12-108

ATTENTION: Planning Commission, Agenda of November 15, 2012

SUBJECT: McCAW PROJECT - PROJECT NO. 174584
PROCESS 5

**OWNER/
APPLICANT:** Gerald & Margaret McCaw
Metcalf Development

SUMMARY

Issue: Should the Planning Commission recommend that the City Council approve an application for the development of a single-family home and guest-quarters on a 10.0 acre parcel located in the Del Mar Mesa Community?

Staff Recommendations:

1. **CERTIFY** Mitigated Negative Declaration No. 174584; and
2. **APPROVE** Site Development Permit No. 627502; and
3. **APPROVE** Neighborhood Use Permit No. 1043525; and
4. **APPROVE** Easement Abandonment No. 976513; and
5. **APPROVE** MHPA Boundary-Line Adjustment No. 1043526.

Community Planning Group Recommendation: On June 9, 2011, the Del Mar Mesa Planning Board voted unanimously 9-0-3, to recommend approval of the proposed development with no comment or condition (Attachment No. 9).

Environmental Review: The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the areas of Biological, Historical (Archeological) and Paleontological Resources. Subsequent revisions in the project proposal created the specific mitigation within Mitigated Negative Declaration (MND) No. 174584 and the associated Mitigation, Monitoring and Reporting Program (MMRP) such that the project as revised now avoids or mitigates the potentially

significant environmental effects to below a level of significance.

Fiscal Impact Statement: None. All of the costs associated with the processing of this project are paid for by the property owner.

Code Enforcement Impact: None. There are no past or current zoning violation cases pending on this project site.

Housing Impact Statement: The project site is within the Del Mar Mesa Specific Plan and AR-1-2 Zone. The Specific Plan designates the 10.0-acre parcel as a Resource-based Open Space. The Specific Plan allows development within the least environmentally sensitive portions of parcels at a density consistent with the respective agricultural zone. The AR-1-2 zone permits residential development with a density of one dwelling unit per acre. The proposed project would develop one single-family home on the 10.0-acre parcel thereby adding one residential unit within the Del Mar Mesa community.

BACKGROUND

There are two parcels associated with this project, both owned by the McCaw family (Attachment 1-C). One is a 10-acre parcel where the McCaw family proposes to develop a single-family home and the other, a 1.0-acre parcel that the McCaw family would transfer the ownership to the City of San Diego as partial mitigation for the proposed development of the 10-acre parcel. The development project site is located within the Del Mar Mesa Community in the AR-1-2 Zone. The Del Mar Mesa Specific Plan designates the vacant 10-acre site for open space while the AR zoning allows very low density residential development. The purpose of the AR zones is to accommodate a wide range of agricultural uses while also permitting the development of single dwelling unit homes at a very low density. The permitted agricultural uses are limited to those of low intensity to minimize the potential conflicts with residential uses. This zone is typically applied to lands that are in agricultural use or that are undeveloped and not appropriate for more intense zoning as is the case with the subject property.

The 10-acre undeveloped project parcel does not have an assigned address but, is physically located at the terminus of a private street named Caminito Stella approximately 100 yards west of Del Vino Court and within the Multi-Habitat Planning Area (MHPA). The parcel is presently encumbered by an Open Space Easement recorded on December 12, 1990 granted to the City of San Diego and utilized as mitigation land for San Diego Gas and Electric (SDG&E). The parcel is designated as a Resource Based Open Space within the Del Mar Mesa Specific Plan. While the 10-acre parcel is undeveloped, it is within a rural residential neighborhood consisting of large single-family homes on predominately one-acre lots. There are currently three existing residential structures developed along Caminito Stella and several larger clustered developments immediately to the east, west and south of the parcel (Attachment 3).

DISCUSSION

Project Description:

This application is a request to develop a 0.90-acre portion of the 10-acre site (APN 308-020-02) with grading for vehicle access and a pad for an eventual single-family home. The proposed project requires the approval of a Site Development Permit due to the presence of Environmentally Sensitive Lands and a Neighborhood Use Permit is required for a proposed Guest Quarters. The project is also requesting a Multiple Species Conservation Plan (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment and the dedication of a Covenant Easement over the remaining lot area. The 0.90-acre portion of the site, planned for development is located on the southern edge of the parcel fronting on Caminito Stella.

Grading to provide access and a development pad is proposed on the least sensitive portion of the site. The development would be accomplished through a proposal that would allow development on nine percent (9%) of the 10-acre site and establishing a Covenant Easement over the remaining acreage. In addition to the Covenant Easement, further mitigation will result from the transfer in fee title to the City of San Diego of a one-acre parcel (APN 306-050-23) to the east located in the Del Mar Mesa Preserve to mitigate for the loss of the MSCP portion located on the 10-acre lot. This action would ensure no net loss of MSCP habitat. The remaining mitigation necessary for development of the site will be purchased from an approved mitigation bank. The one-acre parcel is the only remaining privately owned parcel in the heart of the Del Mar Mesa preserve that is not under City, State or Federal Agency control. The one-acre parcel replaces the 0.9-acre portion of the 10 acre site that is within the MSCP released for development.

The transfer of the one acre parcel to the City will result in the completion of the Del Mar Mesa preserve area and has greater value than the impacted 0.9 acres that would be graded to facilitate the development of the new single-family home-site. There will be a net gain of 0.1 acres to the MHPA. Although the one-acre compensation site is already in the MHPA, the benefit is greater with the actual dedication of the more sensitive land. The one-acre parcel currently contains 5 vernal pools and is surrounded by lush open-space. Conversely, large estate residential homes surround the .9 acres on three sides. Ultimately the dedication of the one-acre will allow the City of San Diego to have greater control over the land and would facilitate future development of a planned trail on the Del Mar Mesa preserve sub area V.

Community Plan Analysis:

The Del Mar Mesa Specific Plan (Specific Plan) was adopted in 1997 to guide development of Subarea V with the overall goal that the development be clustered to preserve the Multiple Species Conservation Program (MSCP) core resource area within the eastern portion of the community. Subarea V remains part of Proposition "A" Lands (formerly the Future Urbanizing area) and density within the Subarea is limited to that permitted by existing agricultural zones. The Del Mar Mesa Specific Plan contains the more detailed, community-specific land use recommendations required by the General Plan and is therefore the primary document used for development review.

The two parcels that comprise the project site are both designated by the Del Mar Mesa Specific Plan as Resource-based Open Space. This designation is intended for the conservation of environmentally sensitive lands and includes lands within the MHPA. Development is allowed within the least environmentally sensitive portions of parcels at a density consistent with the respective agricultural zone provided a minimum one-half acre lot size is maintained as required by the Specific Plan. The 10-acre parcel is currently encumbered by an open space easement which does not permit development with the exception of passive recreational uses. The 1-acre parcel could be developed with one dwelling unit although it is somewhat constrained by the ability to provide paved emergency vehicle access.

Development of the project would require vacating the open space easement within the 10-acre parcel as well as a MHPA boundary line adjustment to remove 0.9-acre from the MHPA. This parcel contains a canyon landform and a small ridgeline that slopes to the north as well as a variety of habitat types. The development site would be located within the flatter portion of the parcel to obtain useable lot area similar in size to surrounding developments and is adjacent to existing homes with direct access from Caminito Stella. This is generally the least sensitive portion of the property in terms of access options and landform impacts. The remaining 9.1 acre portion of the site would be placed back within an open space easement per the MSCP.

The 1-acre parcel would be conveyed to the City as partial habitat mitigation and the development rights of the single dwelling unit would be transferred to the 10-acre parcel. The Specific Plan allows dwelling unit transfers from sites designated Resource-based Open Space to residentially designated sites as a conservation incentive. Conveyance of the 1-acre parcel would also allow the benefit to the City of trail access through the site without acquiring an easement from a private owner. A trail alignment is proposed by the draft Natural Resources Management Plan for Del Mar Mesa within an existing access road on the site. The site also contains the more sensitive Tier I habitat and vernal pool wetlands. The overall proposal meets resource conservation goals of the Specific Plan as well as the General Plan.

The Specific Plan also contains community design guidelines and regulations to implement large-lot developments with a semi-rural character. The Plan's Community Design Guidelines are intended to maintain Del Mar Mesa's rural character and include standards for grading, landscaping, fencing, lighting, and lot size, in addition to the development standards of the agricultural zones. The proposed subdivision and associated design guidelines incorporate these standards.

The Specific Plan's grading objectives recommend development will be sited on the flatter areas of sites to preserve steep slopes and canyons. Generally, large quantities and large areas of grading are to be avoided and special care taken when sites develop to preserve landforms adjacent to open space. Where grading is necessary at the edges of the open space, daylight grading, excavations without manufactured slopes, is preferred. Split pads are encouraged to accommodate outdoor activity. The Specific Plan also recommends new slopes be contoured to blend with natural landforms.

As previously discussed, proposed grading would be limited to the flatter portion of the 10-acre site and avoids steep slopes greater than twenty-five percent. The more visually prominent portion of the ridgeline as well as the canyon landform within the site will be conserved as open space. The proposed fill slope for the development pad would be low profile with 4:1 slope ratios and less than 10 feet high. Two low three foot high retaining walls would be screened with landscaping.

Environmental Analysis:

An Environmental Initial Study of the proposed development was conducted by City staff that concluded the project, as proposed, could result in potentially adverse impacts to the areas of Biological, Historical (Archeological) and Paleontological Resources. The Mitigated Negative Declaration identifies the potential impacts and provides a Mitigation, Monitoring and Reporting Program (MMRP) that would reduce the impacts to below a level of significance.

Biological Resources

Biological resources on the 10-acre site consist of five vegetation communities including scrub oak chaparral, southern maritime chaparral, maritime succulent scrub, coastal sage scrub, and disturbed habitat. Three vegetation communities occur on the 1-acre parcel that would be transferred to the City including vernal pools, scrub oak chaparral, and disturbed habitat. Pursuant to the MND, the project would permanently impact resources on the 0.9-acre development site including 0.6-acre of Tier I and 0.3-acre of Tier II habitat (from grading and Brush Management Zone 1). However, due to the proposed MHPA Boundary-Line Adjustment, impacts to these habitats are assumed to be outside the MHPA and Environmentally Sensitive Lands mitigation ratios would apply depending on the location of the mitigation site. Mitigation would occur either through the acquisition of suitable habitat and/or purchase of other mitigation credits to compensate for development of the dwelling unit site.

Historical Resources

The 10.0-acre project site was extensively surveyed in 1995 for the Del Mar Mesa Subarea V Master EIR effort and again in a 2010 geotechnical exploration observed by a Native American monitor; both with negative results. The conclusions of the archaeological survey and the geotechnical study were that "No further consideration of cultural resources appears to be warranted in connection with the McCaw Residential Lot Grading Project". However, based on a recommendation by the City's Archaeological Staff and the Native American community, and accepted by the property owner, the City's standard archaeological monitoring requirements (including a Native American Monitor) would be applied to the project.

Paleontological Resources

The geotechnical reconnaissance and investigation determined that site is underlain with the highly sensitive Scripps and Torrey Sandstone formation which lies within a foot of the project surface elevation (Christian Wheeler, February 17, 2009 and March 19, 2010).

Earthwork would consist of excavation of 1,500 feet to depths of 7 feet with a 3-foot undercut of ungraded portions of the site per the geotechnical recommendations.

City staff reviewed the survey material and consulted with the San Diego Natural History Museum to clarify the need for monitoring and determined it was appropriate for the site. Paleontological monitoring would therefore be required during grading activities to mitigate any potential impacts to below a level of significance.

Project-Related Issues:

The project is subject to the development regulations of the AR-1-2 Zone of the Land Development Code. No deviations or variance is requested as a part of this application. The project proposes a future single-family home and has provided design guidelines that would comply with the underlying zone and be consistent with the community design element of the Del Mar Mesa Specific Plan. Future development plans for the construction of the single-family home would be approved or denied via a Process One Substantial Conformance review with this application.

As previously noted, grading to create access to the site and a future building pad would occur on the least sensitive portion of the lot. The area proposed for grading was marginally disturbed by the construction of Caminito Stella. The area fronting the private drive generally is flatter and has less biological resources than other portions of the site thereby making it the preferred location in which to develop the property.

The proposed development site is within a Very High Fire Severity Zone. The project provides a Brush Management Plan that would comply with the Land Development Code by providing required fuel reduction zones. Zone 1 would provide a 35-foot wide buffer planted with ornamental landscape material. Zone 2 would be 65-feet wide and include selective and periodic pruning and trimming of the existing chaparral plant community. The total 100-foot Brush Management Plan was approved by the Fire-Plans Officer and Landscape review staff and would be adequate to protect the proposed future home.

Conclusion:

The proposed development has been reviewed by the City staff and the community planning group for compliance with applicable development regulations and consistency with the Del Mar Mesa Specific Plan. An environmental Mitigated Negative Declaration that includes a Mitigation, Monitoring and Reporting Program was prepared for the project and subject to public review. All of the potential impacts associated with this development would be mitigated to below a level of significance. The proposed development, including the MHPA boundary-line adjustment, would benefit both the property owner by allowing development on a previously encumbered site and the City of San Diego through the acquisition and ownership of the last remaining acreage of the MHPA not under public control. This action would also result in the dedication of 9.10-acres (of the 10 acre parcel) for open space which will be preserved with a covenant easement. Therefore, the Development Services Department recommends that the Planning Commission forward this matter on to the City Council for a final decision with a recommendation to approve the project.

ALTERNATIVES:

1. **Recommend approval of** Site Development Permit No. 627502, Neighborhood Use Permit No. 1043525, MHPA Boundary-Line Adjustment No.1043526 and Easement Dedication No. 976515 **with modifications; or**
2. **Recommend denial of** Site Development Permit No. 627502, Neighborhood Use Permit No. 1043525, MHPA Boundary-Line Adjustment No.1043526 and Easement Dedication No. 976515, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department

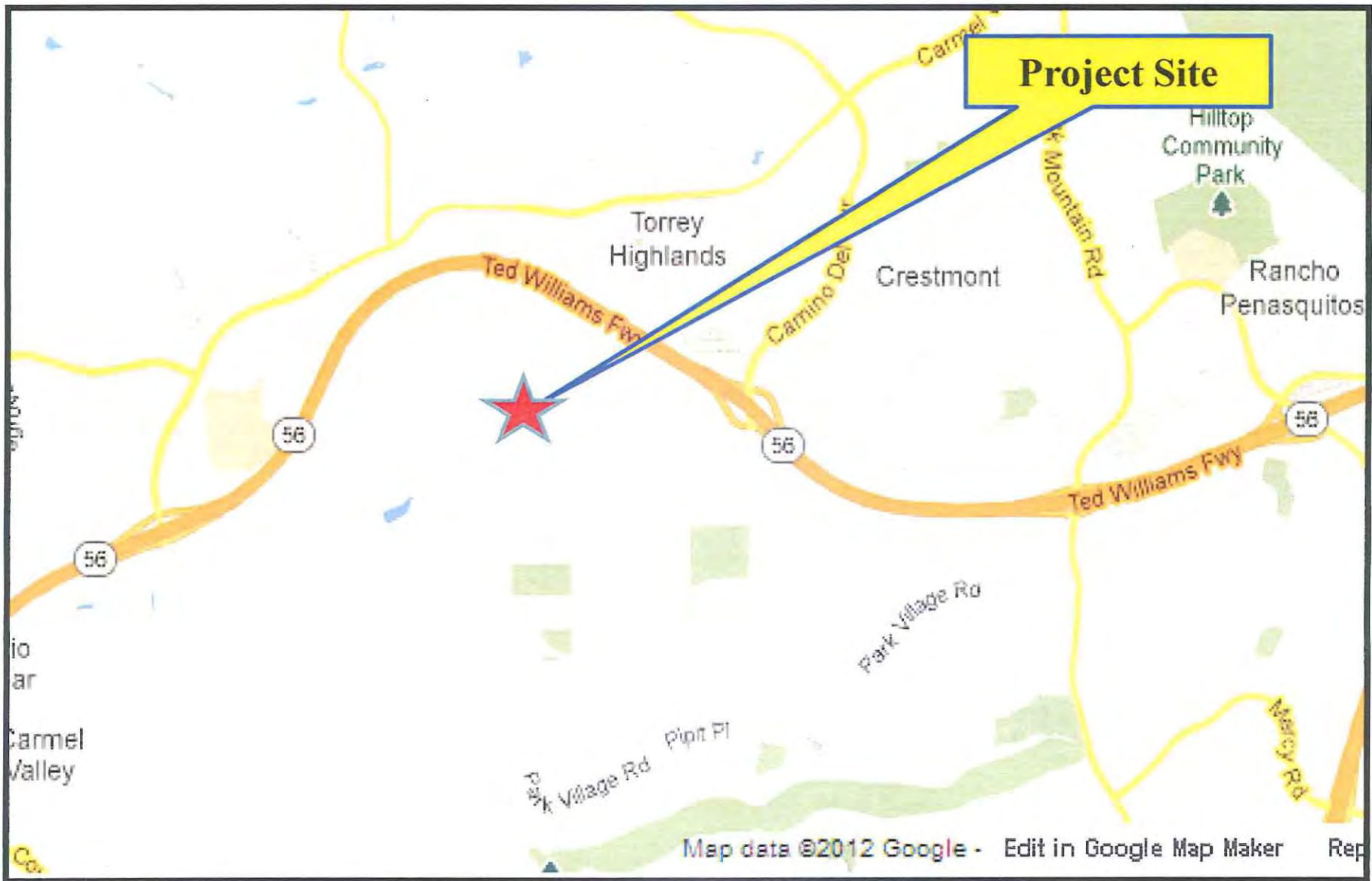


Helene Deisher
Project Manager
Development Services Department

BROUGHTON/JPH

Attachments:

1. Project Location Map (A,B,C)
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Easement Abandonment Resolution
8. Draft Planning Commission Resolution
9. Draft Environmental Resolution with MMRP
10. Project Site Plan(s)
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement



Project Location Map

MCCA W PROPERTY- DEL MAR MESA
PROJECT NUMBER 174584



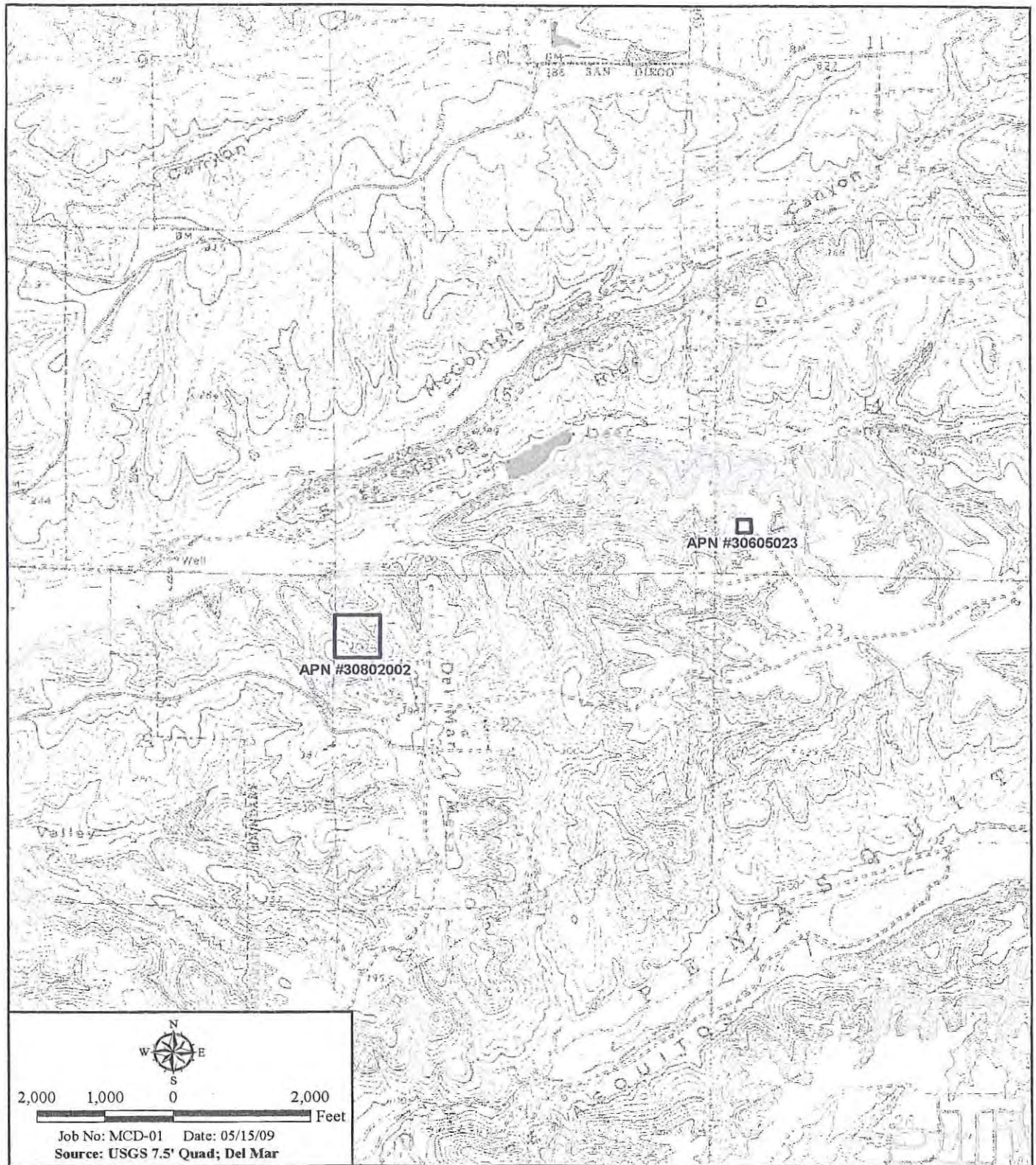


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Regional Location Map

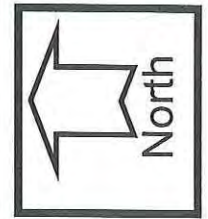
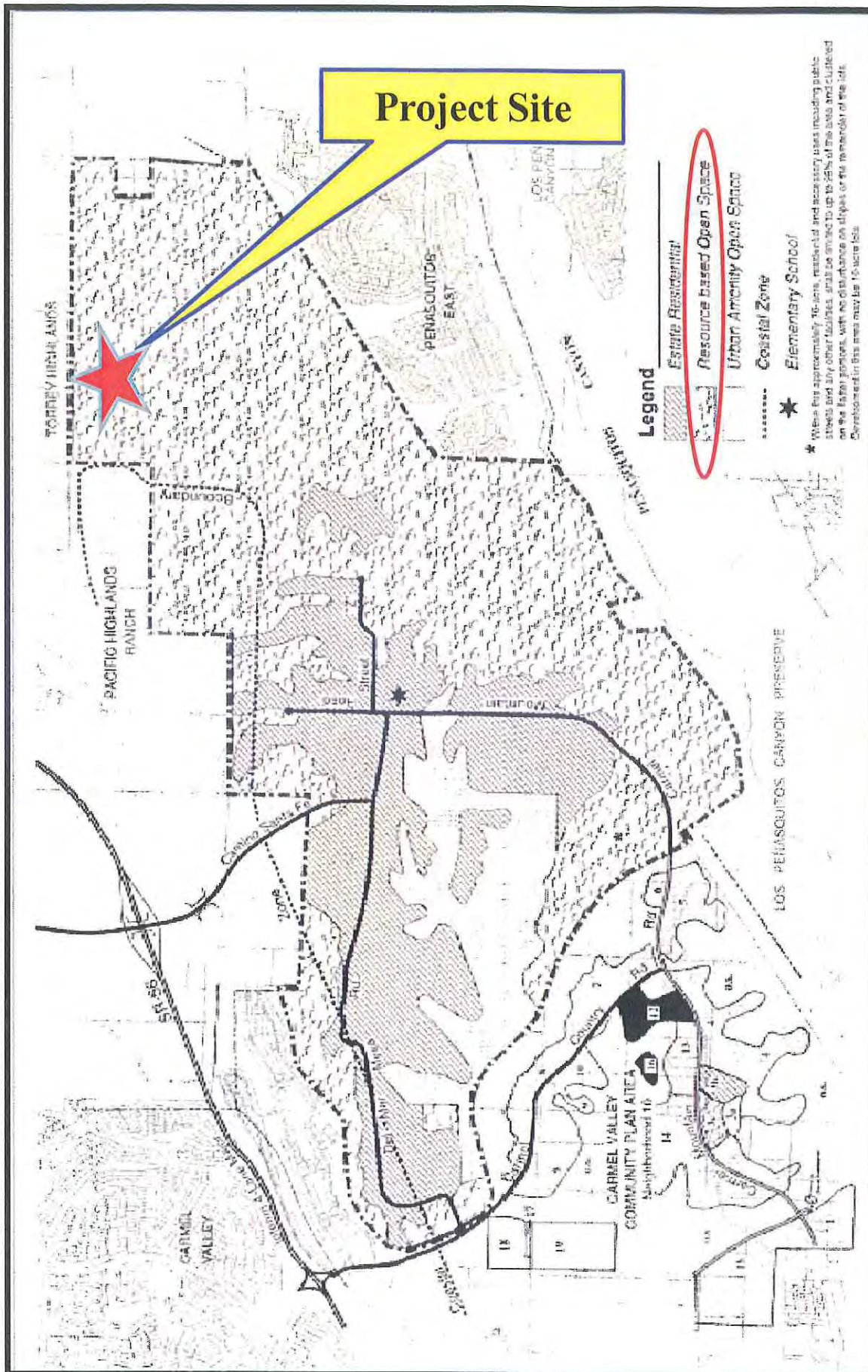
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Figure 1



Location Map

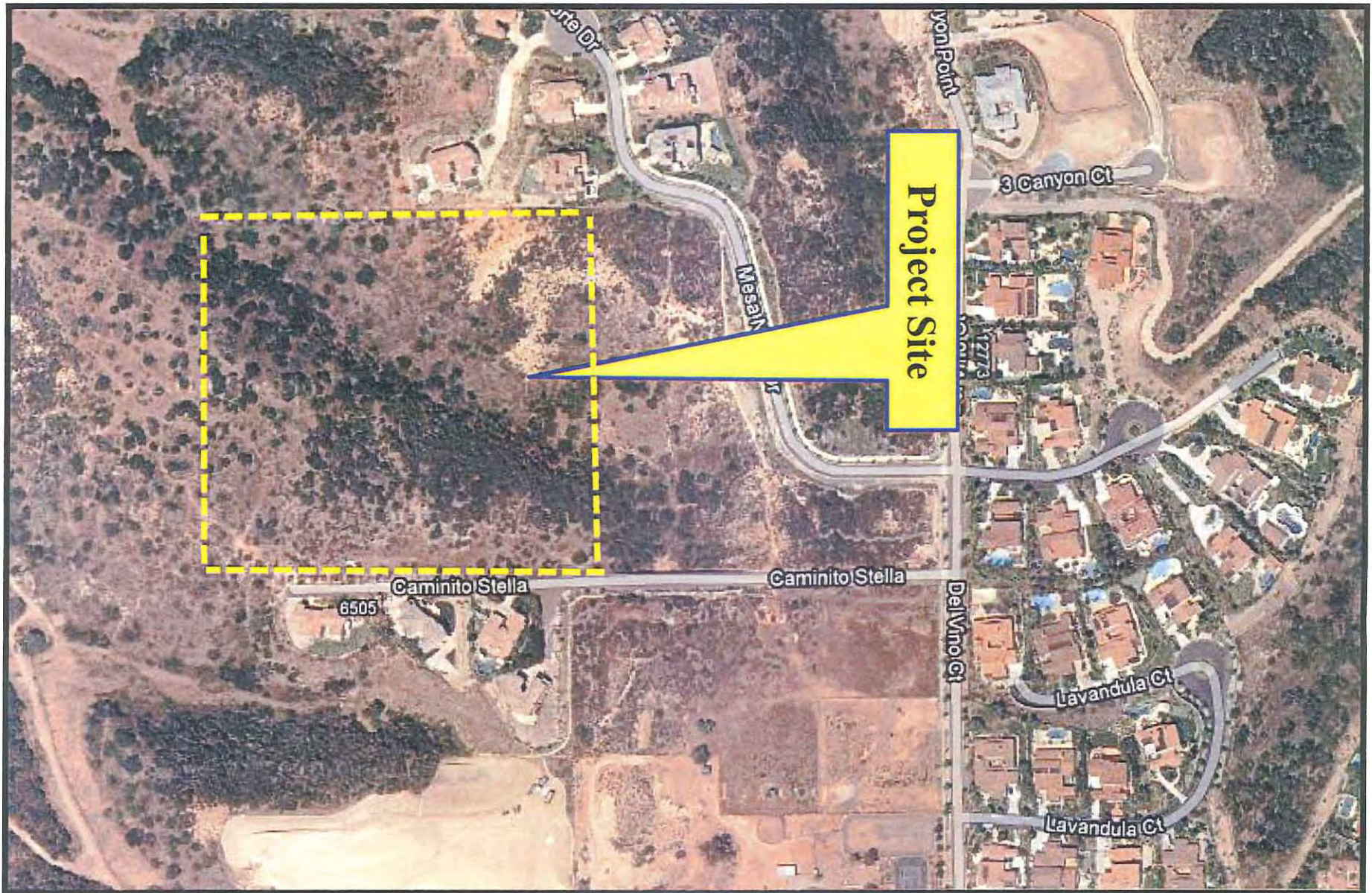
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Land Use Map

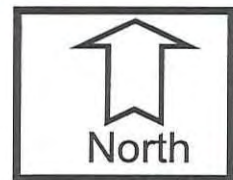
MCCAW PROPERTY – DEL MAR MESA
PROJECT NUMBER 174584





Aerial Photo

MCCA W PROPERTY – DEL MAR MESA
PROJECT NUMBER 174584



PROJECT DATA SHEET

PROJECT NAME:	McCaw Property
PROJECT DESCRIPTION:	Grading for future Single-Family Home.
COMMUNITY PLAN AREA:	Del Mar Mesa
DISCRETIONARY ACTIONS:	Site Development Permit, Neighborhood Use Permit Easement Vacation and MHPA boundary-line adjustment.
COMMUNITY PLAN LAND USE DESIGNATION:	Resource based Open Space

ZONING INFORMATION:

ZONE: AR-1-2: (Agricultural zone with allowance for very low density residential use.

HEIGHT LIMIT: 30-Foot maximum height limit.

LOT SIZE: minimum lot size: 1.0-acre.

FLOOR AREA RATIO: 0.75 maximum.

FRONT SETBACK: 25 feet.

SIDE SETBACK: 20 feet.

STREETSIDE SETBACK: 25 feet.

REAR SETBACK: 25 feet.

PARKING: 3 parking spaces required – includes one guest quarter parking space.

<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Open Space; AR-1-2	Vacant
SOUTH:	Open Space; AR-1-2	Residential
EAST:	Open Space; AR-1-2	Residential
WEST:	Open Space; OC-1-1.	Vacant
DEVIATIONS OR VARIANCES REQUESTED:	None with this application	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The Del Mar Mesa Planning Board voted 9-0-3 (absent) to recommend approval. June 9, 2011	

WHEREAS, Gerald McCaw and Margaret Sue McCaw, Trustees of the McCaw Family Trust Dated December 2, 1990, Owner and Permittee, filed an application with the City of San Diego for a Site Development Permit and Neighborhood Use Permit to develop a 0.9-acre portion of a 10.0-acre site with a single-family home and guest quarters and the dedication of a conservation easement over the remainder of the parcel and a Multiple-Habitat Planning Area boundary line adjustment known as the McCaw Project, located at the terminus of Caminito Stella west of Del Vino Court, and legally described as:

All that portion of the Northwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 14, Township 14 South, Range 3 West, San Bernadino Base and Meridian, in the County of San Diego, State of California, according to United States Government Survey Described as: Beginning at the Southeast corner of the Northeast Quarter of the Southwest Quarter of the Southwest Quarter of said Section 14; thence northerly all along the easterly line thereof, 209.42 feet; thence westerly parallel with the southerly line of said Northwest Quarter of the Southwest Quarter of the Southwest Quarter, 208.00 feet; thence southerly parallel with the easterly line thereof 209.42 feet to the intersection with the southerly line of said Northwest Quarter of the Southwest Quarter of the Southwest Quarter; thence easterly along said southerly line 208.00 feet to the point of beginning.

WHEREAS, the project site is within the Del Mar Mesa Community Plan Community Plan area, in the AR-2-1 zone; and

WHEREAS, on November 7, 2012, the Planning Commission of the City of San Diego considered Site Development Permit No. 627502, Neighborhood Use Permit No. 1042535 and MHPA Boundary-Line Adjustment No. 1043525 pursuant to Resolution No. (_____-PC) voted to recommend that the City Council Approve the Permits; and

WHEREAS, after approval of the above referenced project by the City Council, The McCaw Family Trust, Owner, will transfer a 1.0-acre parcel described as (_____) to the City of San Diego in fee title as mitigation for the proposed development, and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on, 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 it adopts the following findings with respect to Site Development Permit No. 627502 and Neighborhood Use Permit:

WHEREAS, Gerald McCaw and Margaret Sue McCaw, Trustees of the McCaw Family Trust Dated December 2, 1990, Owner and Permittee, filed an application with the City of San Diego for a Site Development Permit and Neighborhood Use Permit to develop a 0.9-acre portion of a 10.0-acre site with a single-family home and guest quarters and the dedication of a conservation easement over the remainder of the parcel and a Multiple-Habitat Planning Area boundary line adjustment known as the McCaw Project, located at the terminus of Caminito Stella west of Del Vino Court, and legally described as:

All that portion of the Northwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 14, Township 14 South, Range 3 West, San Bernadino Base and Meridian, in the County of San Diego, State of California, according to United States Government Survey Described as: Beginning at the Southeast corner of the Northeast Quarter of the Southwest Quarter of the Southwest Quarter of said Section 14; thence northerly all along the easterly line thereof, 209.42 feet; thence westerly parallel with the southerly line of said Northwest Quarter of the Southwest Quarter of the Southwest Quarter, 208.00 feet; thence southerly parallel with the easterly line thereof 209.42 feet to the intersection with the southerly line of said Northwest Quarter of the Southwest Quarter of the Southwest Quarter; thence easterly along said southerly line 208.00 feet to the point of beginning.

WHEREAS, the project site is within the Del Mar Mesa Community Plan Community Plan area, in the AR-2-1 zone; and

WHEREAS, on November 7, 2012, the Planning Commission of the City of San Diego considered Site Development Permit No. 627502, Neighborhood Use Permit No. 1042535 and MHPA Boundary-Line Adjustment No. 1043525 pursuant to Resolution No. (_____-PC) voted to recommend that the City Council Approve the Permits; and

WHEREAS, after approval of the above referenced project by the City Council, The McCaw Family Trust, Owner, will transfer a 1.0-acre parcel described as (_____) to the City of San Diego in fee title as mitigation for the proposed development, and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on, 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 it adopts the following findings with respect to Site Development Permit No. 627502 and Neighborhood Use Permit:

A. SITE DEVELOPMENT PERMIT SECTION 126.0504

1. The proposed development will not adversely affect the applicable land use plan.

The property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a Site Development Permit and Neighborhood Use Permit for a 0.9-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining nine acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

In addition to the 9-acre Covenant of Easement, additional mitigation will result from the transfer in fee to the City of a one-acre parcel to the east located in the Del Mar Mesa Preserve to mitigate for the loss of the MSCP portion located on the 1-acre lot, ensuring a no net loss of MSCP habitat. The remaining mitigation necessary for development of the site will be purchased from an approved mitigation bank. The one-acre parcel (APN 306-050-23) is the only remaining privately owned parcel in the heart of the Del Mar Mesa preserve that is not under City, State or Federal Agency control. The one-acre parcel replaces the portion of the 10-acre easement released for development and the 0.9 ac portion of the lot that's within the MSCP.

The transfer of property to the City of San Diego of the one-acre parcel will result in the completion of the Del Mar Mesa preserve property acquisition and has greater value than the impacted 0.9 acres. There will be a net gain of 0.1 acres to the MHPA, and although the one-acre compensation site is already in the MHPA, the benefit is greater with the dedication than it is presently. The one-acre parcel currently contains 5 vernal pools and is surrounded by lush open-space. Conversely, large estate residential homes surround the 0.9 acres on three sides. Ultimately the dedication of the one-acre will allow the City of San Diego to have greater control over the land and would facilitate development of a planned trail on the Del Mar Mesa preserve Subarea V.

The project would implement the goals of the Plan by providing a single-family residential lot that is compatible with the surrounding estate residential uses and consistent with the Plan's Community Design Standards. The project is consistent in character, density, scale and intensity with the existing established residential development. The proposed development would implement the goals of preserving the rural character of the community with clustered low density residential land use and the preservation of open space by developing adjacent to existing homes, minimizing the disturbance of the natural land form, grading in the least sensitive area and establishing a conservation easement over the remaining 9.0-acres of land. While the transfer of the one-acre parcel to the City of San Diego would fulfill the goal of providing publicly-owned open space. 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 property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a Site Development Permit and Neighborhood Use Permit for a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining nine acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Master Environmental Impact Report (MEIR 95-1353) designates the area as Resource Based Open Space.

The Del Mar Mesa Specific Plan (DMMSP) and accompanying (Subarea V) Master Environmental Impact Report (MEIR) No.95-0353 was prepared by the City of San Diego, as Lead Agency under the California Environmental Quality Act, and finalized on June 6, 1996, the San Diego City Council adopted the Specific Plan for Del Mar Mesa and certified the (Subarea V) MEIR. The DMMSP (Subarea V) MEIR analyzed the impacts that would potentially result from the development described in the Specific Plan.

The proposed project is within the scope of the MEIR and the implementation will not result in any new impacts beyond those identified in the MEIR. All mitigation measures set forth in the MEIR will be incorporated into the proposed project through a project-specific Mitigation, Monitoring and Reporting Program (MMRP). The proposed project includes mitigation measures to offset the potential impacts to the environment in the area of Biological Resources, Paleontological Resources and Land Use/Multiple Species Conservation Program (MSCP). Implementation of the MMRP would reduce potential impacts below a level of significance.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the construction and continuing operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. **The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.** The property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a Site Development Permit and Neighborhood Use Permit for a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining nine acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

The project would implement the goals of the Plan by providing a single-family residential lot that is compatible with the surrounding estate residential uses and consistent with the Plan's Community Design Standards. The project is consistent in character, density, scale and intensity with the existing established residential development. Therefore, the proposed project complies with all applicable regulations.

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 property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a Site Development Permit and Neighborhood Use Permit for a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining nine acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

The Del Mar Mesa Specific Plan (DMMSP) and accompanying (Subarea V) Master Environmental Impact Report (MEIR) No.95-0353 was prepared by the City of San Diego, as Lead Agency under the California Environmental Quality Act, and finalized on June 6, 1996, the San Diego City Council adopted the Specific Plan for Del Mar Mesa and certified the (Subarea V) MEIR. The DMMSP (Subarea V) MEIR analyzed the impacts that would potentially result from the development described in the Specific Plan.

The proposed grading plan creates a building pad on the flattest portion of the site in an area where the slopes are less than 25%. The slopes created by the grading would be landscaped with native and compatible non-native plant species to blend the manufactured and natural slopes together. The site plan establishes this buffer between developable portions of the residential pad to reduce the visual effects of the development contributing to the preservation of the rural character of the community as envisioned by the Specific Plan. The proposed project is within the scope of the MEIR and the implementation will not result in any additional impacts beyond those identified in the MEIR. All applicable mitigation measures set forth in the MEIR have been incorporated into the proposed project through a project specific Mitigation, Monitoring and Reporting Program (MMRP) and will be implemented to reduce, to below a level of significance, any potential impacts identified in the environmental review process.

In addition to the 9.1 -acre Covenant of Easement, additional mitigation will result from the transfer in fee to the City of a one-acre parcel to the east located in the Del Mar Mesa Preserve. This transfer will mitigate for the loss of the MSCP portion located on the 10-acre lot, ensuring a no net loss of MSCP habitat. The remaining

mitigation necessary for development of the site will be purchased from an approved mitigation bank. The one-acre parcel (APN 306-050-23) is the only remaining privately owned parcel in the heart of the Del Mar Mesa preserve that is not under City, State or Federal Agency control. The one-acre parcel replaces the portion of the 10-acre easement released for development and the portion of the lot within the MSCP.

A Covenant of Easement of approximately nine acres will be dedicated to the City on the remaining portion of the property not used for development. This will ensure that the sensitive biological areas on the property will be preserved and therefore the project is sited and designed to result in the minimum disturbance to environmentally sensitive lands. Therefore, the site is physically suitable for the design and siting of the proposed development and the development would result in minimum disturbance to environmentally sensitive lands

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a Site Development Permit and Neighborhood Use Permit for a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining nine acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

The project would not result in any impacts beyond those disclosed in the Master Environmental Report. The project is consistent with the Del Mar Mesa Specific Plan MEIR and additional project specific mitigation is required. There were no impacts identified in the MEIR with regard to geology and proper engineering design of the proposed structures will be verified at building permit by the City Geology Staff and the City Engineer. This would ensure that the potential for geologic impacts from regional hazards is minimal. The project adheres to all requirements in regard to erosion control and brush management. The project also adheres to the City's and the Regional Water Quality Control Board's requirements for storm water management and Best Management Practices. Therefore, the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic forces, erosion, flood or fire hazards.

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

The property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a Site Development Permit and Neighborhood Use Permit for a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining nine acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

In addition to the 9-acre Covenant of Easement, additional mitigation will result from the transfer in fee to the City of a one-acre parcel to the east located in the Del Mar Mesa Preserve. The one-acre parcel (APN 306-050-23) is the only remaining privately owned parcel in the heart of the Del Mar Mesa preserve that is not under City, State or Federal Agency control. The one-acre parcel replaces the portion of the 10-acre easement released for development.

The transfer of property to the City of San Diego of the one-acre parcel will result in the completion of the Del Mar Mesa preserve property acquisition and has greater value than the impacted 0.9 acres. There will be a net gain of 0.1 acres to the MHPA, and although the one-acre compensation site is already in the MHPA, the benefit is greater with the dedication than it is presently. The one-acre parcel currently contains 5 vernal pools and is surrounded by lush open-space. Conversely, large estate residential homes surround the 0.9 acres on three sides. Ultimately the dedication of the one-acre will allow the City of San Diego to have greater control over the land and would facilitate development of a planned trail on the Del Mar Mesa preserve Subarea V.

The proposed grading plan creates a building pad on the flattest portion of the site in an area where the slopes are less than 25%. The slopes created by the grading would be landscaped with native and compatible non-native plant species to blend the manufactured and natural slopes together. The site plan establishes this buffer between developable portions of the residential pad to reduce the visual effects of the development contributing to the preservation of the rural character of the community as envisioned by the Specific Plan. The proposed project is within the scope of the MEIR and the implementation will not result in any additional impacts beyond those identified in the MEIR. All applicable mitigation measures set forth in the MEIR have been incorporated into the proposed project through a project specific Mitigation, Monitoring and Reporting Program (MMRP) and will be implemented to reduce, to below a level of significance, any potential impacts identified in the environmental review process.

A Covenant of Easement of approximately nine acres will be dedicated to the City on the remaining portion of the property not used for development. This will ensure that the sensitive biological areas on the property will be preserved. Therefore, the project is sited and designed to result in the minimum disturbance to 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 property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a Site Development Permit and Neighborhood Use Permit for a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining nine acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

In addition to the 9-acre Covenant of Easement, additional mitigation will result from the transfer in fee to the City of a one-acre parcel to the east located in the Del Mar Mesa Preserve. The one-acre parcel (APN 306-050-23) is the only remaining privately owned parcel in the heart of the Del Mar Mesa preserve that is not under City, State or Federal Agency control. The one-acre parcel replaces the portion of the 10-acre easement released for development.

The transfer of property to the City of San Diego of the one-acre parcel will result in the completion of the Del Mar Mesa preserve property acquisition and has greater value than the impacted 0.9 acres. There will be a net gain of 0.1 acres to the MHPA, and although the one-acre compensation site is already in the MHPA, the benefit is greater with the dedication than it is presently. The one-acre parcel currently contains five (5) vernal pools and is surrounded by lush open-space. Conversely, large estate residential homes surround the 0.9 acres on three sides. Ultimately the dedication of the one-acre will allow the City of San Diego to have greater control over the land and would facilitate development of a planned trail on the Del Mar Mesa preserve sub area V.

The proposed project is within the scope of the MEIR and the implementation will not result in any additional impacts beyond those identified in the MEIR. All applicable mitigation measures set forth in the MEIR have been incorporated into the proposed project through a project specific Mitigation, Monitoring and reporting program (MMRP) and will be implemented to reduce, to below a level of significance, any potential impacts identified in the environmental review process. The project also includes Land Use Adjacency Guidelines for the Multiple Habitat Planning Area. A Covenant of Easement of approximately nine acres will be dedicated to the City on the remaining portion of the property not used for development. Therefore the proposed project will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a Site Development Permit and Neighborhood Use Permit for a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining nine acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

The McCaw project is located more than five miles east of the Pacific Ocean's beaches and local shoreline. Development of the site includes erosion control measures, a storm water management plan, and the adoption of best management practices as required by conditions of the permit. Therefore, the proposed development will not contribute to erosion of public beaches or adversely impact 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 property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a Site Development Permit and Neighborhood Use Permit for a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining nine acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

In addition to the 9-acre Covenant of Easement, additional mitigation will result from the transfer in fee to the City of a one-acre parcel to the east located in the Del Mar Mesa Preserve. The one-acre parcel (APN 306-050-23) is the only remaining privately owned parcel in the heart of the Del Mar Mesa preserve that is not under City, State or Federal Agency control. The one-acre parcel replaces the portion of the 10-acre easement released for development.

The transfer of property to the City of San Diego of the one-acre parcel will result in the completion of the Del Mar Mesa preserve property acquisition and has greater value than the impacted 0.9 acres. There will be a net gain of 0.1 acres to the MHPA, and although the one-acre compensation site is already in the MHPA, the benefit is greater with the dedication than it is presently. The one-acre parcel currently contains 5 vernal pools and is surrounded by lush open-space. Conversely, large estate residential homes surround the 0.9 acres on three sides. Ultimately the dedication of the one-acre will allow the City of San Diego to have greater control over the land and would facilitate development of a planned trail on the Del Mar Mesa preserve Subarea V.

The Del Mar Mesa Specific Plan (DMMSP) and accompanying (Subarea V) Master Environmental Impact Report (MEIR) No.95-0353 was prepared by the City of San Diego, as Lead Agency under the California Environmental Quality Act, and finalized on June 6, 1996, the San Diego City Council adopted the Specific Plan for Del Mar Mesa and certified the (Subarea V) MEIR. The DMMSP (Subarea V) MEIR analyzed the impacts that would potentially result from the development described in the Specific Plan.

The proposed project is within the scope of the MEIR and the implementation will not result in any additional impacts beyond those identified in the MEIR. All applicable mitigation measures set forth in the MEIR have been incorporated into the proposed project through a project-specific Mitigation, Monitoring and Reporting Program (MMRP) and will be implemented to reduce, to below a level of significance, any potential impacts identified in the environmental review process.

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.

C. NEIGHBORHOOD USE PERMIT SECTION 126.0205

1. The proposed development will not adversely affect the applicable land use Plan. The property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a Site Development Permit and Neighborhood Use Permit for a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining nine acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

The project would implement the goals of the Plan by providing a single-family residential lot that is compatible with the surrounding estate residential uses and consistent with the Plan's community design standards. While guest quarters are not specifically discussed in the community plan they are considered a use compatible and consistent with the land use standards for the area and zone. The project is consistent in character, density, scale and intensity with the established residential development of adjacent projects.

Therefore, the proposed single family development along with a guest quarters 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 property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a Site Development Permit and

Neighborhood Use Permit for a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining nine acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

The Del Mar Mesa Specific Plan (DMMSP) and accompanying (Subarea V) Master Environmental Impact Report (MEIR) No.95-0353 was prepared by the City of San Diego, as Lead Agency under the California Environmental Quality Act, and finalized on June 6, 1996, the San Diego City Council adopted the Specific Plan for Del Mar Mesa and certified the (Subarea V) MEIR. The DMMSP (Subarea V) MEIR analyzed the impacts that would potentially result from the development described in the Specific Plan.

The proposed project is within the scope of the MEIR and the implementation will not result in any new impacts beyond those identified in the MEIR. All mitigation measures set forth in the MEIR will be incorporated into the proposed project through a project-specific Mitigation, Monitoring and Reporting Program (MMRP). The proposed project includes mitigation measures to offset the potential impacts to the environment in the area of biological resources. Paleontological Resources and Land Use/Multiple Species Conservation Program (MSCP). Implementation of the MMRP would reduce potential impacts below a level of significance.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the construction and continuing operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. Therefore, the proposed development including the guest quarters will not be detrimental to the public health, safety, and welfare.

3. The proposed development will development will comply with the applicable regulations of the Land Development Code. The property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a Site Development Permit and Neighborhood Use Permit for a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining nine acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

The project would implement the goals of the Plan by providing a single-family residential lot that is compatible with the surrounding estate residential uses and consistent with the Plan's community design standards. The project is consistent in character, density, scale and intensity with the existing established residential development. Therefore, the proposed project complies with all applicable regulations of the Land development Code.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 627502 and Neighborhood Use Permit No. 1042535 is granted to Gerald McCaw and Margaret Sue McCaw, Trustees of the McCaw Family Trust Dated December 2, 1990, Owner and Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

BE IT FURTHER RESOLVED, that the MHPA boundary adjustment as shown on Exhibit "A" dated _____ is approved.

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 23432128

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 627502
NEIGHBORHOOD USE PERMIT NO. 1042535
MHPA BOUNDARY-LINE ADJUSTMENT NO. 1043525
MCCAW PROPERTY - PROJECT NO. 174584 [MMRP]
CITY COUNCIL

This Site Development Permit No. 627502, Neighborhood Use Permit No. 1042535 and Multi – Habitat Planning Area (MHPA) Boundary-Line Adjustment (BLA) No. 1043525 is granted by the City Council of the City of San Diego to The McCaw Family Trust, Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0205 and 126.0504. The 10.0-acre site is located at the terminus of Caminito Stella west of Del Vino Court, in the AR-1-2 zone of the Del Mar Mesa Specific Plan. The project site is legally described as: All that portion of the Northwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 14, Township 14 South, Range 3 West, San Bernadino Base and Meridian, in the County of San Diego, State of California, according to United States Government Survey Described as: Beginning at the Southeast corner of the Northeast Quarter of the Southwest Quarter of the Southwest Quarter of said Section 14; thence northerly all along the easterly line thereof, 209.42 feet; thence westerly parallel with the southerly line of said Northwest Quarter of the Southwest Quarter of the Southwest Quarter, 208.00 feet; thence southerly parallel with the easterly line thereof 209.42 feet to the intersection with the southerly line of said Northwest Quarter of the Southwest Quarter of the Southwest Quarter; thence easterly along said southerly line 208.00 feet to the point of beginning.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to develop a 0.9-acre portion of the 10.0-acre parcel with a future single-family home by grading for access and a development pad described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, on file in the Development Services Department.

The project shall include:

- a. A single-family residential structure to be approved via a process one decision level Substantial Conformance Review; and
- b. Guest Quarters; and
- c. Brush Management and Landscaping (planting, irrigation and landscape related improvements); and
- d. Off-street parking; and
- e. An MHPA boundary line adjustment transfer of the one-acre parcel (APN 306-050-23) in fee title to the City of San Diego; and
- f. Recordation of a Covenant of Easement over the remaining undeveloped 9.1-acres of the 10-acre development site; and
- 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. This permit must be utilized by _____.
- 2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Game [CDFG] pursuant to California Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

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

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 of the Mitigated Negative Declaration (MND) No. 174584.
12. The mitigation measures specified in the MMRP and outlined in MND No. 174584, 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. 174584, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:
 - Biological Resources
 - Historical (Archeological) Resources
 - Paleontological Resources

ENGINEERING REQUIREMENTS:

14. Prior to the issuance of any construction permit, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
15. 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 Municipal Code, into the construction plans or specifications.

16. Prior to the issuance of any construction permit the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
17. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
18. Prior to the issuance of any building permits, the applicant shall obtain a bonded 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.

LANDSCAPE REQUIREMENTS:

19. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.
20. Prior to issuance of any construction permits for structures, complete landscape, brush management and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
21. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections.
22. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
23. The Permittee or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Land Development Code: Landscape Regulations and the Land Development Manual: Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

24. The Permittee or subsequent owner(s) shall be responsible to ensure that irrigation drainage run off shall be directed away from the Multiple Habitat Preserve Area or from the transitional areas to ensure that no impacts occur from runoff in any of these areas.
25. 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 within 30 days of damage or Certificate of Occupancy.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

26. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit 'A' Brush Management Plan, on file in the Office of the Development Services Department.
27. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit 'A'.
28. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the Development Services Department and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit 'A' and shall comply with SDMC 55.0101, the Land Development Code section 142.0412, and the Land Development Manual - Landscape Standards.
29. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the Land Development Code section 142.0412.
30. The proposed development shall have a 35 feet Zone One and 65 feet Zone Two.
31. Brush Management on the southwest corner of the development shall observe a 55-ft Zone One onsite and a 35-ft Zone Two. Where Zone reduction is applied, the reduction shall conform to Section 142.0412(f)-LDC.
32. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) are not permitted, while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the Development Services Department approval.
33. The following note shall be provided on the Brush Management Construction Documents:
'It shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program.'

34. In Zones One and Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.
35. Prior to Final Inspection and Framing Inspection for any building, the approved Brush Management Program shall be implemented.
36. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

MULTIPLE SPECIES CONSERVATION PROGRAM:

37. Prior to the issuance of any construction permits, the Owner/Permittee shall grant the on-site Multiple Habitat Planning Area [MHPA] to the City's Multiple Species Conservation Program [MSCP] preserve through either fee title to the City, or a covenant of easement granted in favor of the City and the U.S. Fish and Wildlife Service [USFWS] and the California Department of Fish and Game [CDFG], as shown on Exhibit "A." Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes. The Owner/Permittee shall ensure all property approved for conveyance in fee title to the City for MHPA purposes shall be free and clear of all private easements, private encroachments, private agreements and/or liens. Any on-site MHPA lands that are not dedicated in fee title to the City shall grant a covenant of easement in favor of the City, USFWS, and CDFG. The Owner/Permittee shall maintain in perpetuity any MHPA lands granted by covenant of easement unless otherwise agreed to by the City.
38. Prior to issuance of any building permits, the Owner/Permittee shall schedule an inspection with the Park and Recreation Department Open Space Division for all property approved for conveyance in fee title to the City for MHPA purposes. All trash, illegal use and associated structures on the lot(s) shall be removed prior to the City's acceptance.
39. Prior to the issuance of any construction permits, the Project's MSCP/MHPA boundary line adjustment (BLA) shall be approved by the Wildlife Agencies.

PLANNING/DESIGN REQUIREMENTS:

40. Owner/Permittee shall maintain a minimum of **three (3)** off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Two off-street parking spaces shall be dedicated to the single-family residence and one off-street parking space shall be dedicated to the guest quarters. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

41. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
42. Prior to submitting an application for a building permit on any lot, the Owner/Permittee shall submit an application for a Process Two Substantial Conformance Review (SCR) for each lot to determine conformance with the conditions of this permit, the Vista Carmel Architectural Design Guidelines, the Exhibit 'A' development plans, and the Del Mar Mesa Specific Plan.
43. Disclosure shall be made to all future homebuyers that Del Mar Mesa is a semi-rural community which permits residents to maintain horses and horse stables on their residential property subject to the horse-keeping provisions of the SDMC, Section 44.0308.
44. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A."
45. In order to preserve the rural character and dark night skies of Del Mar Mesa, all outdoor lighting from homes for the purposes of safety and security shall be designed to minimize the emission of light rays onto neighboring lots and open space. The lighting of private recreational facilities, such as tennis courts, shall not be permitted. Swimming pools may be lighted for safety purposes, using ground lighting that does not project more than six feet from the lighting source on the same lot.
46. All signs associated with this development shall be consistent with the sign criteria established by either the approved Exhibit 'A', or the Del Mar Mesa Specific Plan.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

47. The developer will be required to provide an Encroachment Maintenance and Removal Agreement for all private sewer mains located within City easements and street right-of-ways.
48. The developer will be required to pay their fair share for the construction of Carmel Valley Trunk sewer.
49. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

50. All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego sewer design guide.
51. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
52. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the removal of all existing unused services, within the right-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
53. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
54. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

GEOLOGY REQUIREMENTS:

54. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.
55. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of

the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on _____pursuant to City Council Resolution No. _____.

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

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

NAME
Development Project Manager

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

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

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

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

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

VACATION OF A 10.0-ACRE OPEN SPACE EASEMENT
WITHIN THE DEL MAR MESA SPECIFIC PLAN AREA.

WHEREAS, California Streets and Highways Code section 8320 *et seq.* San Diego Municipal Code section 125.1001 *et seq.* provide a procedure for the vacation of public easements by City Council resolution; and

WHEREAS, it is proposed that 10.0-acre Open Space Easement Abandonment No. 976513 be vacated; and

WHEREAS, under Charter Section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, 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 with respect to Open Space Easement Abandonment No. 976513, the Council finds that:

(a) **There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated:**

The property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a Site Development Permit and Neighborhood Use Permit for a 0.9-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining 9.1-acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space. The easement requested to be vacated was placed on the property in 1990 as a means to preserve 10 acres of Open Space for environmental credits for SDG&E. There is no present or prospective use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated in that the proposed development will use one acre of the property and preserve nine acres on site with a Covenant of Easement dedicated to the City and one acre offsite by deeding the one-acre parcel No. 306-050-23 to the City in fee title so the original acreage of open space land that was planned for preservation will remain unchanged.

Therefore, the intent of the original easement, to preserve 10 acres of open space in the Del Mar Mesa Preserve, will be preserved intact in perpetuity. Through a Covenant of Easement placed over 9.1 acres and the dedication of a one-acre parcel to the City of San Diego as designated Open Space.

(b) The public will benefit from the action through improved utilization of the land made available by the vacation.

The property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is

within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a Site Development Permit and Neighborhood Use Permit for a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining nine acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

In addition to the 9.1-acre Covenant of Easement, additional mitigation will result from the transfer in fee title to the City of a one-acre parcel to the east located in the Del Mar Mesa Preserve. The one-acre parcel (APN 306-050-23) is the only remaining privately owned parcel in the heart of the Del Mar Mesa preserve that is not under City, State or Federal Agency control. The one-acre parcel replaces the portion of the 10-acre easement released for development.

The transfer of property to the City of San Diego of the one-acre parcel will result in the completion of the Del Mar Mesa preserve property acquisition and has greater value than the impacted .9 acres. There will be a net gain of 0.1 acres to the MHPA, and although the one-acre compensation site is already in the MHPA, the benefit is greater with the dedication than it is presently. The one-acre parcel currently contains 5 vernal pools and is surrounded by lush open-space. Conversely, large estate residential homes surround the 0.9 acre site on three sides. Ultimately the dedication of the one-acre will allow the City of San Diego to have greater control over the land and would facilitate development of a planned trail on the Del Mar Mesa preserve sub area V.

The abandonment of the easement will allow the property owner to deed the last remaining parcel of land with development rights in the Del Mar Mesa preserve to the City in fee thereby preserving the Open Space of the Preserve permanently by transferring the development rights to an area of existing development designated as Resource Based Open Space in the Del Mar Mesa Specific Plan.

Therefore, the public will benefit from the action through improved utilization of the land made available by the abandonment.

(c) The vacation is consistent with any applicable land use plan.

The property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a Site Development Permit and Neighborhood Use Permit for a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining nine acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

The transfer of property to the City of San Diego of the one-acre parcel will result in the completion of the Del Mar Mesa preserve property acquisition and has greater value than the impacted .9 acres. There will be a net gain of 0.1 acres to the MHPA, and although the one-acre compensation site is already in the MHPA, the benefit is greater

with the dedication then it is presently. The one-acre parcel currently contains 5 vernal pools and is surrounded by lush open-space. Conversely, large estate residential homes surround the .9 acres on three sides. Ultimately the dedication of the one-acre will allow the City of San Diego to have greater control over the land and would facilitate development of a planned trail on the Del Mar Mesa preserve sub area V.

The project would implement the goals of the Plan by providing a single-family residential lot that is compatible with the surrounding estate residential uses and consistent with the Plan's community design standards. The project is consistent in character, density, scale and intensity with the established residential development of adjacent projects.

Therefore, the proposed development would be consistent with the applicable land use plan.

(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

The property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a Site Development Permit and Neighborhood Use Permit for a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining nine acres of the parcel with

a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

The easement was placed on the property in 1990 as a means to preserve 10 acres of Open Space for environmental credits for SDG&E. There is no present or prospective use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated that would not be served with the proposed abandonment and rededication of the remaining parcel. The proposed development will use 0.9-acres of the property and preserve 9.1-acres on site with a Covenant of Easement dedicated to the City and one acre offsite by deeding the one-acre parcel 306-050-23 to the City in fee so the original acreage of open space land that was planned for preservation will remain unchanged.

Therefore, the intent of the original easement, to preserve 10 acres of open space on Del Mar Mesa Preserve, will be preserved intact in perpetuity through a Covenant of Easement placed over 9.1 acres and the dedication of a one-acre parcel to the City of San Diego.

BE IT FURTHER RESOLVED, that the Open Space easement located within the Del Mar Mesa Specific Plan area in connection with, as more particularly described in the legal description marked as Exhibit "A," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, that said easement abandonment is conditioned upon the transfer of the one-acre parcel 306-050-23 to the City in fee title and the recordation of the Conservation Easement on the remaining 9.1-acre site. In the event this condition is not

completed within three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

[Attorney]
Deputy City Attorney

[Initials]:[Initials]

[Month]/[Day]/[Year]

Or.Dept:[Dept]

JO: [INSERT JO Number]

Drawing No. [INSERT Drawing No.]

R-R-[Reso Code]

Document3

Revised 8-15-12 HMD

PLANNING COMMISSION RESOLUTION NO. _____-PC

RECOMMENDING TO THE CITY COUNCIL APPROVAL OF
SITE DEVELOPMENT PERMIT NO. 627502, NEIGHBORHOOD USE PERMIT NO.
1043525, EASEMENT ABANDONMENT NO. 976515, MHPA BOUNDARY-LINE
ADJUSTMENT NO. 1043526 AND MITIGATION, MONITORING AND REPORTING
PROGRAM NO. 174584

McCAW PROPERTY - PROJECT NO. 174584 [MMRP]

WHEREAS, on November 15, 2012, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of The City of San Diego approval and adoption of Site Development Permit No. 627502, Neighborhood Use Permit No. 1043525, Easement Abandonment No. 976515, MHPA Boundary-Line Adjustment No. 1043526 and Mitigation, Monitoring and Reporting Program No. 174584; and

WHEREAS, The McCaw Family Trust, Owner/Permittee, requested Site Development Permit No. 627502, Neighborhood Use Permit No. 1043525, Easement Abandonment No. 976515, MHPA Boundary-Line Adjustment No. 1043526 for the purpose of developing 0.90- acres of a 10-acre parcel with a single-family home and guest quarters; and

WHEREAS, the Planning Commission of the City of San Diego has considered all plans, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW
THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends to the Council of the City of San Diego approval and adoption of the Site Development Permit No. 627502, Neighborhood Use Permit No. 1043525, Easement Abandonment No. 976515, MHPA Boundary-Line Adjustment No. 1043526.

Helene Deisher
Development Project Manager
Development Services

Dated November 15, 2012
By a vote of:

RESOLUTION NUMBER R- _____

ADOPTED ON _____

WHEREAS, on March 19, 2009, Paul Metcalf submitted an application to Development Services Department for a Site Development Permit (SDP), Neighborhood Use Permit, Open Space Easement Abandonment, and a Multiple-Habitat Planning Area Boundary Line Adjustment for the McCaw Property, Project No. 174584; and

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

WHEREAS, the issue was heard by the Planning Commission on November 15, 2012; and

WHEREAS, the Planning Commission considered the issues discussed in Mitigation Negative Declaration (MND) No. 174584, prepared for this Project; now therefore,

BE IT RESOLVED, by the City Council that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that City Council finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Planning Commission in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101 or City Clerk, 202 C Street, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the McCaw property, Project No. 174584.

By: _____

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

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM**

**SITE DEVELOPMENT PERMIT (SDP), NEIGHBORHOOD USE PERMIT, OPEN SPACE
EASEMENT ABANDONMENT, AND A MULTIPLE-HABITAT PLANNING AREA
BOUNDARY LINE ADJUSTMENT
PROJECT NO. 174584**

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 No. 174584 shall be made conditions of SITE DEVELOPMENT PERMIT (SDP), NEIGHBORHOOD USE PERMIT, OPEN SPACE EASEMENT ABANDONMENT, and a MULTIPLE-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT as may be further described below.

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

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

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

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

5. SURETY AND COST RECOVERY – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City

is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

Post Plan Check (After permit issuance/Prior to start of construction)

1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.

The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Qualified Biologist
Qualified Archaeologist
Native American Monitor
Qualified Paleontologist

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

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division – 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**

2. MMRP COMPLIANCE: This Project, Project Tracking System (PTS) 174584, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

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

3. OTHER AGENCY REQUIREMENTS: Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

Not Applicable for this project.

4. MONITORING EXHIBITS: All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule

that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

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

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

Document Submittal/Inspection Checklist

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

<i>Issue Area</i>	<i>Document submittal</i>	<i>Assoc Inspection/Approvals/ Notes</i>
General Meeting	Consultant Qualification Letters	Prior to Pre-construction
General Construction Meeting	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology Issue Site Observations	Land Use Adjacency Guidelines	Land Use Adjacency
Archaeology Observation	Archaeology Reports	Archaeology/Historic Site
Site Observation	Paleontology	Paleontology Reports
Bond Release	Request for Bond Release letter	Final MMRP Inspections prior to Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

BIOLOGICAL RESOURCES

Requirements for Land in Proximity to Biological Resources

Preconstruction Measures

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

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

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

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

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

Construction Measures

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

2. As determined at the Precon Meeting, the project biologist shall supervise the installation of the limit of work fence (per approved Exhibit A) to protect biological resources and during construction be on-site to prevent/note any new disturbances to habitat, flora, and/or fauna onsite. The biologist shall perform pregrading bird surveys; flag biological resources such as plant specimens etc. for avoidance during access (as appropriate). In the event of a positive bird nest survey, the biologist shall delay construction and notify City MMC to accommodate additional mitigation as needed/required.

3. All construction (including staging areas) shall be restricted to areas previously disturbed as shown on the aerial photo above (bare earth areas and dirt roads). The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys.

Post Construction Measures

1. Prior to the release of the construction bond, the project biologist shall submit a letter report to the ADD of Entitlements that assesses any project impacts resulting from construction. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in accordance with the City of San Diego Land Development Code, to the satisfaction of the City ADD.

2. The Principal Qualified Biologist (PQB) shall submit two copies of the Final Monitoring Report, which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring.

3. The PQB shall submit any required revised Report to MMC (with a copy to the Resident Engineering (RE)) for approval within 30 days.

4. MMC will provide written acceptance to the PQB and RE of the approved report.

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

1. Double Hhabitat mitigation is required for proposed project impacts to 0.9 acres (0.0353-acre of Scrub Oak Chaparral, 0.5219-acre of Southern Maritime Chaparral, and 0.3118-acre of Diegan Coastal Sage Scrub) as follows in Table 1 below. The amount is doubled as the portion to be developed was previously preserved as mitigation land and must be replaced, and the current proposed impact must also be mitigated.

In order to assure availability of Tier I habitat, the applicant is proposing to purchase Tier I and Tier II from the Mooradian Property on Del Mar Mesa, between Del Mar Mesa Road and Caminito Vista Lujo (APN 307-660-1000). This site is currently located outside the MHPA (but is proposed to be added into the MHPA) and contains approximately 3.7 acres of southern maritime chaparral and approximately 2 acres of Diegan coastal sage scrub. If land from the Mooradian ownership is not available at the time that construction permits are to be obtained, grading would not be allowed to occur until suitable mitigation land per the City's ESL ratios is obtained.

Table 1 IMPACTS TO VEGETATION COMMUNITIES ON APN 308-020-0200 AND REQUIRED MITIGATION				
Vegetation Community	Existing	Impacts	REQUIRED Mitigation	
			Ratio*	Acres
TIER I			1:1	0.0353
Scrub oak chaparral	3.3	0.0353	2:1	0.0706
Southern maritime chaparral	2.2	0.5219	1:1	0.5219
			2:1	1.0438
Subtotal	5.5	0.5572	Inside Outside	0.6 (0.5572*) 1 (1.1144*)
TIER II			1:1	0.3118
Diegan coastal sage scrub	4.4	0.3118	1.5:1	0.4677
Subtotal	4.4	0.3118	Inside Outside	0.3 (0.3118*) 0.5 (0.4677*)
Disturbed habitat	0.1	0	--	0
Developed	<0.1	0.0042	--	0
Total	10.0	0.8732	Inside Outside	0.9 (0.8732*) 1.68 (1.5821*)
<u>Replacement for loss of previous SDG&E mitigation land</u>	<u>10</u>	<u>0.9</u>		<u>0.9</u> <u>1.8</u>

*The mitigation subtotals have been rounded up to be consistent with the engineer's site plan. The top mitigation ratio assumes impacts outside the MHPA and mitigation within, and the bottom ratio assumes impact within MHPA and mitigation outside the MHPA.

Open Space Easement Abandonment Building Easement Vacation Mitigation – Ensure Prior to Permit Issuance (Entitlements Division Plan Check)

1. A Open Space Easement Abandonment Building Easement Vacation Mitigation is required as a 10-acre parcel (APN **308-020-0200**) is entirely within the Multiple-Habitat Planning Area (MHPA) and is wholly encumbered by Open Space Easement No. 90-661434. This easement was recorded on December 12, 1990 as mitigation for San Diego Gas & Electric (SDG&E) projects. Development of the project would require vacating the existing 10-acre Open Space Easement, as well as an MHPA boundary line adjustment to remove 0.9-acre from the MHPA. Mitigation is required as follows:

A. Full conveyance to the City of San Diego in fee title of a 1-acre undeveloped parcel in the MHPA (APN 306-050-2300).

B. Placement of a covenant of easement over the remaining 9.1 acres outside the development pad on the 10-acre lot (APN 308-020-0200)

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

1. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. February 1-September 15), or an active nest is noted, the project biologist shall conduct a pregrading survey for active nests in the development area and within 300 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.

A. If active nests are detected, or considered likely, the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.

B. If no nesting birds are detected per “A” above, mitigation under “A” is not required.

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

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

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, WHICH EFFECT THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER WHOSE TERRITORY IS WHOLLY WITHIN/OR PARTIALLY WITHIN A MHPA AREA, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND

II. BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE

ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

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

B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED IN PROJECT AREA MHPA'S DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:

I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.

II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

Species Specific Mitigation (Required to meet MSCP Subarea Plan Conditions of Coverage) Mitigation for Potential Impacts to Coastal Cactus Wren Habitat

City Staff considered the list of cactus wren host species below (Table 2) and using the consulting biologist's report, annotated it to list presence of these species on-site and the following measures are required:.

1. Prior to the issuance of the grading permit, all listed species in Table 2 actually present on-site within areas to be impacted shall be salvaged for use within City supported coastal cactus wren mitigation sites. *In this case, one reported specimen to be impacted (*Opuntia littoralis*) shall be translocated to the remainder 9.1-acre open space area on-site.*

Preconstruction

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

B. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that a coastal cactus wren plant salvage/ relocation plan (including species, locations, numbers, timing and handling, etc.) plan has been completed and approved by City MMC and the appropriate contact from Michael Beck of the Endangered Habitats League (notify by phone and/or email).

Construction

A. Salvage, storage and transport requirements shall be carried out as specified in the approved salvage plan and at the preconstruction meeting.

Post-construction

A. Prior to the release of the grading bond, the project biologist shall submit a letter report to the Environmental Review Manager that assesses any project impacts resulting from construction. Any actions taken related to coastal cactus wren protection, including salvage of species in Table 2, shall also be included in this letter. This letter report shall be submitted to EAS, MSCP Park and Recreation, and MMC Staff.

TABLE 2
NATIVE CACTUS AND SUCCULENT SPECIES TARGETED FOR SALVAGE*
 (*known to be present on-site/all must be salvaged if found in grading areas)

Scientific Name	Common Name
<i>Cylindropuntia californica</i> var. <i>californica</i>	Snake cholla
<i>Cylindropuntia prolifera</i>	Coast cholla
<i>Dudleya</i> spp.	Live-forevers
<i>Ferocactus viridescens</i>	*Barrel cactus (10-on-site)
<i>Mammillaria dioica</i>	Fish-hook cactus
<i>Opuntia littoralis</i>	*Coastal prickly pear
<i>Opuntia oricola</i>	Chaparral prickly pear
<i>Yucca whipplei</i>	Our Lord's candle
<i>Yucca schidigera</i>	*Mojave yucca
<i>Euphorbia misera</i>	Cliff Spurge

Species Specific Mitigation (Required to meet MSCP Subarea Plan Conditions of Coverage) Mitigation for Potential Impacts to Coast Horned Lizard

1. Prior to the issuance of the grading permit the following conditions shall be met:

Preconstruction

A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of Entitlements stating that a qualified Biologist, as defined in the City of San Diego Biological Resource Guidelines (BRG), has been retained to implement the coast horned lizard MSCP Subarea Plan Appendix A conditions of coverage.

B. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that all landscape species will be verified to be free of the invasive Argentine ant.

Construction

A. Ant inspection of landscaping materials shall be carried out as specified in the MSCP species conditions of coverage for the coast horned lizard and at the preconstruction meeting.

MSCP Subarea Plan Land Use Adjacency Guidelines Mitigation

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity

on-site, the City ADD (or designee) shall verify that the project is in compliance with the MSCP Subarea Plan's Land Use Adjacency Requirements and that the following site specific requirements are noted on the grading plans under the heading Environmental Requirements:

A. Drainage - All new and proposed developed areas in and adjacent to the preserve must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. These systems shall be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance shall include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay compounds) when necessary and appropriate. In general, any man-made storm drains draining into the MHPA shall employ dissipation and filtering devices. Compliance with City of San Diego Engineering Drainage Standards shall be ensured to the satisfaction of the ADD and City Engineer.

B. Toxics - Land uses, such as urban development, recreation and agriculture, that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. In addition, no trash, oil, parking, or other construction/development-related material/activities shall be allowed outside the established limits of disturbance (i.e. outside of the paved existing access roads). Measures shall include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance shall be provided. Where applicable, this requirement shall be incorporated into leases on publicly owned property as leases come up for renewal.

C. Lighting- Lighting of all developed areas adjacent to the MHPA shall be directed away from the MHPA. Where necessary, development shall provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting. All lighting shall also comply with City Outdoor Lighting Regulations LDC 142.0740

D. Noise -Uses in or adjacent to the MHPA shall be designed to minimize noise impacts. Berms or walls shall be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses (i.e. construction) or activities adjacent to breeding areas must incorporate noise reduction measures to reduce noise below 60 dB and/or be curtailed during the general and sensitive bird breeding season (February 1-September 15) per the City and Wildlife Agency protocol. Adequate noise reduction measures shall also be incorporated for the remainder of the year.

E. Barriers- New development adjacent to the MHPA shall be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.

F. Invasives - No invasive non-native plant species shall be introduced into areas adjacent to the MHPA. All plantings at the urban/natural edge shall be native, drought tolerant, and acceptable to the Fire Marshall. No invasive/non-native species shall be located on-site where they have the potential to invade on-site, or adjacent natural lands per LDC 142.045(b)(2). Prior to issuance of any notice to proceed, the ADD Environmental designee shall verify that the construction plans specify that areas within or adjacent to the MHPA shall be hydroseeded or planted with a native seed mix and or native container stock, as shown on Exhibit A. All

revegetation within 100 feet of native habitat must be native chaparral or coastal sage scrub species. No deviations shall be made from the EAS approved Exhibit A without prior EAS approval.

G. Brush Management - New development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate Zone 1 brush management areas on the development pad and outside of the MHPA. Zones 2 may be located in the MHPA upon granting of an easement to the City (or other acceptable agency) except where narrow wildlife corridors require it to be located outside of the MHPA. Brush management zones will not be greater in size than is currently required by the City's regulations. The amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible per LDC 142.0412(d) and (h)(4). For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a homeowners association or other private party. For existing project and approved projects, the brush management zones, standards and locations, and clearing techniques will not change from those required under existing regulations.

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

HISTORICAL RESOURCES (ARCHAEOLOGY)

1. Prior to Permit Issuance

A. Entitlements Plan Check

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

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.

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

2. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

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

2. Identify Areas to be Monitored

a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.

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

3. When Monitoring Will Occur

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

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

3. During Construction

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

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

2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section 3.B-C and 4.A-D shall commence.

3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.

4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (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 Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching,

excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section 4 below.

a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.

b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP), which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground-disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**

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

4. Discovery of Human Remains

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

A. Notification

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

2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.

2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.

3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.

2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.

3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.

4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are NOT Native American
 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

5. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the 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 3 - During Construction, and 4 - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries

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

2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

6. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

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

a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.

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

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.

3. The PI shall submit revised Draft Monitoring Report to MMC for approval.

4. MMC shall provide written verification to the PI of the approved report.

5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued

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

3. The cost for curation is the responsibility of the property owner.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.

2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section 4 – Discovery of Human Remains, Subsection 5.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.

2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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PALEONTOLOGICAL RESOURCES

1. Prior to Permit Issuance

A. Entitlements Plan Check

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

B. Letters of Qualification have been submitted to ADD

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

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.

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

2. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

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

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

2. Identify Areas to be Monitored

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

3. When Monitoring Will Occur

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

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

3. During Construction

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

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**

2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.

a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.

b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.

c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.

d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

4. Night and/or Weekend Work

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

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

2. The following procedures shall be followed.

a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Section 3 - During Construction.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section 3 - During Construction shall be followed.

d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section 3-B, unless other specific arrangements have been made.

B. If night work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

5. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,

a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.

b. Recording Sites with the San Diego Natural History Museum

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.

3. The PI shall submit revised Draft Monitoring Report to MMC for approval.

4. MMC shall provide written verification to the PI of the approved report.

5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.

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

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.

2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.

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

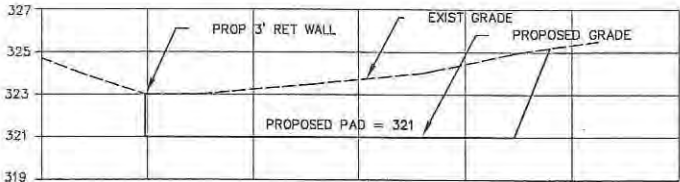
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McCAW RESIDENTIAL LOT GRADING

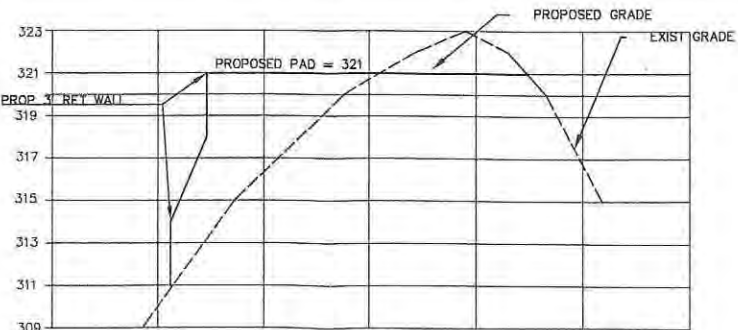
SDP No.
NUP No.
MHPA BDRY ADJ. No.

SITE DEVELOPMENT AND GRADING PLAN

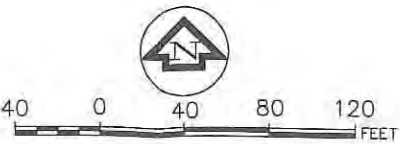
GRADED, DISTURBED, OR ERODED AREAS THAT WILL NOT BE PERMANENTLY PAVED,
COVERED BY STRUCTURE, OR PLANTED FOR A PERIOD OF OVER 90 DAYS SHALL BE
TEMPORARILY RE-VEGETATED WITH A NON-IRRIGATED NATIVE HYDROSEED MIX,
GROUND COVER OR EQUIVALENT MATERIAL.



SECTION A-A
HORIZ. 1"=40' VERT. 1"=4'



SECTION B-B
HORIZ. 1"=40' VERT. 1"=4'



Arcterra
5274 La Jolla Boulevard
La Jolla, CA 92037
858.488.0160



McCAW RESIDENTIAL LOT GRADING
SITE DEVELOPMENT PLAN
GRADING PLAN
APN 308-020-02
CAMINITO STELLA, SAN DIEGO, CA 92130

ISSUE DATES
3-09-2009
2-06-2008

REVISION DATES
9-10-2010
10-25-2010
3-07-2011
6-06-2011
12-12-2011
3-21-2012
4-09-2012

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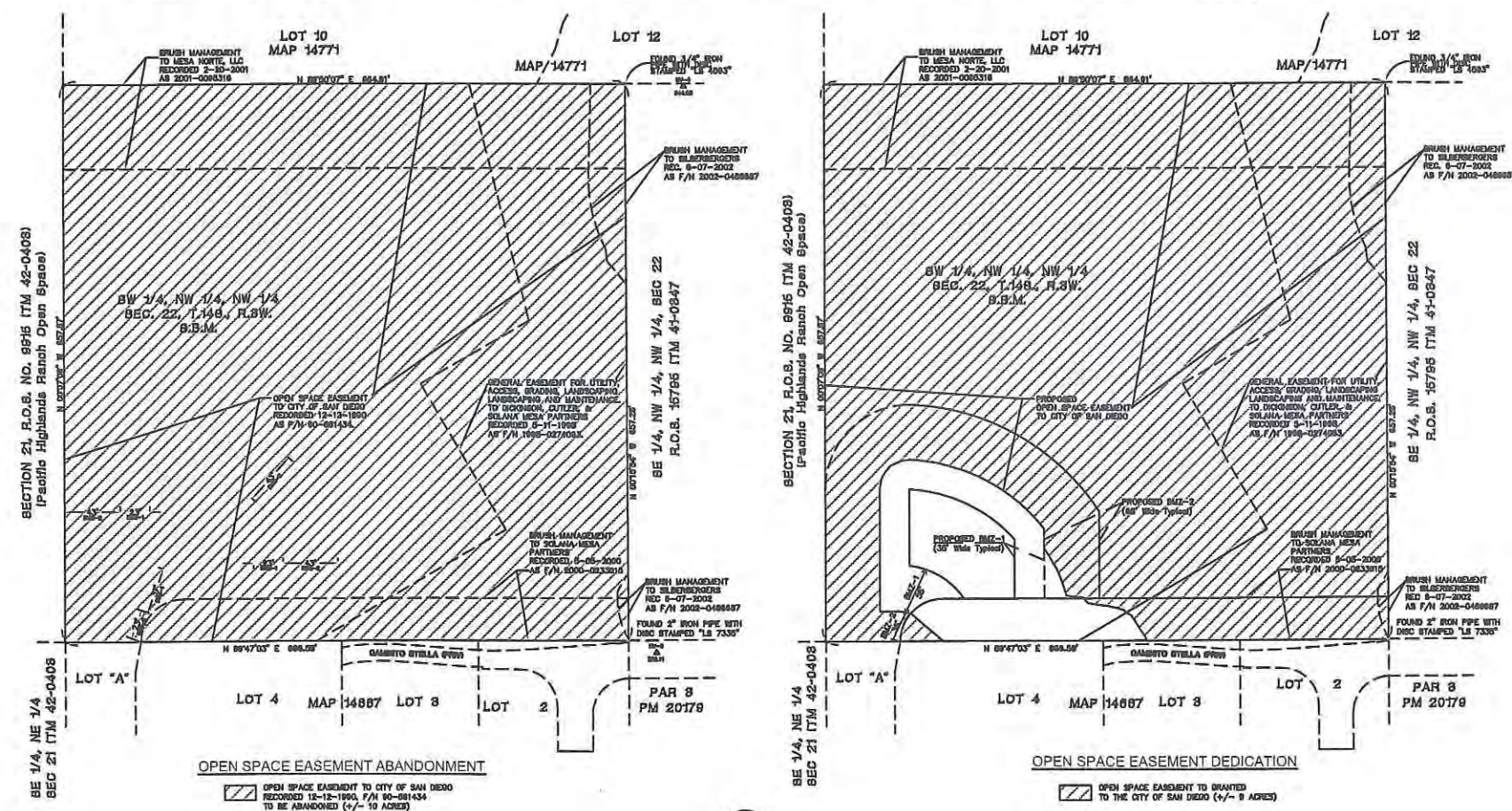
PLOT SCALE
GRAPHIC

SHEET NUMBER

C-3

SHEET 3 OF 9

McCAW RESIDENTIAL LOT GRADING
SITE DEVELOPMENT PLAN
GRADING PLAN



Avetterra
5274 La Jolla Boulevard
La Jolla, CA 92037
858.488.0160

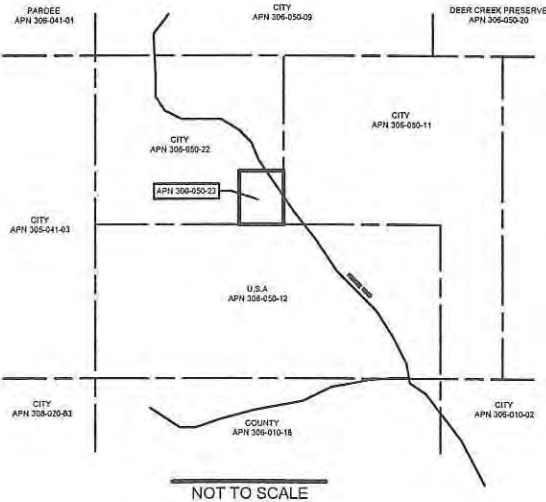


McCAW RESIDENTIAL LOT GRADING
OPEN SPACE EASEMENT
ABANDONMENT & DEDICATION
APN 308-020-02
CARMINITO STELLA, SAN DIEGO, CA 92131

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DRAWN BY
PLOT SCALE
SHEET NUMBER
C-7
SHEET 7 OF 8

McCAW RESIDENTIAL LOT GRADING
SDP No. _____, NUP No. _____ & MHPA BDY ADJ. No. _____
TRANSFER OF DEVELOPMENT RIGHTS



Aveterra
5274 La Jolla Boulevard
La Jolla, CA 92037
858.488.0160



McCAW RESIDENTIAL LOT GRADING
TRANSFER OF DEVELOPMENT RIGHTS
APN 308-020-02
CAMINITO STELLA, SAN DIEGO, CA 92130

ISSUE DATES
3-08-2008
2-08-2009
REVISION DATES

DRAWN BY
PLOT SCALE
SHEET NUMBER
C-6
SHEET # OF #

Del Mar Mesa Planning Board
Thursday, June 9, 2011
Carmel Valley Library, Community Room
3919 Townsgate Drive
Meeting minutes

Attendees:

Gary Levitt
Elizabeth Rabbitt
Lisa Ross
Jim Bessemer
Paul Metcalf
Preston Drake
Trey Nolan
Ken London
Michael Vinson

Absent:

Allen Kashani
Prabod Patel
Marvin Gerst

- Call To Order - Gary Levitt called the meeting to order at 7:05 pm. He called for review and approval of meeting agenda. Lisa Ross requested the addition of an update on the matter of Redistricting, with this change the agenda was approved.
- Minutes - Preston Drake made a motion to approve the minutes, Trey Nolan seconded, and the action was carried.
- Public Comments - Preston Drake asked about the status of the sinking drain on the north side of Little McGonnigle road. It was confirmed that Mel Milstein has been working with the City and an investigation has been launched and will have a report at the next meeting.
- Trail Work - No specific updates or projects, however, Gary Levitt directed Preston Drake to the potential second life of a few large abandoned pipes hidden under the evergreen trees on the north west corner of the future park, which could be used, along with large, but not round, rocks, as a possible solution to the erosion crisis near the Anderson gulch. Preston will look into it.
- Open Space Seat - Gary Levitt nominated Ken London for the open seat, noting that Ken has been attending DMMPB meetings as well as participating in the trails subcommittee meetings, Elizabeth Rabbitt seconded the motion and it was carried.
- Liaison Reports - Mel Millstein is out due to illness, and Sachiko is out of town so there were no reports.

- City of San Diego's Water Purification Demonstration Project – Gary Levitt introduced Kathy Peironi who provided a detailed presentation of the City of San Diego's water purification project. It is scheduled for completion by 2013. Tours of the facility are available.
- Redistricting - Lisa Ross provided an unbiased overview of the recent introduction of two additional plans, neither of which have been reviewed by the DMMPG. She also noted that a law suit has been filed in regards to the process. It was agreed that the original DMMPB's official position remains unchanged at this time.
- Grand Del Mar trails - Michael Vinson confirmed that the City has been in contact with officials at the Grand and he would probably have a report next month.
- MAD-Paul reported that the next meeting is scheduled at Lisa Ross's home on June 29, which will be worth attending for the bagel buffet.
- Trail plan/Preserve Management Plan - Gary Levitt reported on the recent, very well attended, subcommittee, from which a "counter proposal" concept/approach was developed, with specific concern for the lack of an East-West connection. It was agreed that rather than simply accepting the proposed plan, the existing group of interested parties would work to develop a structured counter proposal with supporting documentation and arguments for additional trails specifically addressing the East-West connection. As a result of this and other meetings and input it was agreed that the development of a 501(c)3 organization from which to raise financial support and develop a constructive approach to presenting structured recommendations to the officials involved in finalizing the formal trails plan be developed. The goal is to offer the decision makers who have to approve the plan the involvement of an organization with the financial ability and volunteers who will take on the process of installing approved signage and fencing, organizing trail work and monitoring use. While this was not a formal action of the DMMPB it was agreed that this was a fine idea. Gary expressed his appreciation for everyone's involvement including Rob Mikuteit and provided copies of a map developed by Rob, which includes expanded trail options including a West/East trail as well as a well developed map of sites for fencing, signage and bridges.
- Jerry McCaw - Proposed Land Swap - 10 Acres west of Del Vino Court – Paul Metcalf provided hand outs and a large exhibit of the ten acre parcel just west of Del Vino Court and the one acre parcel buried in the middle of the preserved area nearby. In summary, Paul reviewed the history and asked for support for the trade of the one acre in the middle of the preserve area in exchange for the ability to develop a 9/10 acre parcel on the southern boundary of the ten acre parcel which will otherwise remain in a preserve status. Trey Nolan made the motion and Ken London seconded it to support this exchange.
- Adjournment-The meeting was adjourned at 8:35 PM.



THE CITY OF SAN DIEGO

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

Ownership Disclosure Statement

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

Project Title**Project No. For City Use Only**

McCaw Residential Lot Grading.

Project Address:

West end Caminito Stella

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):

Gerald McCaw & Margaret Sue McCaw, McCaw Trust

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

13472 Caminito Carmel

City/State/Zip:

Del Mar, CA 92014

Phone No:

858-793-2844

Fax No:

858-459-9517

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Vista Carmel

Del Mar Mesa Community

12-9-11

ARCHITECTURAL DESIGN GUIDELINES

Vista Carmel

ARCHITECTURAL DESIGN GUIDELINES

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A. PROJECT DESCRIPTION

Vista Carmel is located on Caminito Stella in the Del Mar Mesa Specific Plan Area, formerly known as Subarea V of the North City Future Urbanizing Area. The project consists of one single-family home site on a 10 acre parcel, nine acres of which are preserved for Open Space through a Covenant of Easement dedicated to the City. The property overlooks Carmel Valley and SR 56.

The development area is adjacent to Sunset Ranch, with Mesa Norte to the north and Mesa Verde Estates to the east. The City's Multi-Habitat Planning Area (MHPA) lies between the north and south lots and to the west and east of the project.

B. ARCHITECTURAL THEME

The architectural theme for the property is based upon the climatic and topographic influences that have shaped the Del Mar Mesa community. Specifically, the homes should reflect the coastal and hillside architecture exhibited in the older homes throughout the community. The homes should respond to the natural features and landform present in the community and the history of ranches and farms in the North City Future Urbanizing Area.

The intention of these Design Guidelines is to provide some architectural direction relative to the form, materials and colors for the creation of the home site planning considerations. These Design Guidelines do not include or address the landform alteration or grading necessary to create the home site or roads which are specifically detailed in the Site Development Permit (SDP) and Neighborhood Use Permit (NUP) files.

Given the unique setting and development pattern of the Del Mar Mesa community, the Vista Carmel architectural form, and materials should focus on capturing natural light, ocean breezes, and changes in topography. The use of natural colors and materials that blend with the native landscape is strongly encouraged. The design of the home and siting of the amenities should seek to defuse the direct affects of sunlight. Specifically, recessed windows and doors, extended eaves, thickened walls, and strategic landscaping are concepts that can decrease the affects of direct sunlight. The architecture should utilize the cool Pacific Ocean breezes to provide relief from the sun. These features may include courtyards, arcades, interior balconies, and awnings. Using varied rooflines, building heights and the number of stories, the architecture can respond to the site topography.

C. BUILDING SCALE AND MASSING

1. The buildings should reflect the scale of community and create an intimate and welcoming environment.
2. The following architectural treatments should be considered relative to addressing building scale and massing:
 - Dividing the building height into one (1) and two (2) story elements;
 - Provide variations in the roofline and wall planes;
 - Limit the occurrence of large wall surfaces through the use of openings, windows, doors, projections, recesses and/or building details;
 - Features such as entrances, arcades, structural elements and building details should be proportioned to the height and width of the structure;
 - Utilize awnings, eaves and building shape to create outdoor spaces that are human scale;
 - Vehicle access to the garage should be integrated into the building and should not be the dominant element of the structure; and
 - Brush Management setbacks shall include fire retardant roof materials (wood is not permitted), eaves and overhangs shall have an exterior surface as required for one hour fire resistive walls for any portion of a structure within the Brush Management setback, and all eave vents shall be covered with wire screen not to exceed 1/4 inch mesh.
3. The following architectural features should be avoided:
 - Uniform building heights for non-single story structures;
 - Large box shaped structures;
 - Unbroken wall surfaces and glazing;
 - Excessive use of building details and/or elements that are either over or under sized relative to the size of the structure.

D. BUILDING ENVELOPES AND SETBACKS**1. Building Envelope**

The building envelope has been established on the SDP; however, the siting and design of the home and any subsequent improvements should incorporate variable setbacks and a variety of structure height and orientation to the public and private drive viewing areas. The envelope extends perpendicular to the setback lines to the maximum height permitted and excludes front, side, street-side, rear, and brush management setbacks. No structures may be built outside of the building envelope except pools not extending 3 ft. in height above grade at 3 ft. from the property line, and at least 4 ft. from the property line if above 3 ft. in height, pool equipment less than 3 ft. in height at 4 ft. from the property line. Other permitted encroachments include landscape, hardscape, and fencing and walls consistent with consistent with section "F." In no case are any structures, including pools, allowed in the MHPA or Brush Management Zone 2 areas.

2. Setbacks

The SDP Site Plan graphically depicts the building setbacks for all the lots. The building setbacks are:

The front yard setbacks are located adjacent to the private street frontage. The Land Development Code designates that the front yard setback shall be twenty five-feet (25').

The side yard setbacks shall be a minimum of twenty feet (20') with a minimum of forty feet (40') between structures.

The rear yard setback shall be a minimum of twenty-five-feet (25').

Architectural projections and encroachments are not permitted within the required setbacks. This includes all eaves, awnings, patio covers, trellises, barbeques, free-standing fireplaces/chimneys, bay windows and those elements identified in San Diego Municipal Code section 131.0461.

3. Height Limits and Lot Coverage

No structure may exceed a total height limit of thirty-feet (30'), measured from proposed grade, excepting spark arrestors for a maximum of two-feet (2'). The structures shall have a coverage of not more than twenty percent (20%) of the total area of the affected lot.

4. Garages and Parking

The Garage should not be the dominating architectural feature of each home. A minimum of two parking spaces per residence and one additional space per guest quarters bedroom shall be provided per Municipal Code requirements.

E. BUILDING MATERIALS AND FEATURES

All elements of the site plan, including accessory structures should relate to and reinforce the form and organization of the primary structure.

1. Exterior Wall Surfaces

The use of natural colors and materials that blend with the native landscape is strongly encouraged. The use of compatible materials and textures is also encouraged. The transitions between materials and textures should be carefully designed and thoughtfully handled with construction details.

Similar treatment for all elevations of the structures is encouraged. To that end, designs should employ the same types of materials on all elevations.

2. Windows and Doors

Window and door openings, as dictated by the architecture, should be recessed or framed on each elevation to accentuate the appearance of the architecture. Through recessing openings, the walls will have the appearance of depth, while creating shadows and patterns that enhance the design of each structure. Recessing of openings can be achieved through the construction of building projections and bay-windows. The use of reflective glass is strongly discouraged.

3. Roofs

Pitched roofs should have a pitch which is complimentary to and consistent with the structures architecture. The principal form of roofing should be hip or gable; however, alternative forms may be considered in relationship to architectural and site plans. Homes on lots with Brush Management setbacks shall include fire retardant roof materials (wood is not permitted).

4. Awnings

Awnings are not required, but may be used as minor architectural elements; however, they must be incorporated into the overall architectural theme of the site and may not protrude outside of the building envelope.

5. Chimneys

Chimneys shall comply with the City of San Diego height restrictions for single-family homes (zoning and building codes). The chimney caps should be designed to complement the major architectural elements of the house and they must meet the minimum standards for spark arresting.

6. Skylights

Skylights should be flat and must be designed as an integral component of the roof. The skylight framing and flashing material must be compatible with the roof. Skylight glazing shall not be reflective.

7. Flashing and Sheet Metal

All exposed flashing and sheet metal should be colored to match the adjacent material or reflect an overall architectural theme or style.

8. Vents

All vent stacks and pipes must be colored to match the adjacent roof or wall materials or reflect an overall architectural theme or style.

9. Antennas and Satellite Dishes

Owners shall not install, or cause to be installed, any television, radio or citizen band (CB) antenna, satellite dish or other similar electronic receiving or broadcasting device on the exterior of any home. A satellite dish may be allowed if not larger than thirty-six inches (36") in diameter and hidden from public view. Any such installation on the interior of a home shall comply with all applicable ordinances of the City of San Diego. All homes should be wired for cable reception and Internet access.

10. Solar Panels

Solar panels on any structures shall be integrated into the design of the roof. Panels and frames shall be compatible with the roof or wall materials or reflect an overall architectural theme or style. No plumbing or conduits are to be exposed to view. Except for solar panels, solar equipment should be screened from view from the adjacent lots and the public right-of-way.

F. FENCING AND WALL HEIGHTS

1. Fencing and walls shall not exceed heights as set forth in this section and shown on the Fence and Wall Exhibit in the City's SDP file (-----). All fence and wall heights are measured vertically from the finished grade at the base of the fence or wall.
2. All retaining walls over three-feet (3') are shown on the SDP Site Plan and are subject to the section 142.0301 of the City of San Diego, Land Development Code.
3. Open peeler pole fencing should be located on the property line adjacent to the right-of-way (front, street-side, and rear yards) and should not exceed three-feet (3') in height, except for safety issues. Fencing and walls not visible from the public right-of-way may be of stucco over masonry, decorative metal, natural or manufactured stone or brick masonry, or wood. All fencing and walls must be designed in character with the architecture. However, all fencing adjacent to Brush Management Zones shall be of non-flammable materials.

Chain-link and similar fencing materials are prohibited, except as required by the City of San Diego.

4. Front yard and street-side yard fencing and walls must comply with the Del Mar Mesa Specific Plan.
5. The interior side yard and rear yard fences and walls may have a height of six-feet (6'). Interior side yard and rear yard fences and walls, visible from public areas shall be landscaped to soften and screen the full height of the fence in the form of non-invasive vines, trees, or tall shrubs.

6. In addition to the above requirements, the Vista Carmel fences and walls shall comply with the Del Mar Mesa Fence and Wall Design Guidelines (adopted December 12, 2002) that are listed below (where ambiguity exists, the project specific criteria shall apply as shown on Exhibit "A" which is located in the City of San Diego files for this project (PTS #174584):

The stated goal of the Del Mar Mesa Community Plan is to "Develop the community of Del Mar Mesa a rural community that emphasized open spaces, dark night skies, hiking and equestrian trails, and sensitively designed developments which complement the existing topography".

In keeping with the vision of preserving a sense of spaciousness, protecting views, and developing a neighborly, inclusive community, no solid walls or fences are to be permitted along public right-of-ways, or between building facades and the property line when along public right of ways. Open Fencing is allowed.

In order to adhere to the spirit and intent of the Del Mar Mesa Community Plan exception to the Open Fencing requirement may occur only under special circumstances.

One or more of the following special circumstances must exist for an exception to be considered by the Del Mar Mesa Community Planning Board (DMMCPB):

- A: Lot configuration issues must exist such that a wall is necessary for protection from headlights.
- B: Lot configuration issues must exist such that a wall is necessary for protection from incompatible adjacency uses (e.g. commercial orchard, horse ranch, public park, horse park, etc.).
- C: Safety Issues must exist such that a wall is necessary for protection.

In all cases, the applicant must present a proposed fence or wall design comprising sufficient architectural features so as to enhance its surroundings and be compatible with the rural nature of the community.

If, at the sole discretion of the DMMCPB, a determination is made that special circumstances exist, a solid wall or fence may be approved subject to the following Wall & Fence Guidelines:

Types Allowed: Post & rail, lodge pole, board & bat, wrought iron, masonry, stacked stone/rock or combinations thereof.

Maximum Height: No higher than 5' from the finished grade at the base of the wall.

Design: Fences and walls should be designed to soften the impact of the wall when adjacent to public areas, i.e. by varying type, width, setbacks, length and height.

Solid Walls: All walls adjacent to any public areas, such as trails, walkways or public right-of-ways, shall be predominantly open. A solid fence or wall exceeding 3ft in height shall not be allowed along more than 33% of that property's frontage.

Solid Bases: A solid base no higher than 3' from finished grade, with an open decorative design used on the top 2', will be allowed along 50% of that property's frontage.

Materials and Colors: Natural materials such as wood, stone, and rock, may be used alone or combined aesthetically in conjunction with other acceptable materials such as brick, block, wrought iron or decorative metal. Colors should be compatible with the architectural design of surrounding homes.

Setbacks: All setbacks may vary as determined by the approvals granted with the discretionary permits. However, all walls must be setback sufficiently from the public ROW's to allow for adequate landscape screening.

Landscape Screening: All walls adjacent to or materially impacting any public areas or designated Open Space areas must be screened by landscaping to soften the effect of the impact of the wall. All landscape plans must be approved by the DMMCPB.

Street Scene Considerations: Special consideration may be given to contiguous lots grouped together along a street in accordance with the spirit and letter of the Fence and Wall Standards at the discretion of the DMMCPB.

G. SURFACE DRAINAGE

Sheet flow, roof water and overflow irrigation water must be properly connected to the underground storm drainage system where applicable. All planting, irrigation, brush management and landscape related improvements will comply with the City of San Diego Landscape Regulations and the Land Development Manual Landscape Standards as well as, the Del Mar Mesa Specific Plan.

H. FIRE HYDRANTS - FIRE SPRINKLER SYSTEMS

Brush Management areas are subject to additional Fire Department setback and structural requirements, including architectural treatments. The homeowner shall be responsible for complying with all such setbacks and requirements.

I. TRIM ACCENTS

Exterior material accents should be of permanent materials. Wood trim and metal details must be stained and painted, respectively. Alternative materials are encouraged.

J. UTILITY FRANCHISE METERS

Gas, electric, cable and other franchise meters should be located within enclosures, building recesses or behind screen walls which are integral elements of the architectural theme or style and in conformance with the utility company's standards (for further details, contact the utility company). Utility meters should be located in the side or rear yards of the site and must be screened from the public right-of-way. The utility meters must not be located behind locked fences, walls, or gates.

K. TRASH CONTAINERS

The lot shall have an architecturally integrated trash enclosure, which screens the trash containers from abutting properties. The trash enclosure shall not be located in the front yard. Trash containers may be placed behind side yard gates and fences, if the containers are screened from the public right-of-way, or the abutting property.

L. MECHANICAL EQUIPMENT

All air-conditioning, heating, pool, fountain, or similar equipment and soft water tanks must be screened within an architecturally integrated enclosure. The enclosure must provide a visual screen from the abutting properties and must provide sound attenuation. The mechanical enclosure shall not be located in the front yard setback. Mechanical equipment may be placed behind side yard gates and fences, if the containers are screened from the public right-of-way, or the abutting properties.

M. APPURTENANT STRUCTURES

All patio structures, balconies, trellises, sunshades, gazebos, mechanical equipment structures, decking and other auxiliary structures should be designed in the same architectural theme or style.

Combustible structures, including but not limited to the above-mentioned appurtenant structures, shall not be located within the Brush Management Zones designated on the SDP. However, non-habitable, non-combustible accessory structures may be approved within the portions of Zone One, subject to approval of the Fire Chief and the Development Services. No structures shall be constructed within Zone Two.

N. EXTERIOR BUILDING LIGHTING

Exterior lighting must be directed away from the adjoining properties and shielded to reduce impacts to the adjacent lots and the Multi-Habitat Preservation Area. Outdoor lighting should be limited to safety and security purposes. In addition, exterior lighting shall not adversely affect vehicular movements on the adjacent public right-of-ways.

O. SITE LIGHTING STANDARDS

The owner is encouraged to install quality landscaping and exterior lighting; however, the purpose of such lighting is to ensure safety and security. Lighting fixtures should minimize the amount of glare into neighboring properties and public areas. Light sources must comply with the City of San Diego standards for low sodium bulbs. Intense and visible security or flood lighting is strictly prohibited. Direct lighting into the MHPA is also prohibited, except for temporary security lighting.

All lighting must be directed away from the adjoining properties and shielded to reduce impacts to the adjacent lots. In addition, light fixtures and layouts should be designed as integral elements of the architectural theme or style of the site.

P. COLOR AND MATERIALS PALETTE

1. Roof Materials

Roof materials shall reflect the architectural theme or style of the home; however, the materials must comply with the fire retardant requirements of City of San Diego and the Uniform Building Code.

Roof tiles should range in color from light earth tones to dark earth tones; however, the color should be consistent with the architectural theme or style and colors of the structure.

2. Paving Materials

Driveways and other flat paved areas should be colored to compliment the colors of adjacent site structures. These colors shall include, but not be limited to, standard concrete gray or asphalt black. Driveway aprons widths are limited to a maximum of sixteen-feet (16'). Automobile courts should be wide enough to accommodate vehicular movements, but should not dominate the site plan.

3. Wall Facing Materials - (Freestanding Patio and Landscaping Walls and Retaining Walls)

The face of walls should consist of the following materials:

- Adobe Block
- Natural or Manufactured Stone
- Stucco
- Brick
- Block

4. Front Yard Fencing

The front yard fencing should consist of the following materials and/or combination of materials:

- Wrought Iron
- Decorative Metal, Aluminum or Wood
- Split-rail
- Adobe Block
- Natural or Manufactured Stone
- Stucco
- Brick or Block

The following materials are prohibited:

- Chain-link
- Other materials not in keeping with the architectural theme or style of the Vista Carmel development.

Q. COMMUNITY LANDSCAPE CHARACTER

The landscape character of the Vista Carmel plan is derived from the historic landscapes of southern Spain and the ranches of old California. Landscaping and paving materials should be designed in harmony with the architecture and landform. The landscaping should compliment and accentuate the Vista Carmel architecture.

Streetscape Plan

The streetscape planting provided adjacent to the right-of-way shall be maintained in "good" health at all times. Dead or damaged plant material and fencing shall be replaced with matched species, size, specimens, and design. Irrigation associated with the streetscape planting shall also be replaced with matching type and quality within 30 days of death or damage. Additionally, damage caused to curbs, gutter, sidewalks/trails, and other right-of-way improvements shall be replaced with matching type and quality.

1. Slope Area

Modifications or alterations of retaining walls shall not occur without prior approval from the Development Services Department.

2. Brush Management Zones

Brush Management zones are required between any combustible structures and large contiguous areas of natural vegetation. For lots abutting natural open space, it is necessary to provide for Brush Management zones to protect the residences from fire hazards. Areas designated as Brush Management Zones must not be modified without approval of the City of San Diego Fire Department. The City of San Diego must approve any improvement within the Brush Management Zones specified on the SDP, including pools.

3. Lot Landscaping Standards

a. Lot Maintenance

The lot owner will be responsible for maintaining the site landscaping and ensuring the condition of their particular lot is clean, weed and debris free.

b. Street Yard

The area between the right-of-way and the home is defined as the street yard. Maintenance of the street yard improvements is the owner's responsibility. Consistency and conformance with the overall landscape theme is required of each property owner.

c. Side and Rear Yards

The side and rear yards, not facing a right-of-way, are that portion of the lot between the home and the side and rear property lines. Installation and maintenance of the side and rear yard improvements are the responsibility of the property owner.

R. LANDSCAPING PLANTING AND INSTALLATION STANDARDS

1. Planting Standards

The landscaping should be designed to complement the overall architectural theme or style of lot and the community. Plant materials should relate to the scale and character utilized in the community and surrounding lots. The landscape design should incorporate the color palette of surrounding native vegetation and where possible the native vegetation should be maintained. Trees and shrubs should provide the principal landscape image for the development.

Trees and shrubs should be utilized on all public view sides of the structures to soften the structures from public views. Consideration should be given to the use of plants for screening, space definition, erosion control, glare reduction, shade and aesthetics.

Selection and installation of plant materials should also consider the long-term maintenance requirements and costs.

2. Installation Schedule

All landscaping must be installed within 180 days of the lot owner's occupancy of the home or property.

S. RECREATIONAL FACILITIES

Pool and water features and their associated equipment shall be located and constructed in compliance with the City of San Diego Building Code. Mechanical equipment should be located to minimize visual and noise impacts on surrounding neighbors. Equipment enclosures must be architecturally incorporated into the nearest structure.

The lighting of recreational facilities, such as tennis courts, is prohibited. Pools and water features may be lighted for safety and security purposes, using ground lighting provided it does not project more than six-feet (6') from the lighting source.

Horse corrals are allowed provided they comply with all City of San Diego Municipal Code Sections, Section 44.0308 and the MSCP Subarea Plan, Section 1.4.3, Land Use Adjacency Guidelines.

T. GUEST QUARTERS

The NUP () includes the provision for guest quarters on all lots; however, the siting and design of said guest quarters shall comply with the requirements of the Vista Carmel Design Guidelines as described above and the City of San Diego, Land Development Code requirements. One parking space shall be provided for each guest quarters bedroom.

U. MHPA LAND USE ADJACENCY GUIDELINES

Vista Carmel has been designed to be consistent with the Del Mar Mesa Specific Plan and the City of San Diego Multi-Habitat Planning Area Land Use Adjacency Guidelines. The grading, drainage, landscaping, brush management and setbacks in the plan respect the property's relationship to the MHPA. All future development on the site is governed by and must be consistent with the Specific Plan and the City's Land Use Adjacency Guidelines. This is particularly important with regard to irrigations run off, lighting, noise, invasive plant species and human and pet intrusion.

V. IMPLEMENTATION

A Substantial Conformance Review (SCR) application shall be submitted to and approved by the City of San Diego, under process two (2), prior to issuance of a Building Permit. The SCR shall be reviewed by the Development Services and Planning Departments for conformance with these design guidelines, the Del Mar Mesa Specific Plan and the requirements of the SDP/NUP (). The Design Guidelines and the SDP/NUP implement the Del Mar Mesa Specific Plan objectives and policies.