

RESOLUTION NUMBER R- 302677DATE OF FINAL PASSAGE JUN 04 2007

WHEREAS, the City of San Diego, Engineering and Capital Project Department, Owner/ Permittee, filed an application with the City of San Diego for a site development permit to construct approximately 145 linear feet of a 12-inch diameter sewer line and 1,315 linear feet of an 18-inch diameter sewer line within the public right-of-way and in City of San Diego-owned open space and abandonment of approximately 5,700 linear feet of 12-inch and 15-inch sewer line and associated manholes for the project known as the Penasquitos Views Trunk Sewer project, located within La Tortola Street, Black Mountain Road, Ridgewood Park, and Los Penasquitos Canyon Preserve, and legally described as Sections 31 and 32, Township 14 South, Range 3 West, San Bernardino Meridian; Lots 170 and 171 of Penasquitos Views West Unit No. 1, Map No. 9828 and Lot 992 of Penasquitos Park View Estates, Unit 4, Map No. 10044, in the Rancho Penasquitos Community Plan area, in the AR-1-1 zone; and

WHEREAS, on April 5, 2007, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 10859, and pursuant to Resolution No. 4244-PC voted to recommend City Council approval of the Permit; and

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

WHEREAS, the matter was set for public hearing on JUN 04 2007, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 10859:

A. SITE DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0504

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The proposed project area is located within the Rancho Penasquitos Community Plan area and is designated for open space, park and single-family residential. The proposed project is a utility improvement identified in the City's Capital Improvement Program that will support existing and future growth within the community planning area. Implementation of the proposed project will not alter or constrain planned land uses in the area. Therefore, the proposed development will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project will replace an existing sewer and reduce the amount of sewer line in the project area. The City has analyzed the capacity of the existing Penasquitos Views Trunk Sewer and has concluded that the capacity of this sewer will be inadequate by the Year 2005. This is based on trunk sewer modeling and flow monitoring conducted for the existing trunk sewer, which has indicated that the existing Penasquitos Views Trunk Sewer is classified as "critical." The proposed project will increase the capacity of the sewer trunk to accommodate the future modeling capacity flows and will eliminate the amount of sewer trunk mains located within City owned open space. Therefore, the proposed sewer abandonment and replacement will not be detrimental to the public health, safety, or welfare.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The following is a summary of proposed improvements for the project:

- Construct 1,315 feet of new 18-inch PVC sewer
- Construct 145 feet of new 12-inch PVC sewer
- Abandon 5640 feet of existing 15-inch VC sewer
- Abandon 60 feet of existing 12-inch VC sewer
- Abandon 18 manholes, of which 17 are located within Open Space.

The proposed project would increase the capacity of the sewer trunk to accommodate the future modeling capacity flows and eliminate the amount of sewer trunk mains located within City owned open space.

The project involves environmental constraints, which include the presence of environmentally sensitive upland habitat, and wetland habitat associated with crossing of the Los Penasquitos Creek. As such, the proposed project could have a significant environmental effect upon biological resources and water quality. However, the project has been designed to avoid and minimize potential impacts to environmentally sensitive lands to the maximum extent practicable. The Site Development Permit prepared for this project includes various conditions and exhibits of approval relevant to achieving compliance with the regulations of the Land Development Code in effect for the project site.

2. Supplemental Findings – Environmentally Sensitive Lands

a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The pipeline and associated manholes to be abandoned would be accessed via an existing parallel dirt road approximately 12 feet in width. Abandonment of manholes would occur within a maximum 20-foot radius (of each manhole) and would involve the removal of the manhole cone, filling the opening with sand and then grounding the lid to the remaining manhole and these areas would be revegetated with native vegetation. Where manhole abandonment would occur within the existing hiking trail areas, the project would be revegetated with low-growing seed mix. The proposed new sewer line would follow an alignment proceeding southwest along La Tortola Street onto an existing dirt road. From this road, the pipeline would veer southwest for approximately 375 liner feet and then turn southwestward again, crossing Los Penasquitos Creek. The dam and pump water method would be implemented for constructing that portion of the alignment that crosses Los Penasquitos Creek. The dam would divert the flow of water for a maximum length of 35 feet. A filtered intake hose would be placed immediately upstream of the dam and would be connected to a pump located at the bank of the creek. Water from the creek would reach the pump via the intake hose and be conveyed within a discharge line along the bank of the creek. The discharge line would be located on the creek bed no more than 35 feet downstream from the dam, at which point the water would be allowed to flow back into the creek.

During construction of the new sewer line, a 25-foot wide temporary construction corridor would be required and upon completion of the project, the corridor would be revegetated and reduced to an 8-foot-wide permanent access path to the proposed pipeline. Construction methods for the sewer pipe replacement include cut and cover and tunneling. Construction equipment required for the project includes a track hoe, front-end loader, dump trucks, and flat-bed delivery trucks. Staging areas for the project have been proposed in the eastern portion of the project site and outside of sensitive habitat areas. Any staging areas that would be located within the Los Penasquitos Canyon Preserve would require prior approval and coordination with staff from Park and Recreation Department Open Space Division. For those portions of the alignment in the public streets, the road would be restored to original conditions after construction.

The wetlands associated with Los Peñasquitos Creek are confined between the existing channel banks. Human uses, e.g. an existing footpath along the southern bank of the creek, and the Arizona crossing constructed by the San Diego County Water Authority occur within 100 feet of the Los Peñasquitos Creek wetlands, as such, the existing wetland buffer in the project area is minimal. The proposed project would result in a temporary impact to wetland habitats during construction and would provide a permanent access route up to the edge of the creek. Therefore, the site is physically suitable for the proposed realignment and the development will result in minimum disturbance to environmentally sensitive lands.

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed project is located in a canyon area with steep slopes. However, the project will require minimal alteration to the existing topography as the majority of project construction will involve trenching and replacement of topsoil over the alignment and disturbed areas will be revegetated.

The potential geologic hazards are considered to be insignificant. The nearest major fault is the Rose Canyon fault zone which is located approximately 10 miles away. Ground shaking from a possible earthquake at Rose Canyon would be the only hazard to the pipe. Soil liquefaction and landslides are considered to be a very low possibility which minimizes the geological hazards to ground shaking from an earthquake.

The Los Peñasquitos Creek will have surface water throughout the majority of the year. The soil cover over the proposed alignment at the creek crossing is approximately 2.5 feet. The geological formation in this area appears to be made up of a rock formation. The sewer pipeline will be concrete encased to eliminate the possibility of erosion or scour over and around the pipeline.

Construction within the creek area will be attempted to be conducted during the dry season, as allowed by the environmental constraints. Also, the construction area for this project would receive erosion/sediment control treatment where needed. Erosion control measures, including, but not limited to, stabilized construction entrance/exit. Following restoration of the creek pursuant to the restoration plan, appropriate sediment and erosion control measures would be installed. Based upon project design and engineering, the proposed realignment and abandonment 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.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed sewer alignment is the least environmentally damaging practicable alternative. According to the Final Pre-Design Report (Rick Engineering, July 9, 2002), the original planning study for the sewer had shown a tunneling design for crossing the creek and connecting into the existing Peñasquitos Trunk Sewer at 40 feet deep. The actual depth of the existing manhole is only 19 feet deep. At this location, the micro-tunneling design would require the excavation of a receiving pit and jacking pit, which would equal half of the total trenching length. There would also be additional environmental disturbances at the center of the creek for protecting the pipe from the possibility of scouring. Therefore, the costs to micro-tunnel in addition to the mitigation cost would be

much greater than the environmental mitigation cost that is required for open trenching of the sewer at this location. Due to the reduced depth of both the existing manhole and the cover in the creek, an open trench design will be the most cost effective approach to construction of the project. Jacking would require the excavation of a receiving and jacking pit, which would equal half of the total trenching length.

Another creek crossing option was also analyzed that would allow for a longer crossing length. This alignment would have been a more viable option for micro-tunneling, but was immediately disregarded due to an alignment conflict with three large San Diego County Water Authority pipelines.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The majority of the project alignment is located within the boundaries of the City of San Diego Multi-Habitat Planning Area [MHPA]. All impacts to sensitive habitats resulting from the proposed project would occur within the boundaries of the MHPA. The northeastern portion of the project site occurs outside of the MHPA.

Because both impacts and mitigation would occur inside of the MHPA, mitigation is offered at a 1:1 ratio for Diegan coastal sage scrub, disturbed Diegan coastal sage scrub, and non-native grassland; mitigation is offered at a 2:1 ratio for southern willow scrub. Mitigation would be accomplished through restoration of impacted areas and creation of habitat on-site.

The proposed project will comply with the Environmentally Sensitive Lands [ESL] regulations applicable to the proposed project including the following:

- (1) *Clearing, grubbing and grading activities may be restricted between March 1 and September 15 in areas where development may impact sensitive coastal California gnatcatcher, southwestern willow flycatcher, and/or least Bell's vireo.*

Two pairs of coastal California gnatcatchers were detected on-site, inside of the MHPA, during focused surveys. Focused surveys for least Bell's vireo and southwestern willow flycatcher will also be required prior to project completion. Therefore, access and pipeline rehabilitation will be restricted to avoid the gnatcatcher's breeding season (approximately March 1 to August 15).

- (2) *Development within the MHPA must be limited to the least sensitive portion of any particular site.*

To the extent practicable, construction activities are restricted to the least sensitive areas. The proposed alignment has been determined to result in the least amount of impact. However, due to the sensitive location, impacts to sensitive habitats would result from construction of the proposed pipeline. These impacts would be mitigated accordingly as described previously.

- (3) *A wetland buffer must be maintained around all wetlands to protect the functions and values of the wetland.*

The wetlands associated with Los Peñasquitos Creek are confined between the well-defined channel banks. Human uses, e.g. an existing footpath along the southern bank of the creek, and the Arizona crossing constructed by the San Diego County Water Authority occur within 100 feet of the Los Peñasquitos Creek wetlands. Therefore, the existing wetland buffer in the project area is minimal. The provision of a wetland buffer along the proposed pipeline alignment is constrained by the linear nature of wetland habitat on-site and the need for access for potential repairs. The proposed project would result in a temporary impact to wetland habitats during construction and would provide a permanent access route up to the edge of the creek thereby making the creation of a wetland buffer infeasible. Although a requirement of the City of San Diego, a wetland buffer cannot be accommodated for this project without filling existing wetlands to create upland that could then serve as a buffer.

The proposed project is considered an essential public facility. Therefore, provided that access and rehabilitation activities conform to the guidelines of Section 1.4 of the City's subarea plan, the proposed project is considered a land use compatible with the biological objectives of the MSCP. The following land use considerations also apply to the proposed project:

- (4) *All proposed utility lines (e.g., sewer, water, etc.) should be designed to avoid or minimize intrusion into the MHPA. These facilities should be routed through developed or developing areas rather than the MHPA, where practicable. If no other routing is feasible, then the lines should follow previously existing roads, easements, right-of-ways, and disturbed areas, minimizing habitat fragmentation.*

The project would reduce the number of sewer mains located within or crossing the MHPA. The proposed sewer main would avoid sensitive habitats to the extent practicable. Mitigation in the form of restoration and creation would be provided for impacts to sensitive habitats resulting from the proposed project.

- (5) *All new development for utilities and facilities within or crossing the MHPA shall be planned, designed, located and constructed to minimize environmental impacts. All such activities must avoid disturbing the habitat of MSCP covered species, and wetlands. If avoidance is infeasible, mitigation will be required.*

Mitigation in the form of restoration and creation of habitat would be provided for any impacts to habitat of MSCP covered species and wetlands resulting from the proposed project.

- (6) *Temporary construction areas and roads, staging areas, or permanent access roads must not disturb existing habitat unless determined to be avoidable. If temporary habitat disturbance is unavoidable, then restoration of, and/or mitigation for, the disturbed area after project completion will be required.*

Temporary habitat disturbance is unavoidable; however, impacts have been minimized to the extent practicable. Existing dirt roads would be used to access manholes proposed for abandonment. Equipment would be staged in the previously disturbed access road that crosses the site north to south.

- (7) *Construction and maintenance activities in wildlife corridors must avoid significant disruption of corridor usage. Training of construction crews and field workers must be conducted.*

The project area is in a subarea that includes a core linkage and open space within the Rancho Peñasquitos community. This area includes core habitat in the Miramar-Poway areas as well as linkages that extend from Los Peñasquitos Canyon Preserve to the east. Proposed project activities would be conducted during daylight hours and would not significantly affect use of the canyon as a wildlife corridor. Training of construction crews and field workers by a qualified biologist would be provided in order to avoid unnecessary impacts to biological resources in the area.

In addition, the northeast portion of the project site is outside of, but adjacent to, the MHPA. A portion of sewer pipeline in this area has been proposed for abandonment. Activities associated with abandonment would require a maximum radius of 20 feet around existing manholes and would involve the removal of the manhole cone and grouting of remaining manhole. The following land use adjacency guidelines apply to this portion of the project site:

Lighting of all developed areas adjacent to the MHPA should be directed away from the MHPA. Where necessary, development should 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.

The abandonment of an existing water main would be conducted during daylight hours and would not require the use of artificial lighting.

- (8) *Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should 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 or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.*

The southeast portion that is outside of the MHPA is adjacent to areas of Diegan coastal sage scrub and southern willow scrub that occur inside of the MHPA. Diegan coastal sage scrub in this area is known to have supported coastal California gnatcatcher during the last breeding season. Should construction activities occur within the breeding season for this species, significant sound reduction measures would be required. Based on focused surveys conducted for least Bell's vireo and southwestern willow flycatcher, similar measures may be taken for southern willow scrub habitat.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed project is located over ten miles east from the nearest beach shoreline area and will not contribute to the erosion of public beaches or impact local shoreline sand supply.

f. 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 is offered at a 1:1 ratio for Diegan coastal sage scrub, disturbed Diegan coastal sage scrub, and non-native grassland; mitigation is offered at a 2:1 ratio for southern willow scrub. Mitigation would be accomplished through restoration of impacted areas and creation of habitat on-site. The nature and extent of the mitigation required as conditions of the permit are reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

3. Supplemental Findings – Environmentally Sensitive Lands Deviations

a. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands. The proposed sewer alignment is the least environmentally damaging practicable alternative. Mitigation measures are proposed to reduce both the direct and indirect impacts to a level less than significant.

b. 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

proposed project is identified in the City's Capital Improvement Program. Project routing alternatives are extremely limited due to numerous engineering and environmental constraints. The alignment is also restricted due to the fact that the project is the replacement of an existing trunk sewer that is needed to serve a specific sewer drainage area. The project would result in a reduction in the overall amount of sewer pipeline in the area.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 10859 is granted to the City of San Diego, Engineering and Capital Project Department, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Roopal Shah
Deputy City Attorney

RS:pev

05/21/07

Or.Dept:DSD

R-2007-1146

MMS #4867

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 177161

SITE DEVELOPMENT PERMIT NO. 10859
PENASQUITOS VIEW TRUNK SEWER [MMRP] PROJECT NO. 6624
CITY COUNCIL

This Site Development Permit is granted by the City Council of the City of San Diego to the City of San Diego, Engineering and Capital Project Department, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The site is located within La Tortola Street, Black Mountain Road, Ridgewood Park, and Los Penasquitos Canyon Preserve in the AR-1-1 zone of the Rancho Penasquitos Community Plan area. The project site is legally described as Sections 31 and 32, Township 14 South, Range 3 West, and San Bernardino Meridian; Lots 170 and 171 of Penasquitos Views West Unit No. 1, Map No. 9828 and Lot 992 of Penasquitos Park Views Estates, Unit 4, Map No. 10044.

Subject to the terms and conditions set forth in this Permit, permission is granted to the City of San Diego, Engineering and Capital Project Department, Owner/Permittee for the construction of approximately 145 linear feet of a 12-inch diameter sewer line and 1,315 linear feet of an 18-inch diameter sewer line within the public right-of-way and in City of San Diego-owned open space and abandonment of approximately 5,700 linear feet of 12-inch and 15-inch sewer line and associated manholes, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated JUN 04 2007, on file in the Development Services Department.

The project or facility shall include:

- a. Construction of approximately 145 linear feet of a 12-inch diameter sewer line and 1,315 linear feet of an 18-inch sewer line;
- b. Abandonment of approximately 5,700 linear feet of 12-inch and 15-inch sewer lines;
- c. Landscaping (planting, irrigation and landscape related improvements);
and

- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this Permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Prior to recordation of this Permit with the County Recorder, a fee shall be deposited with the City Manager for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of site grading at a rate of \$0.005 per square foot for all areas graded, with an additional rate of \$0.03 per square foot for all impervious surfaces created by the development. The enhancement fee shall be computed by the Owner/Permittee and verified by the City Manager.
4. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made 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 have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

12. The mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 6624 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 6624 satisfactory to the City Manager and City Engineer. Prior to issuance of the "Notice to Proceed" with construction, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer.

14. Prior to the issuance of the first grading permit, all conditions of the MMRP shall be adhered to to the satisfaction of the City Manager and the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the

following issue areas: Biological Resources, Land use/Multiple Species Conservation Program [MSCP], Historical Resources and Paleontological Resources.

LANDSCAPE REQUIREMENTS:

15. Prior to issuance of any construction permits for grading, landscape construction documents for the revegetation and hydro-seeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A."

16. Construction Documents for grading shall include the following note: "Installation of landscaping associated with these construction documents shall require a minimum short-term establishment period of 120 days for all native/naturalized slope restoration and a minimum long-term establishment/maintenance period of 25 months." Final approval of the required landscaping shall be to the satisfaction of the Mitigation Monitoring Coordination section of the Development Services Department.

17. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual: Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Establishment and Maintenance Agreement shall be submitted for review by a Landscape Planner in the Development Services Department.

18. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Final Landscape Inspection.

19. The Owner/Permittee 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.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on JUN 04 2007,
by Resolution No. R- 302677.

AUTHENTICATED BY THE CITY MANAGER

By _____

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

City of San Diego, Engineering and Capital
Projects Department
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

PERMIT/OTHER – Permit Shell 11-01-04