

RESOLUTION NUMBER R- **315546**DATE OF FINAL PASSAGE **MAY 20 2024**

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO GRANTING SITE DEVELOPMENT PERMIT NO.  
2308404 FOR LOT 31 RANCHO GLENS PROJECT - PROJECT  
NO. 506590.

WHEREAS, Metcalf Development and Consulting, Inc. on behalf of the Barczewski Family Trust, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit to allow for grading and improvements of a single-dwelling residential lot in the existing Rancho Del Sol single-dwelling subdivision known as Lot 31 Rancho Glens Project, located east of State Route 56 (SR-56), immediately south of Plum Way, and northwest of Caminito Mendiola located on 10.2-acres, and legally described as, Lot 31 of Rancho del Sol Unit 1, in the City of San Diego, State of California, according to Map No. 12477, filed October 18, 1989 in the Office of the County Recorder of San Diego County; Assessor's Parcel Number 305-060-18, in the Pacific Highlands Ranch Specific Plan area, in the AR-1-1 and RX-1-2 zones; and

WHEREAS, on November 30, 2023, the Planning Commission of the City of San Diego considered Site Development Permit (SDP) No. 2308404, and pursuant to Resolution No. 5267-PC voted to recommend approval of the SDP; and

WHEREAS, the matter was set for public hearing, testimony having been heard, evidence having been submitted, and the Council of the City of San Diego (Council) having fully considered the matter and being fully advised concerning the same; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the 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 Office of the City Attorney has drafted the Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that the information is complete, true, and accurate; 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. 2308404:

**A. SITE DEVELOPMENT PERMIT [San Diego Municipal Code (SDMC) §126.0505]**

**1. Findings for all Site Development Permits:**

**a. The proposed development will not adversely affect the applicable land use plan.** The project consists of a Site Development Permit for a single-dwelling residential pad on Lot 31 and the vacation of the building restricted and slope easements on multiple lots in the Rancho Glen Estates subdivision. The project will allow for grading and improvements of a single-dwelling residential lot in an existing approved single-dwelling unit subdivision. The project proposes to vacate easements recorded in 1989 with the prior subdivision map, which were recorded to preserve right-of-way for the future construction of Carmel Valley Road that has since been realigned and constructed elsewhere. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the portion of Lot 31 outside of the development footprint.

The Pacific Highlands Ranch Subarea Plan (Plan) designates the site Multiple Habitat Preservation Area and peripheral residential. The site is within Rancho Glen Estates which the Plan, in Table 2-1, refers to as “existing and previously approved project” and identifies the development as Estate Residential. The proposed use is consistent with the land use designation. Lot 31 of the project site is within the Multiple Habitat Planning Area (MHPA). Chapter 5 of the Plan, Community Design goals recommend development “Create a vibrant community that is physically based on the preservation and enhancement of natural resources” and that grading activities “Preserve and protect the viability of the MHPA while creating a unique and functional community. Effort is to be made to minimize the impacts of grading on the MHPA.”

The site is zoned AR-1-1 which contains Environmentally Sensitive Lands (ESL) in the form of sensitive biological resources and steep hillsides. To reduce development impacts, the development footprint has been sited in areas previously disturbed by past development

activities. The entirety of Lot 31 is within the Multiple Habitat Planning Area (MHPA). Inside the MHPA, development must be located in the least sensitive portion of a given site to comply with the ESL Regulations. The portion of the project on Lot 31 subject to the Site Development Permit would be located immediately adjacent to existing development off site (i.e., it would not bisect or otherwise fragment MHPA on or off site). All avoided vegetation communities/habitat types on site would be conserved in a recorded Covenant of Easement area.

Additionally, the City's MSCP Subarea Plan calls for 75 percent preservation of private lands within the MHPA, which allows for development on the remaining 25 percent subject to the requirements of the MSCP Subarea Plan. Since sensitive biological resources are located onsite, SDMC Section 143.0141(a)(5)(A) applies, which states, "Development is permitted only in accordance with the regulations set forth in the OR-1-2 zone, pursuant to Section 131.0250(b)." Section 131.0250(b)(1) states, "if the premises is located entirely within the boundary of the MHPA, a maximum of 25 percent of the site may be developed." The site also contains steep hillsides. A slope analysis prepared for the site determined the natural slopes over 25 percent account for 2 percent of the development footprint. Similar to sensitive biological resources, the development regulations for Steep Hillsides SDMC Section 143.0142(a)(1) require compliance with OR-1-2 zone Section 131.0250(b). Grading of Lot 31, including Brush Management Zone 1 would impact 2.21 acres. The proposed project would allow the grading of 22 percent of Lot 31, consistent with the 25 percent allowable developable area outlined in SDMC Sections 143.0141(a)(5)(A), 143.0142(a)(1) and 131.0250(b). The project is consistent in character, scale and intensity with the established residential development of the neighboring lots. The project will contribute to the preservation of open space corridors by conserving all undeveloped portions of Lot 31 in a recorded Covenant of Easement. The proposed project is therefore consistent with these Pacific Highlands Ranch Specific Plan policies.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** The project consists of grading within the limits of work identified on the Exhibit "A" on file with the Development Services Department for a future residence and equestrian stable. The maximum area of disturbance is 2.21 acres with approximately 2,000 cubic yards of grading. The permits controlling the development and use of the site require compliance with City codes, policies, regulations, and other regional, state, and federal regulations. Construction plans will be reviewed by City Staff to ensure compliance with all building code regulations. All Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements governing the construction and continued operation of the development apply to this project. The project will be inspected by certified building and engineering inspectors to assure construction is in accordance with approved plans and regulations.

A Mitigated Negative Declaration (MND) Project No. 506590/SCH No. 2022120055 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The MND determined that the proposed project could have a significant environmental impact related to Biological Resources, Cultural Resources (Archaeology) and Tribal Cultural Resources and specific mitigation is identified in the MND which avoids or mitigates the potentially significant environmental impact to below a level of significance. A mitigation, monitoring and reporting program has been prepared and will be implemented which

will reduce to below a level of significance any potential impacts identified in the environmental review process.

The project is required to comply with seismic requirements of the California Building Code. Implementation of proper engineering design and utilization of standard construction practices (including recommendations contained in the Geotechnical Investigation) would be verified at the building permit stage. As such, the proposed development will not be detrimental to the public health, safety, and welfare.

**c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** The proposed development has been designed to comply with the AR-1-1 zone regulations of the Land Development Code and the approved Planned Residential Development (PRD) Permit No. 83-0896.1 conditions of approval. It is anticipated the 10.24-acre site will be utilized by future construction of a single-dwelling unit, equestrian area, biofiltration basins, and access driveways. Development of the site, including Brush Management Zone 1 would impact 2.21 acres and conform to the 25 percent encroachment allowance permitted within the MHPA in accordance with the ESL regulations (SDMC Sections 143.0141(a)(5)(A), 143.0142(a)(1) and 131.0250(b)). There are no deviations requested and the proposed project complies with the regulations of the Land Development Code.

**2. Supplemental Findings – Environmentally Sensitive Lands [San Diego Municipal Code (SDMC) §126.0505 (b)]**

**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 proposed development area has been located mainly on the flatter, partially disturbed, least sensitive areas of the lot. This siting provides the minimum disturbance to the environmentally sensitive lands located on the steeper slopes of the property by keeping the building pad and Brush Management Zone One (BMZ 1) areas as close to the existing developed uses and away from the steep slopes as much as possible.

A Mitigated Negative Declaration (MND) Project No. 506590/SCH No. 2022120055 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The MND determined that the proposed project could have a significant environmental impact related to Biological Resources, Cultural Resources (Archaeology) and Tribal Cultural Resources and specific mitigation is identified in the MND which avoids or mitigates the potentially significant environmental impact to below a level of significance. A mitigation, monitoring and reporting program has been prepared and will be implemented which will reduce to below a level of significance any potential impacts identified in the environmental review process.

Specifically, the project will mitigate for direct impacts to upland vegetation communities inside the MHPA on site. The on-site mitigation and excess acreage preservation (totaling 7.98 acres), which are in the MHPA, will be protected from future development by recording a Covenant of Easement. The long-term management of the land will be the responsibility of, and provided by, the property owner. All sensitive habitat impacted by construction will be

mitigated. Grading plans will clearly identify the type and location of erosion control devices to preclude potential erosion impacts to on site sensitive habitat. 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.

To reduce development impacts, the development footprint has been sited in areas previously disturbed by past development activities. The entirety of Lot 31 is within the Multiple Habitat Planning Area (MHPA). Inside the MHPA, development must be located in the least sensitive portion of a given site to comply with the Environmentally Sensitive Lands (ESL) Regulations. The project would be located immediately adjacent to existing development off site (i.e., it would not bisect or otherwise fragment the habitat on or off site). All avoided vegetation communities/habitat types on site would be conserved in an area subject to a recorded Covenant of Easement. Additionally, the City's MSCP Subarea Plan calls for 75 percent preservation of private lands within the MHPA, which allows for development on the remaining 25 percent subject to the requirements of the MSCP Subarea Plan. Since sensitive biological resources are located onsite, SDMC Section 143.0141(a)(5)(A) applies, which states, "Development is permitted only in accordance with the regulations set forth in the OR-1-2 zone, pursuant to Section 131.0250(b)." Section 131.0250(b)(1) states, "if the premises is located entirely within the boundary of the MHPA, a maximum of 25 percent of the site may be developed." The site also contains steep hillsides. A slope analysis prepared for the site determined the natural slopes over 25 percent account for 2 percent of the development footprint. Similar to sensitive biological resources, the development regulations for Steep Hillsides SDMC Section 143.0142(a)(1) require compliance with OR-1-2 zone Section 131.0250(b). Grading the site, including Brush Management Zone 1 would impact 2.21 acres. The proposed project would allow the grading of 22 percent of the site, consistent with the 25 percent allowable developable area outlined in the SDMC. The project is consistent in character, scale and intensity with the established residential development of the neighboring lots. The project will contribute to the preservation of open space corridors by conserving all undeveloped portions of the site in a recorded Covenant of Easement. The proposed project site is therefore physically suitable for the design and siting of the proposed development 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 project design has integrated the characteristics of the landform into the development of the site. The residence will be nestled into the site topography rather than completely altering the character of the land. The pads are located on the flatter, partially disturbed portion of the property and will minimize the erosion, flood and fire hazards. The site also contains steep hillsides and the project proposes the development pads on the least sensitive portion of the site. Please see additional information and explanation in supplemental finding 2.a. incorporated here by reference. The project complies with the regional erosion control requirements and will also meet the City-wide requirements related to storm water run-off, best management practices and brush management regulations which are conditions of approval. As such, the proposed project will minimize the alteration of natural landforms 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 project's development area is designed to use the existing, partially-disturbed flatter areas of the site that are closest to the existing private and public facilities and adjacent development. Please see additional information and explanation in supplemental finding 2.a. incorporated here by reference. The project's siting design includes measures that ensure that all impacts from erosion and water quality issues are addressed in the conditions of approval and impacts to Biological Resources, Cultural Resources (Archaeology) and Tribal Cultural Resources are subject to mitigation measures which will reduce these impacts to below a level of significance. The proposed project is sited and designed to prevent adverse impacts to any environmentally sensitive lands.

d. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).** The project proposes to encroach into the Multiple Habitat Planning Area (MHPA) boundary per SDMC Section 143.0142 and Section 131.0250(b). The entirety of Lot 31 is within the MHPA. Inside the MHPA, development must be located in the least sensitive portion of a given site to comply with the ESL Regulations. The project would be located immediately adjacent to existing development off site (i.e., it would not bisect or otherwise fragment the habitat on or off site). All avoided vegetation communities/habitat types on site would be conserved in a recorded Covenant of Easement. Additionally, the City's MSCP Subarea Plan calls for 75 percent preservation of private lands within the MHPA, which allows for development on the remaining 25 percent subject to the requirements of the MSCP Subarea Plan. The proposed project would develop 22 percent of the site, consistent with the 25 percent allowable developable area outlined in the SDMC and therefore, the proposed development will be consistent with the MSCP Subarea Plan. Additionally, no vernal pools are present on site and the proposed development is therefore consistent with the VPHCP.

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 a significant distance inland and it will not contribute to the erosion of public beaches or adversely impact shoreline sand supply. This is assured by an erosion control and storm water management plan and the adoption of best management practices as required by the conditions of the permit.

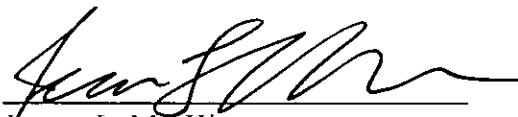
f. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** A Mitigated Negative Declaration (MND) Project No. 506590/SCH No. 2022120055 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The MND determined that the proposed project could have a significant environmental impact related to Biological Resources, Cultural Resources (Archaeology) and Tribal Cultural Resources and specific mitigation is identified in the MND which avoids or mitigates the potentially significant environmental impact to below a level of significance. A mitigation, monitoring and reporting program has been prepared and will be implemented which will reduce to below a level of significance any potential impacts identified in the environmental review process.

The mitigation required for the habitat disturbance has been carefully determined to adequately address the impacts involved per SDMC Section 143.0142 and Section 131.0250(b). The conservation of 7.98 acres of the site through a Covenant of Easement fully compensates for the impacts created by the project. The storm water management plan and the adoption of best management practices for erosion control ensure that the physical, negative consequences of the project will be alleviated by the satisfaction of the conditions of the permit. The nature and extent of mitigation required as a condition of the permit is therefore reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

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, based on these findings adopted by the City Council, Site Development Permit No. 2308404 is granted to Barczewski Family Trust, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Jeanne L. MacKinnon  
Deputy City Attorney

JLM:hm  
April 19, 2024  
Or.Dept: DSD  
Doc. No. 3628952

Attachment: Site Development Permit No. 2308404

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 20 2024.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

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

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

INTERNAL ORDER NUMBER: 24006914

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**SITE DEVELOPMENT PERMIT NO. 2308404  
LOT 31 RANCHO GLENS PROJECT NO. 506590 – MMRP  
CITY COUNCIL**

This Site Development Permit No. 2308404 is granted by the City Council of the City of San Diego to Barczewski Family Trust, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0505. The 10.24-acre site is located at 13182 Caminito Mendiola in the AR-1-1 and RX-1-2 zone(s) of the Pacific Highlands Ranch Subarea Plan. The project site is legally described as: LOT 31 OF RANCHO DEL SOL UNIT 1 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO 12477, FILED OCTOBER 18, 1989, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

Subject to the terms and conditions set forth in this Permit, permission is granted to Barczewski Family Trust, Owner/ Permittee to allow for grading and improvements of a single-dwelling residential lot described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 20, 2024, on file in the Development Services Department.

The project shall include:

- a. Site grading, drainage structures, and retaining walls to create an access driveway and graded pads for future development;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Fencing for the preservation of Multiple Habitat Planning Area (MHPA) and a public access easement for a public trail; and
- d. Public and private 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. This permit must be utilized by May 21, 2027.
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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to

utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. 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.

10. 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.

If 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.

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including

without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. 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.

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration PTS No. 506590/SCH No. 2022120055, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration PTS No. 506590/SCH No. 2022120055, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, 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:

Biological Resources  
Cultural Resources (Archaeology)  
Tribal Cultural Resources

**CLIMATE ACTION PLAN REQUIREMENTS:**

15. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

**ENGINEERING REQUIREMENTS:**

16. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a new City standard 20-foot driveway, adjacent to the site on Caminito Mendiola, satisfactory to the City Engineer.

17. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the private storm drain connection located in the City's right-of-way, satisfactory to the City Engineer.

18. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

19. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
20. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.
21. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
22. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.
23. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.
24. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

**GEOLOGY REQUIREMENTS:**

25. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.
26. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

**LANDSCAPE REQUIREMENTS:**

27. Prior to issuance of any construction permit for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.

28. Prior to issuance of any construction permit for public improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

29. Prior to issuance of any construction permit for building (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per SDMC §142.0403(b)(6).

30. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

31. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Final Inspection.

**BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

32. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" on file in the Development Services Department.

33. The Brush Management Program shall be provided as follows: A 100-foot Zone 2 along the northern property line abutting lots 58-62 of the Costa del Sol West sub-division; a 65-foot Zone 2 along the southeast property line abutting lots 12-14 and 17 of the Rancho del Sol Unit 1

subdivision; a zone one from the southeastern property line extending around the biobasin, horse corral and around the house pad; and a corresponding zone two measuring from 0-foot to approximately 60-foot around the house pad.

34. Prior to issuance of any construction permit for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

35. Prior to issuance of any construction permit for building, a complete Brush Management Program shall be submitted for approval to the Development Services Department and shall be in substantial conformance with Exhibit "A" on file in the Development Services Department. The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and the Landscape Standards

36. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while accessory structures of non-combustible, one-hour fire-rated, and/or Type IV heavy timber construction may be approved within the designated Zone One area subject to Fire Marshal's approval.

37. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

#### **MULTIPLE SPECIES CONSERVATION PROGRAM:**

38. Prior to the issuance of any construction permits, the Owner/Permittee shall grant the remaining on-site Multiple Habitat Planning Area [MHPA], excluding the development footprint as shown on Exhibit "A", to the City's Multiple Species Conservation Program [MSCP] preserve through either fee title to the City, or a covenant of easement granted in favor of the City and the U.S. Fish and Wildlife Service [USFWS] and the California Department of Fish and Wildlife [CDFW], as shown on Exhibit "A." Conveyance of any land in fee to the City shall require approval from the Parks and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes. The Owner/Permittee shall ensure all property approved for conveyance in fee title to the City for MHPA purposes shall be free and clear of all private easements, private encroachments, private agreements and/or liens. Any on-site MHPA lands that are not dedicated in fee title to the City shall grant a covenant of easement in favor of the City, USFWS, and CDFW. The Owner/Permittee shall maintain in perpetuity any MHPA lands granted by covenant of easement unless otherwise agreed to by the City.

39. Prior to the issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall submit a Long-Term Habitat Management Plan which identifies the managing entity and includes the Property Analysis Record (PAR) or equivalent to ensure adequate funding for the long-term management and monitoring of the mitigation site. The Long-Term Habitat Management Plan must include documentation on how the project would implement the objectives of the MSCP Preserve Management and the area specific management directives. The

Long-Term Habitat Management Plan must identify the responsible entity for long-term maintenance and management, the requirements for future management and monitoring reports, and a secure funding source to pay for the management in perpetuity.

40. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall depict the following requirements on construction documents for the Project Site under the heading “MHPA Land Use Adjacency Requirements.”

- **Grading/Land Development/MHPA Boundaries** – Within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
- **Drainage** – All staging and developed/paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved temporary and permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
- **Toxics/Project Staging Areas/Equipment Storage** – Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactful to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CD’s that states: “All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA.”
- **Lighting** – All lighting within or adjacent to the MHPA is directed away/shielded from the MHPA, or limited to the immediate area and is in compliance with City Outdoor Lighting Regulations per Land Development Code SDMC Section 142.0740.
- **Barriers** – Existing fences/walls; and/or signage along the MHPA boundaries shall remain and or be added to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.
- **Invasives** - No invasive, non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- **Brush Management** – Brush management zones will not be greater in size than is currently required by the City’s regulations (this includes use of approved alternative compliance). Within Zone 2 the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the

maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a home-owner's association or other private party.

- **Noise** – Construction noise that exceeds the maximum levels allowed (60 dB or greater at the beginning edge of the habitat) shall be avoided during the breeding seasons for the following: CA gnatcatcher (3/1-8/15). If construction is proposed during the breeding season for the species the following measures are required:

### **COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)**

Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:
  - I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
  - II. BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE



COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

- III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING\* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB (A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

\* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:
  - I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL

RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.

- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

**PLANNING/DESIGN REQUIREMENTS:**

41. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

42. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

43. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for: Sensitive Biological Resources and Steep Hillides, in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A."

44. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

45. Prior to the issuance of a grading or a construction permit, the Owner/Permittee shall obtain a consistency determination letter or amendment to the Coastal Development Permit from Coastal Commission.

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

46. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the public right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

47. Prior to the issuance of any grading or building permits, the developer shall remove the existing 8-inch water service and 2-inch blowoff assembly in a manner satisfactory to the Director of Public Utilities and the City Engineer.

48. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) [BFPDs], on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

49. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private sewer facilities encroaching into the General Utility Easement right-of-way.

50. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.

51. The Owner/Permittee shall be responsible for any damage caused to City of San Diego water and sewer facilities within the vicinity of the project site, due to the construction activities associated with this project, in accordance with Municipal Code section 142.0607. In the event that any such facility loses integrity then, the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Public Utilities Director and the City Engineer.

52. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

53. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

**PARKS AND RECREATION DEPARTMENT REQUIREMENTS:**

54. The Owner/Permittee shall construct a public trail within the alignment of the proposed public access easement per the approved Exhibit "A" on file in the Office of the Development Services Department.

55. The Owner/Permittee shall place a public access easement over all public trails on private property. The public access easement shall be maintained by the property owner.

56. The Owner/Permittee shall ensure Parks and Recreation review and approval of the final map prior to recordation.

57. The Owner/Permittee shall ensure Parks and Recreation review and approval of the grading plans prior to permit issuance.

**INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on MAY 20 2024 and by San Diego Resolution R- **315546**.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

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Martha Blake  
Development Project Manager

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

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**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.**

**Barczewski Family Trust**  
Owner/Permittee

By \_\_\_\_\_  
Sandra L. McDowell Barczewski, Trustee  
Owner

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

Passed by the Council of The City of San Diego on MAY 20 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 20 2024.

(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:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- **315546**