

(R-93-1071)

RESOLUTION NUMBER R-281166

ADOPTED ON NOVEMBER 24, 1992

WHEREAS, on October 8, 1992 the Planning Commission recommended approval of Resource Protection Ordinance Permit No. 91-0602 submitted by H. G. Fenton Material Company, a corporation, Owner/Permittee, to develop property located between Mesa Ridge Road and the planned extension of Camino Santa Fe, on the north side of Rattlesnake Canyon, described as Parcel 2 of Map No. 7131, in the Mira Mesa Community Plan area, in the A1-10 zone (proposed M-1B zone); and

WHEREAS, the matter was set for public hearing on November 24, 1992, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Resource Protection Ordinance Permit No. 91-0602:

RESOURCE PROTECTION ORDINANCE FINDINGS

1. The proposed development will not adversely affect The City of San Diego's Progress Guide and General Plan. The proposed project is consistent with the land use designations and development standards of the Progress Guide and General Plan which recommend that this site be developed with industrial and open space uses.

2. The proposed development will conform to the community plan for the area and any other applicable plans, policies and ordinances. The project is consistent with the recommended industrial land use designation of the Mira Mesa Community Plan, and the permitted uses and density of the proposed M-1B zone.

3. The proposed development will be sited, designed, constructed and maintained to minimize, if not preclude, adverse impacts on environmentally sensitive lands. Proposed grading of the site would be consistent with the sensitive slope and biological encroachment limitations of the Resource Protection Ordinance. In addition, one (1) open space lot would be dedicated on the map, which will retain the natural integrity of the remaining natural slopes on the site. Additional mitigation per Mitigated Negative Declaration No. 91-0602 will be implemented for the project to minimize adverse impacts upon sensitive natural resources and environmentally sensitive areas, including the revegetation of sensitive natural slopes.

4. The proposed development will be sited and designed to prevent adverse impacts on any environmentally sensitive lands and resources located in adjacent parks and public open space areas and will provide adequate buffer areas to protect such resources. The proposed development is not located on or near any planned public parks or recreation areas. Therefore, no buffer areas would be required to protect such resources and no significant impacts in this area would occur as a result of project implementation.

5. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards. The proposed grading would involve disturbance to natural landforms (sensitive slopes) on the site, however, has been designed in a manner that will not induce significant geological, erosional, flood or fire hazard impacts on the site. A brush management plan has been developed in accordance with the project's landscape concept plan to further mitigate potential fire hazards to surrounding properties and on the subject site.

Additional mitigation will be implemented for the project to minimize adverse impacts upon environmentally sensitive natural landforms. Therefore, no significant adverse impacts are anticipated to occur in those areas as a result of project implementation.

6. Feasible measures, as defined in this section, to protect and preserve the special character or the special historical, architectural, archaeological or cultural value of the affected significant prehistoric or historic site or resource have been provided by the applicant. The applicant has proposed a grading plan to minimize the visual impact on the site, as well as minimizing the disturbance to the sensitive slopes. In addition, the applicant is proposing a slope revegetation plan which will revegetate the native and sensitive plant material to both the disturbed and undisturbed slopes on the site.

HILLSIDE REVIEW ORDINANCE FINDINGS

7. The building pad has been reduced in size, from that which was originally proposed, in order to be more physically suitable to the site. The proposed development has been designed to comply with the Resource Protection Ordinance disturbance allowances of sensitive areas.

8. The grading associated with the proposed development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability or fire hazards as determined by the City Engineer.

All disturbed and manufactured slopes will be revegetated with native plant species, as required in the brush management plan and the mitigated negative declaration.

9. The building pad and the adjacent slopes are proposed to be graded and revegetated in a manner which will reduce the visual impacts to the surrounding area. The revegetation program and the brush management plan have also been prepared in effort to enhance visual quality of the site. Future architectural plans will be reviewed against the guidelines of the Mira Mesa Community Plan.

10. The proposed development is consistent with open space element of the Mira Mesa Community Plan. An open space easement is proposed on a portion of the site.

11. The proposed development is consistent, to the extent possible, with the development guidelines of the Hillside Design and Development Guidelines.

BRUSH MANAGEMENT FINDINGS

12. The proposed brush management program includes revegetation of manufactured slopes as well as previously disturbed areas with predominately indigenous, native plant species in accordance with the City of San Diego "Landscape Technical Manual," natural slope restoration guidelines. The brush management program will be implemented and maintained with thinning and pruning in accordance with the "Landscape Technical Manual" brush management guidelines. Floodplains, biologically sensitive lands, hillsides, significant prehistoric sites and resources and wetlands as defined in the Resource Protection Ordinance, San Diego Municipal Code section 101.0462, will not be adversely affected by the brush management program.

13. The proposed brush management program will enhance the previously disturbed vegetation and provide revegetation of manufactured slopes in accordance with the "Landscape Technical Manual" brush management and natural slope restoration guidelines thus minimizing undue risks from erosional forces.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Resource Protection Ordinance Permit No. 91-0602 is hereby granted to H. G. Fenton

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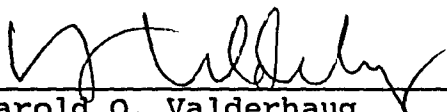
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The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Resource Protection Ordinance Permit No. 91-0602 is hereby granted to H. G. Fenton

Material Company, a corporation, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
02/08/93
Or.Dept:Clerk
R-93-1071
Form=r.permit

RESOURCE PROTECTION ORDINANCE PERMIT NO. 91-0602
CITY COUNCIL

CARROLL MESA BUSINESS PARK

This Resource Protection Ordinance Permit is granted by the Council of The City of San Diego to H.G. FENTON MATERIAL COMPANY, a corporation, Owner/Permittee, pursuant to conditions in Sections 101.0454 and 101.0462 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to grade a 7.3-acre pad for future development, located between Mesa Ridge Road and the planned extension of Camino Santa Fe, on the north side of Rattlesnake Canyon in the Mira Mesa Community, described as a portion of Parcel 2 of Map No. 7131, in the A1-10 Zone (proposed M-1B).
2. The Resource Protection Ordinance Permit shall allow the following:
 - a. The grading of a 7.3-acre pad;
 - b. Slopes shall not exceed 2:1 in grade; and
 - c. Disturbance into the biologically sensitive area shall not exceed .9-acres.
3. No permit for grading shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the permit to the Planning Department.
 - b. The Resource Protection Ordinance Permit is recorded in the office of the County Recorder.
4. Before issuance of any grading permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated October 8, 1992, on file in the office of the Planning Department. Approved planting shall be installed within 90 days of the completion of grading. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.
5. Any operation on the site shall comply at all times with the regulations of this or any other governmental agencies.

R-281163

6. This permit must be utilized within 36 months of the date of approval, failure to utilize this permit within 36 months will automatically void the permit unless extended under the provisions of Section 101.0454(H) of the Municipal Code. Any such extension must meet all regulations, policies and Municipal Code provisions in effect at the said time extension is considered.
7. This Resource Protection Ordinance Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.
8. This Resource Protection Ordinance Permit is a covenant running with subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.
9. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated October 8, 1992, shall be permitted by an Encroachment Permit obtained from the City Engineer.

MITIGATION MONITORING

10. Prior to issuance of a grading permit, grading plans shall be reviewed and approved by the Principal Planner, Environmental Analysis Section, for compliance with the tentative map. Tops and bottoms of all manufactured slopes shall be rounded. The fill slope along Camino Santa Fe shall not exceed 45 feet in height. The fill slope in the easterly finger canyon shall not exceed 65 feet in height, shall be marked "Environmental Mitigation" and shall be contoured as shown on the tentative map. All other fill slopes shall be a maximum of 35 feet in height.
11. Prior to issuance of a grading permit, landscaping and brush management plans shall be reviewed and approved by the Principal Planner, Environmental Analysis Section, for compliance with the conceptual landscape plan. Review shall focus on native vegetation arranged in natural patterns and a density great enough to soften the appearance of the manufactured slopes.
12. Prior to the issuance of a grading permit, landscape plans shall be reviewed and approved by the Principal Planner, Environmental Analysis Section. The landscape plan shall be consistent with the conceptual landscape plan and shall:

Specify the retention of the 0.7-acre area of Diegan coastal sage scrub in the southwest corner of the site. This area shall be marked on the site to avoid inadvertent construction impacts.

Indicate 10.3 acres of revegetated coastal sage scrub and 0.2 acres of wetland habitat.

Specify that the revegetation area would be prepared, planted, maintained and monitored as recommended by a qualified biologist and the mitigation monitoring and reporting program.

13. The monitoring program shall require a qualified biologist to submit semi-annual reports to the Principal Planner, Environmental Analysis Section, regarding recommendations for care of the revegetated areas and the success of the mitigation program. All recommendations for care shall be undertaken. The monitoring program shall continue for five years.
14. Prior to the issuance of a grading permit, a bond in the amount estimated to complete installation and monitoring of the vegetation shall be posted with the City to ensure successful completion of the mitigation monitoring and reporting program.
15. A requirement that all mitigation vegetation on the site be maintained shall be a condition of the permit and would be enforceable for the life of the project.
16. Prior to the issuance of a grading permit, grading plans shall be reviewed and approved by the Principal Planner, Environmental Analysis Section. The grading plan shall be consistent with the tentative map and shall:

Indicate a detention basin in the southeast corner of the site as depicted on the conceptual landscape plan.

Indicate at least one sedimentation basin on the pad which are connected to the detention basin. The storm drain in the end of Mesa Ridge Road shall also be connected to the detention basin.

17. Prior to issuance of grading permits, grading plans and a hydrology study shall be reviewed and approved by the City Engineer to ensure that the storm drain outfall and rip-rap are of sufficient size to prevent erosion in the canyon.
18. The 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.
19. The Resource Protection Overlay Permit shall comply with the conditions of the final map for Tentative map No. 91-0602.

20. The applicant shall implement the brush management program in accordance with the approved brush management plan for this site as shown on Exhibit "A," dated October 8, 1992, on file in the Planning Department, including the following measures:
- a. Prior to the issuance of any grading permits, a complete set of brush management working drawings shall be submitted to the Planning Director and the Fire Marshal for approval. The plans shall be in substantial conformity to Exhibit "A," dated October 8, 1992, on file in the Office of the Planning Department, and shall comply with the applicable provision of the City of San Diego "Landscape Technical Manual," Document No. RR-274506, on file in the office of the City Clerk. The approved brush management program shall be implemented before issuance of any occupancy permit on any building. Such brush management shall not be modified or altered unless this permit has been amended and is to be maintained at all times, in accordance with the "Landscape Technical Manual."
 - b. No accessory structures are permitted within the designated Zone One area, including by not limited to wood decks, trellises, gazebos, etc. Non-combustible structures may be approved by the Planning Director and the Fire Marshal.
 - c. The Fire Department may consider deviations from these conditions at the time of final inspection if it is deemed that an eminent health and safety risk still exists.
 - d. These conditions shall be in addition to those architectural features outlined in Section 6.6-2 of the "Landscape Technical Manual," Document No. RR-274506, on file in the office of the City Clerk.
 - e. At no time shall the brush management required by the approved permit encroach into any adjoining public property. Approval by the Planning Director and the Park and Recreation Director is required if any subsequent off-site encroachments are necessary. Any additional encroachments in the native vegetation are subject to Planning Department review.
 - f. All requirements for fire-resistive construction and other architectural features shall conform to any applicable City and regional building code standards.
21. Prior to the issuance of any building permits, the applicant shall submit an application for Substantial Conformance Review through the Planning Department. The Substantial Conformance Review shall include review for the following:

- a. All outdoor storage areas, refuse collection areas, and loading areas should not be located where they will be visible from Camino Santa Fe or Rattlesnake Canyon.
- b. The rear elevations of buildings should be as well detailed and visually interesting as the front elevations if they will be visible from a Camino Santa Fe or Rattlesnake Canyon.
- c. No single treatment of a building wall or fence visible from Camino Santa Fe or Rattlesnake Canyon shall exceed 50 linear feet without some form of architectural variation. For example, the building or fence should protrude, recess, or change in color, height or texture at least every 50 feet.
- d. Parking areas adjacent to Camino Santa Fe or Rattlesnake Canyon shall be screened with landscaping.
- e. Project signage shall not be visible from Rattlesnake Canyon.
- f. The amount of multi-tenant office should be limited to 50 percent of the total square footage of the project and support commercial facilities shall not exceed 10 percent of the gross floor area.
- g. The project shall be reviewed for conformance with the Comprehensive Land Use Plan for NAS Miramar.
- h. Buildings adjacent to Rattlesnake Canyon should employ a setback from the rim of the canyon to minimize visibility from the canyon bottom.
- i. Roof mounted equipment should be avoided. If roof mounted equipment must be provided, all equipment and appurtenances shall be designed so that they appear to be an integral part of the overall architectural design of the building.

No building shall occur on site until the review has been determined to be consistent with the above-referenced criteria.

- 22. The project site lies in Western Mira Mesa as defined in the Mira Mesa Community Plan and will increase the amount of traffic generated within Western Mira Mesa. Therefore, the subdivider shall contribute funds on a pro rata basis, as determined by the City Manager, to fund the actual cost of construction of certain community and regional transportation improvements that will show as projects 15-43, 15-44, 15-45 and the ninth lane portion of Project 15-46 as contained in the Mira Mesa Public Facilities Financing Plan

and Facilities Benefit Assessment. The subdivider may post a Letter of Credit, in a form satisfactory to the City Engineer, for the agreed upon amount as security for their obligation under this agreement.

23. In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.

Passed and adopted by the Council of The City of San Diego on November 24, 1992, by Resolution No. R-281166.

SS01D

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

NOV 24 1992

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

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

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

By *Blonda B. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *B-281166* Adopted *NOV 24 1992*