

RESOLUTION NUMBER R- 310343

DATE OF FINAL PASSAGE APR 05 2016

ITEM # 335  
SUB-B  
4/5/16

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO GRANTING SITE DEVELOPMENT PERMIT NO.  
1078361 FOR HUNTINGTON AVENUE STORM DRAIN –  
PROJECT NO. 302219.

WHEREAS, the City of San Diego Public Works Department, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit for the replacement of approximately 300 linear feet of storm drain within an easement in a canyon adjacent to the intersection of Huntington Avenue and Wilbee Court. An existing 24-inch corrugated metal pipe (CMP) will be removed and replaced with approximately 300 linear feet (LF) of 24-inch reinforced concrete pipe (RCP). The existing storm drain will be replaced within the same alignment, which would require excavation of a 3-foot wide trench at depths of 3 to 7 feet. In addition, the project will repair a sinkhole that has developed at the top of the slope into Ruffin Canyon behind 9102 Huntington Avenue. A new energy dissipater, measuring 7 feet by 9 feet and headwall would also be installed with additional clean outs at the point of connection behind the property and downstream of the storm drain line. All upgrades, repairs and required excavation would be located within the same alignment and existing 12-foot wide easement alignment that is shared with the sewer main system in the area with the sinkhole. Revegetation and restoration will be completed after construction; and

WHEREAS, the project is known as the Huntington Avenue Storm Drain project, located within a City owned Parcel No. 429-011-10 within unsectioned lands, Township 16 South, Range 2 West, of the San Bernardino Base Meridian, and within a city owned easement in Ruffin Canyon adjacent to the intersection Huntington Avenue and Wilbee Court, in the Serra Mesa

Community Planning area in the RS-1-7 and RS-1-4 (Single Family Residential) zones and the OC-1-1 zone (Open Space Conservation); 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 April 5, 2016, 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. 1078361:

**SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)**  
**SECTION 126.0504**

**(a) Findings for all Site Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.** This project is a Capital Improvement Program project designed to properly channelize storm-water runoff en-route to a natural body of water away from the streets, slopes and private property. Storm water systems are essential public services that are allowed in the land use designation for the site (RS 1-4, RS 1-7, and OC-1-1 zones). The Serra Mesa Community Plan recommends that drainage systems should be compatible with open space objectives. The protection of slopes and channeling of water to an appropriate route makes this project consistent with the open space objectives and actions listed outlined within the community plan.

The project is also consistent with the policies of Section G (Storm Water Infrastructure) of the City's General Plan by providing and maintaining a storm water conveyance system structure that is compliant with the federal Clean Water Act and the California Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) Permit standards. Therefore, the project will not adversely affect any applicable land use plans.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The project is to replace an existing storm drain that is failing and to repair a

sinkhole that has formed downhill from the property below the 9102 Huntington Avenue residence. The existing storm drain pipe collects runoff from Huntington Avenue and discharges into the Ruffin Canyon. Storm water flow has breached the storm drain pipe and threatens to erode the hillside.

This Storm water infrastructure facility is designed to divert rainwater runoff from paved street surfaces to a designated area. These types of structures are intended to protect the built environment from unplanned flooding and water damage which can cause a negative impact on the public's health, safety, and welfare. The replacement of this structure would address the issues of the aging infrastructure, as well as repair a sinkhole by filling it in and repairing the slope before further damage occurs. Appropriate best management practices (BMP's) will be utilized to further protect areas adjacent to the work area from further damage and threat to life and property. Therefore, this project will not have a detrimental impact to the public health, safety, and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** The new storm drain system will be installed within a 12-foot wide easement between 9102 Huntington Avenue and 2860 Wilbee Court, running west from the street, along the easement, down into the Ruffin Canyon. The project complies with the applicable regulations of the Land Development Code (LDC), however due to the nature and location of this essential public project, wetland impacts are unavoidable and requires a deviation pursuant to the guidelines that govern impacts to wetlands. The Huntington Avenue Storm Drain will comply with all mitigation in the Mitigated Negative Declaration (MND) prepared for this project, and all impacted vegetation will be replaced pursuant to the associated revegetation/erosion control plan which was prepared specifically for this project in accordance with the City's Land Development Manual and Landscape Standards. Therefore, the project will comply with the regulations of the LDC, including any allowable deviations.

**(b) Supplemental Findings--Environmentally Sensitive Lands**

**1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The project is to replace an existing storm drain and repair a slope which has developed a sinkhole due to runoff. The existing storm drain outfalls into the Ruffin Canyon, taking advantage of gravity to convey water down and away from the street and residences and into the canyon. The project will continue to drain the storm water into the canyon in the same manner and will also extend a portion of the underground alignment further down the slope and into the MHPA so the flow can daylight at the bottom of the canyon, in order to minimize the risk of future erosion. The alignment will continue to prevent flooding on Huntington Avenue.

The new pipeline was designed to minimize the amount of impact to Environmentally Sensitive Land (ESL), by 1) accessing the site from the top of the slope through an urbanized area, 2) confining the project to the 12-foot-wide easement, and 3) limiting the staging area to the paved public right-of-way. While any amount of impact to Diegan Coastal Sage Scrub habitat (DCSS), Southern willow scrub (SWS) (wetland), and non-native riparian (NNR) habitats trigger a site development permit, the project impacts to these three habitats will be kept to 0.08 acres (both inside and outside of the Multiple Habitat Planning Area (MHPA)).

While the project will require the excavation of a new trench that will extend into DCSS, SWS, and NNR, storm water BMP's will be used during and after construction to prevent erosion of soils, thereby minimizing the amount of sediment that could be carried into adjacent ESL by rainwater.

The project will also revegetate the areas impacted by construction to protect the slope after construction by holding soils down and thereby preventing the future erosion of soils that could otherwise flow into adjacent ESL.

Further, in the event that construction for the project occurs during the avian breeding season (which runs from February 1 through September 15), an avoidance program will be implemented at the direction of a qualified biologist to maintain noise levels to acceptable levels to minimize the disturbance of any nearby avian breeding.

Therefore, the site is suitable for a storm drain pipeline; and, given the 0.08 acre impact to sensitive habitats, and the project avoidance measures, the project will result in a minimum amount of disturbance to ESL.

**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.** Construction of the project will require digging a trench down a slope to install the new storm drain pipeline; but the project will use storm water BMP's as recommended in a Water Pollution Control plan, the trench will be filled back in, and the disturbed soils will be revegetated upon the completion of construction.

These measures will ensure that the natural slope is maintained during the project construction and revegetation processes will protect the slope from future erosion. The new alignment will install an energy dissipater and rip rap to slow down the potentially erosive power of water at the outfall.

The project avoids undue geologic risk by commissioning a geotechnical report and incorporating the results into the design plans. The project will not result in undue risk from flood hazards because the storm drain will convey water away from the impervious street surfaces and channel it into a controlled structure to avoid potential flood hazards. This storm drain will not present a fire hazard as it will be constructed of non-combustible materials, it will be almost entirely buried underground, and it will convey water. The revegetation will not alter any brush management zones around any inhabitable structures, so the project will not affect the area's fire hazard level.

Given these project features and avoidance measures, this 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.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The project will replace an existing storm drain pipeline in the same alignment and further extend it, to the bottom of the canyon. The

storm pipeline outfalls into Ruffin Canyon and the proposed replacement will continue to drain into the same canyon

The new storm drain must be extended to the bottom of the canyon, which will require the removal of environmentally sensitive habitat. The new pipeline was designed to minimize the amount of impact to ESL by: 1) accessing the site from the top of the slope, 2) confining the construction to the 12-foot wide easement, and 3) limiting the staging area to the paved public right-of-way. While any amount of impact to ESL can trigger a site development permit, the project impacts to ESL (DCSS, NNR, and SWS) is 0.08 acres, which is below the City 0.1 acre threshold of significance to the California Environmental Quality Act (CEQA), thus the impact is categorized as less than significant for the purpose of CEQA analysis.

While the project will require the excavation of a new trench that will extend into DCSS, NNR, and SWS, storm water BMP's will be used during and after construction to prevent erosion of soils, thereby minimizing the amount of sediment that could be carried into adjacent ESL by rainwater. The project will also revegetate the disturbed areas impacted by the repair and construction. The revegetation will protect the slope after construction by holding soils down and thereby preventing the future erosion of soils that could otherwise flow into adjacent ESL.

Further, in the event that construction for the project occurs during the general avian breeding season (which runs from February 1 through September 15), an avoidance program will be implemented at the direction of a qualified biologist to maintain noise levels at acceptable levels to minimize the disturbance of any nearby avian breeding. Species-specific avoidance measures will also be implemented to protect sensitive species, and their breeding habitat, during their respective breeding seasons: Cooper's hawk (February 1 through September 15), least Bell's vireo (from March 15 through September 15), California coastal gnatcatcher (if detected in the MHPA) (March 1 through August 15).

Therefore, the proposed project will be sited and designed to prevent adverse impacts on any adjacent ESL.

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The project is to replace an existing storm drain that is failing and to repair a sinkhole that has formed downhill from the property below the 9102 Huntington Avenue residence. The existing storm drain pipe collects runoff from Huntington Avenue and discharges into the Ruffin Canyon. As specified in section 1.4.1 of the MSCP Subarea Plan, existing utility lines (e.g. storm drain lines), are considered a compatible use within the MHPA. The City requires that utilities within the MHPA comply with the Subarea Plan MHPA Design Guidelines for Roads and Utilities. The following is a list of the guidelines in italics, with each followed by the explanation of how the project complies with that guideline.

*a) 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 possible. If no other routing is feasible, then the lines should follow previously existing roads, easements, rights-of-way and disturbed areas, minimizing habitat fragmentation.*

There was no feasible way to reroute this storm drain because the street was graded to drain to this existing storm drain inlet. The alignment goes through the existing easement, but needs to extend its underground alignment further down the slope and into the MHPA so the flow can daylight at the bottom of the canyon, in order to minimize the risk of future erosion caused by storm water draining down over the surface of the slope.

*b) 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.*

The project was designed to minimize environmental impacts in the MHPA. While the project will include 0.07 acres of impact to sensitive habitat inside the MHPA, this impact was unavoidable because it would be unfeasible to avoid this location. The storm drain needs to be extended to the bottom of the canyon and into wetland habitats, to minimize erosion of the side of the hill, to maximize the safety of the property as the top of the slope.

*c) Temporary construction areas and roads, staging areas, or permanent access roads must not disturb existing habitat unless determined to be unavoidable. All such activities must occur on existing agricultural lands or in other disturbed areas rather than in habitat. If temporary habitat disturbance is unavoidable, then restoration of, and/or mitigation for, the disturbed area after project completion will be required.*

The construction area will be minimized to the 12 foot wide construction easement, which is required to install the 7 x 9 feet energy dissipater and to excavate the trench to the required three foot width and the seven foot depth. The project will restore the habitat by implementing its revegetation plan. The construction staging area will be in the paved public right-of-way.

Since the total impact to habitat is less than the CEQA threshold, the project will not provide additional habitat as mitigation.

*d) Construction and maintenance activities in wildlife corridors must avoid significant disruption of corridor usage. Environmental documents and mitigation monitoring and reporting programs covering such development must clearly specify how this will be achieved, and construction plans must contain all the pertinent information and be readily available to crews in the field. Training of construction crews and field workers must be conducted to ensure that all conditions are met. A responsible party must be specified.*

Pursuant to the biological report, due to the relatively small scale, location and timing (i.e. daylight hours) of the proposed project impacts, the project is not expected to significantly impact a wildlife corridor or alter the local movement of wildlife, and thus would not be considered significant under CEQA.

Additionally, the project biologist will oversee training of construction crews and field workers so that they are aware of the importance of keeping the project within the fenced

construction boundaries. Therefore, construction and maintenance will avoid significant disruption to wildlife corridor usage.

*e) Roads in the MHPA will be limited to those identified in Community Plan Circulation Elements, collector streets essential for area circulation, and necessary maintenance/emergency access roads. Local streets should not cross the MHPA except where needed to access isolated development areas.*

The project is to replace an existing storm drain structure and will not create any roads.

*f) Development of roads in canyon bottoms should be avoided whenever feasible. If an alternative location outside the MHPA is not feasible, then the road must be designed to cross the shortest length possible of the MHPA in order to minimize impacts and fragmentation of sensitive species and habitat. If roads cross the MHPA, they should provide for fully-functional wildlife movement capability. Bridges are the preferred method of providing for movement, although culverts in selected locations may be acceptable. Fencing, grading and plant cover should be provided where needed to protect and shield animals, and guide them away from roads to appropriate crossings.*

The project is to replace an existing storm drain structure and will not create any roads. Access for the project will be taken from the top of the slope.

*g) Where possible, roads within the MHPA should be narrowed from existing design standards to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. Roads must be located in lower quality habitat or disturbed areas to the extent possible.*

The project is to replace an existing storm drain structure and will not create any roads.

*h) For the most part, existing roads and utility lines are considered a compatible use within the MHPA and therefore will be maintained. Exceptions may occur where underutilized or duplicative road systems are determined not to be necessary as identified in the Framework Management Section 1.5.*

The project is to replace an existing storm drain structure and will not create any roads. Since this project is consistent with City MSCP Subarea Plan including the Design Guidelines for Road and Utilities, it is consistent with the City of San Diego's 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 located approximately 4.4 miles from the nearest beach and sand shoreline. The project includes both revegetation and erosion control plans to address any potential erosional impacts, and will prevent further erosion from a currently eroding slope. Therefore, the project does not contribute to the erosion of public beaches or 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.** The project is to replace an existing storm drain that is failing and to repair a

sinkhole that has formed downhill from the property below the 9102 Huntington Avenue residence. The existing storm drain pipe collects runoff from Huntington Avenue and discharges into the Ruffin Canyon. Construction could result in impacts to biological resources, and avian and raptor species, so to mitigate these impacts, the project will implement the following measures:

The proposed project would result in direct impacts to southern non-native riparian and willow scrub wetland habitats, Diegan coastal sage scrub (Tier II upland habitat), and urban developed (Tier IV upland habitat). The proposed project would impact less than 0.01-acre (0.009-acre) of wetland habitat. Based on the City's Significance Determination Guidelines under CEQA, impacts totaling less than 0.01 acre to wetland habitats and less than 0.1 acre of Tiers I-III B habitats habitat and would not be considered significant under CEQA and thus would not require mitigation. In addition, the proposed project would impact less than 0.1-acre (0.08-acre) of upland Tier II habitat consisting of Diegan coastal sage scrub habitat. Based on the City of San Diego CEQA Significance Determination Thresholds, revised version (2011), impacts total less than 0.1-acre to Tiers I-III B, upland habitats would not be considered significant under CEQA and thus would not require mitigation

The project includes excavation, but any disturbed soil that is not covered by a new energy dissipater and riprap will be revegetated in accordance with the City's Biology Guidelines and Landscape Regulations. Habitat restoration will feature native species that are typical of the area, and erosion control features will include storm water BMP's such as silt fence and straw fiber rolls.

Clearing of vegetation during breeding season could impact the breeding of nesting birds. If construction cannot avoid the general avian and raptor breeding season (February 1 to September 15), a preconstruction survey for active raptor and migratory bird nests protected under the federal Migratory Bird Treaty Act (MBTA) and/or California Department of Fish and Wildlife (CDFW) Code will be conducted within approximately 48 hours prior to the start of construction. If an active bird nest is found, then all construction activities undertaken for the project will comply with the regulatory requirements of the federal MBTA and CDFW Codes Sections 3503 and 3513.

Construction will remove vegetation that could be breeding habitat for the Coastal California gnatcatcher, the least Bell's Vireo, and Cooper's hawk. If the project cannot avoid the gnatcatcher breeding season (March 1 to August 15), no construction activities will occur within any portion of the site where construction activities would result in noise levels exceeding 60dB(A) hourly average at the edge of occupied habitat in the MHPA. If construction cannot avoid the least Bell's vireo breeding season (March 15 to September 15), then protocol surveys for the federally and state listed endangered least Bell's vireo in accordance with the current Carlsbad Fish and Wildlife Office "Least Bell's Vireo Survey Guidelines." A total of eight surveys would be conducted for the vireo, at least 10 days apart between April 10 and July 31. If vireo are found to be present then only proposed work located outside of vireo occupied habitat (i.e., SWS) can be conducted during the breeding season with a requirement to reduce noise levels from exceeding an hourly average of 60dBA or ambient at the edge of occupied habitat onsite. If construction cannot avoid the raptor breeding season (including Cooper's hawk), then a preconstruction survey for Cooper's hawk nests should be conducted to determine the exact



location of a Cooper's hawk nesting site. If a Cooper's hawk nesting site is identified within the study area, then a 300-foot avoidance area from the Cooper's hawk nest site should be established and monitored by a qualified biologist to ensure normal Cooper's hawk nest chronology for the subject nest site throughout the project construction activity period.

Construction on this hillside could result in runoff that would drain down the hillside into sensitive biological habitat, but the project will provide a water pollution control plan to control the runoff. This plan would include requirements for site design, source control storm water best management practices (BMP's), and treatment control BMP's.

All foreseeable impacts have been addressed, 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) Supplemental Findings--Environmentally Sensitive Lands Deviations**

**1. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.** The project is to replace an existing storm drain that is failing and to repair a sinkhole that has formed downhill from the property below the 9102 Huntington Avenue residence. The existing storm drain pipe collects runoff from Huntington Avenue and discharges into the Ruffin Canyon. As identified by the March 5, 2015 *Biological General Survey Letter Report; Huntington Avenue Storm Drain Project*, the project poses potentially adverse effects to: sensitive habitat, wetlands, sensitive species, and general avian nesting birds. It also poses potentially adverse effects to MHPA habitat adjacent to the project.

These measures were prescribed by the biological report which analyzed the potential project impacts. They also comply with federal law, California state law, and the City of San Diego Municipal Code, which assures that all of the environmental issues have been addressed. Through implementing the measures outlined above, in B.6., the project will counter these potential adverse impacts to the maximum degree feasible.

The project is considered an Essential Public Project (EPP) pursuant to Land Development Code Section 143.0150(d)(1)(A) and (B)(ii), and it would repair an eroding hillside that threatens the property on top of the slope, so a "no-project" option is not a feasible outcome. Therefore, no feasible alternative exists that would avoid impacts to ESL.

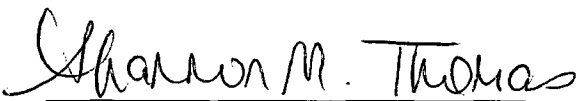
**2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.** The project proposes a deviation from the City of San Diego ESL Regulations to permanently impact 0.009 acres of wetland habitat, and 0.003 acres of non-wetland waters of the United States, to deliver a storm drain design that improves upon the existing Huntington Avenue storm drain. The existing storm drain pipe collects storm water from adjacent areas and streets near this project site, and delivers a concentrated flow of water to the current outfall, which is a single point part way down the side of the hill, and this has eroded the hillside after decades of operation. This is a result of the natural forces of weather, and it is not of the City of San Diego's making. Since the new storm drain pipe will convey water from the same drainage area, a concentrated flow such as that which has eroded the hillside and threatened personal property will still occur inside the new pipe; and, if the new outfall were installed on the side of the hill, the concentrated flow would

still flow across surface soil for the rest of the way down the slope from the outfall, leading to the same sort of erosion that has been occurring on the hillside. Therefore, the outfall needs to be relocated further down the canyon slope. Building the new storm drain so that it extends all the way to the bottom of the canyon is necessary to prevent a repeat of this erosion. The project is required to insert an energy dissipater at the new outfall to dissipate the force of the concentrated flow that has drained down from the street, and rip rap to disperse the water that streams from the dissipater and to further protect the habitat from erosion. Since the impacted wetland habitats (SWS and NNR) are also located at the bottom of the slope, removing a small amount of wetlands habitat is necessary to prevent future erosion. The project will impact a 12 foot wide swath of land down the entire slope, and this is the minimum width necessary dig the trench, remove the current pipe, and insert and bury the new pipeline. Therefore, the proposed deviation is the minimum necessary to afford relief from the special circumstances of erosion, and it is not of the applicant's making.

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. 1078361 is granted to City of San Diego Public Works Department Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Shannon M. Thomas  
Deputy City Attorney

SMT:als  
03/04/2016  
Or.Dept:DSD  
Doc. No.: 1233643

ATTACHMENT: Site Development Permit

Passed by the Council of The City of San Diego on APR 05 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 05 2016.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

(Seal)

By Stacy Brady, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310343

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

**WHEN RECORDED MAIL  
TO  
CITY CLERK  
MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR

RECORDER'S USE

ORDER NUMBER: WBS NO. B-12021.02.01

**SITE DEVELOPMENT PERMIT NO. 1078361  
HUNTINGTON AVENUE STORM DRAIN PROJECT NO. 302219  
CITY COUNCIL**

This Site Development Permit No. 1078361 is granted by the City Council of the City of San Diego to the City of San Diego Public Works Department, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) section 126.0504. The project site is located within a City Owned Parcel No. 429-011-10 and a city owned easement in Ruffin Canyon adjacent to the intersection Huntington Avenue and Wilbee Court, in the RS-1-7 and RS-1-4 (Single Family Residential) zones and the OC-1-1 zone (Open Space Conservation); within the Serra Mesa Community Planning area.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee for the replacement of approximately 300 linear feet of storm drain within an easement in a canyon adjacent to the intersection of Huntington Avenue and Wilbee Court. An existing 24-inch corrugated metal pipe (CMP) will be removed and replaced with approximately 300 linear feet (LF) of 24-inch reinforced concrete pipe (RCP). The existing storm drain will be replaced-in-place in the same alignment, which would require excavation of a 3-foot wide trench at depths of 3 to 7 feet. In addition, the project will repair a sinkhole that has developed at the top of the slope into Ruffin Canyon behind 9102 Huntington Avenue. A new energy dissipater, measuring 7 feet by 9 feet and headwall would also be installed with additional clean outs at the point of connection behind the property and downstream of the storm drain line. All upgrades, repairs and required excavation would be located within the same alignment and existing 12-foot wide easement alignment that is shared with the sewer main system in the area with the sinkhole. Revegetation and restoration will be completed after construction. As described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated \_\_\_\_\_, on file in the Development Services Department.

The project shall include:

- a. replacement of approximately 300 linear feet of storm drain, an energy dissipater, headwall, cleanouts, repair of a sinkhole; and
- b. revegetation and restoration of disturbed areas; and
- c. Public accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
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. 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.

8. 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.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

9. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program (MMRP) shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

10. The mitigation measures specified in the MMRP and outlined in MITIGATED NEGATIVE DECLARATION NO. 302219, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

11. The Owner/Permittee shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION NO. 302219 to the satisfaction of the Development Services Department and the City Engineer. Prior to the issuance of the "Notice to Proceed" with construction, 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:

**Land Use (MSCP/MHPA Adjacency) and Biological Resources**

**ENGINEERING REQUIREMENTS:**

12. Owner/Permittee shall incorporate all 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.

13. The Permittee shall prepare a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

**LANDSCAPE REQUIREMENTS:**

14. The Owner/Permittee or Subsequent Owner/Permittee shall ensure that all proposed landscaping shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC Invasive Plant Inventory

and the prohibited plant species list found in Table 1 of the Landscape Standards shall not be permitted.

15. The Owner/Permittee or Subsequent Owner/Permittee shall maintain non-permanently irrigated landscape for a period not less than 25 months. All temporary irrigation shall be removed prior to final acceptance by Development Services Department.

**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.

APPROVED by the City Council of the City of San Diego on \_\_\_\_\_ and by Resolution No. \_\_\_\_\_.

Permit Type/PTS Approval No.: SDP No. 1078361  
Date of Approval: \_\_\_\_\_

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

\_\_\_\_\_  
Helene Deisher  
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.**

**CITY OF SAN DIEGO PUBLIC WORKS  
DEPARTMENT  
Owner/Permittee**

By \_\_\_\_\_  
Jason Guise  
Associate Engineer - Civil

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