



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
SAN DIEGO FIELD OFFICE
16885 WEST BERNARDO DRIVE, SUITE 300A
SAN DIEGO, CALIFORNIA 92127

REPLY TO
ATTENTION OF:

February 20, 2007

Regulatory Branch

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

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

Dear Mr. Barczewski:

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

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

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

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

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

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

Sincerely,



Terry Dean
Senior Project Manager
South Coast Section
Regulatory Branch

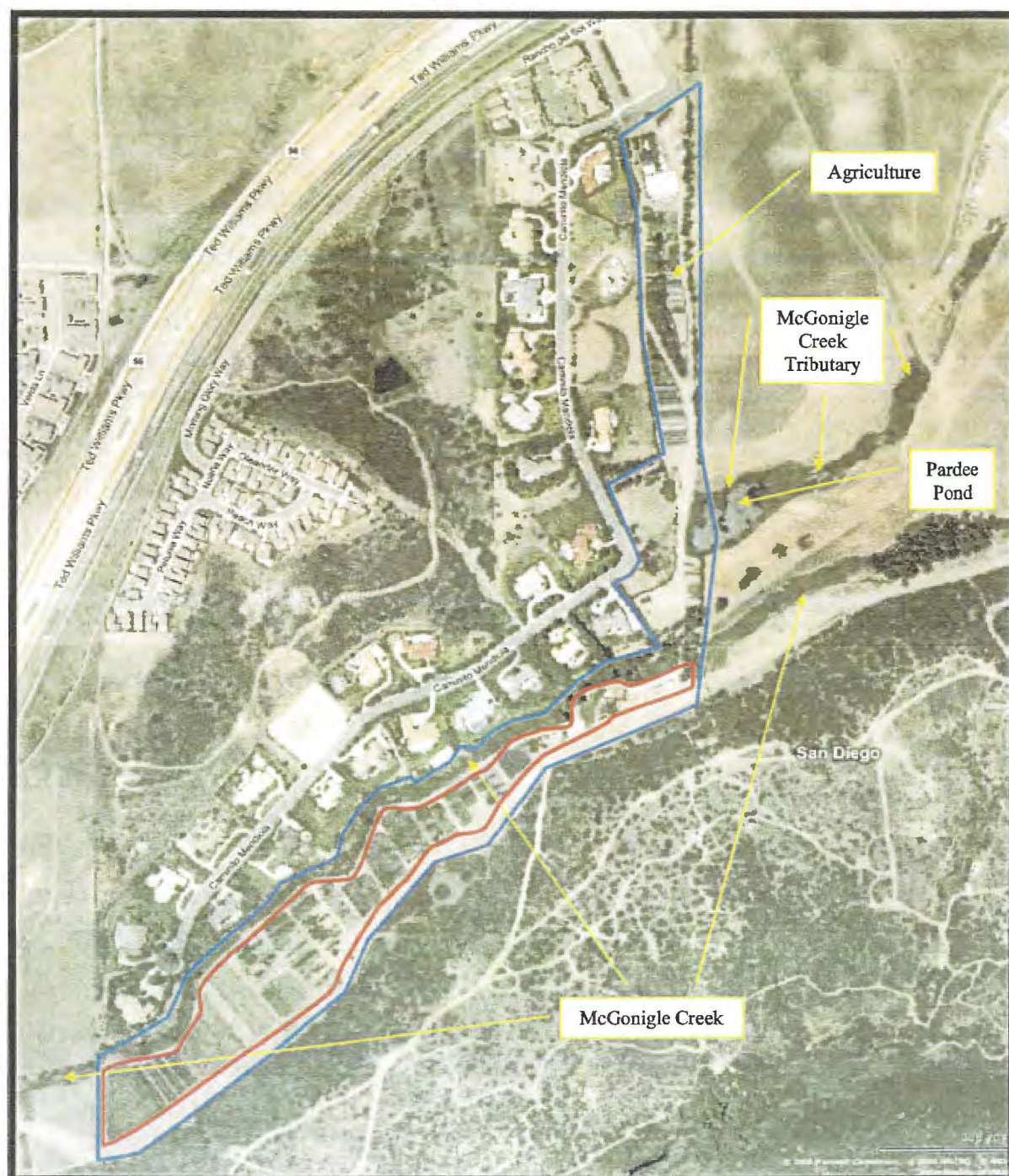
Enclosure(s)

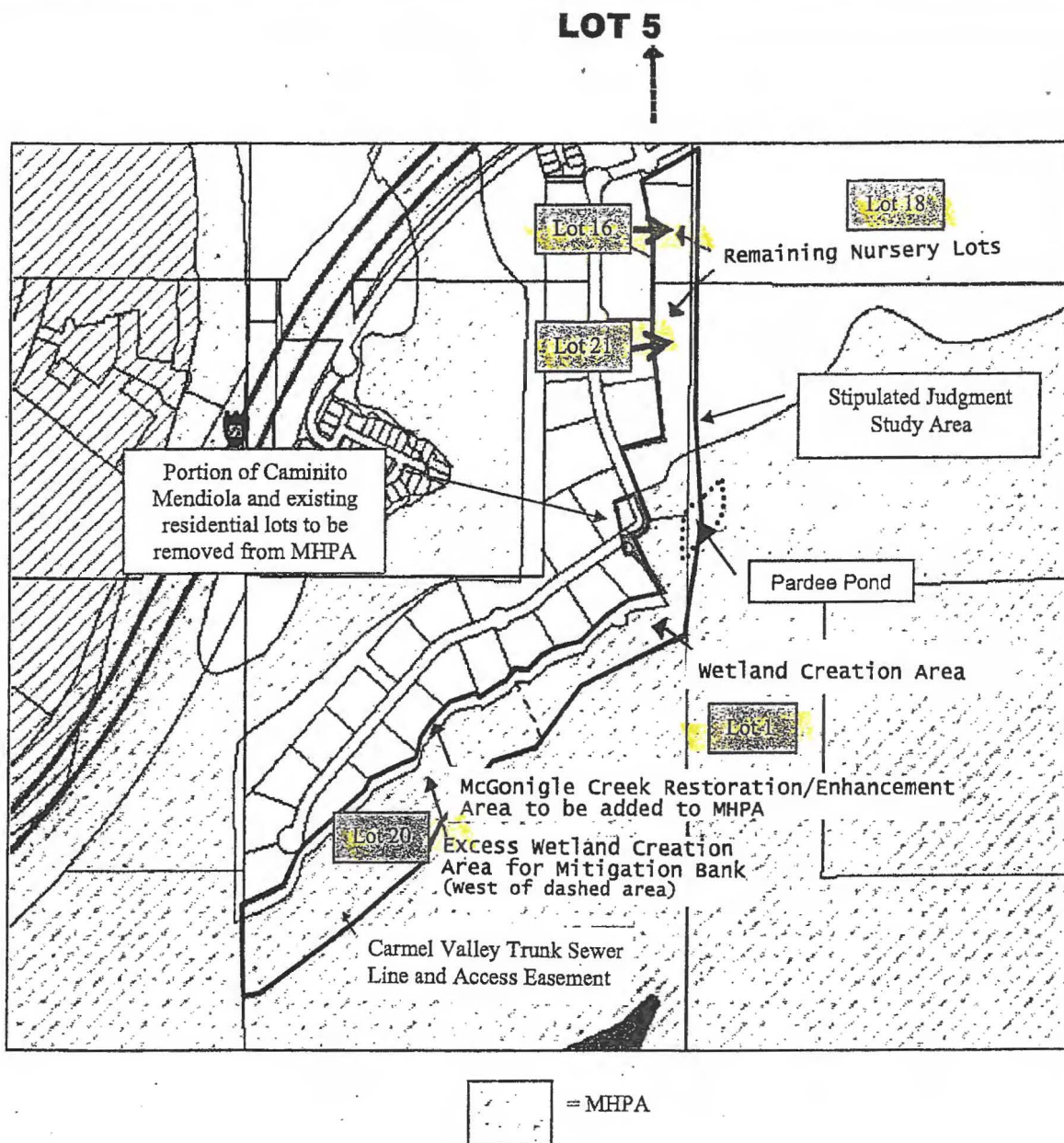
Cc:

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

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

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





Site Plan

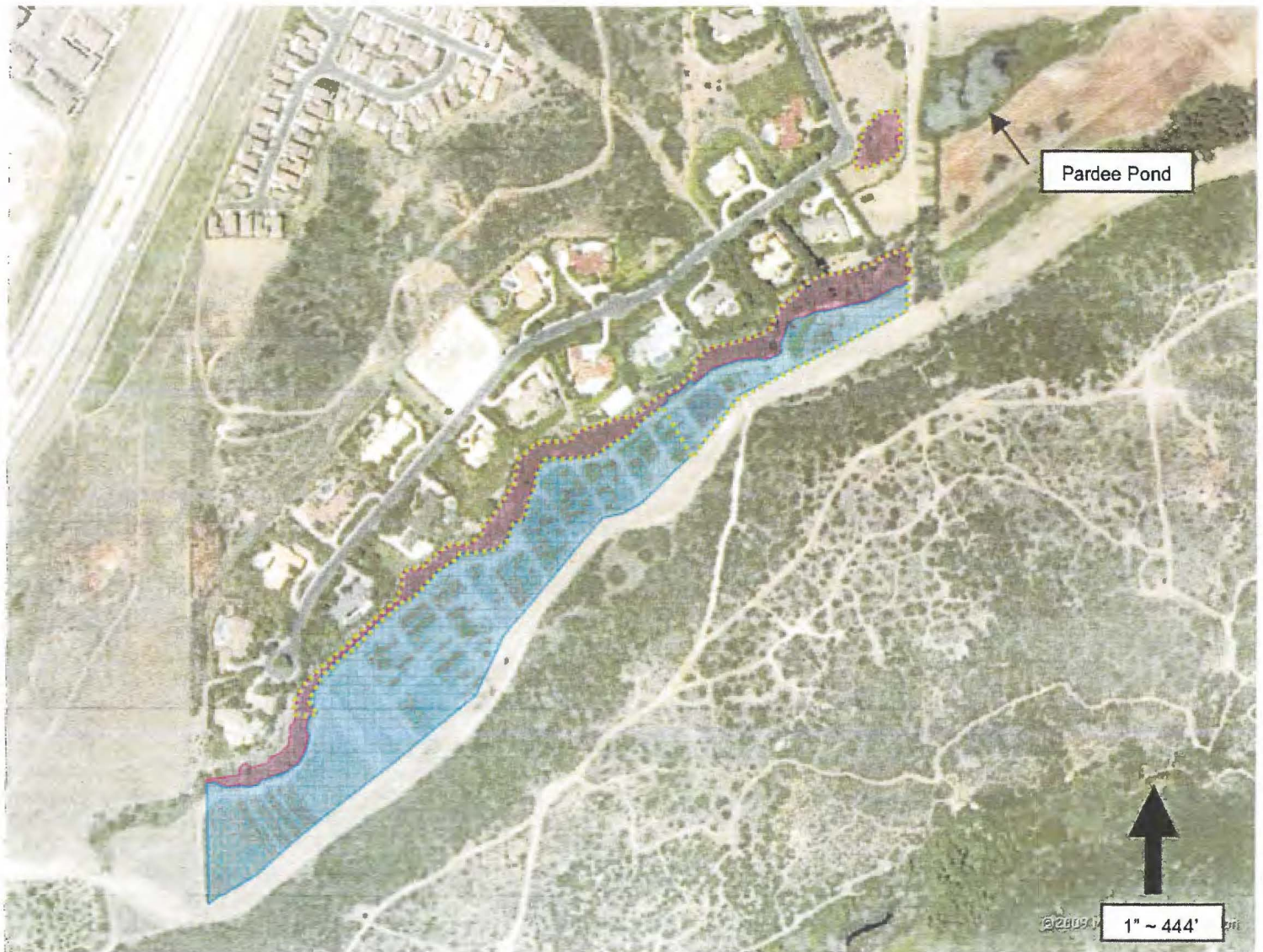
Rancho Del Sol/Project No. 157399

City of San Diego – Development Services Department

FIGURE

No. 2

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




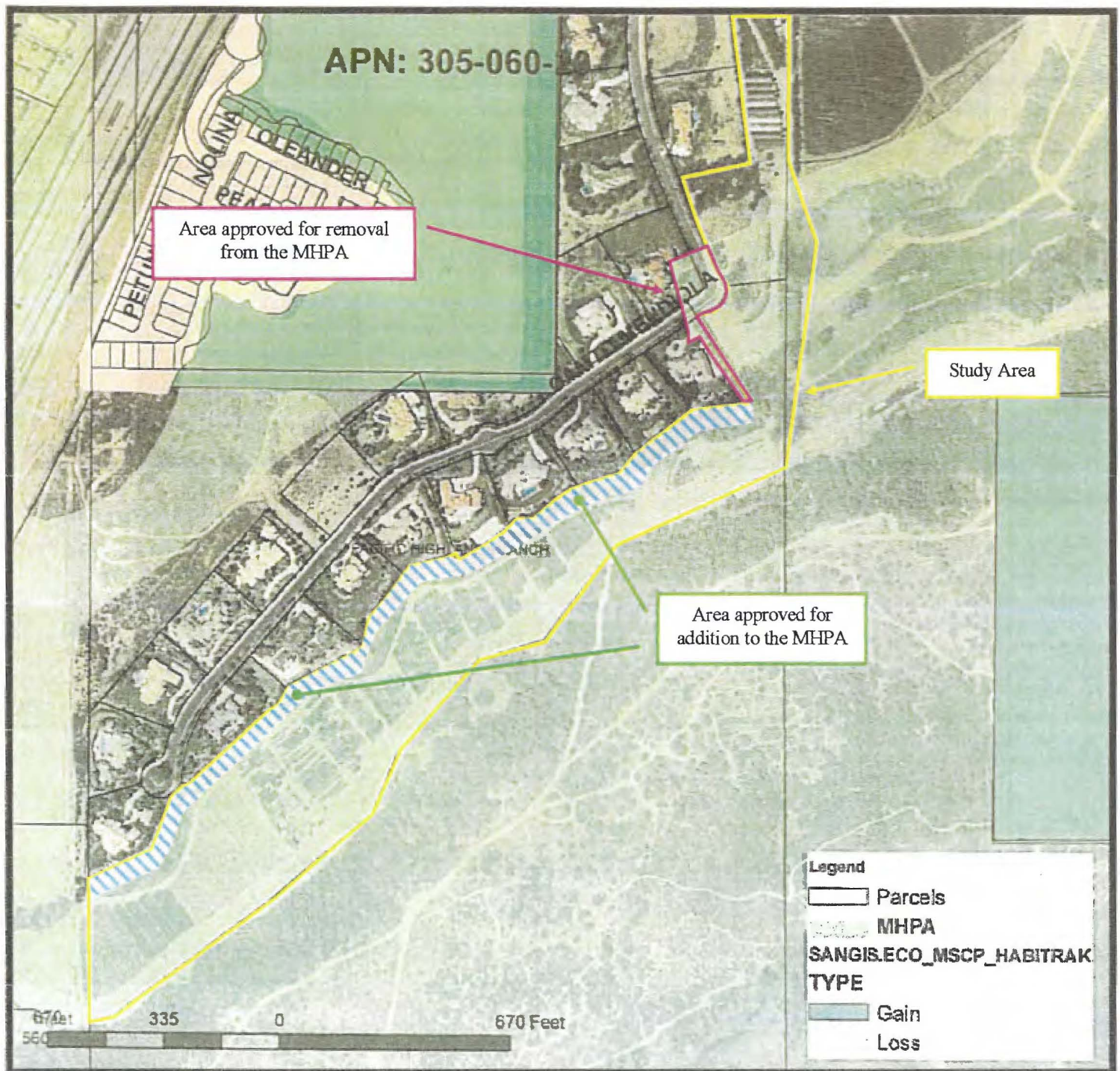
-  = Wetland creation area
-  = Wetland restoration/enhancement areas
-  = Portion of Wetland Mitigation Bank to be used as mitigation for impacts of Stipulated Settlement GIC 801949 (approx), based on requirements for wetlands restoration/enhancement (3.51 acres) and requirements for wetlands creation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

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



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

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

WHEREAS, the project site is located at 3113 Rancho Santa Fe Farms Road at its intersection with Caminito Mendiola within the Pacific Highlands Ranch Community Planning Area. The property is zoned AR-1-1 and OC-1-1. Portions of the property are within the Multiple Habitat Planning Area (MHPA) and the Coastal Overlay Zone. The site is designated as Open Space and MHPA within Pacific Highlands Ranch Community Plan.

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

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

WHEREAS, on November 20, 2014, the Planning Commission of the City of San Diego considered Site Development Permit No. 560724 pursuant to the Land Development Code of the City of San Diego;
 NOW, THEREFORE,

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

That the Planning Commission adopts the following written Findings, dated November 20, 2014.

FINDINGS:**A. SITE DEVELOPMENT PERMIT SDMC Section No. 126.0504 (a).****1. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN.**

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

The restoration project components are as follows: Biological remediation of approximately 14 acres including 10 acres of a wetland creation area and a 4-acre phased wetland enhancement and restoration area; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property into the MHPA per Wildlife Agency request; and maintenance of an existing nursery operation and an elevated access roadway.

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

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

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

Therefore, the proposed development will not adversely affect the applicable land use plan.

2. THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE.

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

The restoration project components are as follows: Biological remediation of approximately 14 acres including 10 acres of a wetland creation area and a 4-acre phased wetland enhancement and restoration area; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property into the MHPA per Wildlife Agency request; and maintenance of an existing nursery operation and an elevated access roadway.

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

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

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

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

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

The restoration project components are as follows: Biological remediation of approximately 14 acres including 10 acres of a wetland creation area and a 4-acre phased wetland enhancement and restoration area; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property into the MHPA per Wildlife Agency request; and maintenance of an existing nursery operation and an elevated access roadway.

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

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

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

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

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

B. SITE DEVELOPMENT PERMIT FINDINGS - ENVIRONMENTALLY SENSITIVE LANDS - SUPPLEMENTAL FINDINGS 126.0504 (b)

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

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

The restoration project components are as follows: Biological remediation of approximately 14 acres including 10 acres of a wetland creation area and a 4-acre phased wetland enhancement and restoration area; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property into the MHPA per Wildlife Agency request; and maintenance of an existing nursery operation and an elevated access roadway.

Technical reports and plans submitted to the City support the finding that the site is suitable for the proposed development, and that the proposed development will result in minimum disturbance to environmentally sensitive lands. These documents combined address biology, storm water runoff and water quality, and cultural resources affected by the project and the proposal has thereby been deemed physically suitable for the design and siting of the proposed development. The development will result in minimum disturbance to environmentally sensitive lands and lead to a net 10-acre gain of newly created wetlands. Therefore, the site is physically suitable for design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands

2. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATION OF NATURAL LAND FORMS AND WILL NOT RESULT IN UNDUE RISK FROM GEOLOGIC AND EROSIONAL FORCES, FLOOD HAZARDS, OR FIRE HAZARDS.

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

The restoration project components are as follows: Biological remediation of approximately 14 acres including 10 acres of a wetland creation area and a 4-acre phased wetland enhancement and restoration area; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed

ATTACHMENT 9

lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property into the MHPA per Wildlife Agency request; and maintenance of an existing nursery operation and an elevated access roadway.

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

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

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

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

Due to the existence of the special flood hazard area and the existing and proposed site work, the project required the preparation various engineering studies. These documents conclude that there would be no substantial alterations to a stream or river by restoration activities. The study concluded that the adjacent homes to the north would be 2-feet above a projected 100-year flood level. Thus the project would not adversely affect on and off-site drainage patterns and would not result in substantial erosion or siltation on or off-site. The property is not located within an area that requires brush management. The associated "Exhibit A" includes an erosion control plan and landscape plan that provide measures to prevent soil erosion and stabilize graded areas.

Based on design measures incorporated into the project and the conclusions in the technical studies prepared for the project, it is found that the proposed development will minimize alteration of natural landforms and will not result in undue risks from geologic and erosional forces, flood or fire hazards.

3. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS ON ANY ADJACENT ENVIRONMENTALLY SENSITIVE LANDS.

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

The restoration project components are as follows: Biological remediation of approximately 14 acres including 10 acres of a wetland creation area and a 4-acre phased wetland enhancement and restoration area; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property into the MHPA per Wildlife Agency request; and maintenance of an existing nursery operation and an elevated access roadway.

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

Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

4. THE PROPOSED DEVELOPMENT WILL BE CONSISTENT WITH THE CITY OF SAN DIEGO'S MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP) SUBAREA PLAN.

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

The restoration project components are as follows: Biological remediation of approximately 14 acres including 10 acres of a wetland creation area and a 4-acre phased wetland enhancement and restoration area; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the

property into the MHPA per Wildlife Agency request; and maintenance of an existing nursery operation and an elevated access roadway.

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

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

The proposed Site Development Permit will conform to the MSCP Subarea Plan and MHPA as development is restricted to that specified under the Stipulated Judgments and Restoration Order and any associated grading and mitigation for wetland impacts. No development is proposed for sensitive MHPA lands other than remediation for prior unauthorized activities. The MHPA boundary line correction will result in additional lands incorporated into the MHPA. Therefore, the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

5. THE PROPOSED DEVELOPMENT WILL NOT CONTRIBUTE TO THE EROSION OF PUBLIC BEACHES OR ADVERSELY IMPACT LOCAL SHORELINE SAND SUPPLY.

The proposed project is not located near a public beach or the shoreline. Therefore, the project would not contribute to erosion of public beaches and would not adversely impact local shoreline sand supply.

6. THE NATURE AND EXTENT OF MITIGATION REQUIRED AS A CONDITION OF THE PERMIT IS REASONABLY RELATED TO, AND CALCULATED TO ALLEVIATE, NEGATIVE IMPACTS CREATED BY THE PROPOSED DEVELOPMENT.

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

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

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

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

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

The applicant has purposely encompassed the required mitigation into the non-required mitigation as a comprehensive wetland creation effort, such that the two cannot be separated in a manner that would allow the required mitigation to be successful. This is illustrated on submitted grading plans that do not separate out wetland mitigation area and future wetland mitigation bank area. Therefore, onsite wetland creation is considered a comprehensive effort.

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

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

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

The restoration project components are as follows: Biological remediation of approximately 14 acres including 10 acres of a wetland creation area and a 4-acre phased wetland enhancement and restoration area; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property into the MHPA per Wildlife Agency request; and maintenance of an existing nursery operation and an elevated access roadway.

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

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

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

Site specific biology reports were required for the project which included an analysis of the site as required by the Stipulated Judgment and ACOE Restoration Order. These documents

concluded that although unauthorized grading occurred within the site, the property has not supported native vegetation for many decades due to the ongoing agricultural and previously permitted activities. Biological resources are or were present (prior to illegal grading) only within portions of the site. The Site Development Permit would allow the restoration of those portions of the property that have been impacted by installation of a culvert under the dirt road which will drain the off-site pond. The natural hydrology of the tributary to McGonigle Creek would be restored however, impacts to 1.74 acres of jurisdictional wetlands associated with the pond would occur in the form of a reduction of 1.05 acres of Open Water and portions of 0.69 acres of southern riparian scrub.

Implementation of the ACOE Restoration will indirectly impact biological resources that are associated with the pond. The only alternative available would involve retaining the pond or substantial portion thereof and the associated riparian vegetation. This would prevent the direct loss of 1.74 acres of wetlands/waters, included southern riparian scrub, Open Water habitat, and potential Least Bell's Vireo habitat. Although retaining the pond would be less environmentally damaging in the short term, staff has concluded that this option is not available due to the court and restoration orders. Therefore, there are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.

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

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

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

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

The applicant illegally graded a portion of the site by elevating an existing dirt roadway through the placement of fill adjacent to a tributary to McGonigle Creek for the purpose of preventing flooding and to provide improved access through the site. Approximately 150 linear feet was

raised. Creation of this berm resulted in an impoundment on the adjacent site to the east (Pardee Property), creating an off-site pond. As required by the above referenced Stipulated Judgment and Restoration Order, the off-site pond must be drained and the area returned to its previously existing flow lines. The applicant has indicated that the road was raised in order to reduce on-site flooding and to provide improved access through the site. The road provides the only access to the nursery.

The project proposes to remove the berm and drain the pond so that the channel of McGonigle Creek can be restored to support enhancement and restoration of a wetland area within the historic floodplain. The restoration would remediate past violations and mitigate impacts to sensitive habitat that occur within pond drainage. The wetland restoration/enhancement areas currently support 2.73 acres of Southern Riparian Scrub and 0.28 acre of Disturbed Wetland. Following the implementation and success of this Wetland Creation Plan, these areas will support 3.0 acres (2.73 acres + 0.28 acre) of higher-quality Southern Riparian Scrub vegetation. The restored creek channel would replicate a more natural condition that occurred prior to the construction of the berm.

The specific restoration project components are as follows: Biological remediation of approximately 14 acres including 10 acres of a wetland creation area and a 4-acre phased wetland enhancement and restoration area; a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7-acre portion of a currently developed lot and a portion of Caminito Mendiola roadway from the MHPA and inclusion of 2.7 acres of the property into the MHPA per Wildlife Agency request; and maintenance of an existing nursery operation and an elevated access roadway. The restored areas would be protected in that the mitigation areas would be placed in a covenant of easement with a management bond as appropriate for preservation in perpetuity, or, deeded to the City.

The McGonigle Canyon landform is part of a natural canyon system that connects Los Penasquitos lagoon at the coast with Black Mountain in the east. The creek channels and floodplains within this system are important components of the natural drainage pattern within the larger watershed. Historically, agriculture activities as well as illegal grading and dumping has impacted the wetlands and riparian vegetation associated with the drainage system. Natural wetlands and riparian vegetation provide important water quality and habitat functions within the watershed helping to protect the water quality within the lagoon and beachside areas. The City's land use plans have designated the majority of the canyon system as open space, and most of the area is also within the MHPA. The land use plans as well as the MSCP Subarea Plan contain various general, as well as specific recommendations, to restore or enhance disturbed wetlands and habitat areas within this canyon system. These plans provide an overall framework to preserve and enhance wetland and habitat values for improving water quality and wildlife populations.

The project has been designed to comply with the directives of the Stipulated Judgment and would result in impacts to environmentally sensitive lands (wetlands and wetland habitat). The project's Mitigated Negative Declaration contains an evaluation of these impacts as well as proposed mitigation. Deviations to Environmentally Sensitive Lands regulations are proposed in order to breach the pond and complete the required restoration and enhancement of wetlands and riparian habitat. This activity is required to restore the site to its previous hydrologic condition, restoring a more natural drainage pattern to the area. The natural drainage pattern will allow for

the habitat restoration and enhancement of wetlands within the creek area as well as creation of a corridor of Riparian Scrub Vegetation historically endemic within the drainage. Restoration and enhancement of these natural features will improve the environmental quality of the site long-term as well as that of the larger watershed consistent with the planning framework described above.

Without the breach of the pond and associated impact to environmentally sensitive lands, the project could not occur and the impacts are therefore the minimal necessary to restore the creek channel and allow for the associated environmental enhancements. While construction of the berm that created the pond was done by the applicant, there are special physical conditions of the property not of the applicant's making including the location of McGonigle Creek, a special flood hazard area which encompasses approximately 6 acres of the site, the existence of the sewer trunk easement, and portions of land that support wetland vegetation.

The City's long range plans for this area also contain open space and environmental policies (described above) that support physical changes to the site's existing conditions for the long term sustainability of the natural environment. The proposed breach of the berm and restoration and enhancement of wetland and riparian habitat are consistent with these policies. These specific conditions, when taken together, prescribe an optimal location and type of wetland restoration and enhancement. The proposed project has been conceived and designed to conform to these specific conditions. Therefore, the proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land.

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

Sandra Teasley
Development Project Manager
Development Services

Adopted on: November 20, 2014

Internal Order No. 23430995

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23430995

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

This Site Development Permit is hereby is granted by the Planning Commission of the City of San Diego to BARCZEWSKI FAMILY TRUST Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0504 and 143.0401. The approximately 32-acre site is at 3113 Rancho Santa Fe Farms Road at its intersection with Caminito Mendiola within the Pacific Highlands Ranch Community Planning Area. The property is zoned AR-1-1 and OC-1-1. Portions of the property are within the Multiple Habitat Planning Area (MHPA) and the Coastal Overlay Zone. The site is designated as Open Space and MHPA within Pacific Highlands Ranch Community Plan.

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

LEGAL DESCRIPTION ASSESSOR PARCEL NO. SSCSJ LOT DESIGNATIONS

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

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to conduct restoration activities for a previously graded site and compliance with State Superior Court Stipulated Judgment- Case No. GIC 801949 and the 2007 Army Corps of Engineers (ACOE) Restoration Order (No. SPL-2002-0667). The project includes the formation of a wetland mitigation bank. The subject property is identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 20, 2014, on file in the Development Services Department.

The project shall include:

- a. Creation of approximately 14 acres of biological remediation area on Lot 1 of Rancho Del Sol Unit No.1, Map No. 12477 and portions of Parcel 3 of PM 20874;
- b. Formation of a mitigation bank consisting of an approximately 10 acres of wetland creation site and a 4-acre wetland phased (invasive removal) and restoration (planting of southern riparian forest species) area on Lot 1 Rancho Del Sol Unit No. 1, Map No. 12477 and portions of Parcel 3 of PM 20874;
- c. Project implementation would occur in two phases. Phase 1 will create, restore and revegetate all the mitigation required to implement the Federal Army Corps of Engineers Restoration Order by excavating and placing 12,500 cubic yards within the Phase 2 area of the site. Phase 2 will excavate an approximate 10-acre area where new wetlands will be created.
- d. A Multiple Species Conservation Plan (MSCP) Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) to remove a 0.7 acre portion of a currently developed lot and Caminito Mendiola roadway area that are currently within the MHPA.

- e. Drainage of the existing off-site agricultural pond ("Pardee Pond") via widening/deepening of a culvert under an existing earthen road on the Project property pursuant within portions of Section 15 – T14S-R3W – Portion E ½ ROS 9915;
- f. Maintenance of an existing horticultural nursery operation an elevated roadway on Parcel 3, PM 20874/ "Lot 33".

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by _____.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit

hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

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

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

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] within Mitigated Negative Declaration No. 157399 shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.
13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 157399, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.
14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 157399, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas: Biological, Historical (Archaeological), and Paleontological Resources.

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
16. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.
17. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

18. The project will alter the floodway or floodplain boundaries of the Special Flood Hazard Area, therefore, the developer must obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency prior to issuance of any grading permits. The applicant must provide all documentation, engineering calculations, and fees which are required by FEMA.
19. This project proposes to generate a quantity of dredged material, which material may be placed on the subject site or exported. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).
20. This project proposes to generate dredged material which material may be placed on the subject site or exported. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material.

LANDSCAPE REQUIREMENTS:

21. Prior to issuance of any engineering permits for grading, construction documents for the revegetation, restoration and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.
22. 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.
23. 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.
24. Prior to issuance of any engineering permits for grading, the Permittee or subsequent Owner shall enter into a Landscape Establishment and Maintenance Agreement (LEMA) to assure long-term establishment and maintenance of all common area slope revegetation. The LEMA shall be approved by the Landscape Section of Development Services Department. Agreement shall commence prior to release of the performance bond with developer or subsequent owner posting a new bond to cover the terms of the agreement.

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

MULTIPLE SPECIES CONSERVATION PROGRAM:

26. The issuance of this permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 (EAS) and any amendments thereto (16 U.S.C. Section 1531 et seq.). In accordance with authorization granted to the City of San Diego from the USFWS pursuant to Sec. 10(a) of the ESA and by the CDFG pursuant to Fish & Game Code sec. 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS or CDFG, except in the limited circumstances described in Section 9.6 and 9.7 of the IA. For lands identified as mitigation but not yet dedicated, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.
27. Prior to the issuance of any construction permits, the Owner/Permittee shall preserve the on-site Multi-Habitat Planning Area [MHPA] through either conveyance in 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 Wildlife [CDFW], as shown on Exhibit "A". Nothing in the covenant of easement shall preclude the Owner/Permittee from making the property not required for restoration and/or mitigation by this project available for third party restoration projects. Habitat being restored /enhanced or created with the project shall be subject to standard grading permit bond conditions. Conveyance of any land in fee to the City shall be subject to approval and any required conditions from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other storm water control facilities, water and sewer easements, brush management areas, and HOA landscape/revegetation areas/graded slopes.
28. To facilitate MHPA conveyance, any non-fee areas (including those areas where restoration/enhancement/or creation has successfully been completed) shall have covenants of easements placed over them if located in the MHPA, and be maintained in perpetuity by

the Owner/Permittee/Applicant unless otherwise agreed to by the City. All other on-site areas can be conveyed through any of the three above methods.

PLANNING/DESIGN REQUIREMENTS:

29. All portions of Parcel 3, PM 20874 located within the Negative Farming Easement, as established on Planned Residential Development (PRD) No. 86-0229, State Coastal Development Permit (CDP) No. 6-86-699, and revised in accordance with Addendum to Environmental Impact Report (EIR) No. 86-0229 (Doc. No. 90-0853), shall contain only Agricultural Uses.
30. Prior to issuance of any construction permits, the Owner/Permittee shall apply for an Amendment to State Coastal Development Permit (CDP) No. 6-86-699 with the State California Coastal Commission for any proposed grading, restoration, wetland creation, or other construction activities on the premises, unless exempted by the California Coastal Commission. Documentation of the CDP Amendment or exemption shall be provided to Development Services Department prior to the issuance of any grading/construction permits.
31. The Owner/Permittee shall execute an Irrevocable Offer to Dedicate (IOD) a recreation easement to the City for the east-west multi-use trail alignment generally depicted in the Pacific Highlands Ranch Subarea Plan (Exhibit 4-11) wholly within the existing Carmel Valley Trunk Sewer easement on the property. This recreation easement shall be located in a less environmentally sensitive location than, and serve as replacement to, the east-west equestrian trail easement located further south in undisturbed sensitive upland habitat that was required by Planned Residential Development Permit 86-0229.

INFORMATION ONLY:

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

APPROVED by the Planning Commission of the City of San Diego on November 20, 2014 and [Approved Resolution Number].

ATTACHMENT 10

Permit Type/PTS Approval No.: Site Development Permit No. 560724
Date of Approval: November 20,
2014

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

SANDRA TEASLEY
Development Project Manager

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

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

BARCZEWSKI FAMILY TRUST
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.**

PLANNING COMMISSION RESOLUTION NO. PC-XXX

ADOPTED ON November 20, 2014

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

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

WHEREAS, the issue was heard by the Planning Commission on November 20, 2014; and

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

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

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

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Hearing Officer 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

ATTACHMENT 11

Development Services Department, 1222 First Avenue, San Diego, CA 92101.

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

By:

Sandra Teasley
Development Project Manager

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

ATTACHMENT: Exhibit A, Mitigation, Monitoring and Reporting Program

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

A. GENERAL REQUIREMENTS – PART I

Plan Check Phase (prior to permit issuance)

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

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

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

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

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

Qualified Biologist
Qualified Archaeologist
Native American Monitor
Qualified Paleontologist

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

CONTACT INFORMATION:

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

- 2. MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) 157399, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc).

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

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

- ***U.S. Army Corps of Engineers (USACE) – Section 404 discharge permit***

- *Regional Water Quality Control Board (RWQCB) – Section 401 water quality certification*
- *California Department of Fish and Wildlife (CDFW) –Section 1603-Streambed Alteration Agreement*
- *Wildlife Agency acceptance of Wetland Mitigation Bank proposal (provide written agreement to City)*
- *State CDP No. 6-86-699 amendment incorporating project grading, restoration, wetland creation, or other construction activities on the premises, unless exempted by the California Coastal Commission.*

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

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

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

Document Submittal/Inspection Checklist

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

<u>Issue Area</u>	<u>Document submittal</u>	<u>Assoc Inspection/Approvals/ Notes</u>
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-Construction Meeting
Archaeology	Archaeology Reports	Archaeology Site Observation
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Report	Biology/Habitat Revegetation Inspection

Biology	Land Use Adjacency Guidelines	Land Use Adjacency Issue Site Observations
Geology	As Graded Soils Report	Geotechnical Inspection
Paleontology	Paleontology Reports	Paleontology Site Observation
Bond Release	Request for Bond Release Letter	Final MMRP Inspections prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

BIOLOGICAL RESOURCES

Requirements for Land in Proximity to Biological Resources

Preconstruction Measures

1. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD of Entitlements verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (A through D):
 - A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of Entitlements stating that a qualified Biologist, as defined in the City of San Diego Biological Resource Guidelines (BRG), has been retained to monitor construction operations.
 - B. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section which includes the name and contact information of the Biologist names and of all persons involved in the Biological Monitoring of the project, if changed and/or not provided in the first letter.
 - C. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, invasive removal, revegetation plans, plant salvage/ relocation requirements and timing (i.e. per coastal cactus wren requirements etc.), avian or other wildlife (including USFWS protocol) surveys, impact avoidance areas or other such information/plans are completed and are placed on the construction plans and approved by City MMC.
 - D. The qualified biologist (project biologist) shall attend the first preconstruction meeting and arrange to perform any measures site-specific fauna/flora surveys/salvage.

Construction Measures

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

Post Construction Measures

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

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

1. For existing and proposed impacts, habitat mitigation A-D is required as follows:

- A. UPLAND MITIGATION - A total of 0.37 acres of Tier I- southern maritime chaparral (SMC) would be mitigated off-site at a 1:1 ratio as impacts are outside MHPA and would be mitigated as proposed within the MHPA in Tier I. The applicant is proposing to purchase off-site Tier I mitigation land and place it in a conservation easement. The land is currently proposed to be purchased from the Mooradian Property that is proposed for addition to the MHPA by Carmel Valley 18, LLC and the Mooradians. The Mooradian property is located on Del Mar Mesa (APN 307-660-1000), between Del Mar Mesa Road and Caminito Vista Lujo. If this land is not accepted into the MHPA prior to issuance of the grading permit, the required the impact would be mitigated using the "outside the MHPA" ESL Tier I ratio, or an alternative site Tier I site inside or outside the MHPA would be used to the satisfaction of DSD MSCP Staff and the Wildlife Agencies.
- B. WETLAND MITIGATION- A total of 0.73 acres of southern riparian scrub (SRS) would be mitigated on-site at a 3:1 ratio for a total of 2.51 acres. Of this 2.51 acres, 0.73 acres would be southern riparian forest (SRF) created from intensive agriculture; and 1.46 acres would be a phased wetland enhancement and restoration area per the approved "Wetland Creation Plan" (Scheidt, December 2012) to enhance low quality SRS and disturbed wetland and restore high quality SRS. This mitigation shall include the container plant and hydroseed list on "Exhibit A" Landscape Sheet 12, and an above ground, potable, temporary irrigation system.
- C. A total 1.05 acres of open water would be mitigated on-site at a 2:1 ratio with 1.05 acres consisting of wetland creation from intensive agriculture to SRF and 1.05 acres of phased wetland enhancement from low quality SRS and disturbed wetland to restored high quality SRS per the approved "Wetland Creation Plan" (Scheidt, December 2012). This mitigation shall include the container plant and hydroseed list on "Exhibit A" Landscape Sheet 12, and an above ground, potable, temporary irrigation system.
- D. Following successful creation/restoration/enhancement of the required wetland mitigation areas (listed in B and C above) and prior to the release of any construction bonds; the wetland mitigation areas shall be placed within a covenant of easement in favor of the applicant or appropriate third party with an appropriate management bond, or deeded to the City for protection of the resources in perpetuity.

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

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

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

1. Prior to the issuance of any grading or construction permit and/or prior to the preconstruction meeting), the ADD (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:
 NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION
 ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, WHICH
 EFFECT THE BREEDING SEASON OF THE COASTAL CALIFORNIA
 GNATCATCHER WHOSE TERRITORY IS WHOLLY WITHIN/OR PARTIALLY
 WITHIN A MHPA AREA, UNTIL THE FOLLOWING REQUIREMENTS HAVE
 BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:
 - A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED

SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

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

THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB (A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

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

- B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED IN PROJECT AREA MHPA'S DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:
 - I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
 - II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES

WOULD BE NECESSARY.

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

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

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 15 AND SEPTEMBER 15, THE BREEDING SEASON OF THE LEAST BELL'S VIREO, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE WETLAND AREAS THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE LEAST BELL'S VIREO. SURVEYS FOR THE THIS SPECIES SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. IF THE LEAST BELL'S VIREO IS PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:
 - I. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED LEAST BELL'S VIREO HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
 - II. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED LEAST BELL'S VIREO OR HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION

WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF ANY OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

- III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE LEAST BELL'S VIREO. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB (A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (SEPTEMBER 16).

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

- B. IF LEAST BELL'S VIREO ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 15 AND SEPTEMBER 15 AS FOLLOWS:
 - I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR LEAST BELL'S VIREO TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
 - II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES

ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

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

Prior to Permit Issuance the Permit Holder shall:

1. Direct the Project Biologist (PB) to identify and adequately document all pertinent information from the approved conceptual restoration plan - program goals and requirements (A Wetlands Creation Plan - The McGonigle Creek Mitigation Bank), (Vince Scheidt, December 2012) on the landscape construction documents (LCDs) and submit to the City's Development Services Review Sections (Environmental, MSCP, Landscape, Permits, etc.). This project features a stream bed that eventually runs through downstream MHPA areas and approval from MSCP Staff is required. Information shall include but not be limited to: each type of habitat, plant/seed palettes, timing of installation, plant installation specifications, method of watering, protection of adjacent habitat (show and identify existing vegetation to remain), erosion and sediment control, performance/success criteria, inspection schedule, document submittals, reporting schedule, tables, graphics, notes, and conformance check with the approved document listed above and the "Exhibit A" documentation associated with the Discretionary permit.
2. Direct the PB to provide, on the LCD, a table showing types of each habitat impacted and how it is to be restored and or enhanced along with the corresponding acreage and/or total number of plants being replaced as well as specific success criteria for each type of habitat and each reporting period
3. Direct the PB to ensure the LCD includes comprehensive notes addressing the 120 day Plant Establishment Period (PEP) and the 5 year Long Term Maintenance and Monitoring Period (LTMMP) which occurs after PEP is acceptance by the City. Notes shall also address and provide recommendations for the ongoing maintenance requirements (after final acceptance of the LTMMP by the City).
4. Direct the PB to ensure the LCD includes a note requiring the Permit Holder to enter into a bonded Biological Mitigation Agreement to assure success of the revegetation/restoration during the LTMMP. This may not be necessary when the construction permit that has an associated performance bond that is active and has included the restoration and monitoring costs in their entirety within it and adequately assures success of the revegetation/restoration program to the satisfaction of MMC.

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

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

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

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

During Plant Installation the Permit Holder shall:

1. Direct the PB to ensure that all clearing, grubbing, grading, contouring, excavation, trenching, installation of plant materials, and any necessary actions required during installation are done per the approved LCD.
2. Direct the PB to review the mitigation area and assess completion of the installation and submit a letter report to Permit Holder who then submits it to RE/MMC requesting the Plant Installation Inspection. RE/MMC will review the report and schedule the inspection (walk thru). Upon completion of the Plant Installation Inspection, including all punch list items, MMC will provide written acceptance of plant installation to the RE and Permit Holder.
3. Direct the PB to begin the 120 Plant Establishment Period (PEP) monitoring.

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

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

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

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

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

1. Direct the PB to submit Annual Reports summarizing the results of each progress report including quantitative monitoring results and photographs taken from permanent viewpoints shall be submitted to MMC for review and approval within 30 days following that phase of required

monitoring. A request for inspection shall accompany each annual report. After reviewing each report, MMC will schedule the inspection.

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

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

MSCP Subarea Plan Land Use Adjacency Guidelines Mitigation

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the City ADD (or designee) shall verify that the project is in compliance with the MSCP Subarea Plan's Land Use Adjacency Requirements and that the following site specific requirements are noted on the grading plans under the heading Environmental Requirements:
 - A. Drainage - All new and proposed developed areas in and adjacent to the preserve must not drain directly into the MHPA. All graded, developed, and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. These systems shall be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance shall include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay compounds) when necessary and appropriate. In general, any man-made storm drains draining into the MHPA shall employ dissipation and filtering devices. Compliance with City of San Diego Engineering Drainage Standards shall be ensured to the satisfaction of the ADD and City Engineer.
 - B. Toxics - Land uses, such as urban development, recreation and agriculture, that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, that are potentially toxic or impactive 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 proper/reduced use of pesticides, herbicides and fertilizers, drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance shall be provided. Where applicable, this requirement shall be incorporated into leases on publicly owned property as leases come up for renewal.

- C. Lighting- Lighting of all developed areas adjacent to the MHPA shall be directed away from the -MHPA. Where necessary, development shall provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting. All lighting shall also comply with City Outdoor Lighting Regulations LDC 142.0740
- D. Noise -Uses in or adjacent to the MHPA shall be designed to minimize noise impacts. Berms or walls shall be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses (i.e. construction) or activities adjacent to breeding areas must incorporate noise reduction measures to reduce noise below 60 dB and/or be curtailed during the general and sensitive bird breeding season (February 1-September 15) per the City and Wildlife Agency protocol. Adequate noise reduction measures shall also be incorporated for the remainder of the year.
- E. Barriers- New development adjacent to the MHPA shall be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.
- F. Invasives -No invasive non-native plant species shall be introduced into areas in or adjacent to the MHPA. All plantings at the urban/natural edge shall be native, drought tolerant, and acceptable to the Fire Marshall. No invasive/non-native species shall be located on-site where they have the potential to invade on-site, or adjacent natural lands per LDC 142.045(b)(2). Prior to issuance of any notice to proceed, the ADD Environmental designee shall verify that the construction plans specify that areas within or adjacent to the MHPA shall be hydroseeded or planted with a native seed mix and or native container stock, as shown on Exhibit A. All revegetation within 100 feet of native habitat must be native chaparral or coastal sage scrub species. No deviations shall be made from the EAS approved Exhibit A without prior EAS approval.
- G. Brush Management - New development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate Zone 1 brush management areas on the development pad and outside of the MHPA. Zones 2 may be located in the MHPA upon granting of an easement to the City (or other acceptable agency) except where narrow wildlife corridors require it to be located outside of the MHPA. Brush management zones will not be greater in size than is currently required by the City's regulations. The amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible per LDC 142.0412(d) and (h)(4). For all new development, regardless of the ownership, the

brush management in the Zone 2 area will be the responsibility of a homeowners association or other private party. For existing project and approved projects, the brush management zones, standards and locations, and clearing techniques will not change from those required under existing regulations.

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

HISTORICAL RESOURCES (ARCHAEOLOGY)

1. Prior to Permit Issuance

A. Entitlements Plan Check

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

B. Letters of Qualification have been submitted to ADD

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

2. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

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

Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

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

2. Identify Areas to be Monitored

- a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
- b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

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

3. During Construction

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

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities, which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section 3.B-C and 4.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (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 precon meeting.
 2. The following procedures shall be followed.

- a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections 3 - During Construction, and 4 - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section 3 - During Construction and 4- Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section 3-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
 - C. All other procedures described above shall apply, as appropriate.

6. Post Construction

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

B. Handling of Artifacts

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

C. Curation of artifacts: Accession Agreement and Acceptance Verification

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

D. Final Monitoring Report(s)

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

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PALEONTOLOGICAL RESOURCES**1. Prior to Permit Issuance****A. Entitlements Plan Check**

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

B. Letters of Qualification have been submitted to ADD

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

changes associated with the monitoring program.

2. Prior to Start of Construction

A. Verification of Records Search

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

B. PI Shall Attend Precon Meetings

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

3. During Construction

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

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are

encountered, which may reduce or increase the potential for resources to be present.

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

B. Discovery Notification Process

1. In the event of a discovery, the 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 CSVSR 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.

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

**CARMEL VALLEY COMMUNITY PLANNING BOARD
MEETING MINUTES**

7 p.m., 26 June 2014

Carmel Valley Library, Community Room
3919 Towns gate Drive, San Diego, CA 92130

CALL TO ORDER AND ATTENDANCE

Board Member	Representing	Present	Excused	Absent
1. Rick Newman	Neighborhood 1	X		
2. Nancy Novak	Neighborhood 3	X		
3. VACANT	Neighborhood 4/4A			
4. Debbie Lokanc	Neighborhood 5	X		
5. Christopher Moore	Neighborhood 6	X		
6. Steven Ross	Neighborhood 7		X	
7. Frisco White, Chair	Neighborhood 8	X		
8. Anne Harvey	Neighborhood 8A & 8B	X		
9. Steve Davison	Neighborhood 9	X		
10. Laura Copic	Neighborhood 10	X		
11. Manjeet Ranu, Vice-Chair	Pacific Highlands Ranch, District 11	X		
12. Jonathan Tedesco	Pacific Highlands Ranch, District 12		X	
13. VACANT	Business Representative			
14. Victor Manoushakian	Business Representative		X	
15. Allen Kashani, Secretary	Developer Representative	X		
16. Christian Clews	Investor Representative	X		
17. Brian Brady	Investor Representative	X		

APPROVAL OF MINUTES — 24 April, 2014

Christian Clews motioned to approve the minutes as corrected, seconded by Rick Newman; Motion carried, 9-0-2.

CONSENT AGENDA

1. CPC Appointment: Approve Chair's appointment of Nancy Novak to fulfill Chair's membership on the CPC.

- Applicant – Chair

2. N4/4A Appointment: Approve Chair's appointment of Hollie Kahn to fulfill the N4/4A seat.

- Applicant – Chair

Laura Copic motioned to approve the consent agenda, seconded by Christopher Moore. Motion carried, 11-0-0.

3. Rancho Del Sol Restoration: Consider the application for the installation of a drainage structure and the creation and enhancement of wetlands to mitigate environmental impacts and satisfy court-ordered stipulated settlements with the city and Pardee Homes.

- Applicant - Barczewski Family Trust

Allen Kashani recused on the item. The applicant familiarized the board with the location of the proposed drainage structure. They are seeking a site development permit and have submitted to the city. The main elements of the plan have not changed but phases have been added to the project to mitigate the environmental impacts. The applicant briefly explained the dirt removal phases.

As part of the process they will be creating a public trail. Christopher Moore asked for more information on the coordination the Barczewski's have had with the corps of engineers. The applicant gave Chris a history of their collaboration. The team has an MND with the city but it is yet to be certified.

Vice Chair Ranu motioned to reaffirm the boards original recommendation (2009) and recommend the approval of the modified plan (Stipulated Judgment SDP for GIC No. 801949 Preliminary Grading Plan; Stipulated Judgment Exhibit for GIC No. 801949 Preliminary Grading Plan: Wetlands Creation; Stipulated Judgment Exhibit for GIC No. 801949 Preliminary Grading Plan: CORPS Restoration/Wetlands Creation) dated 5/28/14 and that the IOD be recorded within 90 days of approval of the entitlement. Seconded by Anne Harvey, Motion carried 10-0-1.

SUBCOMMITTEE MEETING REPORTS AND ANNOUNCEMENTS

Subcommittee	Representative	Report	Next Meeting
1. Regional Issues & Design Review	Harvey, Jan Fuchs	None.	7/2/14 @ 430 pm.
2. FBA	White	None	None noted
3. MAD	Rick Newman	None	7/1/14 @ 430pm.
4. MAD N10	Copic	None	None noted
5. MAD PHR	Ranu, Tedesco	None	None noted
6. Bylaws/Elections Policies/Procedures	Clews	None	None noted
7. Community Concourse	White	None	None noted
8. Trails	Harvey (Copic, alternate to LPCP CAC)	None	None noted
9. CVREP	Clews	None	None noted
10. San Dieguito River Park	Harvey	None	None noted
11. CPC	Novak	Nancy is now the liaison.	None noted

CARMEL VALLEY COMMUNITY PLANNING BOARD

c/o Pardee Homes

Attn: Allen Kashani, CVCPB Secretary

6025 Edgewood Bend Court

San Diego, CA 92130

858-794-2571 / Fax: 858-794-2599

February 28, 2010

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

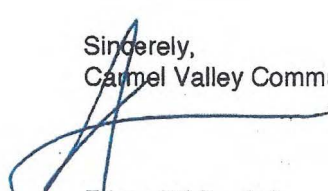
Re: Barczewski Property
Site Development Permit Project No. 157399

Dear Paul:

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

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

Sincerely,
Carmel Valley Community Planning Board



Frisco White, AIA
Chair



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

THE CITY OF SAN DIEGO

Ownership Disclosure Statement

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

Project Title

Project No. For City Use Only

Rancho del Sol Stipulated Settlement Agreement SDP

Project Address:

Southerly Terminus of Rancho Santa Fe Farms Rd.

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

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

Additional pages attached ☐ Yes ☒ No

Name of Individual (type or print):

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

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

5629 Willowmere Lane

City/State/Zip:

San Diego, California 92130

Phone No:

(858) 755-1562

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

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Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date: