

RESOLUTION NUMBER R- 311779

DATE OF FINAL PASSAGE MAY 22 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE CITY OF SAN DIEGO RIGHT OF ENTRY PERMIT WITH SEA BREEZE 56, LLC FOR THE RESTORATION, CREATION, AND MAINTENANCE OF VERNAL POOLS AND NATIVE UPLAND HABITAT AT DEL MAR MESA OPEN SPACE (APN 308-020-19).

WHEREAS, Sea Breeze 56, LLC (Sea Breeze) desires to construct a mixed-use development (Project) on a 72.34 acre site located south of State Route 56, between Camino Del Sur and Black Mountain Road, and for the construction of roadway extensions of Camino Del Sur and Carmel Mountain Road in the Del Mar Mesa, Torrey Highlands-Subarea IV and the Rancho Penasquitos Community Plan areas in the City of San Diego (City); and

WHEREAS, the Project will be impacting eight vernal pools and vernal pool species with a combined surface area on 0.038 acre (Vernal Pool Impacts), which will require mitigation for these impacts on City-owned property located within the Del Mar Mesa Open Space (APN 308-020-19); and

WHEREAS, the Vernal Pool Impacts include two vernal pools (0.022 acre) in the mixed use component and six vernal pools (0.016 acre) in the public roadway component of the Project; and

WHEREAS, an additional two road pools with a combined area of 0.003 acre will also be impacted by the public roadway component of the Project; and

WHEREAS, in addition to the specific mitigation for pool impacts, Sea Breeze shall also create "surplus" pools. The created surplus pools will be retained by the City to be used as mitigation for future impacts to vernal pool habitat by City projects; and

WHEREAS, the vernal pool creation would occur in an approximately 2.3 acre area on a flat mesa in the northeastern portion of the Del Mar Mesa Open Space. Mitigation for impacts to vernal pool and road pool habitat will be met through creation of vernal pool habitat at a minimum 3:1 ratio, which requires a total of 0.066 acre of created vernal pools for the mixed use component and 0.057 acre of created vernal pools for the public roadway component of the Project; and

WHEREAS, although not a mitigation requirement of the Project, Sea Breeze will create nine surplus vernal pools with a combined surface area of 0.070 acre to be retained by the City; and

WHEREAS, although not a mitigation requirement of the Project, Sea Breeze will restore an approximately 0.60 acre area surrounding the created surplus pools to native upland habitat; and

WHEREAS, Sea Breeze desires a right of entry permit to enter the Del Mar Mesa Open Space to perform the creation, restoration, and maintenance of the vernal pool and native upland habitat in the Del Mar Mesa Open Space; and

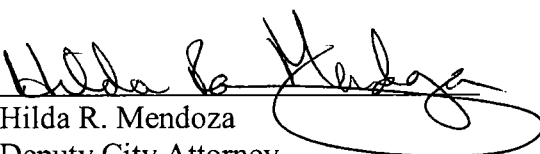
WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and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

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor, or his designee, is authorized and directed to execute, for and on behalf of City, the City of San Diego Right of Entry Permit, on file in the Office of the City Clerk as Document No. RR- **311779**

for the restoration, creation, and maintenance of vernal pools and native upland habitat in the Del Mar Mesa Open Space, under the terms and conditions set forth therein.

BE IT FURTHER RESOLVED, that this resolution shall take effect and be in force upon final approval of the resolution granting Planned Development Permit No. 1266871, Site Development Permit No. 1266883, and Conditional Use Permit No. 1266881 for the Project, on file in the Office of the City Clerk as Document No. RR-311777, but in no event earlier than the day of this resolution's final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Hilda R. Mendoza
Deputy City Attorney

HRM:nja
05/02/18
Or.Dept: Park & Rec
Doc. No.: 1738962

Passed by the Council of The City of San Diego on MAY 22 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 22 2018

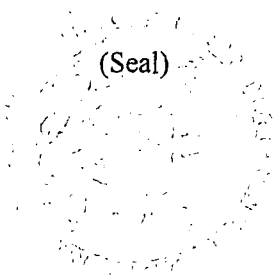
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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.

By Zinda Irwin, Deputy



Office of the City Clerk, San Diego, California
Resolution Number R- 311779