

RESOLUTION NUMBER R-287583

ADOPTED ON JULY 2, 1996

BE IT RESOLVED, by the Council of The City of San Diego, that the following policy guidelines and specific directions shall be followed in drafting the various plan documents and implementing regulations for the Multiple Species Conservation Program ("MSCP"):

1. Incorporate a Deviation Process into the proposed Environmentally Sensitive Lands regulations, to be brought forward for consideration and adoption with the Zoning Code Update and subsequently utilized to implement the MSCP.
2. Modify the proposed OR-1-2 Zone so that all parcels within or partially within the MSCP Preserve, where the preserve is at least one thousand feet (1,000') in width, shall have a minimum development area of one (1) acre with any development above twenty-five percent (25%) requiring mitigation.
3. Modify the proposed OR-1-2 Zone to include a discretionary process which would allow property owners within the Future Urbanizing Area the ability to request an increase in density from one (1) unit per ten (10) acres to one (1) unit per four (4) acres. The discretionary action shall only be granted when a finding can be made that the increase in density will not adversely affect biological goals and objectives of the MSCP.
4. Incorporate the Farm Bureau's proposals into the MSCP, as recommended by the City Manager in City Manager's Report No. 96-139, including providing a mechanism or process to assure that Take Authorization for Covered Species is granted for ongoing agricultural operations, allowing for Safe Harbor Concepts, and assurances with respect to Agriculture and Preserve Compatibility for ongoing agricultural operations occurring adjacent to the MSCP

Preserve. Staff is to provide more information on the legality and feasibility of the deferred mitigation concept proposed by the Farm Bureau.

5. Retain proposed encroachment limits for Tier IV habitats in the preserve.
6. For any situation where a landowner or developer voluntarily amends, modifies or redesigns a previously approved project (where all final discretionary approvals have been granted by the City) and the modification is at the request of the City to further the implementation of the MSCP, the City shall bear the cost of the redesign and City staff shall utilize a substantial conformance review process to approve such changes, to the maximum extent allowable by law.
7. City staff is directed to continue to work on the brush management issue with particular sensitivity to accommodating rural roads that may be narrower than street design manual standards.
8. Off-road vehicle use should be located outside of the MSCP Preserve.
9. Staff is directed to work with the Off-Road Vehicle Coalition to identify possible appropriate locations for development of a regional park for off-road vehicle activity, including such issues as potential costs, community impacts, liability, and coordination with state, federal, and county agencies.
10. Staff is directed to bring to City Council Committee a clarification of the City's wetland regulation process as it will relate to other regulatory agencies.
11. Staff is directed to include the pending development projects for Subarea IV and Subarea V of the North City Future Urbanizing Area on the list of pipeline projects which will be submitted to the Wildlife Agencies as part of the MSCP permit application and Implementing

Agreement so that those projects will be recognized and deemed to be in conformance with the MSCP.

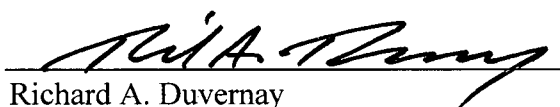
12. It shall be expressly noted for the record that any reflection of boundaries of the proposed MSCP Preserve in any documents shall not be construed or interpreted by anyone as an expression of direction or predisposition by the City Council with respect to the pending application for the Carmel Valley Neighborhood 8A Precise Plan.

13. Staff is directed to ensure that adequate measures of protection are included in the MSCP Program for narrow endemic species which are outside of the MSCP Preserve boundaries but within the jurisdiction of the City.

14. Staff is directed to review and evaluate the potential exclusion of a portion of the 131 acre Egger/Ghio property, specifically those areas which are of low biological value from the MSCP Preserve while still maintaining a functional linkage corridor. The MSCP is to reflect whatever is adopted in the update of the proposed Otay Nestor Community Plan for this site and other adjacent affected properties.

14. The City Council authorizes the Mayor to correct any minor inconsistencies within the Council approved MSCP Policy Positions in Attachment 1 of Manager's Report No. 96-139.

APPROVED: JOHN W. WITT, City Attorney

By 
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Deputy City Attorney

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Or.Dept:Mgr.
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