

RECOMMENDATIONS

COMMUNITY PLANNING GROUP/STAFF'S/PLANNING COMMISSION

Project Manager **must** complete the following information for the Council docket:

CASE NO. PTS NO. 62130

STAFF'S

Please indicate recommendation for each action. ie: resolution/ ordinance

1. CERTIFY Mitigated Negative Declaration No. 62130 and ADOPT the Mitigation, Monitoring and Reporting Program; and
2. APPROVE Public Right-of-Way Vacation No.530896; and
3. APPROVE Neighborhood Development Permit No. 186747; and
4. APPROVE Variance No. 537644

PLANNING COMMISSION (list names of Commissioners voting yea or nay)

YEAS: 4

NAYS: 0

ABSTAINING: 2 absent – 1 seat vacant

TO: Recommend that the City Council Certify the Mitigated Negative Declaration and Approve the Project.

COMMUNITY PLANNING GROUP (choose one)

LIST NAME OF GROUP:

- No officially recognized community planning group for this area.
- Community *Planning Group* has been notified of this project and has not submitted a recommendation.
- Community Planning Group has been notified of this project and has not taken a position.
- Community Planning Group has recommended approval of this project.
- Community Planning Group has recommended denial of this project.
- This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor: 5

Opposed: 1

By _____
Patrick Hooper, Development Project Manager

Environmental Review: The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): Historical Resources (Archaeology), Biology and MHPA Land Use Adjacency. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of Mitigated Negative Declaration No. 62130. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

Fiscal Impact Statement: None with this action. The property owner is paying all cost associated with processing this application.

Code Enforcement Impact: None.

Housing Impact Statement: The Uptown Community Plan designates the proposed 0.16 acre site for Low Residential (0-5 dwelling units per acre) and Open Space. The proposed project will result in the construction of one market-rate, for-sale single family dwelling on a vacant site. No affordable housing is required or proposed with this project.

BACKGROUND

The project site is located at 4285 Goldfinch Street (Attachment 1). The property is within the Uptown Community Plan area which designates the lot for low density residential development at a rate of 0 to 5 dwelling units per acre (Attachment 2). The property is zoned RS-1-1 which is consistent with the plan designation and permits one dwelling unit on the site. The property includes environmentally sensitive lands in the form of steep hillsides and to a lesser extent, a small patch of coastal sage scrub. As such, any proposed development on the property requires a discretionary entitlement. This application is proposing to develop the vacant 0.16 acre site with a new 2,973 square-foot single family home. The property is located at the terminus of a partially improved section of Goldfinch Street. The partial improvement allows access to a neighboring property and then becomes a paper street as it runs into City of San Diego owned Open Space. The property is surrounded exclusively with single-family homes and open space areas created by finger canyons which typify the Uptown neighborhood (Attachment 3).

DISCUSSION

Project Description:

The proposed single family residence is designed as a multi-level, three story structure that steps down the slope in a manner that minimizes the alteration of the hillside while resulting in a reasonably sized single-family home consistent with the bulk and scale of other homes in the vicinity. The contemporary architectural style of the structure utilizes clean straight lines with stucco and glass accented with metal railings around second and third story terraces. The design includes a "green" roof planted with low-growing drought tolerant plant materials and a detached two-car garage that would be located in the vacated portion of Goldfinch Street and provide the

required two off-street parking spaces for the project.

The lower level floor plan is fairly small at 467 square feet and includes only a single bedroom with a sitting area and half bath. The second (mid) level contains three bedrooms including the master bedroom and master bath. Two smaller bedrooms share a full bathroom and a laundry facility is located at the foot of the stairs. The top level which is at street level and provides the access includes the primary living space with the kitchen, dining area, living room, family room and half bath.

Development of the hillside site requires a Neighborhood Development Permit due to the fact that the property contains environmentally sensitive lands. The environmental resources include steep hillsides which are defined as a slope with a natural gradient of 25% (4 feet of horizontal distance for every 1 foot of vertical distance) or greater and a minimum elevation differential of 50 feet, and a small area of coastal sage scrub. The Billingsley Residence project site qualifies as steep hillside as the entire site slopes steeply down and away from the street into the adjacent open space canyon. As such, the project is permitted to encroach into 25 percent of the steep hillside in order to reasonably develop the property. The area of coastal sage scrub was determined to be less than a tenth of an acre and therefore, disturbance into the resource does not constitute an environmental impact.

The application also includes a request to vacate a portion of Goldfinch Street to allow off-street parking that would not otherwise be possible due to the extreme topography of the project site. Since the project slopes radically down and away from the street it would have been extremely difficult and costly to design and engineer a project that included accessible off-street parking without making the parking and required access a featured design element of the project and prominently visible from the street and surrounding area. The original project submittal was requesting a Variance to allow no on-site parking and an Encroachment, Maintenance and Removal Agreement (EMRA) to allow a parking structure within the dedicated public right-of-way. However, after reviewing the initial submittal, staff determined that the remnant portion of the Goldfinch right-of-way was not serving its intended purpose and would not be needed in the future and therefore concluded that a street vacation would be the more appropriate entitlement process to permit parking in the proposed location. The street vacation also has the additional benefit of increasing the property size so the encroachment into the steep hillside could be minimized.

The proposed street vacation would remove the dedicated street frontage for the project site essentially land-locking the parcel with no access from a dedicated right-of-way. To counter this condition, the application is requesting a variance to reduce the required street frontage from the standard minimum of 15 feet down to zero feet. Staff has no objection to this request because there would be no physical change in the manner by which the site is accessed in that a private driveway would be required whether the right-of-way was vacated or not. The vacation would be condition to require an access agreement across the adjacent parcel and the improvements and maintenance would become the responsibility of the property owner. Staff believes the findings to support the variance can be made based on the existing condition of the right-of-way and the extreme topography on the legal lot.

Community Plan Analysis:

The Uptown Community Plan designates the proposed 0.16-acre project site for Low-Residential (0-5 dwelling units per acre) and Open Space. Further, the Open Space and Recreation Element of the community plan identifies this project within the Biological/Geological Zone of the Mission Valley Canyon System. According to recommendations in this zone, only very low residential development density should be allowed on site. The proposed project consisting of a single-family dwelling unit would not adversely impact this recommendation.

As designed the proposed project would implement recommendations in the Urban Design Element for compatibility with the existing architectural detail and overall appearance of the quality development in the surrounding neighborhood, and for the incorporation of articulated building facades that relate to the form and scale of surrounding development through the use of compatible setbacks, building coverage, and floor area ratios. Further, the provision of a landscaped non-contiguous sidewalk and shade-producing street trees would implement the goal of enhancing the pedestrian environment.

The proposed project and associated street vacation would not preclude views into the adjacent open space from the existing right-of-way since only a limited portion of the proposed new development would be located within the vacated right-of-way. Given the existing topography attributed to the project site, the right-of-way vacation to facilitate off-street parking would meet the objective in the Transportation Element for ensuring the provision of adequate parking facilities and would not adversely affect the community plan.

Environmental Analysis:

During the environmental review of the project, it was determined that construction could result in significant but mitigable impacts in the following area(s): Biology, MHPA Land Use Adjacency and Archaeology.

Biology

In order to assess the potential direct, indirect and cumulative biological impacts that may result from project implementation, a Biology Survey was prepared by Recon, Inc and dated March 16, 2006 and subsequently revised on May 2, 2007 and October 26, 2007. The only sensitive biological resource that was identified on-site is 0.081-acres of Diegan Coastal Sage Scrub (CSS). Total impacts to CSS would be 0.076-acres. Impacts to Upland Habitat in excess of 0.10-acres would be considered significant and require mitigation. Since the proposed project's impacts would consist of 0.076-acres, the impact would not be considered significant and would not require mitigation.

A site survey was conducted on January 13, 2004 with the objective of compiling a list of any sensitive plants, animals and habitats that the subject property supports. No sensitive plant species were observed during the survey. Additionally, no sensitive animals were observed on-site; however, there is a potential for raptors to nest in the trees that are adjacent to the site. The

site is situated approximately 40 feet to the northeast of the Multi-Habitat Planning Area (MHPA). To mitigate any potential indirect impacts to raptors, a survey would be required prior to the start of any construction.

Multi-Habitat Planning Area (MHPA) Land Use Adjacency

The project proposes development adjacent to the City of San Diego's Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA). Development adjacent to the MHPA is required to conform to all applicable Land Use Adjacency Guidelines (Section 1.4.3) of the MSCP Subarea Plan. Although direct impacts would not occur within the MHPA, the project does have the potential to result in indirect impacts to the MHPA because of the site's adjacency to it. As such, mitigation in the form of compliance with the MHPA Land Use Adjacency Guidelines would be implemented and would reduce potential indirect impacts to below a level of significance. Therefore, a Mitigation, Monitoring and Reporting Program, contained in Section V of the Mitigated Negative Declaration is included and would mitigate potentially significant indirect impacts to the MHPA to below a level of significance.

Historical Resources (Archaeology)

According to the City's Historical Resources Sensitivity Map, the site is located in an area with a high potential for subsurface archaeological resources. The project would export approximately 896 cubic-yards of cut at depths of up to 11-feet. Due to the quantity of cut and the potential to impact archeological finds on-site, archeological monitoring would be required during grading. In the event that such resources are discovered, excavation would be halted or diverted, to allow recovery, evaluation, and recordation of materials. A Mitigation, Monitoring and Reporting Program, contained in Section V of the Mitigated Negative Declaration, would mitigate potentially significant impacts to archaeological resources to below a level of significance.

Project-Related Issues:

The proposed project has no unresolved regulatory or environmental issues. The proposed street vacation would increase the legal lot size and allow development of the 2,973 square-foot residence on the property. The proposed variance would allow a zero street frontage lot and permit a two-car garage and private access drive within the vacated street segment. The proposed Neighborhood Development Permit would implement the Environmentally Sensitive Lands regulations and permit limited development on the hillside. A Mitigated Negative Declaration has been prepared with a Mitigation, Monitoring and Reporting Program that would avoid or mitigate potential impacts associated with the development.

Conclusion:

The proposed Public Right-of-Way Vacation, Variance and Neighborhood Development Permit application has been reviewed pursuant to the Uptown Community Plan and the City of San Diego's Land Development Code, including the RS-1-1 Zone and the Environmentally Sensitive Lands Regulations and have been determined to be consistent with all of the applicable land use plans, policies and development regulations for this site. Staff has determined that the findings

to approve the street vacation can be made in that the public right-of-way proposed to be vacated precludes any present or prospective use, would not adversely affect the General or Community Plan, nor would the right-of-way vacation disrupt the circulation for which the easement was originally intended. In regard to the variance request, staff believes the required findings can be affirmed in that there are special circumstances associated with the hillside lot based on the extreme topography that warrant consideration of the variance. Staff concluded granting the variance would be consistent with the purpose and intent of the single-family zone and would be the minimum necessary to develop the lot in a reasonable manner. Similarly, staff believes the findings to approve the Neighborhood Development Permit can be made in that the proposed development is consistent with the land use plan and Land Development Code, would not adversely affect the public health, safety and welfare and is designed to minimize the grading and prevent impacts to environmental resources. The proposed development has been designed and sited to be in harmony with the hillside site and would allow development of a moderate size single-family home consistent with the surrounding neighborhood. Therefore, staff believes that the project can be approved as conditioned.

ALTERNATIVES:

1. **Recommend the City Council Approve, Public Right-of-Way Vacation No.530896, Neighborhood Development Permit No. 186747 and Variance No.537644, with modifications.**
2. **Recommend the City Council Deny Public Right-of-Way Vacation No.530896, Neighborhood Development Permit No. 186747 and Variance No.537644, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



 Mike Westlake
 Program Manager
 Development Services Department



 Patrick Hooper
 Project Manager
 Development Services Department

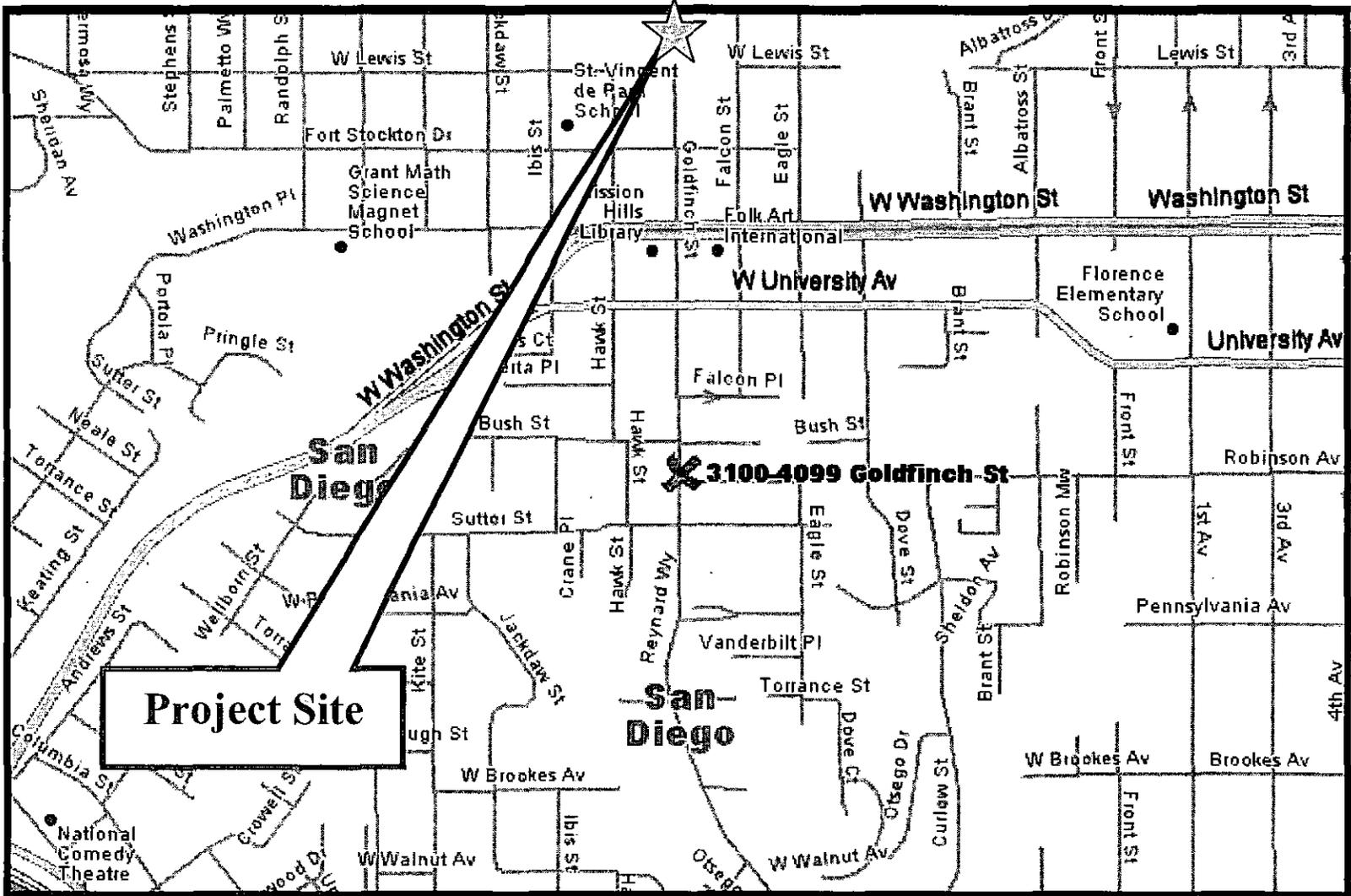
BROUGHTON/JPH

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Photo Survey

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6. Project Site Plan
7. Project Elevations
8. Project Floor Plans
9. Project Grading Plan and Cross Sections
10. Landscape and Brush Management Plan
11. Draft Public Right-of-Way Resolution
12. Draft Neighborhood Development Permit with Conditions
13. Draft Neighborhood Development Permit Resolution with Findings
14. Community Planning Group Recommendation
15. Ownership Disclosure Statement



Project Site

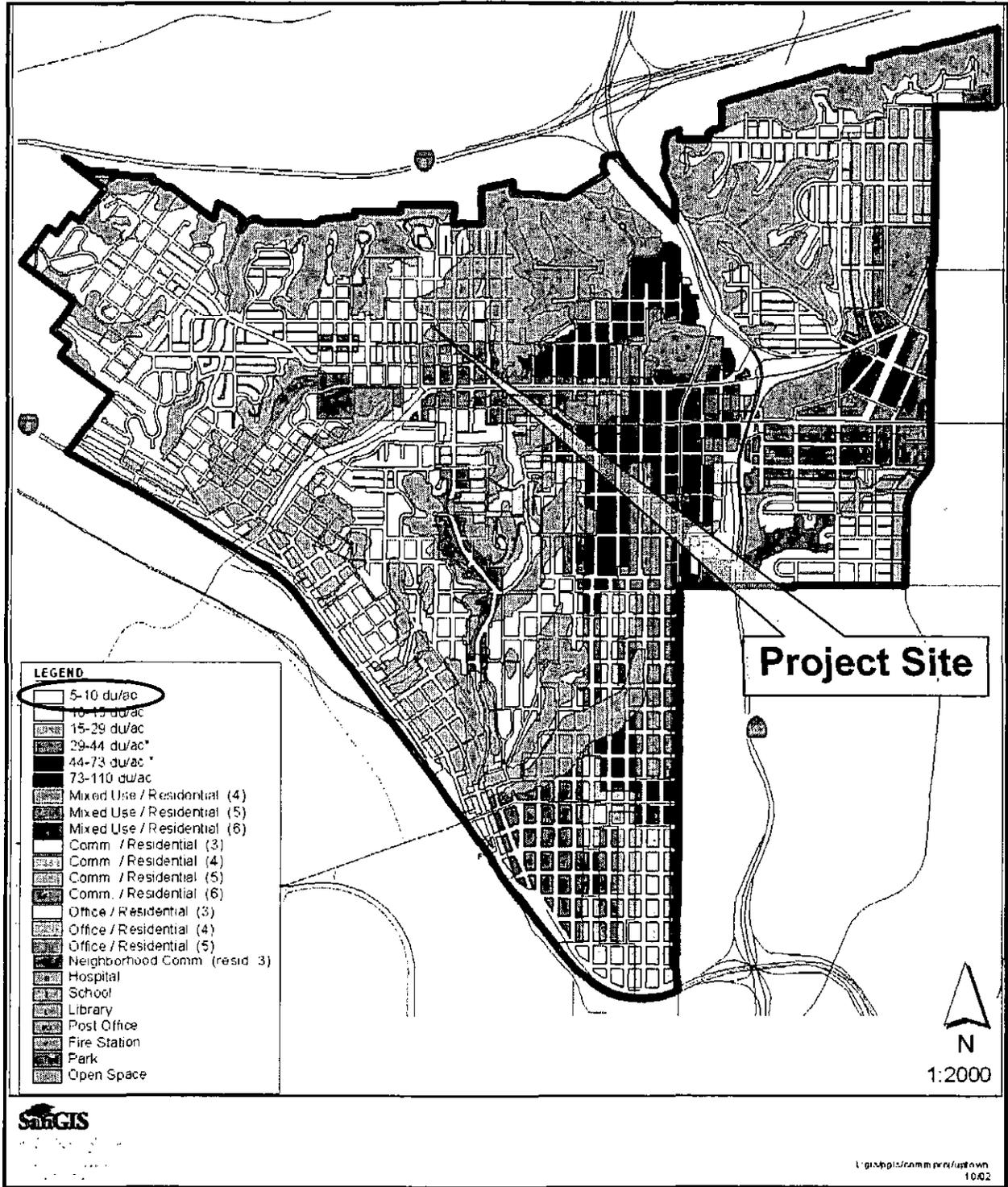
3100-4099 Goldfinch St



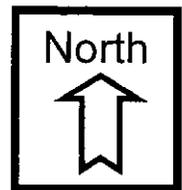
Project Location Map

BILLINGSLEY RESIDENCE – 4285 1/3 GOLDFINCH STREET
PROJECT NO. 62130





Uptown Community Land Use Map
BILLINGSLEY RESIDENCE - 4285 GOLDFINCH STREET
PROJECT NO. 62130





Project Site



Aerial Photo

BILLINGSLEY RESIDENCE - 4285 1/3 GOLDFINCH STREET

PROJECT NO. 62130



PROJECT DATA SHEET		
PROJECT NAME:	Billingsley Residence	
PROJECT DESCRIPTION:	Construction of a 2,973 square-foot single-family home	
COMMUNITY PLAN AREA:	Uptown	
DISCRETIONARY ACTIONS:	Right-of-Way Vacation, Variance and Neighborhood Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Low density residential development at a density of 5 to 10 dwelling units per acre	
ZONING:	RS-1-1 Single-Family Residential Development	
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Single-Family Residential; RS-1-7.	Single-family residential development
SOUTH:	Open Space/ Residential; RS-1-1	City-Owned Open Space Canyon
EAST:	Open Space/ Residential; RS-1-1.	Single-family residential development
WEST:	Single-Family Residential; RS-1-7.	Single-family residential development
VARIANCES REQUESTED:	Allow a legal lot with zero street frontage where 15 feet is required.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On November 7, 2006, the Uptown Community Planning Committee (Uptown Planners) voted 5-1-1 to recommend approval of the proposed project with no conditions.	



PHOTO-ACROSS CANYON

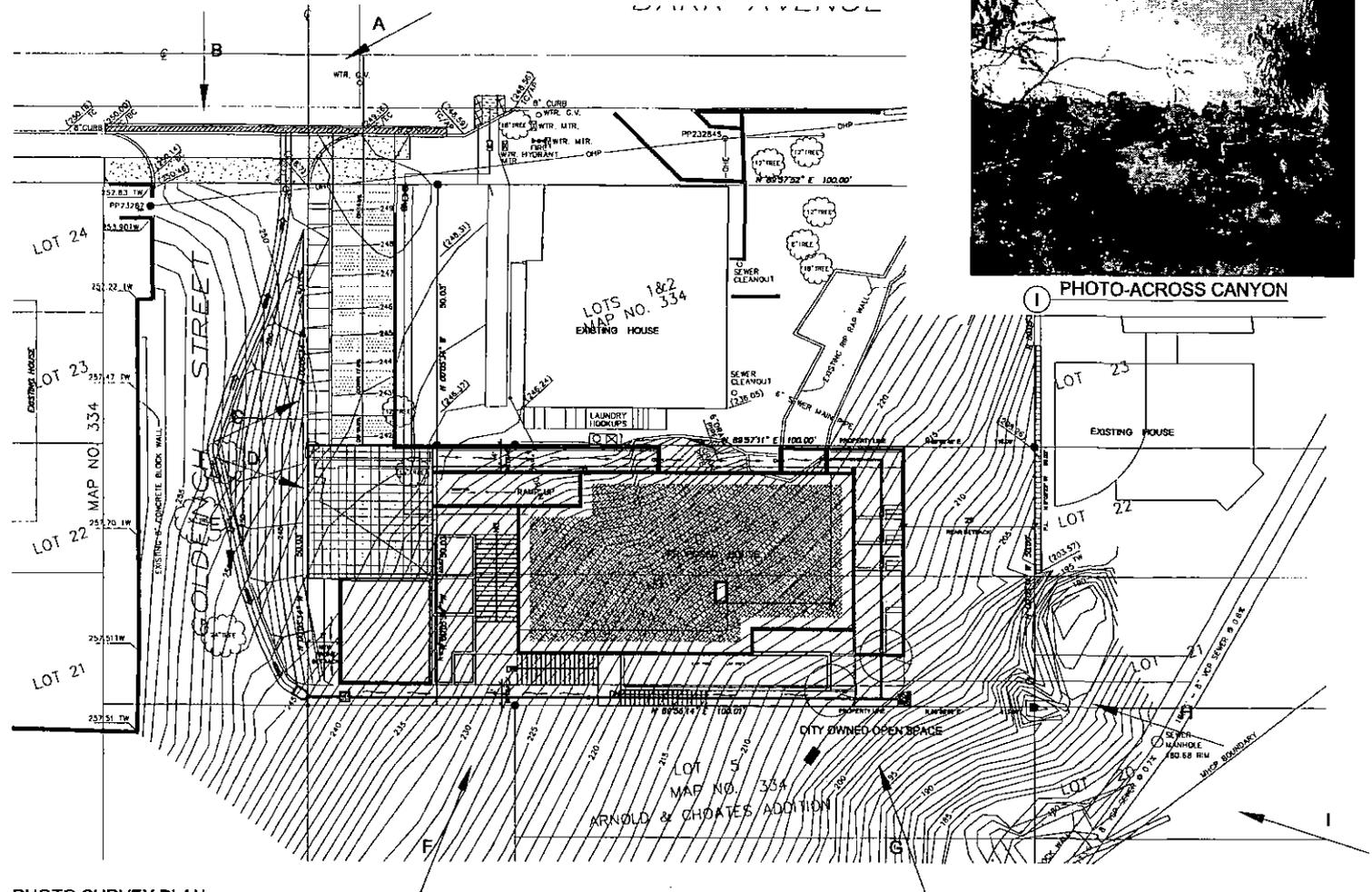


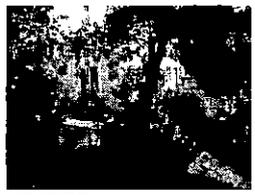
PHOTO SURVEY PLAN
 1" = 10'



A PHOTO



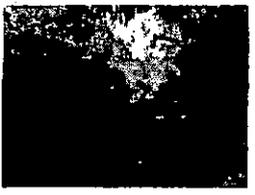
B PHOTO



C PHOTO



D PHOTO



E PHOTO



F PHOTO



G PHOTO



H PHOTO

Prepared By: David Davis Architects
 Name: David Davis Architects
 Address: 3501 Fifth Avenue San Diego, CA 92103
 Phone #: 619-296-1533
 Project Address: TBD Goldfinch Street San Diego, CA 92103
 Project Name: Billingsley Residence
 Sheet Title: PHOTO SURVEY PS1.1

Revision 14
 Revision 13
 Revision 12
 Revision 11
 Revision 10
 Revision 9
 Revision 8
 Revision 7
 Revision 6
 Revision 5
 Revision 4
 Revision 3
 Revision 2
 Revision 1

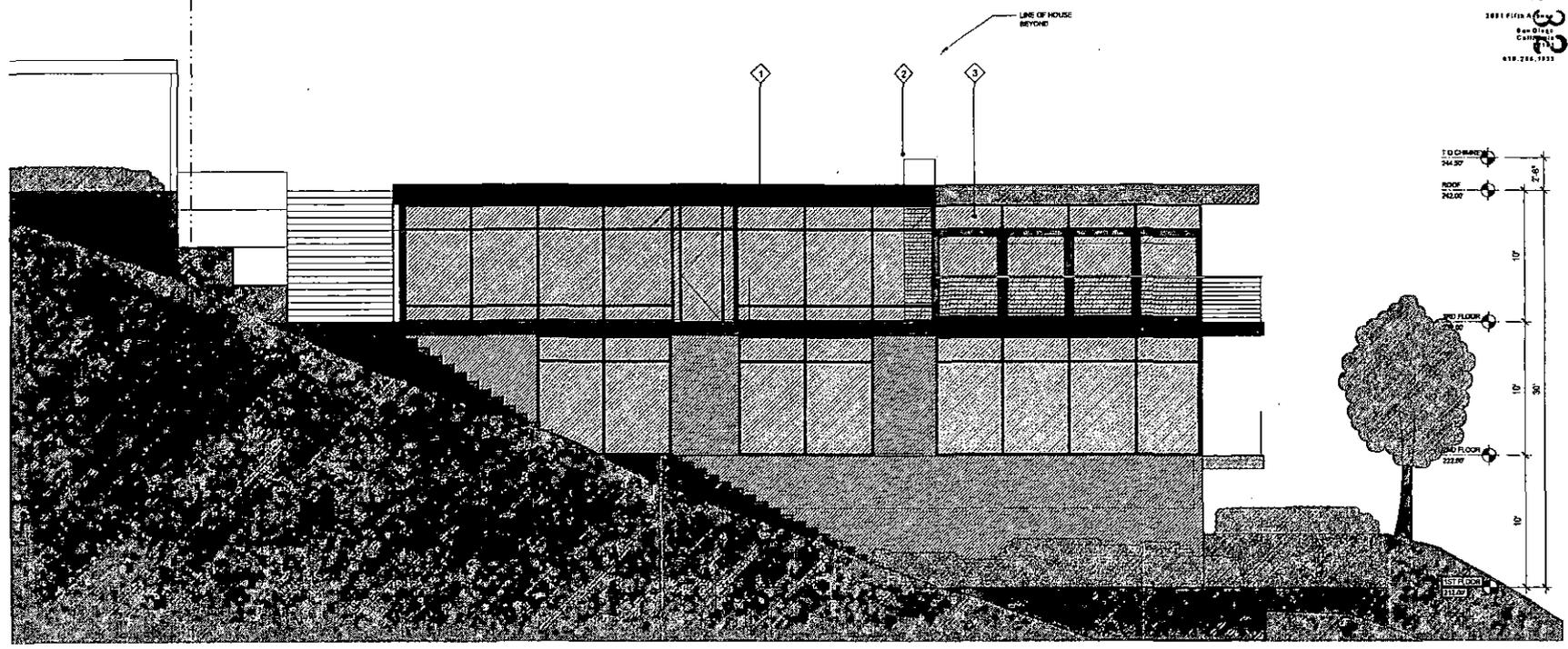
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 SECRET 13 of 13
 DEP #



PROJECT AREA

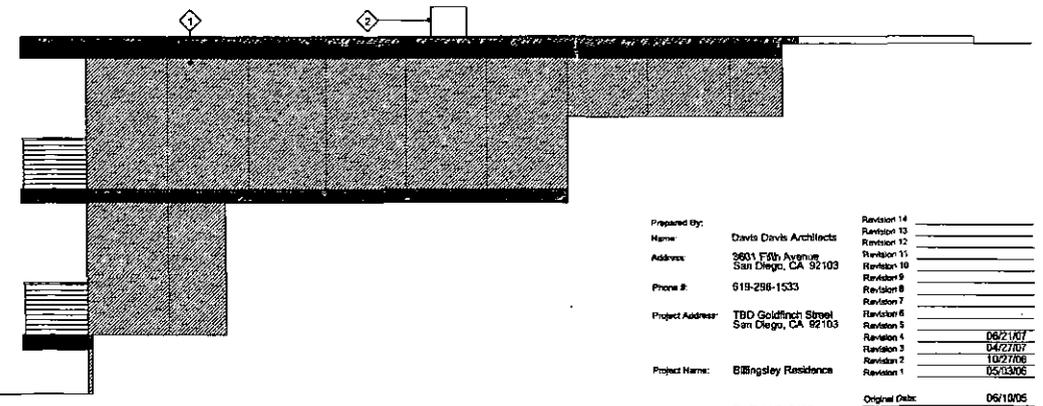
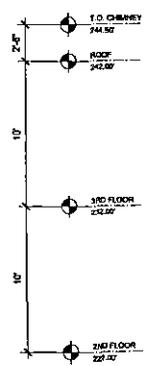
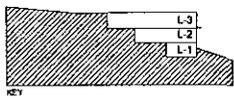
KEY NOTES

- 1 CEMENTITIOUS MATERIAL 1
- 2 CEMENTITIOUS MATERIAL 2
- 3 GLASS



(A) SOUTH ELEVATION
 1/4" = 1'-0"

KEY PLAN



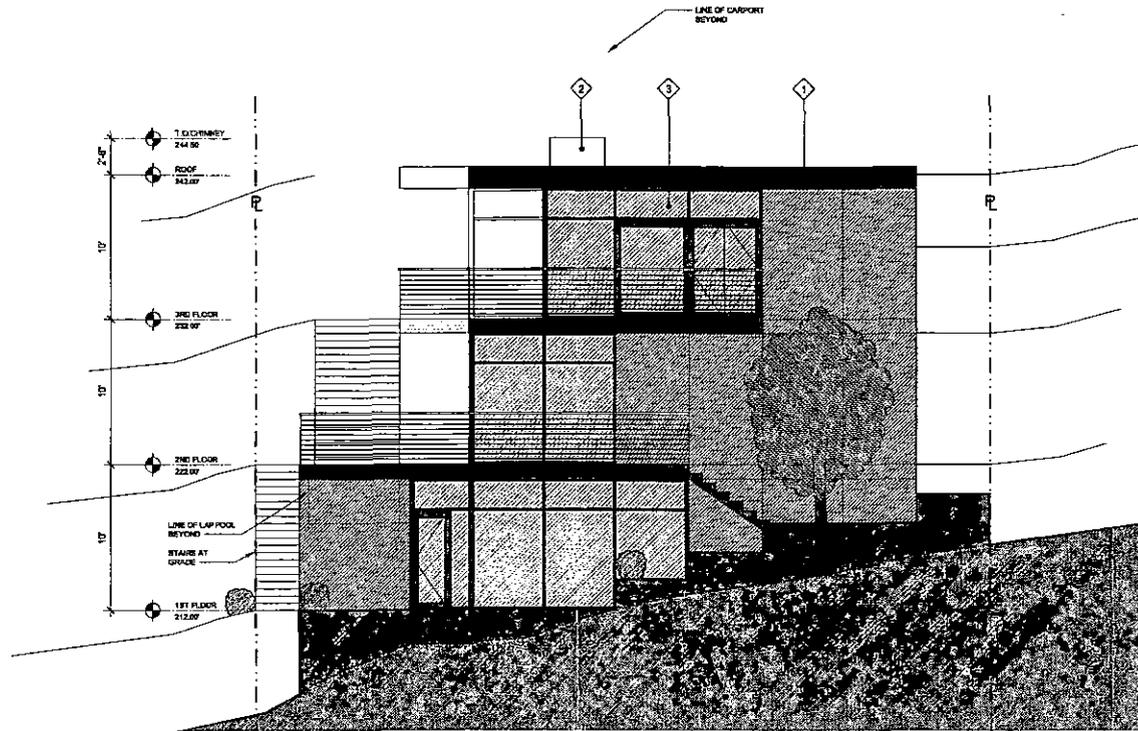
(B) NORTH ELEVATION
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Prepared by:	David Davis Architects	Revision 14	_____
Name:	3801 Fifth Avenue	Revision 13	_____
Address:	San Diego, CA 92103	Revision 12	_____
Phone #:	619-256-1533	Revision 11	_____
Project Address:	TBD Goldfinch Street	Revision 10	_____
	San Diego, CA 92103	Revision 9	_____
Project Name:	Bispingley Residence	Revision 8	_____
		Revision 7	_____
		Revision 6	_____
		Revision 5	_____
		Revision 4	06/21/07
		Revision 3	04/27/07
		Revision 2	10/27/06
		Revision 1	05/03/06
Original Date:	06/10/05		
Sheet Title:	ELEVATIONS	SHEET	7 OF 11
	A3.1	DEF #	

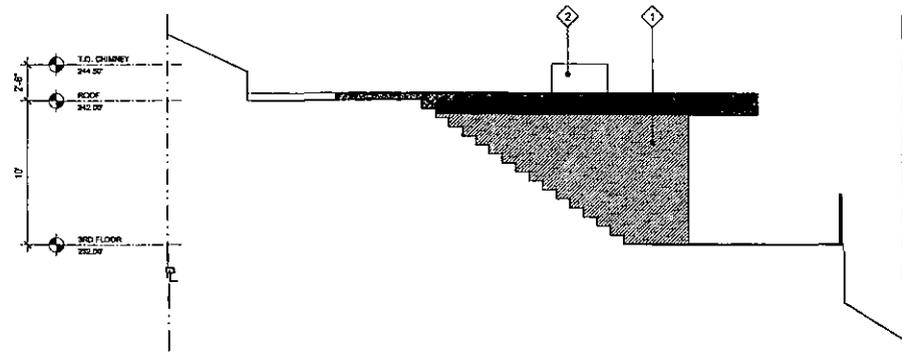
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KEY NOTES

-  CEMENTITIOUS MATERIAL 1
-  CEMENTITIOUS MATERIAL 2
-  GLASS

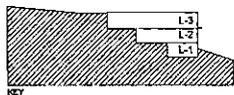


(A) EAST ELEVATION
 1/8" = 1'-0"



(B) WEST ELEVATION
 1/8" = 1'-0"

KEY PLAN



Prepared By:	David Davis Architects	Revision 14	_____
Name:	2801 Fifth Avenue	Revision 13	_____
Address:	San Diego, CA 92103	Revision 12	_____
Phone #:	619-296-1833	Revision 11	_____
Project Address:	780 Goldfinch Street	Revision 10	_____
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		Revision 4	06/21/07
		Revision 3	04/27/07
		Revision 2	10/27/06
		Revision 1	05/03/06

Project Name: Billingsley Residence
 Sheet Title: ELEVATIONS
 A3.2
 Date: 08/10/05
 Sheet: 8 OF 11
 DEP #

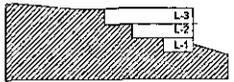
DAVID DAVIS ARCHITECTS

3601 FIFTH AVENUE
SAN DIEGO, CALIFORNIA 92103
619.296.1533

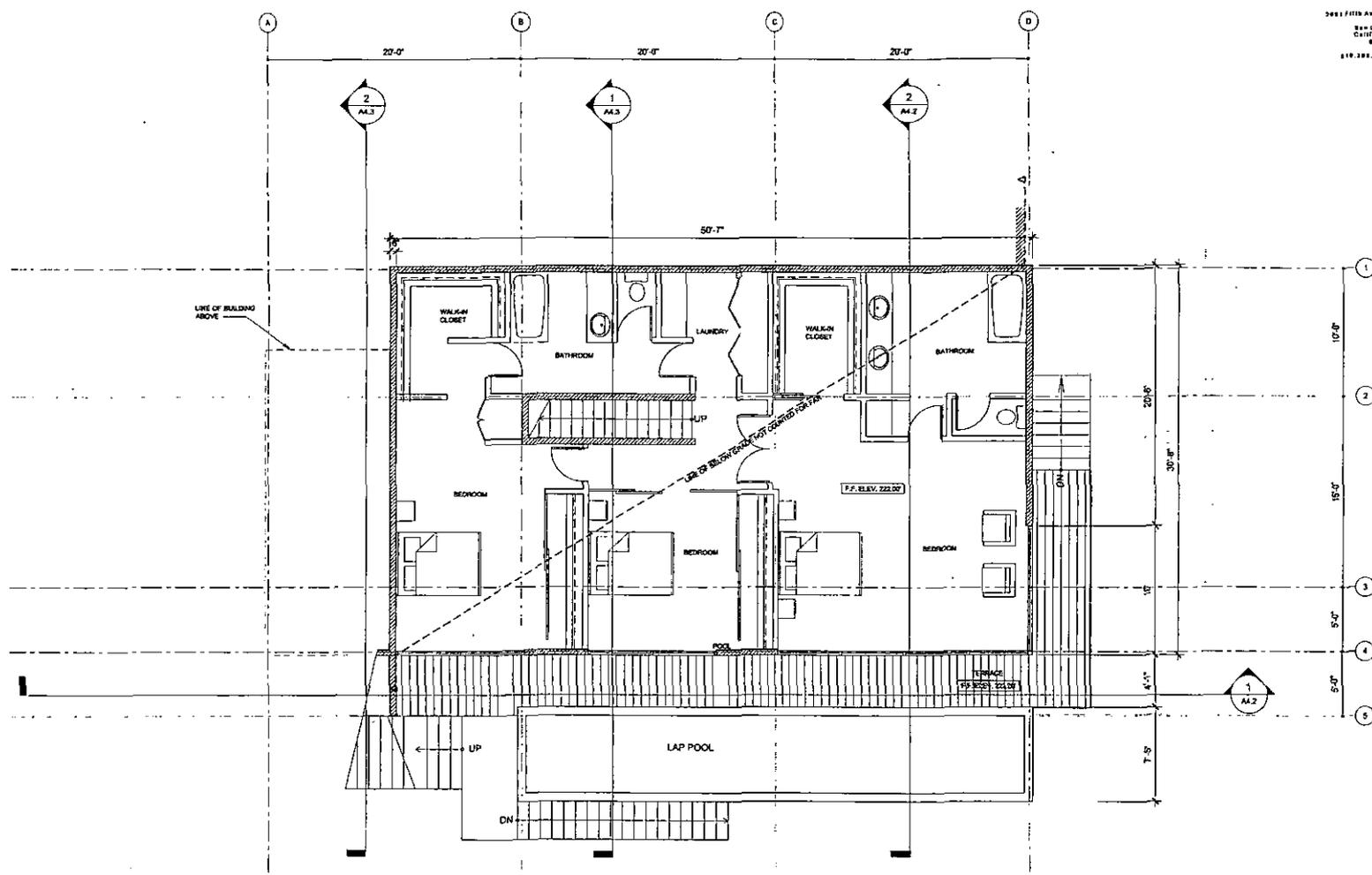
LEGEND

 WALL
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KEY PLAN



L-3
 L-2
 L-1
 KEY



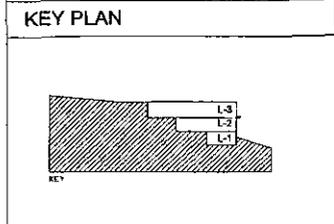
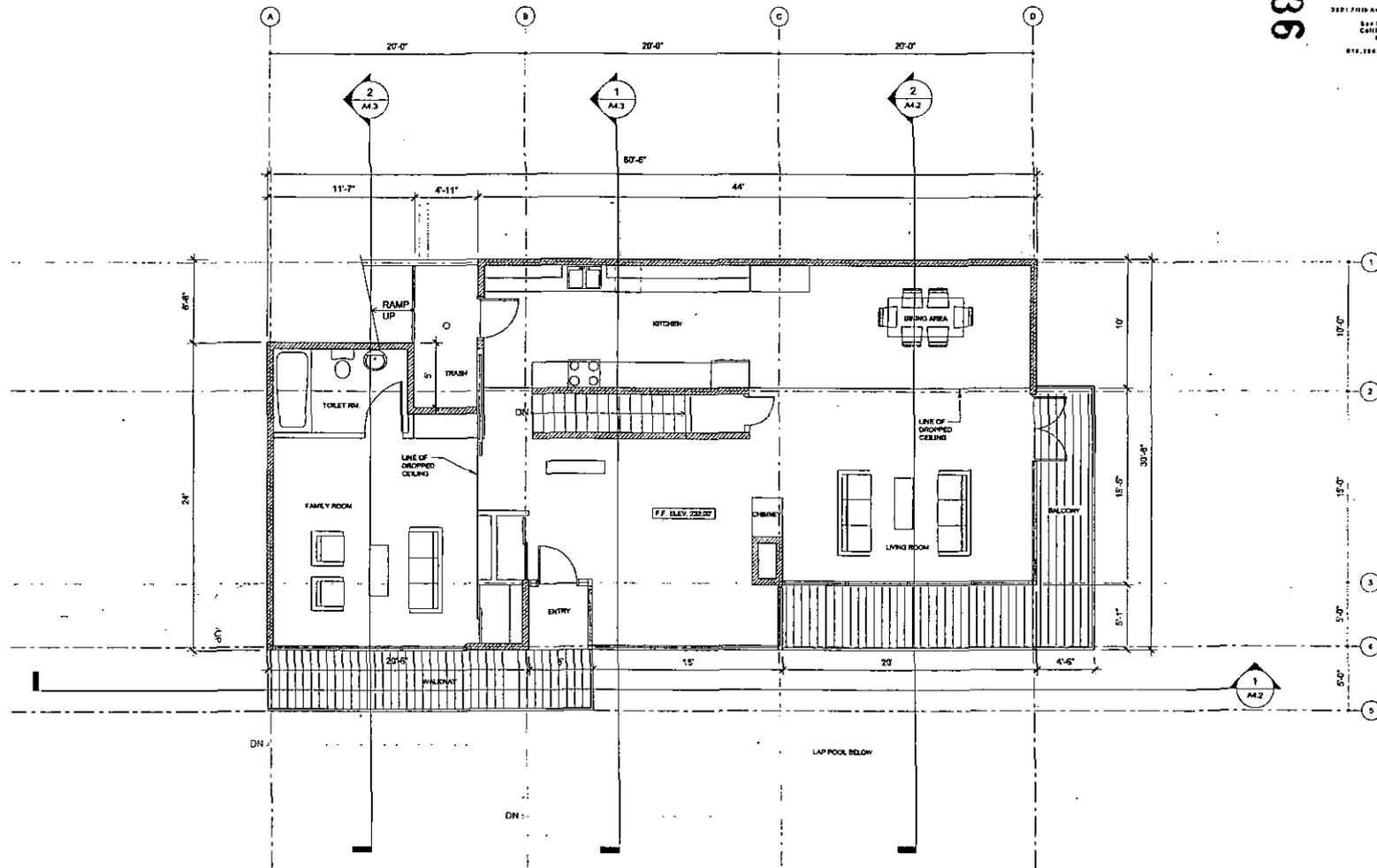
LEVEL 2 FLOOR PLAN
1/4" = 1'-0"



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Name:	3601 Fifth Avenue San Diego, CA 92103	Revision 13	_____
Address:	619-296-1533	Revision 12	_____
Phone #:	TBD Goldfinger Street San Diego, CA 92103	Revision 11	_____
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		Revision 2	_____
		Revision 1	_____
Original Date:	06/10/05		
Sheet Title:	FLOOR PLAN 2	SHEET	5 OF 11
	A2.2	DEP #	

LEGEND

 WALL
 DECK



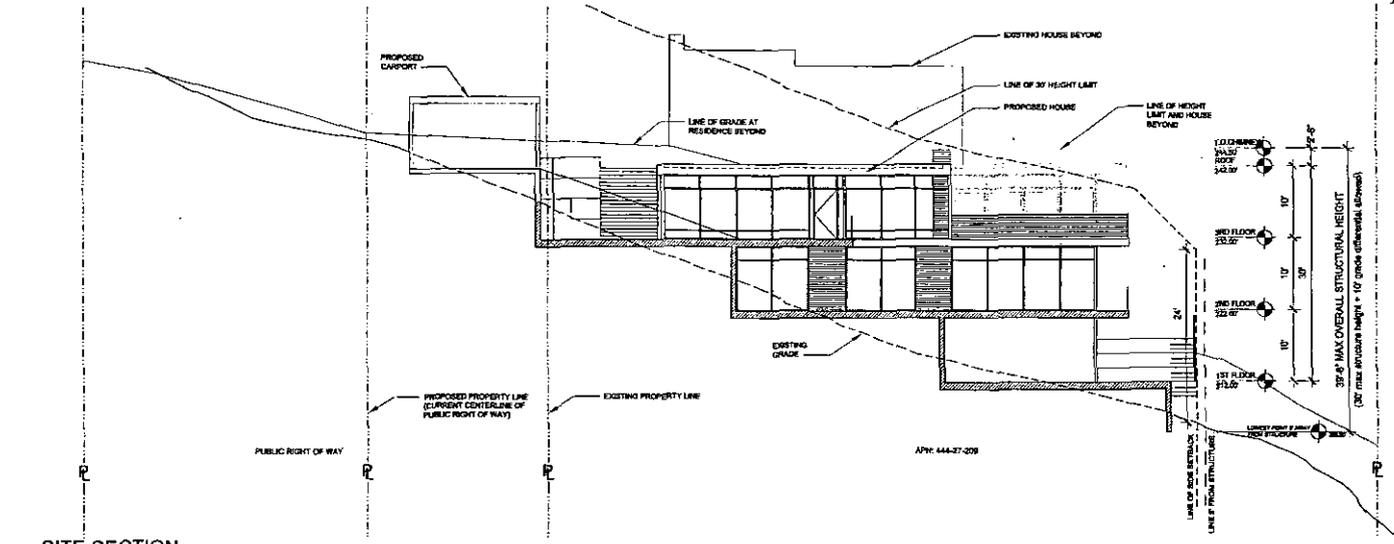
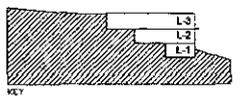
LEVEL 3 FLOOR PLAN
 1/4" = 1'-0"

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Name:	3501 Fifth Avenue	Revision 13	
Address:	San Diego, CA 92103	Revision 12	
Phone #:	619-296-1533	Revision 11	
Project Address:	TBD Goldfish Street	Revision 10	
	San Diego, CA 92103	Revision 9	
Project Name:	Bilingsley Residence	Revision 8	
		Revision 7	
		Revision 6	
		Revision 5	
		Revision 4	08/21/07
		Revision 3	04/27/07
		Revision 2	10/27/06
		Revision 1	05/03/06
Original Date:	06/10/05		
SHEET:	FLOOR PLAN 3		
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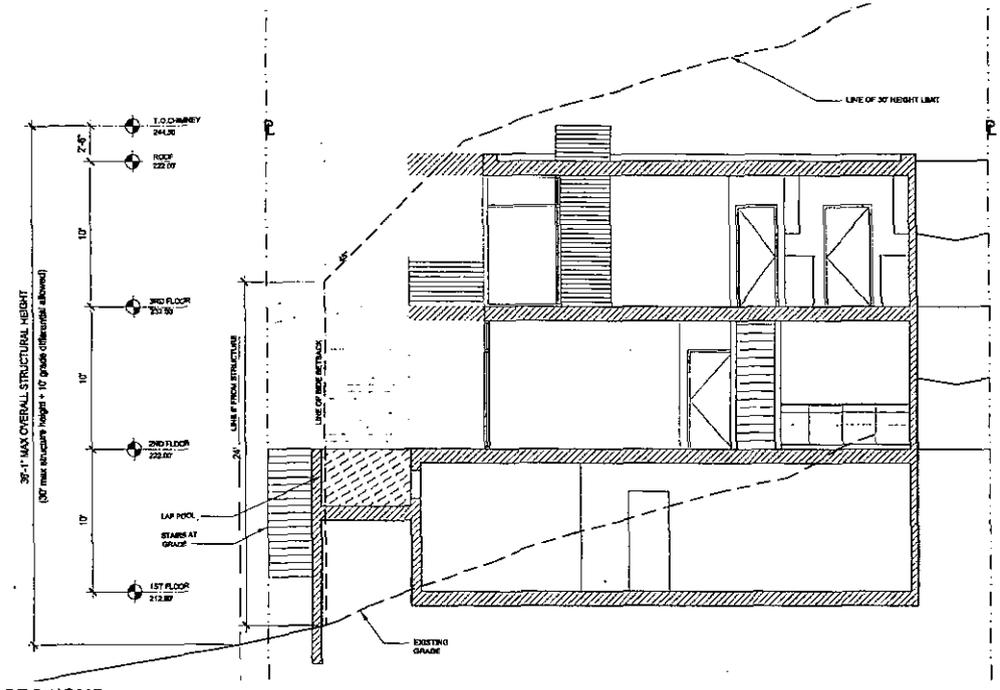
DAVID DAVIS ARCHITECTS
 2887 Fifth Avenue
 San Diego, California 92103
 619.296.1533

KEY NOTES

KEY PLAN



1 SITE SECTION
 1/8" = 1'-0"

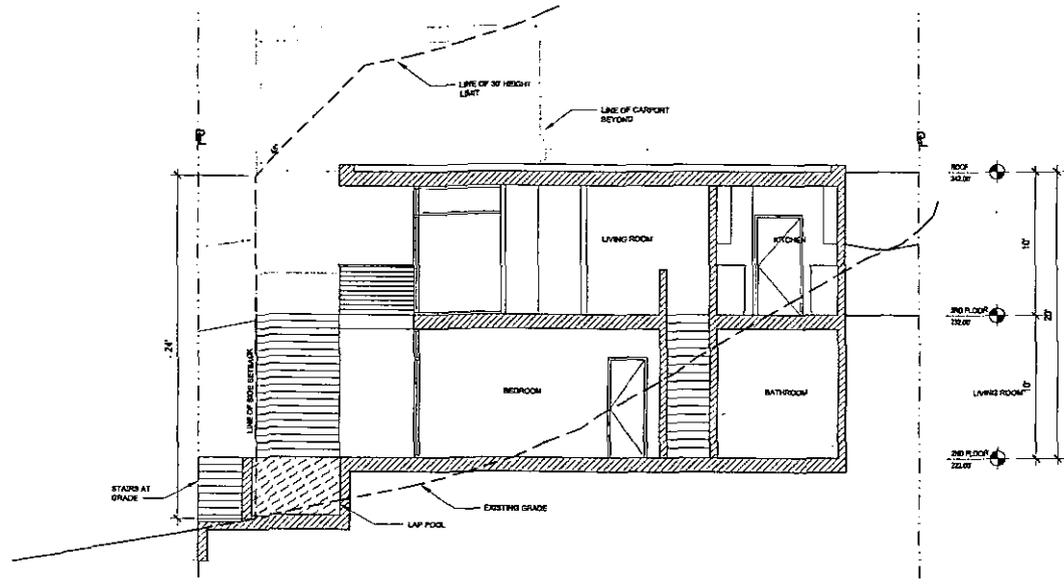
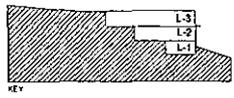


2 BUILDING SECTIONS
 1/4" = 1'-0"

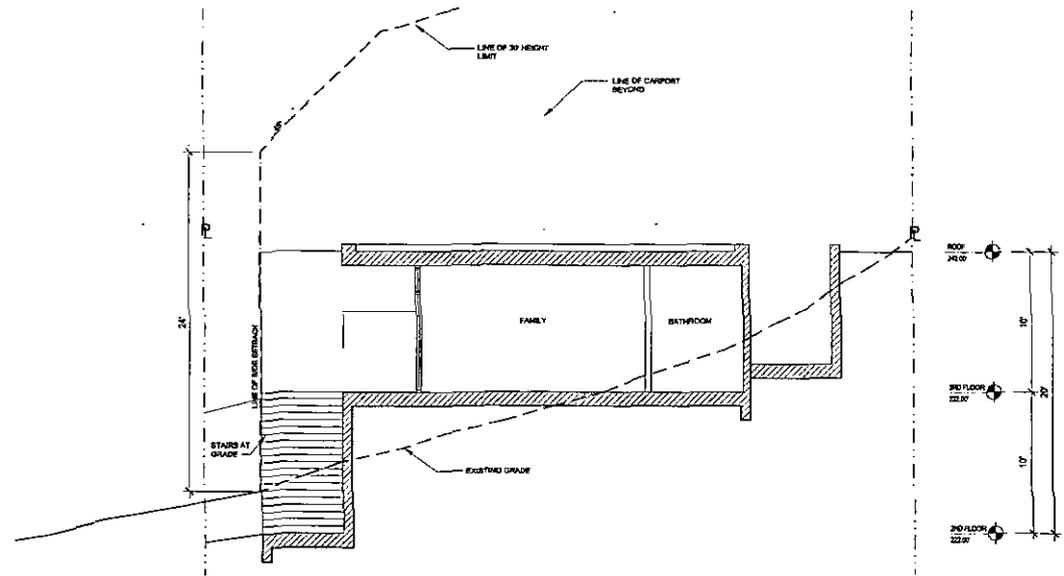
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Name:	3621 Fifth Avenue San Diego, CA 92103	Revision 13	_____
Address:	619-296-1533	Revision 12	_____
Phone #:	TBD Goldfinch Street San Diego, CA 92103	Revision 11	_____
Project Address:	619-296-1533	Revision 10	_____
Project Name:	818 Slayley Residence	Revision 9	_____
		Revision 8	_____
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		Revision 6	_____
		Revision 5	06/21/07
		Revision 4	04/27/07
		Revision 3	10/27/06
		Revision 2	05/03/06
		Revision 1	_____
Original Date:	06/10/06		
Sheet Title:	SITE SECTION	Sheet	9 of _____
	A4.1	DESIGN	DESIGN

KEY NOTES

KEY PLAN



1 BUILDING SECTIONS
 1/4" = 1'-0"



2 BUILDING SECTIONS
 1/4" = 1'-0"

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Name:	3601 Fifth Avenue San Diego, CA 92103	Revision 13	_____
Address:	619-296-1533	Revision 12	_____
Phone #:	730 Coldfinger Street, San Diego, CA 92103	Revision 11	_____
Project Address:	Billingley Residence	Revision 10	_____
Project Name:		Revision 9	_____
		Revision 8	_____
		Revision 7	_____
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		Revision 5	_____
		Revision 4	06/21/07
		Revision 3	04/27/07
		Revision 2	10/27/05
		Revision 1	05/03/05

Original Date: 06/10/05
 SHEET 10 OF 11
 DEP #

SECTIONS
A4.2

LANDSCAPE NOTES

- ALL PLANTED AREAS WILL BE IRRIGATED AND RECEIVE COMPLETE WATER COVERAGE BY MEANS OF AN AUTOMATICALLY CONTROLLED, ELECTRICALLY OPERATED, BELOW GROUND PIPED LOW WATER USE IRRIGATION SYSTEM. THIS IRRIGATION SYSTEM WILL CONSIST OF LOW FLOW DROPPY EMITTERS AND SUBSILIERS WITH SUPPLEMENTAL OVERHEAD SPRAY HEADS. IRRIGATION PIPING WILL BE PVC LINES AND WILL BE INSTALLED AT 18" BELOW GRADE FOR PRESSURE MAINLINES AND 2" BELOW GRADE FOR NON-PRESSURE LATERAL LINES. THE IRRIGATION SYSTEM WILL BE PROTECTED AGAINST BACKFLOW BY THE INSTALLATION OF AN APPROVED BACKFLOW PREVENTION DEVICE.
- ALL REQUIRED LANDSCAPE AREAS INCLUDING BRUSH MANAGEMENT ZONES SHALL BE MAINTAINED BY THE OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED AND DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.
- ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS, THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL, LANDSCAPE STANDARDS AND THE UPTOWN COMMUNITY PLAN AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
- ALL LANDSCAPE INSTALLATION AND INSPECTIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY.
- ALL PROPERTY NOT USED OR OCCUPIED BY STRUCTURES, UNPLANTED RECREATIONAL AREAS, WALKS AND DRIVEWAYS SHALL BE LANDSCAPED AND IN NO CASE SHALL THIS LANDSCAPE AREA BE LESS THAN THIRTY PERCENT (30%) OF THE TOTAL PARCEL AREA.
- MINIMUM TREE / IMPROVEMENT SEPARATION DISTANCE
UNDERGROUND UTILITY LINES 5 FEET
ABOVE GROUND UTILITY STRUCTURES 10 FEET
DRIVEWAYS 10 FEET
TRAFFIC SIGNALS / STOP SIGN 20 FEET
- NON-BUILDGRADABLE ROOT BARRIERS SHALL BE INSTALLED AROUND ALL NEW TREES WITHIN 5' OF PAVED AREAS.
- NO IRRIGATION RUN-OFF SHALL DRAIN OFF SITE ONTO THE PUBLIC RIGHT-OF-WAY, STREETS, DRIVES OR ADJACENT MHPA SLOPES. SEE SHEET C-11 FOR DRAINAGE.
- ALL SLOPE REVEGETATION SHALL BE PLANTED IN ACCORDANCE TO THE STANDARDS REFERENCED WITHIN THE LAND DEVELOPMENT MANUAL, LANDSCAPE STANDARDS. PLANTS USED FOR EROSION CONTROL ON DISTURBED SOIL AND SLOPES SHALL ACHIEVE 100 PERCENT SOIL COVERAGE WITHIN TWO YEARS OF BEING INSTALLED.

BRUSH MANAGEMENT NOTES

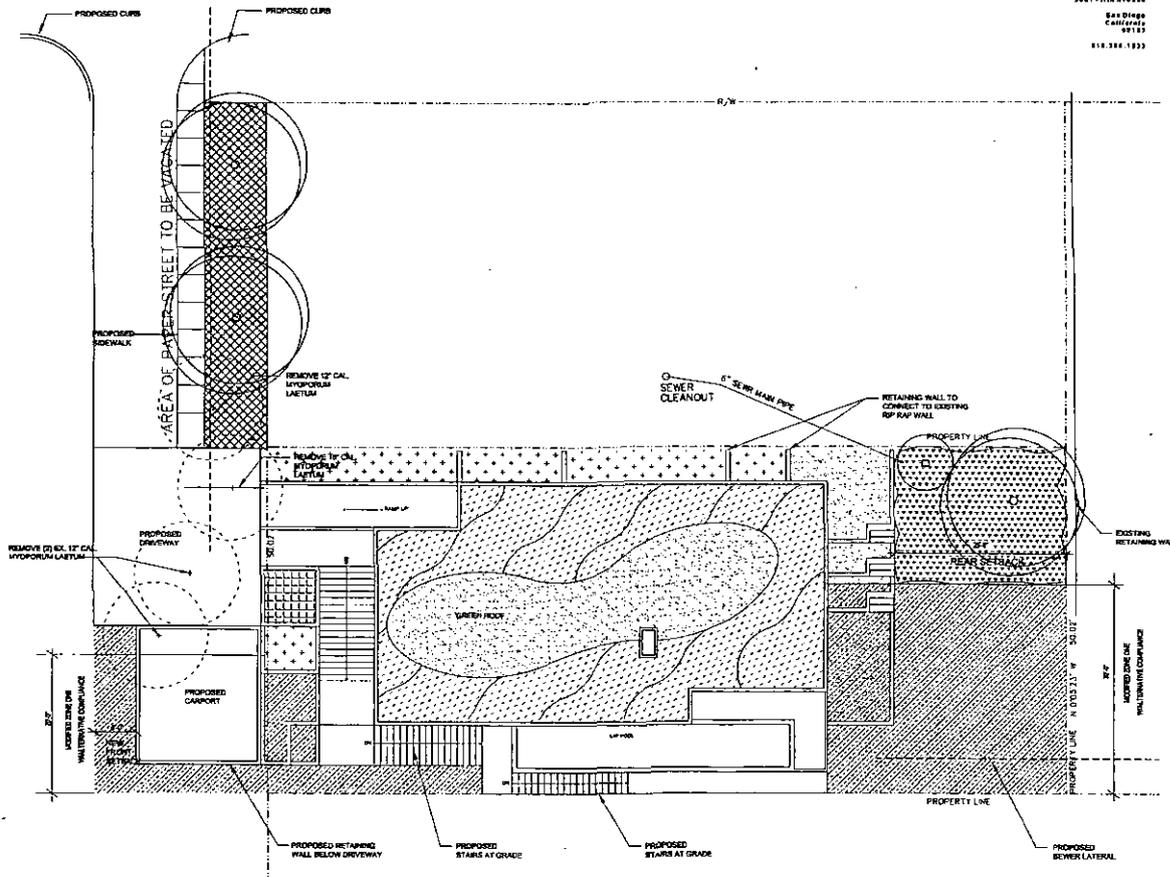
- ZONE ONE OF THE REQUIRED BRUSH MANAGEMENT IS THE AREA ADJACENT TO THE PROPOSED STRUCTURE AND MUST CONSIST OF PAVEMENT, PERMANENTLY IRRIGATED, LOW-FUEL, ORNAMENTAL PLANTINGS, OR NON-IRRIGATED PLANTINGS WHICH ARE LOW-GROWING, LOW-FUEL VOLUME, FIRE RESISTIVE, AND MAINTAINED AT A MAXIMUM HEIGHT OF 24 INCHES WITH THE EXCEPTION OF TREES.
- ZONE ONE OF THE REQUIRED BRUSH MANAGEMENT CANNOT CONTAIN HABITABLE STRUCTURES, STRUCTURES THAT ARE DIRECTLY ATTACHED TO HABITABLE STRUCTURES, OR OTHER COMBUSTIBLE CONSTRUCTION THAT PROVIDES MEANS FOR TRANSMITTING FIRE TO THE HABITABLE STRUCTURES.
- FENCES, WALLS AND NON-HABITABLE GAZEBOS THAT ARE LOCATED WITHIN BRUSH MANAGEMENT ZONE ONE WILL BE BUILT WITH NONCOMBUSTIBLE MATERIALS.
- TREES LOCATED WITHIN ZONE ONE OF THE REQUIRED BRUSH MANAGEMENT MUST BE LOCATED AT LEAST 10 FEET AWAY FROM ALL STRUCTURES AS MEASURED FROM THE DRIP LINE OF THE TREE AT MATURITY.
- BRUSH MANAGEMENT ZONE ONE SHALL BE MAINTAINED ON A REGULAR BASIS BY PRUNING AND THINNING PLANTS, CONTROLLING WEEDS, AND MAINTAINING IRRIGATION SYSTEMS. ZONE ONE IRRIGATION OVERSPRAY AND RUNOFF SHALL NOT BE ALLOWED INTO ADJACENT AREAS OF NATIVE OR NATURALIZED VEGETATION.

LANDSCAPE DESIGN STATEMENT

The existing landscaping for this site is comprised primarily of native *Ficus integrifolia*, scattered *Banksia* Tall Cedrus and (3) large *Myoporum laetum*, all concentrated on the upper left of the site. The remainder of the site consists of disturbed bare slope and scattered plantings of introduced non natives and annual grasses. The landscape design concept centers on the theme of restoring a native canyon planting with a sensitivity to the brush management issues. The private drive easement provides for the planting of two native *Platanus racemosa* with compatible low growing under story plantings in the median between the drive and the walkway. The entry to the house has created a pocket of terraced gardens that step down with the slope and are comprised of low growing, drought tolerant succulents and ornamental grasses and sedges. The "green roof" will continue this theme of succulents and low growing ornamental grasses and sedges combined with a drought tolerant *Festuca* type grass. The "green roof" visually steps down on the west side with a series of grass lawns that follow the natural contours of the existing canyon slope. The landscape for the existing disturbed canyon slope utilizes a combination of low growing native shrubs and groundcovers that provide for slope revegetation as well as creating a low fuel volume, fire resistant zone one brush management buffer. The upper portions of the slope not in the zone one brush management buffer will utilize native *Ficus* and *Platanus* to help screen the proposed structure and the adjacent existing structures.

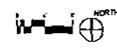
PLANT LEGEND

SYM.	CATEGORY/DESCRIPTION	QUANTITY
TERRACE GARDENS:		
[Symbol]	Succulents such as: (100% 4" Pots or Larger)	
[Symbol]	<i>Echovelia 'Tulipifera'</i> (12" ht. x 3" wd.) Planted @ 12" o.c.	As Req.
[Symbol]	<i>Hesperaloe parviflora</i> - 'Red Yucca' (2" ht. x 3" wd.) Planted @ 3' o.c.	As Req.
[Symbol]	Ornamental Shrubs & Grasses such as: (100% 4" Pots or Larger)	
[Symbol]	<i>Calamagrostis 'Karl Foerster'</i> - 'Rosed Grass' (2" ht. x 3" wd.) Planted @ 3' o.c.	As Req.
[Symbol]	<i>Calochortus brownii</i> - 'Chalchicomula' (2" ht. x 3" wd.) Planted @ 3' o.c.	As Req.
[Symbol]	<i>Carex buchananii</i> - 'Curly Top Sedge' (3" ht. x 2" wd.) Planted @ 2' o.c.	As Req.
[Symbol]	<i>Carex m. 'Variegata'</i> - 'Variegated Japanese Sedge' (12" ht. x 18" wd.) Planted @ 18" o.c.	As Req.
[Symbol]	<i>Chorizanthe speciosa</i> - 'Cape Rust' (3" ht. x 3" wd.) Planted @ 3' o.c.	As Req.
[Symbol]	<i>Festuca 'Stylis Blue'</i> - 'Blue Fescue' (12" ht. x 3" wd.) Planted @ 12" o.c.	As Req.
[Symbol]	<i>Helleborus scaberrimus</i> - 'Blue Del Grass' (2" ht. x 2" wd.) Planted @ 2' o.c.	As Req.
[Symbol]	<i>Hesperaloe parviflora</i> - 'Yucca Grass' (18" ht. x 12" wd.) Planted @ 12" o.c.	As Req.
GREEN ROOF GARDEN:		
[Symbol]	Low Growing Drought Tolerant Groundcovers such as: (100% 4" Pots or Larger)	
[Symbol]	<i>Acaonium 'Alice Kack Park'</i> (12" ht. x 2" wd.) Planted @ 2' o.c.	As Req.
[Symbol]	<i>Acaonium 'Zwartkop'</i> - 'Purple Acaonium' (12" ht. x 2" wd.) Planted @ 2' o.c.	As Req.
[Symbol]	<i>Aloe reticella</i> (8" ht. x 2" wd.) Planted @ 2' o.c.	As Req.
[Symbol]	<i>Carex comans</i> - 'Red Sedge' (12" ht. x 2" wd.) Planted @ 12" o.c.	As Req.
[Symbol]	<i>Festuca 'Ghana'</i> - 'Blue Fescue' (12" ht. x 2" wd.) Planted @ 12" o.c.	As Req.
[Symbol]	<i>Sedum rubrotinctum</i> - 'Pink & Green' (8" ht. x 12" wd.) Planted @ 12" o.c.	As Req.
[Symbol]	<i>Sedum spaldingii</i> - 'Cape Blanco Sedum' (8" ht. x 12" wd.) Planted @ 12" o.c.	As Req.
[Symbol]	<i>Senecio mandalandica</i> - 'Mintella' (12" ht. x 18" wd.) Planted @ 18" o.c.	As Req.
[Symbol]	Drought Tolerant Fescue Type Grass such as: (100% Seed)	
[Symbol]	'Water Sewer' Tall Fescue	As Req.
NATIVE CANYON SLOPE PLANTINGS:		
[Symbol]	Large Native Canyon Tree such as: (100% 5 Gallon or Larger)	
[Symbol]	<i>Platanus racemosa</i> - 'California Sycamore' (80" ht. x 40" spread)	3
[Symbol]	Tall Native Canyon Screening Shrub such as: (100% 5 Gallon or Larger)	
[Symbol]	<i>Rhus integrifolia</i> - 'Lemonade Berry' (20" ht. x 12" wd.)	1
[Symbol]	Low Native Shrub such as:	
[Symbol]	<i>Escallonia californica</i> - 'California Sunflower' (2" ht. x 4" wd.) Planted @ 4' o.c.	As Req.
[Symbol]	<i>Trifolium repens</i> - 'Woolly Blue Clover' (2" ht. x 4" wd.) Planted @ 3' o.c.	As Req.
[Symbol]	Low Native Groundcover such as:	
[Symbol]	<i>Ariocarpus klotzschianus</i> - 'Silver Wormwood' (2" ht. x 2" wd.) Planted @ 3' o.c.	As Req.
[Symbol]	<i>Azorella p.</i> - 'Daisy Chalk' - 'Sandhill Sagebrush' (8" ht. x 2" wd.) Planted @ 2' o.c.	As Req.
[Symbol]	<i>Eriogonum glaucum</i> - 'Seaside Daisy' (8" ht. x 2" wd.) Planted @ 2' o.c.	As Req.
[Symbol]	<i>Eriogonum leuciflorum</i> - 'Cotton Bushwheat' (12" ht. x 2" wd.) Planted @ 2' o.c.	As Req.
[Symbol]	<i>Eriogonum umbellatum</i> - 'Sulur Bushwheat' (18" ht. x 2" wd.) Planted @ 2' o.c.	As Req.
BRUSH MANAGEMENT MODIFIED ZONE ONE w/ ALTERNATIVE COMPLIANCE:		
[Symbol]	Low Spreading Low Fuel Groundcover Less Than 2" in Height) such as: (100% 4" Units or Larger)	
[Symbol]	<i>Baccharis p.</i> 'Pigeon Plant' - 'Dwarf Coyote Bush' (12" ht. x 8" wd.) Planted @ 8' o.c.	As Req.
[Symbol]	<i>Ceanothus 'Anchor Bay'</i> - 'Crawling Wild Olive' (18" ht. x 6" wd.) Planted @ 6' o.c.	As Req.
[Symbol]	<i>Budleya linearis</i> - 'Carolina Bougainvillee' (8" ht. x 3" wd.) Planted @ 3' o.c.	As Req.



**LANDSCAPE DEVELOPMENT PLAN
BRUSH MANAGEMENT PROGRAM**

1/8" = 1'-0"



Prepared By:	KATHERINE STANGLE	Revision 14
Name:	LANDSCAPE ARCHITECT	Revision 13
Address:	1543 MYRTLE AVENUE SAN DIEGO, CA 92103	Revision 12
Phone #:	619-291-8227	Revision 10
Project Address:	180 Goldfish Street San Diego, CA 92103	Revision 8
Project Name:	Stirlingway Residence	Revision 7
		Revision 6
		Revision 5
		Revision 4
		Revision 3
		Revision 2
		Revision 1
Original Date:	05/16/05	
Sheet:	3	OF 11
Scale:	L1.1	
DEP #		



STREET VACATION RESOLUTION NO. R-(DRAFT)

ADOPTED ON (DRAFT)

WHEREAS, the California Streets and Highways Code section 8330 et seq. and San Diego Municipal Code section 125.1001 et seq. provides a procedure for the summary vacation of public street easements by Council resolution where the easements are no longer required; and

WHEREAS, the affected property owner has requested the vacation of the public right-of-way easement at 4285 Goldfinch Street to unencumber this property and facilitate development of the site as conditioned in approved Neighborhood Development Permit No. 186747; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated because the right-of-way is an unimproved paper street that dead ends into City Owned dedicated Open Space. Due to the extreme topography of the right-of-way the street could not be improved nor is there existing or proposed pedestrian access to the Open Space from the right-of-way; and

(b) the public will benefit from the vacation through improved utilization of land because the City would be released from any maintenance and liability associated with the right-of-way and vacating the right-of-way would facilitate development of adjacent properties and would facilitate the addition of off-street parking where none currently exists; and

(c) the vacation does not adversely affect the General Plan or the approved Uptown Community Plan because the portion of Goldfinch proposed to be vacated is unimproved and is not identified in the Circulation Element of either the Community Plan or the General Plan; and

(d) the public street system for which the right-of-way easement was originally acquired will not be detrimentally affected by this vacation because the unimproved paper street dead-ends into an open space canyon system and therefore, it does not convey vehicle or pedestrian traffic and would not be improved in the future; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the public right-of-way easement located within Goldfinch Street in connection with Neighborhood Development Permit No. 186747, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. (DRAFT), marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-_____, and RR-_____, which are by this reference incorporated herein and made a part hereof, is ordered vacated reserving therefrom a shared access easement for providing access for the property located at 4285 Goldfinch Street together with ingress and egress for that purpose..

2. That said this street vacation is conditioned upon approval of Neighborhood Development Permit No. 186747. In the event this condition is not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

3. That the Development Services Department shall cause a certified copy of this resolution, with attached exhibits, to be recorded in the office of the County Recorder.

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

JOB ORDER NUMBER: 42-3986

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NEIGHBORHOOD DEVELOPMENT PERMIT NO. 186747
 VARIANCE NO. 536744
BILLINGSLEY RESIDENCE – PROJECT NO. 62130
 CITY COUNCIL

This Neighborhood Development Permit No. 186747 AND Variance No. 536744, is granted by the City Council of the City of San Diego to KIRBY L. PRAY AND MARILYN F. BILLINGSLEY, Owners and Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0404. The 0.16-acre site is located at 4285 Goldfinch Street in the RS-1-1 zone within the Uptown Community Plan. The project site is legally described as Lots 3 and 4, Block 7, Map No. 334, and that portion of Goldfinch Street vacated by the City Council of the City of San Diego pursuant to Resolution No. 298161, recorded July 10, 2003, as instrument No. 2003-0819704 of official recordings

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owners and Permittees to develop the site with a new 2,973 square-foot single-family residence, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated (City Council date to be determined), on file in the Development Services Department.

The project shall include:

- a. A new 2,973 square-foot home and detached two car garage
- b. Landscaping and Brush Management (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. A variance to reduce the legal lot frontage to zero feet on a dedicated public right-of-way with an access agreement from Barr Street with the adjacent property.

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

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all 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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
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. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

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8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

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

10. The applicant 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, including, but not limited to, any 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

12. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 62130, shall be noted on the construction

plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 62130, satisfactory to the Development Services Department and the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biology
- MHPA Land Use Adjacency
- Historical (Archeological) Resources

14. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

15. Prior to the recordation of the quitclaim deed, the applicant shall obtain an access agreement from the adjacent property owner to the north, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permit, the applicant shall incorporate any 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.

17. Prior to the issuance of any construction permits, the applicant shall submit 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.

18. Prior to building occupancy, the applicant shall replace the curb along the vacated Goldfinch/ Barr Avenue frontage with City standard curb and gutter, and install a new 12 foot driveway, all satisfactory to the City Engineer.

19. The drainage system proposed for this development is private and subject to approval by the City Engineer.

20. Prior to the issuance of any building permits, the applicant shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

21. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Maintenance and Removal Agreement, for non-standard bricks around the water meter and a D-25 curb outlet in Barr Avenue, satisfactory to the City Engineer. This work shall shown on the grading plan and processed with the grading permit.

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22. Prior to the building occupancy, the applicant shall replace the curb along the vacated Goldfinch/ Barr Avenue frontage with City standard curb and gutter, and install a new 12 foot driveway, a D-25 curb outlet and a 5-foot non-contiguous sidewalk, all satisfactory to the City Engineer. This work shall be shown on the grading plan and included in the grading permit.

LANDSCAPE REQUIREMENTS:

23. Prior to issuance of any construction permits for grading, landscape construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.

24. Prior to issuance of any construction permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 sq-ft 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.

25. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

26. Prior to issuance of any construction permits for buildings (including shell), complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

27. Prior to Final Inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A "No Fee" Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

28. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

29. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

30. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit 'A' Brush Management Plan on file in the Office of the Development Services Department.
31. Prior to issuance of any construction permits for grading, Landscape Construction Documents required for the construction permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit 'A.'
32. Prior to issuance of any construction permits, a complete set of Brush Management Construction Documents shall be submitted for approval to the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit 'A' and shall comply with the Uniform Fire Code, M.C. 55.0101, the Landscape Standards, and the Land Development Code Section 142.0412 (Ordinance 19413).
33. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.

PLANNING/DESIGN REQUIREMENTS:

34. No fewer than two (2) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.
35. 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.
36. 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.

WASTEWATER REQUIREMENTS:

37. All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego Sewer Design Guide.

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

39. Prior to the issuance of any grading or building permit, the Developer shall obtain an Encroachment Maintenance and Removal Agreement for connecting a private sewer lateral to a public sewer main located in an easement.

WATER REQUIREMENTS:

40. Prior to the issuance of any building permits the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service, outside of any driveway or drive aisle, within the right-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

41. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of the appropriate private backflow prevention devices on each water service (domestic, fire and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer and the Cross-Connection Control Group in the Customer Support Division of the Water Department.

42. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including water services and meters, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

43. All on-site water facilities shall be private including domestic, fire and irrigation systems.

44. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities as shown on the approved plans shall be modified at final engineering to comply with standards.

INFORMATION ONLY:

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

000453

Permit Type/PTS Approval No.:
Date of Approval:

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

NAME
TITLE

**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.**

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

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

(R-DRAFT)

RESOLUTION NUMBER R-(DRAFT)

ADOPTED ON (DRAFT)

WHEREAS, KIRBY L. PRAY and MARILYN F. BILLINGSLEY, Owners and Permittees, filed an application with the City of San Diego for a Neighborhood Development Permit, Street Vacation and Variance to construct a single-family residence known as the Billingsley Residence project, located at 42851/3 Goldfinch Street, in the RS-1-1 Zone within the Uptown Community Plan area, and legally described as Lots 3 and 4, Block 7, Map No. 334, and that portion of Goldfinch Street vacated by the City Council of the City of San Diego pursuant to Resolution No. 298161, recorded July 10, 2003, as instrument No. 2003-0819704 of official recordings; and

WHEREAS, on April 20, 2008, the Planning Commission of the City of San Diego considered Neighborhood Development Permit No. 186747, Public Right-of-Way Vacation No. 530896 and Variance No. 537644 pursuant to Resolution No. () voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on (insert City Council date), 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 Neighborhood Development Permit No. 186747, Public Right-of-Way Vacation No. 530896 and Variance No. 537644:

Neighborhood Development Permit - Section 126.0404

A. Findings for All Neighborhood Development Permits

1. The proposed development will not adversely affect the applicable land use plan;

The Uptown Community Plan designates the proposed 0.16-acre project site for Low-Residential (0-5 dwelling units per acre) and Open Space. Further, the Open Space and Recreation Element of the community plan identifies this project within the Biological/Geological Zone of the Mission Valley Canyon System. According to recommendations in this zone, only very low residential development density should be allowed on site. The proposed project consisting of a single-family dwelling unit would not adversely impact this recommendation.

As designed the proposed project would implement recommendations in the Urban Design Element for compatibility with the existing architectural detail and overall appearance of the quality development in the surrounding neighborhood and for the

incorporation of articulated building facades that relate to the form and scale of surrounding development through the use of compatible setbacks, building coverage, and floor area ratios. Further, the provision of a landscaped non-contiguous sidewalk and shade-producing street trees would implement the goal of enhancing the pedestrian environment.

The proposed project and associated street vacation would not preclude views into the adjacent open space from the existing right-of-way since only a limited portion of the proposed new development would be located within the existing right-of-way. Given the proposed topography attributed to the project site, the proposed variance to allow parking facilities within existing right-of-way would meet the objective in the Transportation Element for ensuring the provision of adequate parking facilities and would not adversely affect the community plan

2. The proposed development will not be detrimental to the public health, safety, and welfare; and

The proposed project would develop a vacant 0.16 acre site with a new 2,973 square-foot single-family residence in the RS-1-1 Zone within the Uptown Community Plan area. An environmental Mitigated Negative Declaration was prepared for the project pursuant to the California Environmental Quality Act (CEQA). During the environmental review of the project, it was determined that construction could result in significant but mitigable impacts in the areas of Biology, MHPA Land Use Adjacency and Archaeology. A Mitigation, Monitoring and Reporting Program has been established for the proposed development that would require monitoring for historical resources during grading operations, a biological survey prior to construction due to a potential for raptors to nest in the trees that are adjacent to the site and finally, compliance with the MHPA Land Use Adjacency Guidelines be implemented and would reduce potential indirect impacts to below a level of significance. The environmental initial study concluded that no other impacts were associated with the proposed project. The project would be designed, reviewed, constructed and inspected pursuant to all applicable uniform building codes and as such would be a safe and permitted structure. Therefore, the proposed development would not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The proposed project would develop a vacant 0.16 acre site with a new 2,973 square-foot single-family residence in the RS-1-1 Zone within the Uptown Community Plan area. The project is requesting a Neighborhood Development Permit to develop the site due to the presence of Environmentally Sensitive Lands in the form of steep hillsides and a small patch of Coastal Sage Scrub on the property. The project is also requesting a public right-of-way vacation which would increase the size of the lot and allow for the proposed single-family dwelling unit. The project has been designed to comply with the development regulations of the RS-1-1 zone and would, with an approved Neighborhood Development Permit, comply with the Environmentally Sensitive Lands Regulations.

000456

Therefore, the proposed development would comply with all of the applicable regulations of the Land Development Code.

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 proposed project would develop a vacant 0.16 acre site with a new 2,973 square-foot single-family residence in the RS-1-1 Zone within the Uptown Community Plan area. The Uptown Community Plan designates the proposed 0.16-acre project site for Low-Residential (0-5 dwelling units per acre) and Open Space. According to recommendations in this zone, only very low residential development density should be allowed on site. Since the project is proposing a single residence in a single-family zone, and the proposed design complies with all applicable development regulations without deviation, the site is physically suited for the design and location of the development. Additionally, the project steps down the hillside and limits grading to excavation of the structural footings resulting in the minimum disturbance to environmentally sensitive lands.

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;

The proposed project would develop a vacant 0.16 acre site with a new 2,973 square-foot single-family residence in the RS-1-1 Zone within the Uptown Community Plan area. The project proposes minimal grading by terracing the development and stepping down the slope thereby minimizing alteration of the natural land form. The project is located in geologic hazard area 52 and is considered suitable for the proposed development. Best Management Practices during construction and post construction would minimize run-off and drainage would be either directed away from the hillside or diverted to a grass swale or rip rap to dissipate flow down the slope. The project includes a brush management plan consistent with the City's Landscape Technical Manual that would minimize fire hazards. The site is elevated and therefore not prone to flood hazard.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands; and

The proposed project would develop a vacant 0.16 acre site with a new 2,973 square-foot single-family residence in the RS-1-1 Zone within the Uptown Community Plan area. The project proposes minimal grading by terracing the development and stepping down the slope thereby minimizing alteration of the natural land form. The project proposes development adjacent to the City of San Diego's Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA). Development adjacent to the MHPA is required to conform to all applicable Land Use Adjacency Guidelines (Section 1.4.3) of the MSCP Subarea Plan. Although direct impacts would not occur within the MHPA, the

project does have the potential to result in indirect impacts to the MHPA because of the site's adjacency to it. As such, mitigation in the form of compliance with the MHPA Land Use Adjacency Guidelines would be implemented and would reduce potential indirect impacts to below a level of significance. A Mitigation, Monitoring and Reporting Program, contained in the Mitigated Negative Declaration is included and therefore the proposed development would be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

The proposed project would develop a vacant 0.16 acre site with a new 2,973 square-foot single-family residence in the RS-1-1 Zone within the Uptown Community Plan area. The project proposes development adjacent to the City of San Diego's Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA). Development adjacent to the MHPA is required to conform to all applicable Land Use Adjacency Guidelines (Section 1.4.3) of the MSCP Subarea Plan. Although direct impacts would not occur within the MHPA, the project does have the potential to result in indirect impacts to the MHPA because of the site's adjacency to it. As such, mitigation in the form of compliance with the MHPA Land Use Adjacency Guidelines would be implemented and would reduce potential indirect impacts to below a level of significance. A Mitigation, Monitoring and Reporting Program, contained in the Mitigated Negative Declaration is included and therefore the proposed development would be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

Variance - Section 126.0805

1. There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations;

The proposed project site is a legal lot created for single-family development in the RS-1-1 Zone. However the property is comprised almost entirely of steep slopes that are defined by the City of San Diego Land Development Code as Environmentally Sensitive Lands and therefore have limitations applied to the development of the site. The property is accessed from an unimproved paper street and is the last property of the subdivision prior to the establishment of City owned open space. Based on the existing topography which falls away from the street combined with the limited access provided by the original subdivision, there are special circumstances that apply to this site that do not apply to other properties in the vicinity and which have not resulted from any act of the applicant.

2. The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises;

The proposed project site is a legal building lot created for single-family development in the RS-1-1 Zone. The application is seeking to develop the site with a moderately sized single-family home compatible with other dwelling units within the vicinity. Based on the steep slopes that constitute a majority of the site, the limitations imposed by the Environmentally Sensitive Lands Regulations of the Municipal Code and the requirement to provide two off-street parking spaces for the development, strict application of the Land development Code would result in either an unreasonably small dwelling unit or a development that would be economically unfeasible to design with access and parking thereby depriving the applicant reasonable use of the property. Allowing the project to provide minimum private access improvements and zero street frontage would be the minimum variance necessary and would allow the reasonable development of a single-family home without adversely affecting other properties in the vicinity.

3. The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare;

The granting of the variance would allow the development of a moderate sized single-family home with two off-street parking spaces consistent with the RS-1-1 Zone land use designation and development regulations and requirements of the Environmentally Sensitive Lands Regulations of the Land Development Code. The development would be consistent with the bulk and scale of other single-family dwelling units in the existing neighborhood. Granting the variance would permit the design flexibility for a dwelling unit that is not dominated by a parking facility or massive grading to access a parking facility which would be likely given the steep topography of the site. Environmental mitigation measures for the proposed development would ensure that the project does not adversely impact sensitive environmental resources on the site or adjacent open space. The project would be engineered, constructed and inspected pursuant to the International Building Code to ensure the development results in a safe and habitable structure. Therefore, granting the variance would be in harmony with the general purpose and intent of the regulations and would not be detrimental to the public health, safety and welfare.

4. The granting of the variance will not adversely affect the applicable land use plan. If the variance is being sought in conjunction with any proposed coastal development, the required finding shall specify that granting of the variance conforms with, and is adequate to carry out, the provisions of the certified land use plan.

The proposed project would be consistent with the Uptown Community Plan land use designations including the low density residential land use designation for the property and the adjacent open space area. The variance is being requested to permit a street vacation that would result in a legal lot with no street frontage along a dedicated public

street. The requirement to provide frontage is an access issue that would be resolved with an access agreement with the adjoining property. The resulting parcel and private access easement would not adversely affect the Uptown Community Plan, therefore, granting the variance would not adversely affect the applicable land use plan. The variance is not being sought in conjunction with a coastal development permit.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Neighborhood Development Permit No. 186747, Public Right-of-Way Vacation No. 530896 and Variance No. 537644, are granted to Kirby L. Pray and Marilyn F. Billingsley, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL AGUIRRE, City Attorney

By

NAME

Deputy City Attorney

ATTY/SEC. INITIALS

DATE

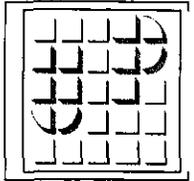
Or.Dept:Clerk

R-INSERT

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Reviewed by Patrick Hooper

000461



UPTOWN PLANNERS

Uptown Community Planning Committee
NOTICE OF PUBLIC MEETING

Tuesday, November 7, 2006– 6:00 p.m.

**Location: Joyce Beers Community Center, Uptown Shopping District
(on Vermont Street between the Terra and Aladdin Restaurants)**

- I. **Parliamentary Items (6:00 p.m.)**
 - A. Introductions
 - B. Adoption of Agenda and Rules of Order
 - C. Approval of Minutes
 - D. Treasurer's Report
 - E. Chair/ CPC Report
 - F. Announcement of Vacant Seat

- a. **Public Communications - Non-Agenda Public Comment (3 minutes each).** Please fill out a Public Comment Sheet and give it to the Secretary prior to the meeting. (6:15 p.m.)

- IV. **Elected Official Representatives (3 minutes each) (6:25 p.m.)**

- V. **Consent Agenda:** Members Present – Ernie Bonn, Ian Epley, Jim Sidorick, Roy Dahl, Ruth Harrison, Mary Wendorf, Peggy Mazzella, Leo Wilson. (6:35 p.m.)
 1. **1047 UNIVERSITY MAP WAIVER – (Process Three) – Self Certification Submittal** – Map Waiver application to waive the requirements of a tentative map and to underground overhead utilities to create seven commercial condominiums on a 0.19 acre site at 1047 University Avenue in the CN-2A Zone; Residential Tandem Parking Overlay Zone; Transit Area Overlay Zone. **(DRS recommended approval and placement on consent, the DRS recommends that (1.) the applicant consider having the property historically designated, (2.) also look at obtaining a grant for storefront improvements, and (3.) the condition that delivery vehicles use the alley in the back for deliveries: Vote: 6-0-1)**

 2. **1601 POLK AVENUE MAP WAIVER – (Process Three) – Sustainable Building Expedite –Hillcrest** – Map Waiver application to waive the requirements of a tentative map and to under ground overhead utilities to create six residential condominium units (under construction) on a 7,000 sq. ft. site at 1605 Polk Avenue in the MR-800B Zone. **(DRS recommended approval and placement on consent, subject to the standard conditions that apply to condominium conversions: Vote 5-1-1; Mary Wendorf requested to be recorded as a no vote in protest over the lack of public review of the demolition of the previously existing structures on the site.)**

 3. **4081 NORMAL STREET MAP WAIVER – (Process Three) – Sustainable Building Expedite – Hillcrest** – Map Waiver application to waive the requirements for a tentative map and to underground overhead utilities to create six residential condominium units (under construction) on a 7,000 sq. ft. site at 4081-89 Normal Street in the MR-800B Zone. **(DRS recommended approval and placement on consent, subject to the standard conditions that apply to condominium conversions: Vote 5-1-1- Mary Wendorf requested to be recorded as a no vote in protest over the lack of public review of the demolition of the previously existing structures on the site.)**

- VI. **Information Item – (6:45 p.m.)**

1. **1. ST. PAUL'S CATHEDRAL/ CLB PARTNERS** – Bankers Hill/Park West – Proposal to construct two high rise mixed use buildings: (1.) On the corner of Sixth Avenue and Olive Streets – will contain 57 residential units and office space for St. Paul's Cathedral; (2.) On the corner of Fifth Avenue and Nutmeg Street –will contain 112 condominium units and 15,000 sq. ft. of commercial space. Project will incorporate green features; La Modern Apartments on the corner of Sixth Avenue and Nutmeg will be preserved as affordable housing; approximately 415 parking spaces; Airport Approach Overlay Zone

VII. Action Items (7:15 p.m.)

1. **BILLINGSLEY RESIDENCE – (Process Five)** - Mission Hills – Neighborhood Development Permit and Public Right of Way Vacation for the construction of a 7,439 square feet single-family residence on a vacant 1.3 acre lot, with a carport in an existing public right of way at 4285 Goldfinch Street in the RS-1-1 Zone. **(DRS recommendation to approve with a request the applicant inform the neighbors of the current application and Uptown Planners meeting: Vote 5-1-1) (7:30 p.m.)**
2. **1274 ESSEX STREET TENTATIVE MAP – (Process Four)** – Hillcrest – Tentative Map to convert six existing residential units to condominiums, located a 0.101 site at 1274 Essex Street, in the MR-1000 Zone. **(DRB recommendation to approve with the following conditions: (1.) proper notice be posted on the building, (2.) sidewalks be enhanced by the use of pavers, colored pavement, and other modifications, (3.) windows be upgraded, possibly using glazed materials (3.) trash area be enclosed and secured, (4.) design be changed to reflect more of a craftsman look, with less tile, (5.) noise mitigation measures be incorporated into the project, (6.) the landscaping be improved, even if it requires loss of a parking space in the front of the building, (7.) applicant should consider incorporating solar panels into the project, (8.) onsite affordable housing be provided, (9.) standard conditions that apply to condominium conversions.: Vote 6-0-1) (7:45 p.m.)**

VIII. Subcommittee Reports/Community Organization Reports/Information Items (8:00 p.m.) Proposal to establish a Historic Resources/Preservation Subcommittee.

IX. Urgent Non-Agenda Items – Items may be initiated by a member or subcommittee, and added to the agenda by the Chair prior to the meeting.

X. Future Meetings/ Adjournment (8:15 p.m.)

Urban Design and Historic Resource Subcommittee: Next meeting: **Monday, November 13, 2006 at 5:00 p. m.** at St. Paul's Cathedral "Great Hall", 2750 5th Avenue at Nutmeg Street, Park West.

Uptown Planners: Next meeting: **Tuesday, December 5, 2006 at 6:00 p. m.** at the Joyce Beers Community Center, Hillcrest.

Note: All times listed are estimates only: Anyone who requires an alternative format of this agenda or has special access needs, please contact (619) 835-9501 at least three days prior to the meeting. For more information on meeting times or issues before Uptown Planners, contact Leo Wilson, Chair, at (619) 231-4495 or at Leo.Wikstrom@sbcglobal.net. Correspondence may be sent to 1010 University Ave, Box 1781, San Diego, CA 92103 Uptown Planners is the City's recognized advisory community planning group for the Uptown Community Planning Area.

Visit our temporary website at www.uptownplanners.com for meeting agendas and other information



City of San Diego
Development Services
Division Name
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Project Title _____ Project No. For City Use Only 62130

Project Address: _____

Part I - To be completed when property is held by individual(s)

Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of individual (type or print):
KIRBY PRAY
 Owner Tenant/Lessee

Street Address: 827 BARR AVE

City/State/Zip: SD, CA 92103

Phone No: _____ Fax No: _____

Signature: [Signature] Date: 12-13-04

Name of individual (type or print):
 Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature: _____ Date: _____

Name of individual (type or print):
 Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature: _____ Date: _____

Name of individual (type or print):
MARILYN BILLINGSLEY
 Owner Tenant/Lessee

Street Address: PROVIDED BY DPM PH

City/State/Zip: FOR INFO ONLY

Phone No: _____ Fax No: _____

Signature: _____ Date: _____

Name of individual (type or print):
 Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature: _____ Date: _____

Name of individual (type or print):
 Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature: _____ Date: _____

This information is available in alternative formats for persons with disabilities.
To request this information in alternative format, call (619) 446-5446 or (800) 735-2929 (TDD)
Be sure to see us on the World Wide Web at www.sandiego.gov/development-services



Land Development
Review Division
(619) 446-5460

Mitigated Negative Declaration

Project No. 62130

SUBJECT: **Billingsley Residence:** A STREET VACATION, VARIANCE and a NEIGHBORHOOD DEVELOPMENT PERMIT (NDP) to allow the development of a 2,973 square-foot, three-level, single-family residence on a vacant lot located at 4285 1/3 Goldfinch Street within the Uptown Community Planning Area. The variance would allow no on-site parking where on-site parking is required. The Street Vacation would allow the vacation of the southern portion of Goldfinch Street. Legal Description: Lots 3 and 4 of Block 7 of Arnold and Choates Addition. Applicant: Kirby Pray and Marilyn Billingsley.

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): **Historical Resources (Archaeology), Biology and MHPA Land Use Adjacency.** Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

A. General

1. Prior to the issuance of a Notice to Proceed (NTP) or any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Assistant Deputy Director (ADD) environmental designee of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading Environmental Requirements: "Billingsley Residence is subject to Mitigation, Monitoring and Reporting Program (MMRP) and shall conform to the mitigation conditions as contained in the Mitigated Negative Declaration (Project 62130)."
2. The owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer,

the Qualified Paleontologist, Qualified Archaeologist, Biologist and the City's Mitigation Monitoring Coordination (MMC) Section.

3. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: **Historical Resources (Archaeology), Biology and MHPA Land Use Adjacency.**

I. HISTORICAL RESOURCES (ARCHAEOLOGY)

I. Prior to Permit Issuance or Bid Opening/Bid Award

A. Land Development Review (LDR) Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.
3. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).
 - c. MMC shall notify the PI that the AME has been approved.
4. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.
5. Approval of AME and Construction Schedule
After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 1. The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the AME and as authorized by the CM. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
 2. The monitor shall document field activity via the Consultant Site Visit Record (CSVr). The CSVr's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

3. The PI may submit a detailed letter to the CM and/or RE for concurrence and forwarding to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
1. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
 - (1). Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
 - (1). Note: For Pipeline Trenching Projects Only. If the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be *considered not significant*.
 - (2). Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.
- D. Discovery Process for Significant Resources - Pipeline Trenching Projects

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
 - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
 - c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
 - d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. **Discovery of Human Remains**

If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

- A. Notification
 1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
 1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
 2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
 3. If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.
 2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
 3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information..
 4. The PI shall coordinate with the MLD for additional consultation.
 5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
- D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant department and/or Real Estate Assets Department (READ) and the Museum of Man.

V. **Night Work**

- A. If night work is included in the contract
1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVN and submit to MMC via the RE by fax by 9am the following morning, if possible.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

- d. The PI shall immediately contact the RE and MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

- A. Submittal of Draft Monitoring Report
 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring.
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
 2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
 1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with

an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.

2. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
3. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

II. BIOLOGY

A. POTENTIAL IMPACTS TO RAPTORS

1. If project grading is proposed during the raptor breeding season (Feb. 1-Sept. 15), the project biologist shall conduct a pre-grading survey for active raptor nests in within 300ft. of the development area and submit a letter report to MMC prior to the preconstruction meeting.
 - A. If active raptor nests are detected, the report shall include mitigation in conformance with the City's Biology Guidelines (i.e. appropriate buffers, monitoring schedules, etc.) to the satisfaction of the City's Environmental Review Manager (ERM)). Mitigation requirements determined by the project biologist and the ERM shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.
 - B. If no nesting raptors are detected during the pre-grading survey, no mitigation is required.

III. MHPA LAND USE ADJACENCY

1. Prior to initiation of any construction-related grading, the biologist shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor.
2. Prior to preconstruction meeting, the limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The limits of grading shall be defined with appropriate construction fencing and checked by the biological monitor before initiation of construction grading.

3. All lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields. If lighting adjacent to the MHPA is required for nighttime construction, it shall be unidirectional, low pressure sodium illumination (or similar), and it shall be directed away from the preserve areas and the tops of adjacent trees with potentially nesting raptor species, using appropriate placement and shields.
4. All staging/storage areas for equipment and materials shall be located within the development footprint and shall not encroach onto adjacent sensitive habitat retained within the open space and/or/MHPA areas. No equipment maintenance shall be conducted within or near the adjacent sensitive habitat retained within the open space and/or/MHPA areas
5. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City engineer.
6. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off-site to an approved disposal facility.
7. No invasive non-native plant-species shall be introduced into areas adjacent to the MHPA.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

Federal

U.S. Fish and Wildlife Service (23)

State of California

California Dept. of Fish and Game (32)
State Clearinghouse (46)

County of San Diego

Air Pollution Control District (65)

City of San Diego

Jeanne Krosch, MSCP (MS 5A)
Mitigation Monitoring Coordination (MS 1102B)
Council District 2
Development Services Department
Corey Braun, Planning Review
Patrick Hooper, Development Project Manager
Allison Sherwood, EAS
Shirley Edwards, City Attorney's Office
Jim Currier, LDR-Engineering
Krassimir Tzonov, LDR-Landscape Reviewer
Mark Stalheim, Long Range Planning (MS 5A)

Other

Marilyn Billingsley
Matt Winter
Carmel Mountain Conservancy (284)
Environmental Law Society (164)
Sierra Club (165)
San Diego Audubon Society (167)
California Native Plant Society (170)
Center for Biological Diversity (176)
Endangered Habitats League (182)
Historical Resources Board (87)
Carmen Lucas (206)
Jerry Schaefer, Ph.D. (209)
San Diego Museum of Man (213)
Louie Guassac (215A)
Ron Christman (215)
Clint Linton (215B)
South Coastal Information Center @ San Diego State University (210)
San Diego Archaeological Center (212)
Save Our Heritage Organisation (214)
San Diego County Archaeological Society (218)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution (PUBLIC NOTICE ONLY 225A-R)
 Barona Group of Capitan Grande Band of Mission Indians (225A)
 Campo Band of Mission Indians (225B)
 Ewiiapaayp Band of Mission Indians (225C)
 Inaja and Cosmit Band of Mission Indians (225D)
 Jamul Indian Village (225E)
 La Posta Band of Mission Indians (225F)
 Manzanita Band of Mission Indians (225G)
 Sycuan Band of Mission Indians (225H)
 Viejas Group of Capitan Grande Band of Mission Indians (225I)

Mesa Grande Band of Mission Indians (225J)
San Pasqual Band of Mission Indians (225K)
Santa Ysabel Band of Diegueño Indians (225L)
La Jolla Band of Mission Indians (225M)
Pala Band of Mission Indians (225N)
Pauma Band of Mission Indians (225O)
Pechanga Band of Mission Indians (225P)
San Luiseno Band of Mission Indians/Rincon (225Q)
Los Coyotes Band of Indians (225R)
Greater North Park Planning Committee (363)
Burlingame Homeowners Association (364)
Friends of Switzer Canyon (365)
North Park Community Association (366)

VII. RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (x) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Land Development Review Division for review, or for purchase at the cost of reproduction.



Allison Sherwood, Senior Planner
Development Services Department

November 29, 2007
Date of Draft Report

January 22, 2008
Date of Final Report

Analyst: **Cass**



San Diego County Archaeological Society, Inc.

Environmental Review Committee

7 December 2007

To: Mr. Marc Cass
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration
Billingsley Residence
Project No. 62130

Dear Mr. Cass:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DMND and initial study for the project, we agree with the mitigation measures included in the DMND.

Thank you for including SDCAS in the distribution of this environmental document.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

1. Comment Noted.

1



ARNOLD SCHWARZENEGGER
GOVERNOR

January 3, 2008

Marc Cass
City of San Diego
1222 First Avenue
San Diego, CA 92101-4155

Subject: Billingsley Residence
SCH#: 2007121014

Dear Marc Cass:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on January 2, 2008, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse



CYNTHIA BRYANT
DIRECTOR

State Clearinghouse Data Base

SCH# 121014
Project Title Billingsley Residence
Lead Agency San Diego, City of

Type MN Mitigated Negative Declaration
Description D

A Street Vacation, Variance and a *Neighborhood Development Permit (NDP)* to allow the development of a 2,973 square-foot, three-level, single-family residence on a vacant lot located at 4285 1/3 Goldfinch Street within the Uptown Community Planning Area. The variance would allow no on-site parking where on-site parking is required. The Street Vacation would allow the vacation of the southern portion of Goldfinch Street. Legal Description: Lots 3 and 4 of Block 7 of Arnold and Choates Addition. Applicant: Kirby Pray and Marilyn Billingsley.

Lead Agency Contact

Name Marc Cass
Agency City of San Diego
Phone 619-446-5330 **Fax**
email
Address 1222 First Avenue
City San Diego **State** CA **Zip** 92101-4155

Project Location

County San Diego
City San Diego
Region
Cross Streets Goldfinch Street
Parcel No. 444-272-0900
Township

Range **Section** **Base**

Proximity to:

Highways I-163
Airports
Railways
Waterways
Schools
Land Use Low-Density Residential and RS-1-2

Project Issues Archeologic-Historic; Geologic/Seismic; Vegetation; Water Quality

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Regional Water Quality Control Board, Region 9; Native American Heritage Commission

Date Received 12/04/2007 **Start of Review** 12/04/2007 **End of Review** 01/02/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

City of San Diego
Development Services Department
LAND DEVELOPMENT REVIEW DIVISION
1222 First Avenue, Mail Station 501
San Diego, CA 92101
(619) 446-5460

INITIAL STUDY
Project No. 62130

SUBJECT: **Billingsley Residence:** A STREET VACATION, VARIANCE and a NEIGHBORHOOD DEVELOPMENT PERMIT (NDP) to allow the development of a 2,973 square-foot, three-level, single-family residence on a vacant lot located at 4285 1/3 Goldfinch Street within the Uptown Community Planning Area. The variance would allow no on-site parking where on-site parking is required. The Street Vacation would allow the vacation of the southern portion of Goldfinch Street. Legal Description: Lots 3 and 4 of Block 7 of Arnold and Choates Addition. Applicant: Kirby Pray and Marilyn Billingsley.

I. PURPOSE AND MAIN FEATURES:

The proposed project is a Street Vacation, Variance and a Neighborhood Development Permit (NDP), to be considered by the City Council (Process 5), would allow the development of a three-level 2,973 square-foot single-family residence located on an existing 5,250 square-foot lot. The project site is located at 4285 1/3 Goldfinch Street in the Uptown Community Planning Area. The Street Vacation would allow for the vacation of the southernmost portion (dead end street approximately 65 feet by 76 feet) of Goldfinch Street in order to construct a driveway and a carport in an area that is currently the public-right-of-way. The square-footage resulting from the proposed Street Vacation and the existing square-footage of the lot would result in a 7,000 square-foot lot. The Floor-Area-Ratio (F.A.R.) allowed by the underlying RS-1-1 zone is 0.45, which would allow a maximum F.A.R. of 3,150 square-feet. The project proposes 2,973 square-feet which is comprised of the first floor (467 square-feet), second floor (769 square-feet) and the third floor (1,737 square-feet). The third floor would consist of a kitchen, living room, dining room, a family room and a bathroom. A wrap-around balcony would be constructed on the southeastern corner of the third level. The second level would include three bedrooms and two bathrooms. The first floor would consist of a living-room, a bedroom and a closet. The roof would be a green panel roof consisting of a bio-blanket underneath a single layer of growing substrate and plants. The project would also include a lap pool on the southern portion of the site.

The project proposes development on a site that supports Environmentally Sensitive Lands (ESL) in the form of *Steep Hillsides* and *Sensitive Biological Resources*. The project would be in compliance with the ESL Regulations. The project proposes to grade 896 cubic-yards of cut at a maximum cut depth of 11 feet, and 165 cubic-yards of fill. Access to the site would be provided from Goldfinch Street pending the approval of a proposed curb-cut and street vacation. The site is not adjacent to or within the Multi-Habitat Planning Area (MHPA); however, the MHPA is approximately 40-feet to the southeast. Landscaping on-site would be in conformance with the City's Landscape Technical Manual and would consist of the following: Succulents; a Green Roof Garden; Drought tolerant Fescue Type Grass and low native groundcover. Brush management is required for the project and would be in compliance through a modified Brush Management Zone One with alternative compliance.

II. ENVIRONMENTAL SETTING:

The undeveloped 0.13-acre site is located immediately east of the end of Goldfinch Street. The site is bounded by Barr Avenue and residential houses to the north, Goldfinch Street and residential houses to the west, and a tributary canyon of Mission Valley to the east. The site is zoned RS-1-1 and is designated single-family residential in the Uptown Community Planning Area. The zoning of the sites surrounding the subject site is RS-1-7 to the north and west, and RS-1-1 to the east. The site is not within nor adjacent to the Multi-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program (MSCP) Subarea Plan area; however, the southeast corner of the site is located approximately 40 feet away from the northwest edge of the Multi-Habitat Planning Area (MHPA).

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study checklist.

IV. DISCUSSION:

*During the environmental review of the project, it was determined that construction could result in significant but mitigable impacts in the following area(s): **Biology, MHPA Land Use Adjacency and Archaeology.***

Biology

In order to assess the potential direct, indirect and cumulative biological impacts that may result from project implementation, a Biology Survey was prepared by Recon, Inc and dated March 16, 2006 and subsequently revised on May 2, 2007 and October 26, 2007. The report and conclusions are summarized herein. The only sensitive biological resource that was identified on-site is 0.081-acres of Diegan Coastal Sage Scrub (CSS). Total impacts to CSS would be 0.076-acres. Impacts to Upland Habitat in excess of 0.10-acres would be considered significant and require mitigation. Since the proposed project's impacts would consist of 0.076-acres, the impact would not be considered significant and would not require mitigation.

A site survey was conducted on January 13, 2004 with the objective of compiling a list of any sensitive plants, animals and habitats that the subject property supports. No sensitive plant species were observed during the survey. Additionally, no sensitive animals were observed on-site; however, there is a potential for raptors to nest in the trees that are adjacent to the site. The site is situated approximately 40 feet to the northeast of the Multi-Habitat Planning Area (MHPA). To mitigate any potential indirect impacts to raptors, a survey would be required prior to the start of any construction. This mitigation requirement is outlined in Section V of the MND.

Multi-Habitat Planning Area (MHPA) Land Use Adjacency

The project proposes development adjacent to the City of San Diego's Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA). Development adjacent to the MHPA is required to conform to all applicable Land Use Adjacency Guidelines (Section 1.4.3) of the MSCP Subarea Plan. Although direct impacts would not occur within the MHPA, the project does have the potential to result in indirect impacts to the MHPA because of the site's adjacency to it. As such, mitigation in the form of compliance with the MHPA Land Use Adjacency Guidelines be implemented and

would reduce potential indirect impacts to below a level of significance. Therefore, a Mitigation, Monitoring and Reporting Program, contained in Section V of the attached Mitigated Negative Declaration is included and would mitigate potentially significant indirect impacts to the MHPA to below a level of significance.

Historical Resources (Archaeology)

According to the City's Historical Resources Sensitivity Map, the site is located in an area with a high potential for subsurface archaeological resources. The project would export approximately 896 cubic-yards of cut at depths of up to 11-feet. Due to the quantity of cut and the potential to impact archeological finds on-site, archeological monitoring would be required during grading. In the event that such resources are discovered, excavation would be halted or diverted, to allow recovery, evaluation, and recordation of materials. A Mitigation, Monitoring and Reporting Program, contained in Section V of the attached Mitigated Negative Declaration, would mitigate potentially significant impacts archaeological resources to below a level of significance.

*The following environmental issues were considered in depth during the environmental review of the project and determined **NOT** to be potentially significant: **Water Quality/Hydrology.***

Water Quality

Proper engineering controls and best management practices consisting of Site Design BMPs, Source Control BMPs, Priority Project Category BMPs and Structural Treatment Control BMPs in accordance with the San Diego Municipal Code Chapter 14, Article 2, Division 1 (Grading Regulations) and Division 2 (Storm Water Runoff Control and Drainage Regulations), and Chapter 4, Article 3, Division 3 (Stormwater Management and Discharge Control) would minimize water runoff and soil erosion during excavation/construction activities. Specifically, a condition has been added to the NDP that requires the applicant to incorporate any construction BMPs necessary to comply with Chapter 14, Article 2, Division 1, prior to any construction permits being issued. Additionally, the applicant is conditioned to submit a Water Pollution Control Plan (WPCP) prior to any work being done on the site. The resultant discharge from the site would then be substantially free of pollutants and sediments to the maximum extent practicable. Therefore, permit issuance would preclude a significant impact to Water Quality/Hydrology and no mitigation is required.

V. RECOMMENDATION:

On the basis of this initial evaluation:

- The proposed project would not have a significant effect on the environment, and a **NEGATIVE DECLARATION** should be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A **MITIGATED NEGATIVE DECLARATION** should be prepared.
- The proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** should be required.

PROJECT ANALYST: Cass

Attachments:

Figure 1: Location Map

Figure 2: Site Plan

Figure 3: East/West Elevations

Figure 4: North South Elevations

Initial Study Checklist



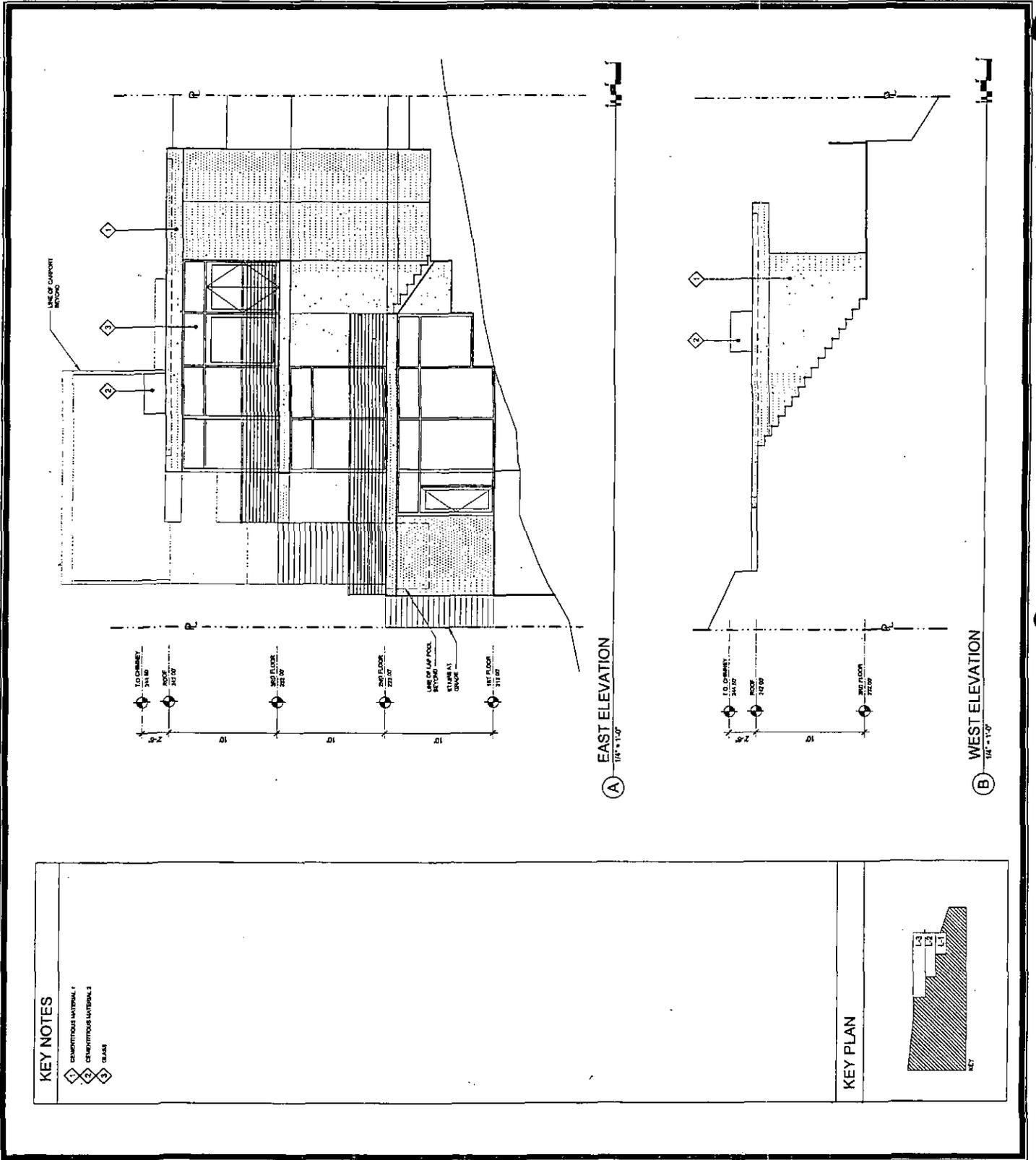
Billingsley Residence



Location Map

Environmental Analysis Section Project No. 62130
 CITY OF SAN DIEGO · DEVELOPMENT SERVICES

Figure
 1



Billingsley Residence

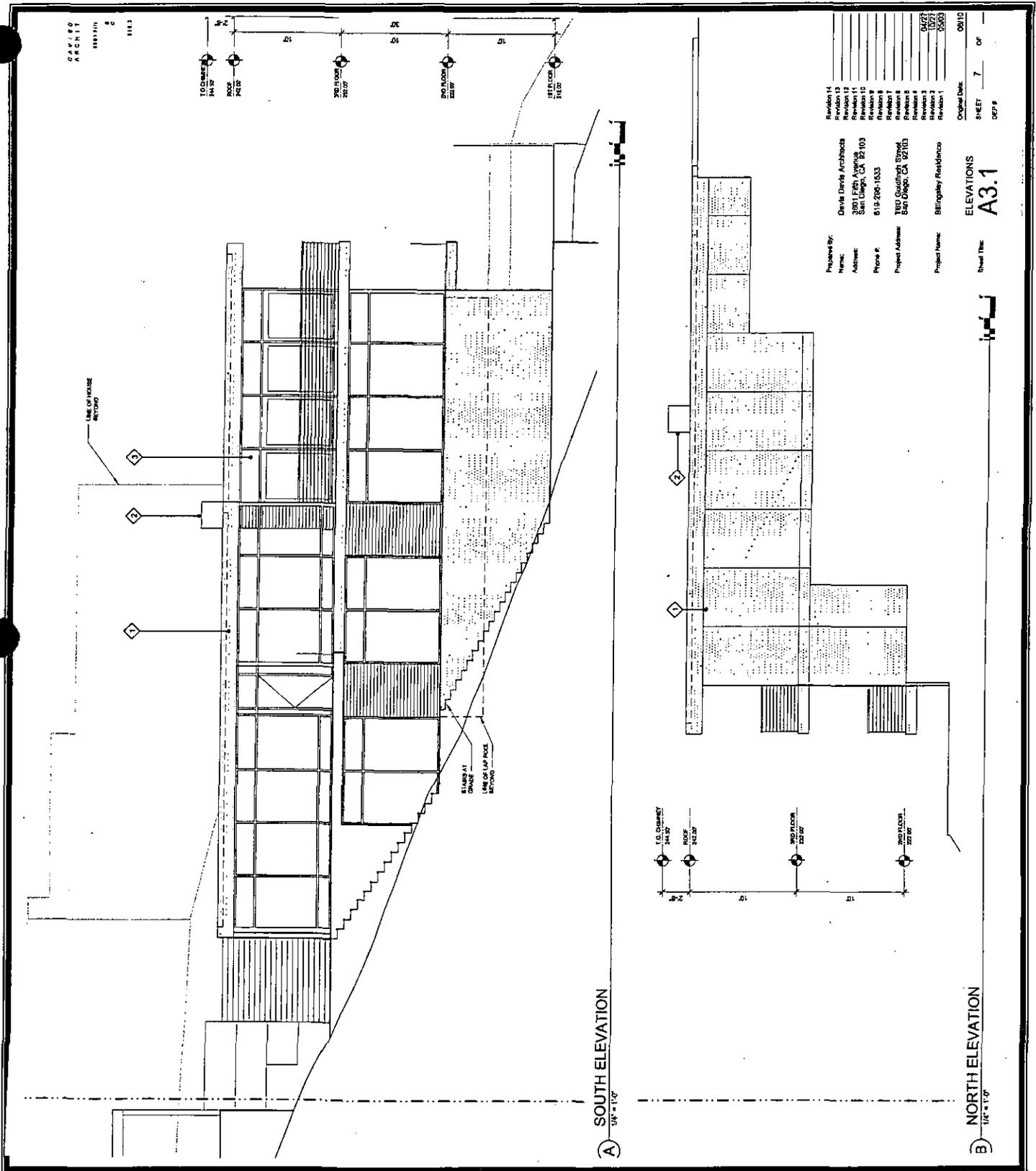
East/West Elevations

Environmental Analysis Section Project No. 62130
CITY OF SAN DIEGO · DEVELOPMENT SERVICES

Figure

3





Billingsley Residence

North/South Elevations

Environmental Analysis Section Project No. 62130

CITY OF SAN DIEGO · DEVELOPMENT SERVICES

Figure

4



Initial Study Checklist

Date: August 9, 2005
Project No.: 62130
Name of Project: Billingsley Residence

III. ENVIRONMENTAL ANALYSIS:

The purpose of the Initial Study is to identify the potential for significant environmental impacts which could be associated with a project pursuant to Section 15063 of the State CEQA Guidelines. In addition, the Initial Study provides the lead agency with information which forms the basis for deciding whether to prepare an Environmental Impact Report, Negative Declaration or Mitigated Negative Declaration. This Checklist provides a means to facilitate early environmental assessment. However, subsequent to this preliminary review, modifications to the project may mitigate adverse impacts. All answers of "yes" and "maybe" indicate that there is a potential for significant environmental impacts and these determinations are explained in Section IV of the Initial Study.

Yes Maybe No

I. AESTHETICS / NEIGHBORHOOD CHARACTER -- Will the proposal result in:

- A. The obstruction of any vista or scenic view from a public viewing area? — — √
The structure would comply with the height regulations and would not impact any scenic views.
- B. The creation of a negative aesthetic site or project? — — √
The project would develop a vacant lot within an existing residential area. No negative aesthetic site would result from project implementation.
- C. Project bulk, scale, materials, or style which would be incompatible with surrounding development? — — √
The proposed residential project would be consistent with the surrounding development in terms of bulk, scale, materials, and style.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
D. Substantial alteration to the existing character of the area? <u>The proposed project is in conformance with the general character of the area and would conform with the RS-1-1 zone and would not substantially alter the existing character. See I-A.</u>	—	—	<u>√</u>
E. The loss of any distinctive or landmark tree(s), or a stand of mature trees? <u>No such impact would occur.</u>	—	—	<u>√</u>
F. Substantial change in topography or ground surface relief features? <u>On-site grading would occur. However, no substantial change in topography or ground surface would result as the project would be held to the encroachment allowances of the Environmentally Sensitive Lands regulations and steep hillside guidelines as defined by SDMC, Section 143.0101.</u>	—	—	<u>√</u>
G. The loss, covering or modification of any unique geologic or physical features such as a natural canyon, sandstone bluff, rock outcrop, or hillside with a slope in excess of 25 percent? <u>The loss of a hillside with a slope in excess of 25 percent may occur; however, the encroachment would be within the allowances of the Land Development Code.</u>	—	—	<u>√</u>
H. Substantial light or glare? <u>The project would not produce a substantial amount of light or glare.</u>	—	—	<u>√</u>
I. Substantial shading of other properties? <u>No such effect would occur. See I-A.</u>	—	—	<u>√</u>

		<u>Yes</u>	<u>Maybe</u>	<u>No</u>
II.	AGRICULTURE RESOURCES / NATURAL RESOURCES / MINERAL RESOURCES – Would the proposal result in:			
	A. The loss of availability of a known mineral resource (e.g., sand or gravel) that would be of value to the region and the residents of the state? <u>The project is located on a 5,750 square-foot lot and would not be suitable for any type of mining operations. No loss would occur.</u>	—	—	<u>√</u>
	B. The conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land? <u>The project site is located within a developed, urbanized area.</u>	—	—	<u>√</u>
III.	AIR QUALITY – Would the proposal:			
	A. Conflict with or obstruct implementation of the applicable air quality plan? <u>The project would not create a substantial amount of ADTs, nor would there be significant stationary source emissions. Therefore, the project would not conflict or obstruction implementation of the applicable air quality plan.</u>	—	—	<u>√</u>
	B. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? <u>See III-A.</u>	—	—	<u>√</u>
	C. Expose sensitive receptors to substantial pollutant concentrations? <u>See III-A.</u>	—	—	<u>√</u>
	D. Create objectionable odors affecting a substantial number of people? <u>See III-A.</u>	—	—	<u>√</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
E. Exceed 100 pounds per day of Particulate Matter 10 (dust)? <u>There is a potential for the creation of dust particulate during construction only. However, the City Municipal Code requires dust suppression measures be implemented during construction activities.</u>	—	—	<u>√</u>
F. Alter air movement in the area of the project? <u>Air movement would not be substantially altered. See III-A.</u>	—	—	<u>√</u>
G. Cause a substantial alteration in moisture, or temperature, or any change in climate, either locally or regionally? <u>See III-A.</u>	—	—	<u>√</u>
IV. BIOLOGY – Would the proposal result in:			
A. A reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals? <u>There are no such species of plants or animals on or adjacent to the project site. See Initial Study discussion.</u>	—	<u>√</u>	—
B. A substantial change in the diversity of any species of animals or plants? <u>See IV-A.</u>	—	<u>√</u>	—
C. Introduction of invasive species of plants into the area? <u>Proposed project landscaping would conform to the City of San Diego's approved plant species and invasive species would not be introduced into the area.</u>	—	—	<u>√</u>
D. Interference with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors? <u>No such corridors exist on or adjacent to the project site.</u>	—	—	<u>√</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
E. An impact to a sensitive habitat, including, but not limited to streamside vegetation, aquatic, riparian, oak woodland, coastal sage scrub or chaparral? <u>See IV-A.</u>	---	<u>√</u>	---
F. An impact on City, State, or federally regulated wetlands (including, but not limited to, coastal salt marsh, vernal pool, lagoon, coastal, etc.) through direct removal, filling, hydrological interruption or other means? <u>There are no wetlands on-site.</u>	---	---	<u>√</u>
G. Conflict with the provisions of the City's Multiple Species Conservation Program Subarea Plan or other approved local, regional or state habitat conservation plan? <u>Project is not within or adjacent to the MHPA.</u> <u>See IV-A.</u>	---	---	<u>√</u>
V. ENERGY – Would the proposal:			
A. Result in the use of excessive amounts of fuel or energy (e.g. natural gas)? <u>The proposed residential development would not use excessive amounts of fuel or energy.</u>	---	---	<u>√</u>
B. Result in the use of excessive amounts of power? <u>See V-A.</u>	---	---	<u>√</u>
VI. GEOLOGY/SOILS – Would the proposal:			
A. Expose people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? <u>The proposed project lies within Geologic Hazard Zone 53, a zone characterized with a low to moderate risk for geologic hazards. No such impacts would occur.</u>	---	---	<u>√</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
B. Result in a substantial increase in wind or water erosion of soils, either on or off the site? <u>The project is a single-family residence and would not result in an increase in wind or water erosion.</u>	—	—	<u>√</u>
C. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <u>See VI-A.</u>	—	—	<u>√</u>
VII. HISTORICAL RESOURCES – Would the proposal result in:			
A. Alteration of or the destruction of a prehistoric or historic archaeological site? <u>The proposed project is within the historical sensitivity map boundaries. No sites are within ½ mile of the project site. However, the site proposes grading on an undisturbed lot. Additionally, due to the unique topography of the area, archaeological monitoring would be required during grading activities. See Initial Study Discussion.</u>	—	<u>√</u>	—
B. Adverse physical or aesthetic effects to a prehistoric or historic building, structure, object, or site? <u>The site is vacant. The project would not result in an adverse effect to any structures.</u>	—	—	<u>√</u>
C. Adverse physical or aesthetic effects to an architecturally significant building, structure, or object? <u>See VII-B.</u>	—	—	<u>√</u>
D. Any impact to existing religious or sacred uses within the potential impact area? <u>No such documented existing religious uses.</u>	—	—	<u>√</u>
E. The disturbance of any human remains, including those interred outside of formal cemeteries? <u>See VII-A.</u>	—	—	<u>√</u>

Yes Maybe No

VIII. HUMAN HEALTH / PUBLIC SAFETY / HAZARDOUS MATERIALS: Would the proposal:

- | | | | |
|--|---|---|----------|
| A. Create any known health hazard (excluding mental health)?
<u>The project site is a single family residence and would not result in any health hazards.</u> | — | — | <u>√</u> |
| B. Expose people or the environment to a significant hazard through the routine transport, use or disposal of hazardous materials?
<u>See VIII-A.</u> | — | — | <u>√</u> |
| C. Create a future risk of an explosion or the release of hazardous substances (including but not limited to gas, oil, pesticides, chemicals, radiation, or explosives)?
<u>See VIII-A.</u> | — | — | <u>√</u> |
| D. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?
<u>No such impairment is anticipated.</u> | — | — | <u>√</u> |
| E. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment?
<u>The site is not listed on the County's DEH SAM case listing.</u> | — | — | <u>√</u> |
| F. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
<u>See VIII-A.</u> | — | — | <u>√</u> |

Yes Maybe No

IX. HYDROLOGY/WATER QUALITY – Would the proposal result in:

- | | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|---|------------|--------------|-----------|
| <p>A. An increase in pollutant discharges, including down stream sedimentation, to receiving waters during or following construction? Consider water quality parameters such as temperature dissolved oxygen, turbidity and other typical storm water pollutants.
<u>The project would implement the necessary Best Management Practice's and a Water Pollution Control Plan. See Initial Study discussion.</u></p> | — | <u>√</u> | — |
| <p>B. An increase in impervious surfaces and associated increased runoff?
<u>Although impervious surface area would increase, appropriate BMPs would be implemented. See IX-A.</u></p> | — | — | <u>√</u> |
| <p>C. Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?
<u>See IX-A. and -B.</u></p> | — | — | <u>√</u> |
| <p>D. Discharge of identified pollutants to an already impaired water body (as listed on the Clean Water Act Section 303(d) list)?
<u>See IX-A. and -B.</u></p> | — | — | <u>√</u> |
| <p>E. A potentially significant adverse impact on ground water quality?
<u>See IX-A. and -B.</u></p> | — | — | <u>√</u> |
| <p>F. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?
<u>See IX-A. and -B.</u></p> | — | — | <u>√</u> |

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
X. LAND USE – Would the proposal result in:			
A. A land use which is inconsistent with the adopted community plan land use designation for the site or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over a project? <u>The Uptown Community Plan designates the subject site for low density residential development as well as open space. The proposed project would not adversely affect the community plan.</u>	---	---	<u>√</u>
B. A conflict with the goals, objectives and recommendations of the community plan in which it is located? <u>See X-A.</u>	---	---	<u>√</u>
C. A conflict with adopted environmental plans, including applicable habitat conservation plans adopted for the purpose of avoiding or mitigating an environmental effect for the area? <u>The project does not conflict with any such plans. See X-A.</u>	---	---	<u>√</u>
D. Physically divide an established community? <u>The project would not divide an established community.</u>	---	---	<u>√</u>
E. Land uses which are not compatible with aircraft accident potential as defined by an adopted airport Comprehensive Land Use Plan? <u>Project is not within any airport CLUP.</u>	---	---	<u>√</u>
XI. NOISE – Would the proposal result in:			
A. A significant increase in the existing ambient noise levels? <u>The project would not contribute to the existing ambient noise.</u>	---	---	<u>√</u>
B. Exposure of people to noise levels which exceed the City's adopted noise ordinance? <u>The project is a single-family residence and would only generate temporary noise during</u>	---	---	<u>√</u>

		<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<p><u>construction. Additionally, the project would be held to comply with the Noise Abatement and Control section 59.5.0401 of the SDMC.</u></p>				
C.	<p>Exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted airport Comprehensive Land Use Plan? <u>The project is a single-family residence and would not result in the exposure of people to noise standards.</u></p>	—	—	<u>√</u>
XII.	<p>PALEONTOLOGICAL RESOURCES: Would the proposal impact a unique paleontological resource or site or unique geologic feature? <u>The project site is underlain by the Mission Valley Formation , which is designated as having a high potential for fossil deposits. However, the project does not propose grading that would exceed the thresholds monitoring may be required.</u></p>	—	—	<u>√</u>
XIII.	<p>POPULATION AND HOUSING – Would the proposal:</p>			
A.	<p>Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? <u>The project would not induce substantial population growth through business or housing development.</u></p>	—	—	<u>√</u>
B.	<p>Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? <u>The project would not displace any existing housing.</u></p>	—	—	<u>√</u>
C.	<p>Alter the planned location, distribution, density or growth rate of the population of an area? <u>See XIII-A and -B.</u></p>	—	—	<u>√</u>

Yes Maybe No

XIV. PUBLIC SERVICES – Would the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

- | | | | |
|---|---|---|----------|
| A. Fire protection?
<u>Proposed project would be developed in an urbanized area and is not anticipated to have a significant affect on fire protection. Fire Protection would be available to the new development.</u> | — | — | <u>√</u> |
| B. Police protection?
<u>Police protection would be available to the new development. See XIV-A.</u> | — | — | <u>√</u> |
| C. Schools?
<u>The project would not have a significant impact on schools.</u> | — | — | <u>√</u> |
| D. Parks or other recreational facilities?
<u>No effect would occur.</u> | — | — | <u>√</u> |
| E. Maintenance of public facilities, including roads?
<u>Maintenance of public facilities would not be affected with the project being developed. See XIV-A.</u> | — | — | <u>√</u> |
| F. Other governmental services?
<u>No effect would occur. See XIV-A.</u> | — | — | <u>√</u> |

XV. RECREATIONAL RESOURCES – Would the proposal result in:

- | | | | |
|--|---|---|----------|
| A. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
<u>The project would not have an affect on recreational resources.</u> | — | — | <u>√</u> |
|--|---|---|----------|

Yes Maybe No

- B. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?
No such adverse effects would occur. See X-V. — — √

XVI. TRANSPORTATION/CIRCULATION – Would the proposal result in:

- A. Traffic generation in excess of specific/
community plan allocation?
Traffic generation would not exceed the Uptown
Community Planning area's recommended
allowance. — — √
- B. An increase in projected traffic which is
substantial in relation to the existing traffic load
and capacity of the street system?
See XVI-A. — — √
- C. An increased demand for off-site parking?
The project would not increase the demand for
off-site parking. — — √
- D. Effects on existing parking?
The project would have no effect on existing
parking. — — √
- E. Substantial impact upon existing or planned
transportation systems?
The proposed project would not affect existing
or planned transportation systems. — — √
- F. Alterations to present circulation movements
including effects on existing public access to
beaches, parks, or other open space areas?
Public access to any such areas would not be
impacted. — — √
- G. Increase in traffic hazards for motor vehicles,
bicyclists or pedestrians due to a proposed, non-
standard design feature (e.g., poor sight distance
or driveway onto an access-restricted roadway)?
The project would be designed to engineering
standards. No such impacts would result. — — √

Yes Maybe No

H. A conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)?
It is not anticipated that the project would create any conflicts with such adopted transportation policies, plans, or programs.

--- --- √

XVII. UTILITIES – Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, including:

A. Natural gas?
The proposed project would not require new systems or substantial alterations to existing natural gas utilities.

--- --- √

B. Communications systems?
No new systems or substantial alterations would be required. See XVII-A.

--- --- √

C. Water?
No new systems or substantial alterations would be required. See XVII-A.

--- --- √

D. Sewer?
No new systems or substantial alterations would be required. See XVII-A.

--- --- √

E. Storm water drainage?
Storm Water drainage would be developed and maintained in accordance with the City's Storm Water Guidelines. No new or substantial alterations would be required.

--- --- √

F. Solid waste disposal?
No new systems or substantial alterations would be required. See XVII-A.

--- --- √

XVIII. WATER CONSERVATION – Would the proposal result in:

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
--	------------	--------------	-----------

- | | | | |
|---|---|---|----------|
| <p>A. Use of excessive amounts of water?
 <u>Project would not use excessive amounts of water.</u></p> | — | — | <u>√</u> |
| <p>B. Landscaping which is predominantly non-drought resistant vegetation?
 <u>Landscaping would be consistent with the City's Landscaping Regulations.</u></p> | — | — | <u>√</u> |

XIX. MANDATORY FINDINGS OF SIGNIFICANCE:

- | | | | |
|---|---|---|----------|
| <p>A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?
 <u>The project would result in an adverse affect on any of the above mentioned resources.</u></p> | — | — | <u>√</u> |
| <p>B. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts would endure well into the future.)
 <u>Project is consistent with the long-term vision and would not achieve short-term goals to the disadvantage of long-term goals.</u></p> | — | — | <u>√</u> |
| <p>C. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)</p> | — | — | <u>√</u> |

Yes Maybe No

The project would not contribute to cumulative impacts.

- D. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?
The proposed project would not cause substantial adverse environmental effects on human beings, either directly or indirectly.

— — ✓

INITIAL STUDY CHECKLIST

REFERENCES

I. Aesthetics / Neighborhood Character

___ City of San Diego Progress Guide and General Plan.

√ Community Plan.

___ Local Coastal Plan.

II. Agricultural Resources / Natural Resources / Mineral Resources

___ City of San Diego Progress Guide and General Plan.

√ U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.

___ California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.

___ Division of Mines and Geology, Special Report 153 - Significant Resources Maps.

___ Site Specific Report: _____.

III. Air

___ California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.

√ Regional Air Quality Strategies (RAQS) - APCD.

___ Site Specific Report:

IV. Biology

√ City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997

___ City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" maps, 1996.

√ City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.

___ Community Plan - Resource Element.

___ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.

___ California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.

√ City of San Diego Land Development Code Biology Guidelines.

√ Site Specific Report: *Biology Letter Report for Billingsely Project Area (October 26, 2007).*

V. Energy N/A

VI. Geology/Soils

√ City of San Diego Seismic Safety Study.

√ U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.

___ Site Specific Report

VII. Historical Resources

√ City of San Diego Historical Resources Guidelines.

√ City of San Diego Archaeology Library.

___ Historical Resources Board List.

___ Community Historical Survey:

___ Site Specific Report: _____

VIII. Human Health / Public Safety / Hazardous Materials

√ San Diego County Hazardous Materials Environmental Assessment Listing, 2004.

- San Diego County Hazardous Materials Management Division
- FAA Determination
- State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized 1995.
- Airport Comprehensive Land Use Plan.
- Site Specific Report: _____

IX. Hydrology/Water Quality

- Flood Insurance Rate Map (FIRM).
- Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.
- Clean Water Act Section 303(d) list, dated July, 2003, http://www.swrcb.ca.gov/tmdl/303d_lists.html.

X. Land Use

- City of San Diego Progress Guide and General Plan.
- Community Plan.
- Airport Comprehensive Land Use Plan
- City of San Diego Zoning Maps
- FAA Determination

XI. Noise

- Community Plan
- San Diego International Airport - Lindbergh Field CNEL Maps.
- Brown Field Airport Master Plan CNEL Maps.
- Montgomery Field CNEL Maps.
- San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.

___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

___ City of San Diego Progress Guide and General Plan.

___ Site Specific Report:

XII. Paleontological Resources

City of San Diego Paleontological Guidelines.

Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.

Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.

___ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.

___ Site Specific Report: _____.

XIII. Population / Housing

___ City of San Diego Progress Guide and General Plan.

Community Plan.

___ Series 8 Population Forecasts, SANDAG.

___ Other: _____.

XIV. Public Services

___ City of San Diego Progress Guide and General Plan.

Community Plan.

XV. Recreational Resources

___ City of San Diego Progress Guide and General Plan.

- Community Plan.
- Department of Park and Recreation
- City of San Diego - San Diego Regional Bicycling Map
- Additional Resources: _____.

XVI. Transportation / Circulation

- City of San Diego Progress Guide and General Plan.
- Community Plan.
- San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.
- San Diego Region Weekday Traffic Volumes, SANDAG.
- Site Specific Report:

XVII. Utilities

- Community Plan

XVIII. Water Conservation N/A

- Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.

000467

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY) 209
07/28

TO: CITY ATTORNEY 2. FROM (ORIGINATING DEPARTMENT): DEVELOPMENT SERVICES DEPARTMENT 3. DATE: June 18, 2008

4. SUBJECT: Billingsley Residence - Project No. 62130

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.): Patrick Hooper: (619) 557-7992; MS 501 6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.): Paul Godwin: (619) 446-5103; MS 501 7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED EXECUTIVE SUMMARY ONLY []

8. COMPLETE FOR ACCOUNTING PURPOSES

Table with columns: FUND, DEPT., ORGANIZATION, OBJECT ACCOUNT, JOB ORDER, C.I.P. NUMBER, AMOUNT, 9. ADDITIONAL INFORMATION / ESTIMATED COST:

10. ROUTING AND APPROVALS

Table with columns: ROUTE (#), APPROVING AUTHORITY, APPROVAL SIGNATURE, DATE SIGNED, ROUTE (#), APPROVING AUTHORITY, APPROVAL SIGNATURE, DATE SIGNED. Includes handwritten signatures and dates.

11. PREPARATION OF: [X] RESOLUTIONS [] ORDINANCE(S) [] AGREEMENT(S) [] DEED(S)

- 1. Council Resolution certifying the information contained in Project No. 62130 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that the Mitigated Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency.
2. Council Resolution approving Right-of-Way Vacation No. 530896
3. Council Resolution approving Neighborhood Development Permit No. 186747; and Variance No. 537644.

11A. STAFF RECOMMENDATIONS:

Approve the Resolutions and approve the project.

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT: 2

COMMUNITY AREA: Uptown

ENVIRONMENTAL IMPACT: The City of San Diego as Lead Agency under CEQA has prepared and completed a Mitigated Negative Declaration No. 62130, dated January 22, 2008, and a Mitigation, Monitoring and Reporting Program covering this activity.

HOUSING IMPACT: The Uptown Community Plan designates the 0.16 acre site for low residential (0-5 dwelling units per acre) and Open Space. The proposed project will result in the construction of one market-rate, for-sale single family dwelling on a vacant site. No affordable housing is required or proposed with this project.

OTHER ISSUES: None []

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: March 20, 2008

REPORT NO.: PC-08-035

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: Billingsley Residence – Project No. 62130

COUNCIL DISTRICT(S): Two

STAFF CONTACT: Patrick Hooper: (619) 557-7992 – phooper@sandiego.gov

REQUESTED ACTION:

The application is requesting approval of a Public Right-of-Way Vacation, Variance and Neighborhood Development Permit to construct a single-family residence on a property with steep slopes in the Uptown Community Plan area.

STAFF RECOMMENDATION:

1. CERTIFY Mitigated Negative Declaration No. 62130 and ADOPT the Mitigation, Monitoring and Reporting Program; and
2. APPROVE Public Right-of-Way Vacation No.530896; and
3. APPROVE Neighborhood Development Permit No. 186747; and
4. APPROVE Variance No. 537644

EXECUTIVE SUMMARY:

The project site is located at 4285 Goldfinch Street (Attachment 1). The property is within the Uptown Community Plan area which designates the lot for low density residential development (Attachment 2). The property is zoned RS-1-1 which is consistent with the plan designation and permits one dwelling unit on the site. The property includes environmentally sensitive lands in the form of steep hillsides therefore any development proposal requires a Site Development Permit to implement the City's Environmentally Sensitive Land Regulations. This application is proposing to develop the vacant 0.16 acre site with a new 2,973 square-foot single family home. The property is located at the terminus of a partially improved section of Goldfinch Street. The partial improvement allows access to this site and a neighboring property and then becomes a paper street as it runs into City of San Diego owned Open Space. The application is requesting that the small portion of Goldfinch be vacated so that a garage could be located in the vacated area. This would minimize grading on the site and allow for more sensitive development on the hillside by pulling the house closer to the street and away from the slope. The Variance is required because the street vacation would land-lock the existing parcel - meaning it would not have frontage on a dedicated street. An access easement across the neighboring property would resolve the access issue. The property is surrounded exclusively with single-family homes and open space areas created by finger canyons which typify the Uptown neighborhood.

The proposed Public Right-of-Way Vacation, Variance and Neighborhood Development Permit application has been reviewed pursuant to the Uptown Community Plan and the City of San Diego's Land Development Code, including the RS-1-1 Zone and the Environmentally Sensitive Lands Regulations and have been determined to be consistent with all of the applicable land use plans, policies and development regulations for this site. Staff has determined that the findings to approve the street vacation can be made because the public right-of-way proposed to be vacated cannot be used for any present or

prospective use, would not adversely affect the General or Community Plan, nor would the right-of-way vacation disrupt the circulation for which the easement was originally intended. In regard to the Variance request, staff believes the required findings can be affirmed in that there are special circumstances associated with the hillside lot based on the extreme topography that warrant consideration of the variance. Staff concluded granting the variance would be consistent with the purpose and intent of the single-family zone and would be the minimum necessary to develop the lot in a reasonable manner. Similarly, staff believes the findings to approve the Neighborhood Development Permit can be made in that the proposed development is consistent with the land use plan and Land Development Code, would not adversely affect the public health, safety and welfare and is designed to minimize the grading and prevent impacts to environmental resources. The proposed development has been designed and sited to be in harmony with the hillside site and would allow development of a moderate size single-family home consistent with the surrounding neighborhood. Therefore, staff believes that the project can be approved as conditioned.

FISCAL CONSIDERATION:

There are no fiscal considerations with this project. All of the cost associated with the processing of this application is paid for by the property owner.

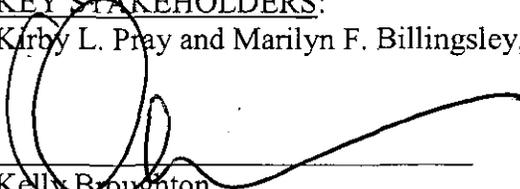
PREVIOUS COUNCIL and/or COMMITTEE ACTION: None

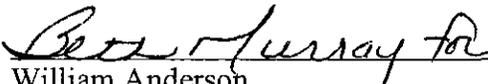
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On April 3, 2008, the Planning Commission voted 4-0-3 (2 absent, 1 vacancy) recommending that the City Council approve the project. On November 7, 2006, the Uptown Community Planning Committee (Uptown Planners) voted 5-1-1 to recommend approval of the proposed project.

KEY STAKEHOLDERS:

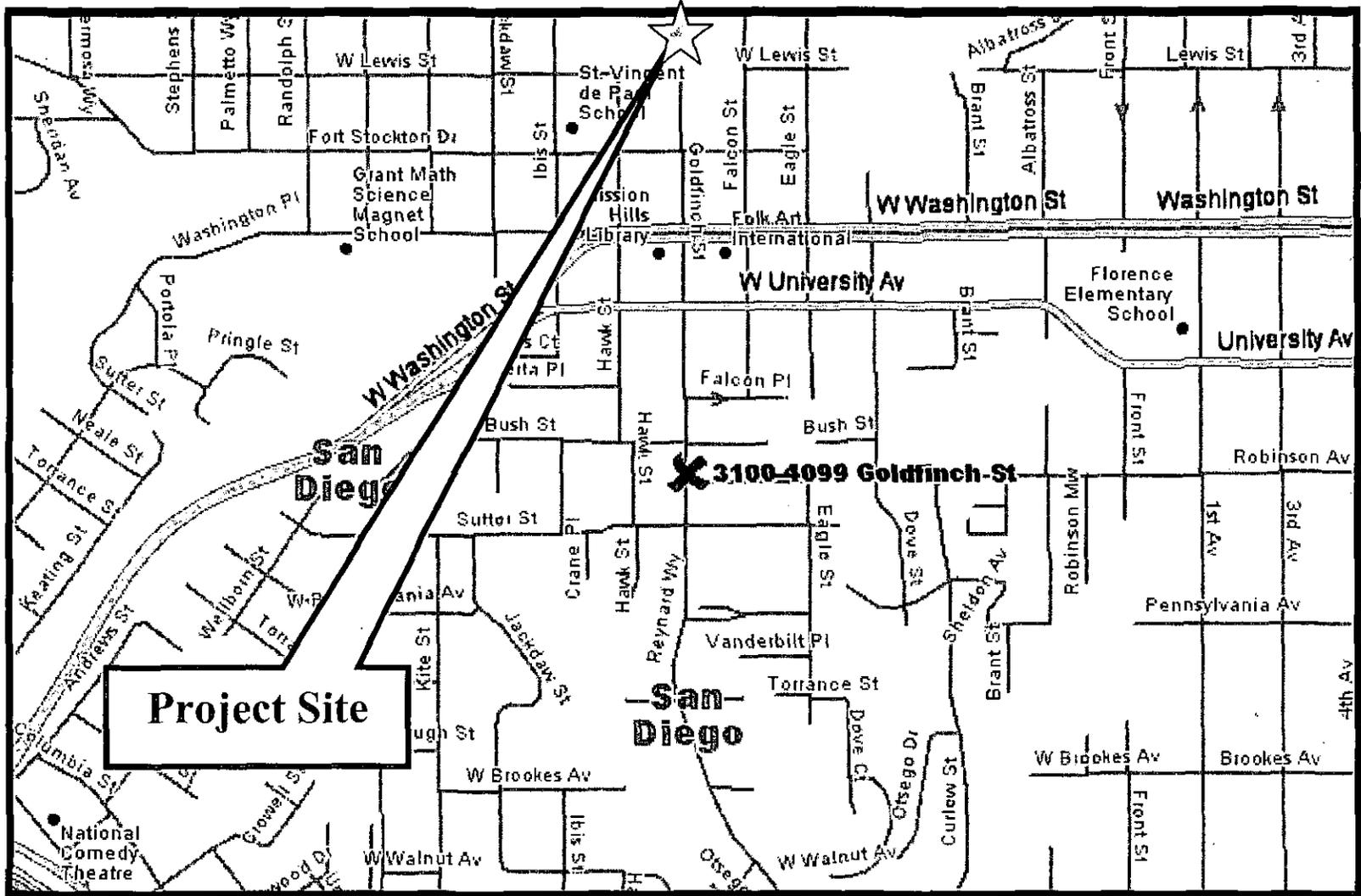
Kirby L. Pray and Marilyn F. Billingsley, Owners


 Kelly Broughton
 Director, Development Services Department


 William Anderson
 Deputy Chief Operating Officer:
 Executive Director of City Planning
 and Development

- ATTACHMENTS: 1. Location Map
 2. Community Plan Map
 3. Aerial Photograph
 4. Planning Commission Report (with original 15 attachments)

OR OCT 11 2008



Project Site

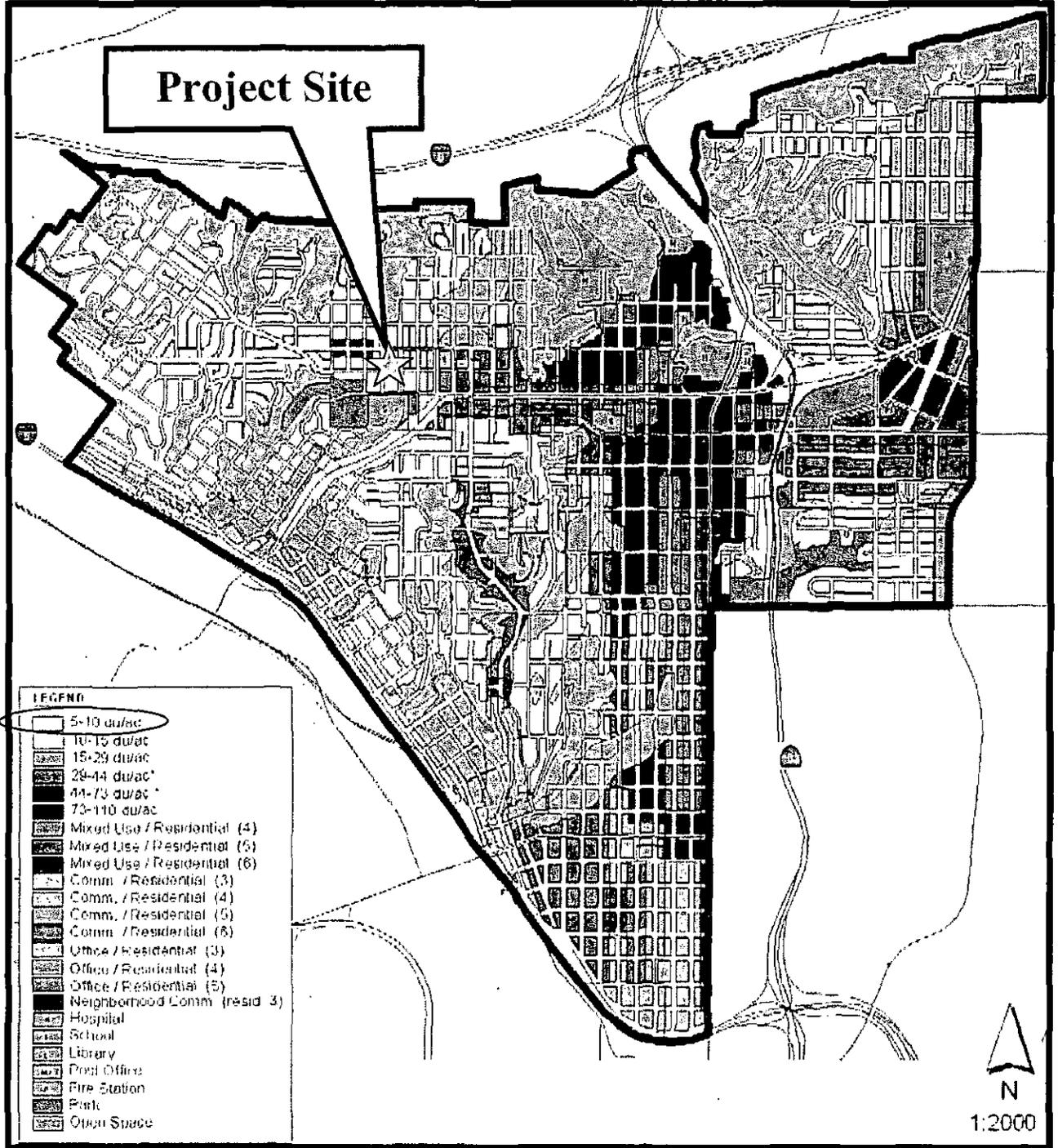
X 3100 4099 Goldfinch St



Project Location Map

BILLINGSLEY RESIDENCE - 4285 1/3 GOLDFINCH STREET
 PROJECT NO. 62130

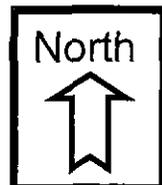


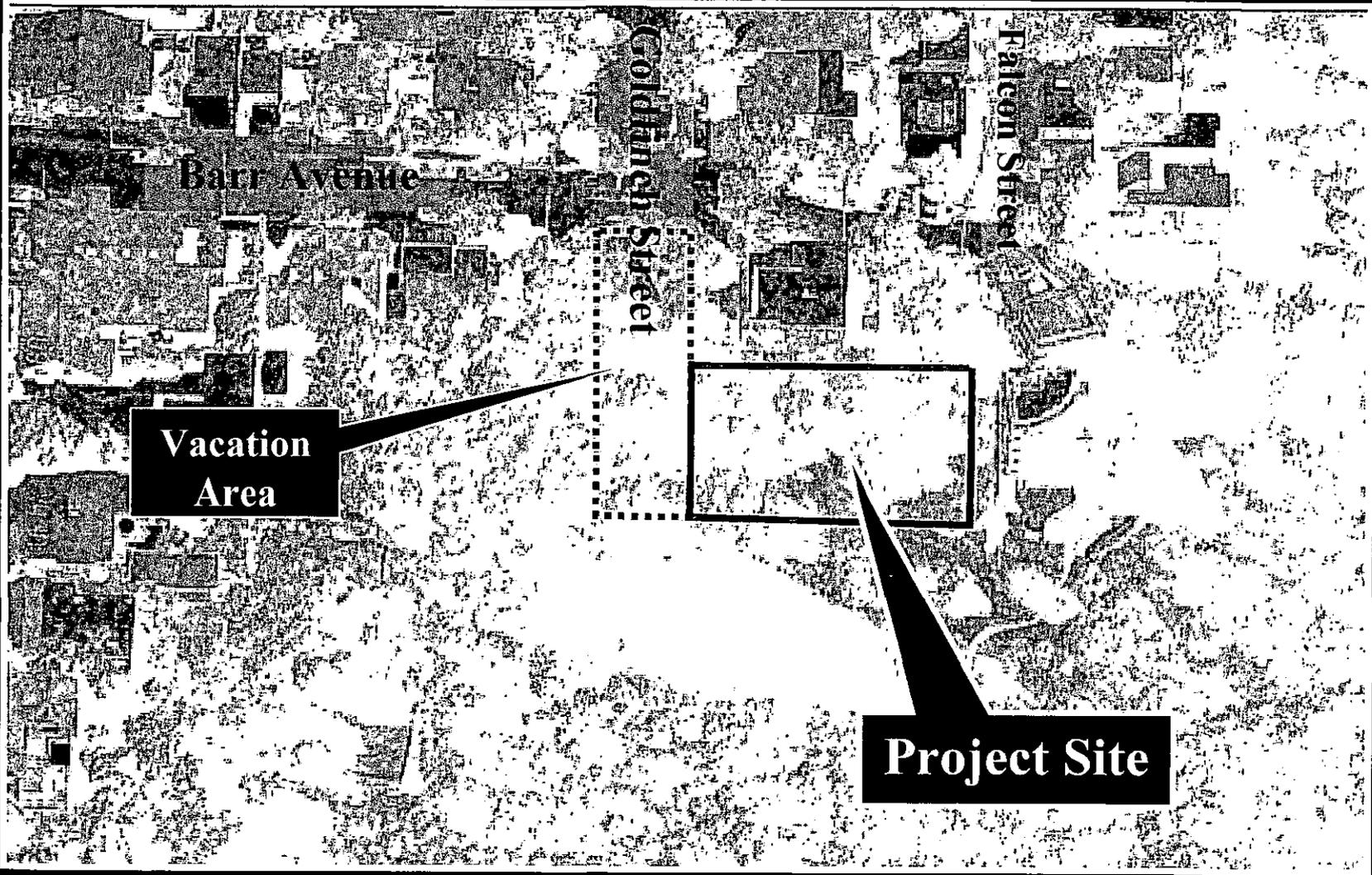


Community Plan Land Use Map

BILLINGSLEY RESIDENCE – 4285 1/3 GOLDFINCH STREET

PROJECT NO. 62130 – Uptown





Aerial Photo

BILLINGSLEY RESIDENCE - 4285 1/3 GOLDFINCH STREET

PROJECT NO. 62130



000475

NOTICE OF DETERMINATION

TO: Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Number: 62130

State Clearinghouse Number: N/A

Permit Number: Neighborhood Development Permit No. 186747; Variance No. 536744; Right-of-Way Vacation No.530896.

Project Title/Applicant: Billingsley Residence/ Matt Winter, 3601 Fifth Avenue, San Diego CA 92103-(858) 232-4870

Project Location: 4285 1/3 Goldfinch Street, San Diego CA 92101

Project Description:

Billingsley Residence: A STREET VACATION, VARIANCE and a NEIGHBORHOOD DEVELOPMENT PERMIT (NDP) to allow the development of a 2,973 square-foot, three-level, single-family residence on a vacant lot located at 4285 1/3 Goldfinch Street within the Uptown Community Planning Area. The variance would allow no on-site parking where on-site parking is required. The Street Vacation would allow the vacation of the southern portion of Goldfinch Street. Legal Description: Lots 3 and 4 of Block 7 of Arnold and Choates Addition. Applicant: Kirby Pray and Marilyn Billingsley.

This is to advise that the City of San Diego Planning Commission on April 3, 2008 approved the above described project and made the following determinations:

1. The project in its approved form will, will not, have a significant effect on the environment.
 2. An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
 An addendum to was prepared for this project pursuant to the provisions of CEQA.
- Record of project approval may be examined at the address above.
3. Mitigation measures were, were not, made a condition of the approval of the project.
 4. (EIR only) Findings were, were not, made pursuant to CEQA Guidelines Section 15091.
 5. (EIR only) A Statement of Overriding Considerations was, was not, adopted for this project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Land Development Review Division, Fifth Floor, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

Analyst: Marc Cass

Telephone: (619) 446-5330

Filed by: Allison Sherwood
Signature
SENIOR PLANNER
Title

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-3986

NEIGHBORHOOD DEVELOPMENT PERMIT NO. 186747
AND VARIANCE NO 536744
BILLINGSLEY RESIDENCE - PROJECT NO. 62130
CITY COUNCIL

This Neighborhood Development Permit No. 186747 and Variance No. 536744 is granted by the Council of the City of San Diego to Kirby L. Pray and Marilyn F. Billingsley Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0404. The 0.16-acre site is located at 4285 Goldfinch Street in the RS-1-1 zone of the Uptown Community Plan. The project site is legally described as Lots 3 and 4, Block 7, Map No. 334, and that portion of Goldfinch Street vacated by the City Council of the City of San Diego pursuant to Resolution No. R-298161, recorded July 1, 2003, as instrument No. 2003-0819704 of official recordings.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to develop the site with a new 2,973 square-foot single-family residence, 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 or facility shall include:

- a. A new 2,973 square-foot home and detached 2-car garage;
- b. Landscaping and Brush Management (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. A variance to reduce the legal lot frontage to zero feet on a dedicated public right-of-way with an access agreement from Barr Street with the adjacent property; and

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

STANDARD REQUIREMENTS:

1. This Permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this Permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable *guidelines in 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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
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. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owners/ 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 Owners/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(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.

10. The applicant 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, 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

12. The mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 62130, shall be noted on the construction plans and

specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 62130, satisfactory to the City Manager and the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biology
- MHPA Land Use Adjacency
- Historical (Archeological) Resources

14. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

15. Prior to the recordation of the quitclaim deed, the applicant shall obtain an access agreement from the adjacent property owner to the north, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices [BMP's] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

17. Prior to the issuance of any construction permits, the applicant shall submit 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.

18. Prior to building occupancy, the applicant shall replace the curb along the vacated Goldfinch/Barr Avenue frontage with City standard curb and gutter, and install a new 12 -foot driveway, all satisfactory to the City Engineer.

19. The drainage system proposed for this development is private and subject to approval by the City Engineer.

20. Prior to the issuance of any building permits, the applicant shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

21. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Maintenance and Removal Agreement, for non-standard bricks around the water meter and a D-25 curb outlet in Barr Avenue, satisfactory to the City Engineer.

22. Prior to the building occupancy, the applicant shall replace the curb along the vacated Goldfinch/Barr Avenue frontage with City standard curb and gutter, and install a new 12-foot driveway, a D-25 curb outlet and a 5-foot non-contiguous sidewalk, all satisfactory to the City Engineer. This work shall be shown on the grading plan and included in the grading permit.

LANDSCAPE REQUIREMENTS:

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

24. Prior to issuance of any construction permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account 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.

25. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

26. Prior to issuance of any construction permits for buildings (including shell), complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under Land Development Code [LDC] section 142.0403(b)5.

27. Prior to Final Inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A "No Fee" Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

28. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

29. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or

replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

BRUSH MANAGEMENT REQUIREMENTS:

30. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" Brush Management Plan.

31. Prior to issuance of any construction permits for grading, Landscape Construction Documents required for the construction permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

32. Prior to issuance of any construction permits, a complete set of Brush Management Construction Documents shall be submitted for approval to the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Uniform Fire Code, M.C. section 55.0101, the Landscape Standards, and Land Development Code section 142.0412 (Ordinance No. O-19413).

33. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.

PLANNING/DESIGN REQUIREMENTS:

34. No fewer than two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

35. 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.

36. 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.

WASTEWATER REQUIREMENTS:

37. All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego Sewer Design Guide.

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

39. Prior to the issuance of any grading or building permit, the Developer shall obtain an Encroachment Maintenance and Removal Agreement for connecting a private sewer lateral to a public sewer main located in an easement.

WATER REQUIREMENTS:

40. Prior to the issuance of any building permits the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service, outside of any driveway or drive aisle, within the right-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

41. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of the appropriate private backflow prevention devices on each water service (domestic, fire and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer and the Cross-Connection Control Group in the Customer Support Division of the Water Department.

42. Prior to the issuance of any Certificates of Occupancy, public water facilities necessary to serve the development, including water services and meters, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

43. All on-site water facilities shall be private including domestic, fire and irrigation systems.

44. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities as shown on the approved plans shall be modified at final engineering to comply with standards.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- 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 _____, by Resolution No. R-_____.

000484

AUTHENTICATED BY THE CITY MANAGER

By _____

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

KIRBY L. PRAY,
Owner/Permittee

By _____

By _____

MARILYN F. BILLINGSLEY,
Owner/Permittee

By _____

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
APRIL 3, 2008
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING

Agm no: 15

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:12 a.m. Commissioner Schultz adjourned the meeting at 2:44 pm.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz - present
Vice-Chairperson - Vacant
Commissioner Robert Griswold - present
Commissioner Gil Ontai - present
Commissioner Dennis Otsuji - present
Commissioner Eric Naslund - present
Commissioner Mike Smiley - not present

Staff

Andrea Dixon, City Attorney - present
Mary Wright, CP & CI - present
Ceclia Gallaredo, Development Services Department - present
Elisa Contreras, Recorder - present
Donna Trask, Recorder - present

Staff: Marlon Pangilinan

Speaker slips in Favor Leo Wilson, Barry E. Hager,

Speaker slips in opposition Bob Lawrence, Robin Munro, Ian Epley, Ron Buckley

COMMISSION ACTION:

MOTION BY COMMISSIONER ONTAI TO CONTINUED ITEM TO MAY 8, 2008 AS PRESENTED IN REPORT NO.PC-08-035. Second by Commissioner Naslund. Passed by a 4-0-3 Commissioner Griswold recusing due to not being present March 6, 2008. Commissioner Smiley not present and one vacancy.

Mary Wright with the City Planning & Community Investment Department requested that the item be push back 3 to 4 weeks to give her time to review the density anaylsis with an architect.

This item was heard out of order @ 11:18

Lunch
12:10-1:06

✓ ITEM-15: *Continued from March 13, 2008:*

BILLINGSLEY RESIDENCE-PROJECT NO. 62130

City Council District: 2; Plan Area: Ocean Beach

Staff: Patrick Hooper

Speaker slips in favor Kirby Pray, Matt Winter

COMMISSION ACTION:

MOTION BY COMMISSIONER OTSUJI TO RECOMMEND THAT THE CITY COUNCIL CERTIFY MITIGATED NEGATIVE DECLARATION NO. 62130 AND ADOPT THE ASSOCIATED MITIGATION, MONITORING AND REPORTING PROGRAM.

RECOMMEND THAT THE CITY COUNCIL APPROVE PUBLIC RIGHT-OF -WAY VACATION NO. 530896.

RECOMMEND THAT THE CITY COUNCIL APPROVE NEIGHBORHOOD DEVELOPMENT PERMIT NO. 186747.

RECOMMEND THAT THE CITY COUNCIL APPROVE VARIANCE NO. 537644. AS PRESENTED IN REPORT NO.PC-08-035. Second by

000487

Commissioner Griswold. Passed by a 4-0-3 with Commissioner Naslund and Commissioner Smiley not present and one vacancy.
Resolution No. 4390-PC

ADDITIONAL RECOMMENDATION:
THE SLOPE ISSUE WILL BE ADDRESSED IN REGARDS TO THE FINAL DOCUMENT BEING SUBMITTED.

ITEM-16: *Continued from March 13, 2008:*

4052 32nd STREET TENTATIVE MAP-PROJECT No. 139502
City Council District: 2; Plan Area: Ocean Beach

Staff: Michelle Sokolowski

Speaker slips in favor by Daniel Dillard

No speaker slip in opposition

COMMISSION ACTION:
CONSENT MOTION BY COMMISSIONER OTSUJU TO APPROVE TENTATIVE MAP NO. 486185; AND APPROVE A WAIVER OF THE REQUIREMENT TO UNDERGROUND THE EXISTING OVERHEAD UTILITIES AS IN PRESENTED REPORT NO.PC-08-032. Second by Commissioner Naslund. Passed by a vote of 4-1-2 Commissioner Griswold voting nay. Commissioner Smiley not present and one vacancy.
Resolution No. 4391-PC

ITEM-17: **SCRIPPS MERCY HOSPITAL-PROJECT NO. 94392**
City Council District: 3; Plan Area: Uptown

Staff: Renee Mezo

Speaker slips in favor by Lynne Heidel, Tom Gammieri, Jacob Swim, Paul Luster, Rick Gorton, Ted Shaw, Bradley Stech, Barry Bevier, Lee Sherwood, Bruce Rainey

Speaker slips in opposition Charles Bahde

COMMISSION ACTION:

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION CERTIFYING MITIGATED NEGATIVE
DECLARATION NUMBER 62130, AND ADOPTING THE
MITIGATION, MONITORING, AND REPORTING PROGRAM
[MMRP] FOR THE BILLINGSLEY RESIDENCE PROJECT.

WHEREAS, Kirby L. Pray and Marilyn F. Billingsley, Applicants submitted an application to the City of San Diego for a right-of-way vacation, and neighborhood development permit for the Billingsley Residence Project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; 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 issue was heard by the City Council on _____; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 62130; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 62130, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the

independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a right-of-way vacation, and neighborhood development permit for the Billingsley Residence Project.

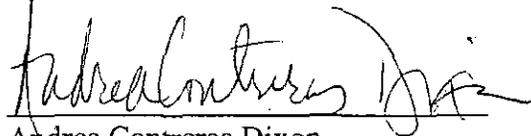
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Andrea Contreras Dixon
Deputy City Attorney

ACD:cw

07/08/08

Or.Dept:DSD

R-2009-43

ENVIRONMENTAL - MND 11-01-04

EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
BILLINGSLEY RESIDENCE RIGHT-OF-WAY-VACATION AND
NEIGHBORHOOD DEVELOPMENT PERMIT
Project No. 62130

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with California Public Resources Code section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. The City of San Diego, Engineering and Capital Projects Department and the Development Services Department are jointly responsible for ensuring that this program is carried out.

V. **MITIGATION, MONITORING AND REPORTING PROGRAM:**

A. General

1. Prior to the issuance of a Notice to Proceed (NTP) or any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Assistant Deputy Director (ADD) environmental designee of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading Environmental Requirements: "Billingsley Residence is subject to Mitigation, Monitoring and Reporting Program (MMRP) and shall conform to the mitigation conditions as contained in the Mitigated Negative Declaration (Project 62130)."
2. The owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, the Qualified Paleontologist, Qualified Archaeologist, Biologist and the City's Mitigation Monitoring Coordination (MMC) Section.
3. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: **Historical Resources (Archaeology), Biology and MHPA Land Use Adjacency.**

I. **HISTORICAL RESOURCES (ARCHAEOLOGY)**

Prior to Permit Issuance or Bid Opening/Bid Award

A. Land Development Review (LDR) Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires Monitoring.

2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects).

The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.

3. Identify Areas to be Monitored

- a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits.
- b. The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).
- c. MMC shall notify the PI that the AME has been approved.

4. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a

modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

5. Approval of AME and Construction Schedule

After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the AME and as authorized by the CM. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to the CM and/or RE for concurrence and forwarding to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
 - (1). Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
 - (1). Note: For Pipeline Trenching Projects Only. If the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
 - (2). Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

- D. Discovery Process for Significant Resources - Pipeline Trenching Projects
The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but

not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
 - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
 - c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
 - d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

- A. Notification
 1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

- B. Isolate discovery site
1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
 2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
 3. If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.
 2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
 3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information..
 4. The PI shall coordinate with the MLD for additional consultation.
 5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
- D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).

3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant department and/or Real Estate Assets Department (READ) and the Museum of Man.

V. Night Work

- A. If night work is included in the contract
 1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVR and submit to MMC via the RE by fax by 9am the following morning, if possible.
 - b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.
 - c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact the RE and MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring,
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation

The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the

history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 3. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
 4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

II. BIOLOGY

- A. POTENTIAL IMPACTS TO RAPTORS
1. If project grading is proposed during the raptor breeding season (Feb. 1-Sept. 15), the project biologist shall conduct a pre-grading survey for active raptor nests in within 300ft. of the development area and submit a letter report to MMC prior to the preconstruction meeting.
- B. If active raptor nests are detected, the report shall include mitigation in conformance with the City's Biology Guidelines (i.e. appropriate buffers, monitoring schedules, etc.) to the satisfaction of the City's Environmental

Review Manager (ERM)). Mitigation requirements determined by the project biologist and the ERM shall be incorporated into the project's *Biological Construction Monitoring Exhibit (BCME)* and monitoring results incorporated in to the final biological construction monitoring report.

- C. If no nesting raptors are detected during the pre-grading survey, no mitigation is required.

III. MHPA LAND USE ADJACENCY

1. Prior to initiation of any construction-related grading, the biologist shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor.
2. Prior to preconstruction meeting, the limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The limits of grading shall be defined with appropriate construction fencing and checked by the biological monitor before initiation of construction grading.
3. All lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields. If lighting adjacent to the MHPA is required for nighttime construction, it shall be unidirectional, low pressure sodium illumination (or similar), and it shall be directed away from the preserve areas and the tops of adjacent trees with potentially nesting raptor species, using appropriate placement and shields.
4. All staging/storage areas for equipment and materials shall be located within the development footprint and shall not encroach onto adjacent sensitive habitat retained within the open space and/or/MHPA areas. No equipment maintenance shall be conducted within or near the adjacent sensitive habitat retained within the open space and/or/MHPA areas
5. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City engineer.

6. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off-site to an approved disposal facility.
7. No invasive non-native plant-species shall be introduced into areas adjacent to the MHPA.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

SUMMARY RIGHT-OF-WAY VACATION NUMBER 530896 –
BILLINGSLEY RESIDENCE PROJECT.

WHEREAS, California Streets and Highways Code section 8330 et seq., and San Diego Municipal Code Section 125.1001 et seq. provide a procedure for the summary vacation of public street easements by Council resolution where the easements are no longer required; and

WHEREAS, the affected property owner has requested the vacation of the public right-of-way easement at 4285 Goldfinch Street to unencumber this property and facilitate development of the site as conditioned in approved Neighborhood Development Permit No. 186747; 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, a public hearing was required by law implicating due process rights of individuals affected by the decision, and 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 _____, 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, Council of the City of San Diego finds:

- (a) That there is no present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated because the right-of-way is an unimproved

paper street that deadends into City Owned dedicated Open Space. Due to the extreme topography of the right-of-way, the street could not be improved nor is there existing or proposed pedestrian access to the Open Space from the right-of-way.

- (b) That the public will benefit from the vacation through improved utilization of land because the City would be released from any maintenance and liability associated with the right-of-way and vacating the right-of-way would facilitate development of adjacent properties and would facilitate the addition of off-street parking where none currently exists.
- (c) That the vacation does not adversely affect the General Plan or the approved Uptown Community Plan because the portion of Goldfinch proposed to be vacated is unimproved and is not identified in the Circulation Element of either the Community Plan or the General Plan.
- (d) That the public street system for which the right-of-way easement was originally acquired will not be detrimentally affected by this vacation because the unimproved paper street deadends into an open space canyon system and therefore, it does not convey vehicle or pedestrian traffic and would not be improved in the future.

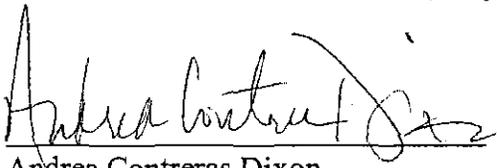
BE IT FURTHER RESOLVED, that the Council finds:

1. That the public service sewer easement located within Goldfinch Street in connection with Neighborhood Development Permit No. 186747, as more particularly described in the legal description marked as Exhibit "A," and as shown on Drawing No. 20901-B, marked as Exhibit "B," and on file in the

Office of the City Clerk as Document Nos. RR-_____, and RR- _____ which are by this reference incorporated herein and made a part hereof, is ordered vacated reserving therefrom a shared access easement for providing access for the property located at 4285 Goldfinch Street together with ingress and egress for that purpose.

2. That said this street vacation is conditioned upon approval of Neighborhood Development Permit No. 186747. In the event this condition is not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.
3. That the City Clerk shall cause a certified copy of this Resolution, with attached Exhibits, attested by her under Seal, to be recorded in the Office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:cw
07/08/08
Or.Dept:DSD
R-2009-44
MMS #6483

000506

EXHIBIT "A"

STREET RIGHT OF WAY VACATION FOR THE BENEFIT OF LOT 1 & 2

LEGAL DESCRIPTION

Commencing at the northwest corner of Lot 1 of Tract Map 334, said point being the POINT OF BEGINNING; thence N89°54'26"E, a distance of 25.00 feet, thence S00°05'34"E a distance of 50.03 feet; thence N89°54'26"E, a distance of 25.00 feet; thence N00°05'34"W, a distance of 50.03 feet; to the POINT OF BEGINNING.

Containing 1,250.75 square feet or 0.0287 acres, more or less as shown on attached Exhibit "B".

000507

EXHIBIT "A"

STREET RIGHT OF WAY VACATION FOR THE BENEFIT OF LOT 3 & 4

LEGAL DESCRIPTION

Commencing at the northwest corner of Lot 1 of Tract Map 334, thence $S00^{\circ}05'34''E$, a distance of 50.03 feet; said point being the POINT OF BEGINNING; thence $S00^{\circ}05'34''E$, a distance of 50.03 feet; thence $S89^{\circ}54'26''W$, a distance of 25.00 feet; thence $N00^{\circ}05'34''W$, a distance of 50.03 feet; thence $N89^{\circ}54'26''E$, a distance of 25.00 feet to the POINT OF BEGINNING.

Containing 1,250.75 square feet or 0.0287 acres, more or less as shown on attached Exhibit "B".

000508

EXHIBIT "A"

**STREET RIGHT OF WAY VACATION FOR THE BENEFIT OF PORTION
21, 22, 23, AND 24 OF MAP NO. 334.**

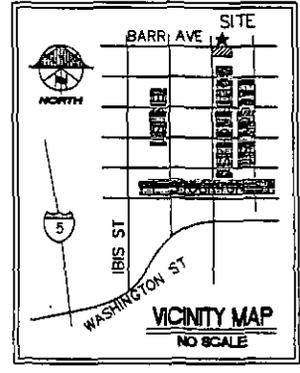
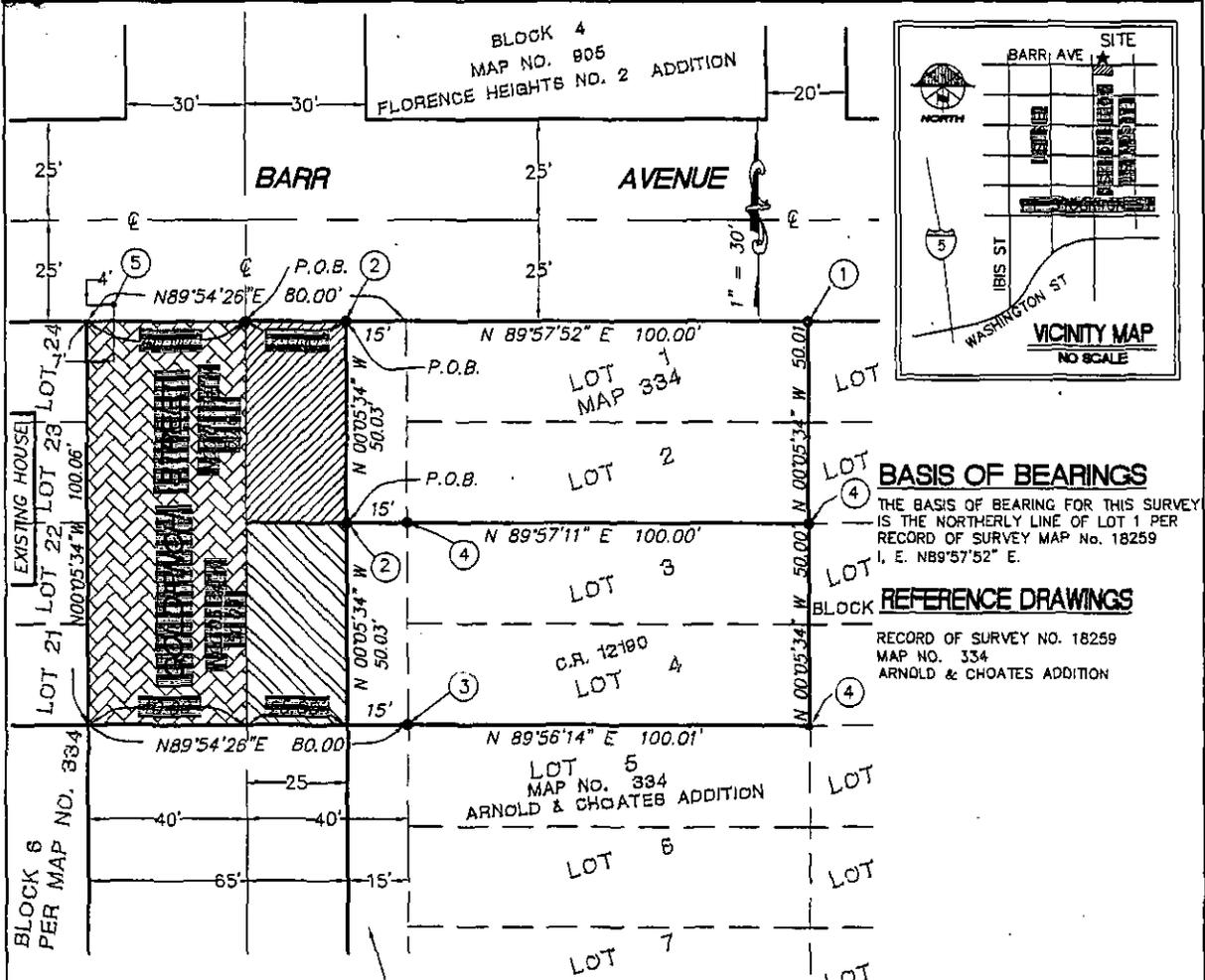
LEGAL DESCRIPTION

Commencing at the northwest corner of Lot 1 of Tract Map 334; thence N89°54'26"E, a distance of 25.00 feet, said point being the POINT OF BEGINNING; thence S00°05'34"E, a distance of 100.06 feet; thence S89°54'26"W, a distance of 40.00 feet; thence N00°05'34"W, a distance of 100.06 feet; thence N89°54'26"E, a distance of 40.00 feet to the POINT OF BEGINNING.

Containing 4,002.40 square feet or 0.0919 acres, more or less as shown on attached Exhibit "B".

00-509

EXHIBIT 'B'



BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY IS THE NORTHERLY LINE OF LOT 1 PER RECORD OF SURVEY MAP No. 18259 I. E. N89°57'52" E.

REFERENCE DRAWINGS

RECORD OF SURVEY NO. 18259
MAP NO. 334
ARNOLD & CHOATES ADDITION

LEGEND

- STREET RIGHT OF WAY
- PROPERTY LINE
- - - CENTERLINE
- [Hatched pattern] INDICATES STREET VACATION FOR BENEFIT OF LOTS 1 AND 2 A= 0.029 ACRES
- [Diagonal hatched pattern] INDICATES STREET VACATION FOR BENEFIT OF LOTS 3 AND 4 A= 0.029 ACRES
- [Cross-hatched pattern] INDICATES STREET VACATION FOR BENEFIT OF PORTION OF 21, 22, 23 AND 24 OF MAP NO. 334 A= 0.092 ACRES

- ① FOUND LEAD AND DISC L.S. 5845 ON TOP OF WALL PER ROS 18259.
- ② FOUND 1" IRON PIPE W/ DISC L.S. 5845 PER ROS 18259
- ③ FOUND 1" IRON PIPE DISC MISSING PER C.R. 12190, ROS 18259
- ④ FOUND 1/2" REBAR WITH PLASTIC PLUG R.C.E. 27848 PER C.R. 12190, ROS 18259
- ⑤ LEAD AND DISC "CITY ENGR" PER CR 12190, ROS 18259.

ASSESSORS PARCEL NUMBERS

- 444-272-08 - LOTS 1 AND 2 OF MAP NO. 334
- 444-272-09 - LOTS 3 AND 4 OF MAP NO. 334
- 444-272-10 - PORTION OF 21, 22, 23 AND 24 OF MAP NO. 334

LEGAL DESCRIPTION

LOT 3 AND 4, BLOCK 7 OF ARNOLD AND CHOATES ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF No. 334 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

TOGETHER WITH THE PORTION OF GOLDFINCH STREET VACATED BY THE CITY COUNCIL OF SAN DIEGO, RESOLUTION No. 298161 RECORDED JULY 10, 2003 AS INSTRUMENT No. 2003-0819704 OF OFFICIAL RECORDS.

15' STREET CLOSURE PER CITY SAN DIEGO RESOLUTION NO. 298161, DATED JULY 1, 2003

RICHARD EUGENE GADY - LS4422 DATE:
REGISTRATION EXPIRES 9-30-07
585B Mount Alifan Drive, Suite 220
San Diego CA 92111



FULL STREET RIGHT OF WAY VACATION LOTS 1, 2, 3, 4, AND PORTIONS OF LOTS 21, 22, 23 AND 24 OF MAP NO. 334

BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEET	P.T.S. NUMBER:
				FOR CITY ENGINEER	J.O. NUMBER:
				DATE	CCS 83 COORDINATES
					LAMBERT COORDINATES
				STATUS	

Z:\Projects\BIRingway\103-01-00\dwg\STREET VACATION-BARR.dwg 11/21/2006

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION GRANTING NEIGHBORHOOD
DEVELOPMENT PERMIT NO. 186747, AND VARIANCE
NO. 537644 FOR THE BILLINGSLEY RESIDENCE PROJECT.

WHEREAS, Kirby L. Pray and Marilyn F. Billingsley, Owners/Permittees, filed an application with the City of San Diego for a neighborhood development permit, street vacation and variance to construct a single-family residence known as the Billingsley Residence project, located at 4285 1/3 Goldfinch Street, and legally described as Lots 3 and 4, Block 7, Map No. 334, and that portion of Goldfinch Street vacated by the City Council of the City of San Diego pursuant to Resolution No. R-298161, recorded July 1, 2003, as instrument No. 2003-0819704 of official recordings, in the Uptown Community Plan area, in the RS-1-1 zone; and

WHEREAS, on April 20, 2008, the Planning Commission of the City of San Diego considered Neighborhood Development Permit [NDP] No. 186747 and Variance [VAR] No. 537644, and pursuant to Resolution No. 4390-PC voted to recommend City Council approval of the Permit and Variance; 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 _____,
 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 Neighborhood Development Permit No. 186747 and Variance
 No. 537644:

**A. NEIGHBORHOOD DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL
 CODE [SDMC] SECTION 126.0404**

1. Findings for All Neighborhood Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The Uptown Community Plan designates the proposed 0.16-acre project site for Low-Residential (0-5 dwelling units per acre [du/ac]) and Open Space. Further, the Open Space and Recreation Element of the community plan identifies this project within the Biological/ Geological Zone of the Mission Valley Canyon System. According to recommendations in this zone, only very low residential development density should be allowed on site. The proposed project consisting of a single-family dwelling unit would not adversely impact this recommendation.

As designed the proposed project would implement recommendations in the Urban Design Element for compatibility with the existing architectural detail and overall appearance of the quality development in the surrounding neighborhood and for the incorporation of articulated building facades that relate to the form and scale of surrounding development through the use of compatible setbacks, building coverage, and floor area ratios. Further, the provision of a landscaped non-contiguous sidewalk and shade-producing street trees would implement the goal of enhancing the pedestrian environment.

The proposed project and associated street vacation would not preclude views into the adjacent open space from the existing right-of-way since only a limited portion of the proposed new development would be located within the existing right-of-way. Given the proposed topography attributed to the project site, the proposed variance to allow parking facilities within existing right-of-way would meet the objective in the Transportation Element for ensuring the provision of adequate parking facilities and would not adversely affect the community plan

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project would develop a vacant 0.16-acre site with a new 2,973 square-foot single-family residence in the RS-1-1 zone within the Uptown Community Plan area. An environmental Mitigated Negative Declaration was prepared for the

project pursuant to the California Environmental Quality Act [CEQA]. During the environmental review of the project, it was determined that construction could result in significant but mitigable impacts in the areas of Biology, Multi-Habitat Planning Area [MHPA] Land Use Adjacency and Archaeology. A Mitigation, Monitoring and Reporting Program [MMRP] has been established for the proposed development that would require monitoring for historical resources during grading operations, a biological survey prior to construction due to a potential for raptors to nest in the trees that are that are adjacent to the site and finally, compliance with the MHPA Land Use Adjacency Guidelines be implemented and would reduce potential indirect impacts to below a level of significance. The environmental initial study concluded that no other impacts were associated with the proposed project. The project would be designed reviewed, constructed and inspected pursuant to all applicable uniform building codes and as such would be a safe and permitted structure. Therefore, the proposed development would not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed project would develop a vacant 0.16-acre site with a new 2,973 square-foot single-family residence in the RS-1-1 zone within the Uptown Community Plan area. The project is requesting a Neighborhood Development Permit to develop the site due to the presence of Environmentally Sensitive Lands [ESL] in the form of steep hillsides and a small patch of Coastal Sage Scrub on the property. The project is also requesting a public right-of-way vacation which would increase the size of the lot and allow for the proposed single-family dwelling unit. The project has been designed to comply with the development regulations of the RS-1-1 zone and would, with an approved Neighborhood Development Permit, comply with [ESL] Regulations. Therefore, the proposed development would comply with all of the applicable regulations of the Land Development Code.

2. Supplemental Findings – Environmentally Sensitive Lands

a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The proposed project would develop a vacant 0.16-acre site with a new 2,973 square-foot single-family residence in the RS-1-1 zone within the Uptown Community Plan area. The Uptown Community Plan designates the proposed 0.16-acre project site for Low-Residential (0-5 du/ac) and Open Space. According to recommendations in this zone, only very low residential development density should be allowed on site. Since the project is proposing a single residence in a single-family zone, and the proposed design complies with all applicable development regulations without deviation, the site is physically suited for the design and location of the development. Additionally, the project steps down the hillside and limits grading to excavation of the structural footings resulting in the minimum disturbance to environmentally sensitive lands.

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed project would develop a vacant 0.16-acre site with a new 2,973 square-foot single-family residence in the RS-1-1 zone within the Uptown Community Plan area. The project proposes minimal grading by terracing the development and stepping down the slope thereby minimizing alteration of the natural land form. The project is

located in geologic hazard area 52 and is considered suitable for the proposed development. Best Management Practices during construction and post construction would minimize run-off and drainage would be either directed away from the hillside or diverted to a grass swale or rip rap to dissipate flow down the slope. The project includes a brush management plan consistent with the City's Landscape Technical Manual that would minimize fire hazards. The site is elevated and therefore not prone to flood hazard.

c. **The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The proposed project would develop a vacant 0.16-acre site with a new 2,973 square-foot single-family residence in the RS-1-1 zone within the Uptown Community Plan area. The project proposes minimal grading by terracing the development and stepping down the slope thereby minimizing alteration of the natural land form. The project proposes development adjacent to the City of San Diego's Multiple Species Conservation Program [MSCP] MHPA. Development adjacent to the MHPA is required to conform to all applicable Land Use Adjacency Guidelines (Section 1.4.3) of the MSCP Subarea Plan. Although direct impacts would not occur within the MHPA, the project does have the potential to result in indirect impacts to the MHPA because of the site's adjacency to it. As such, mitigation in the form of compliance with the MHPA Land Use Adjacency Guidelines would be implemented and would reduce potential indirect impacts to below a level of significance. A MMRP, contained in the Mitigated Negative Declaration is included and therefore the proposed development would be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

d. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The proposed project would develop a vacant 0.16-acre site with a new 2,973 square-foot single-family residence in the RS-1-1 zone within the Uptown Community Plan area. The project proposes development adjacent to the City of San Diego's MSCP MHPA. Development adjacent to the MHPA is required to conform to all applicable Land Use Adjacency Guidelines (Section 1.4.3) of the MSCP Subarea Plan. Although direct impacts would not occur within the MHPA, the project does have the potential to result in indirect impacts to the MHPA because of the site's adjacency to it. As such, mitigation in the form of compliance with the MHPA Land Use Adjacency Guidelines would be implemented and would reduce potential indirect impacts to below a level of significance. A MMRP, contained in the Mitigated Negative Declaration is included and therefore the proposed development would be consistent with the City of San Diego's MSCP Subarea Plan.

B. VARIANCE – SDMC SECTION 126.0805

1. **There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations.** The proposed project site is a legal lot created for single-family development in the RS-1-1 zone. However the property is comprised almost entirely of steep slopes that are defined by the City of San Diego Land Development Code as ESL and therefore have limitations applied to the development of the site. The property is accessed from an unimproved paper street and is

the last property of the subdivision prior to the establishment of City owned open space. Based on the existing topography which falls away from the street combined with the limited access provided by the original subdivision, there are special circumstances that apply to this site that do not apply to other properties in the vicinity and which have not resulted from any act of the applicant.

2. The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises. The proposed project site is a legal building lot created for single-family development in the RS-1-1 zone. The application is seeking to develop the site with a moderately sized single-family home compatible with other dwelling units within the vicinity. Based on the steep slopes that constitute a majority of the site, the limitations imposed by the ESL Regulations of the Municipal Code and the requirement to provide two off-street parking spaces for the development, strict application of the Land development Code would result in either an unreasonably small dwelling unit or a development that would be economically unfeasible to design with access and parking thereby depriving the applicant reasonable use of the property. Allowing the project to provide minimum private access improvements and zero street frontage would be the minimum variance necessary and would allow the reasonable development of a single-family home without adversely affecting other properties in the vicinity.

3. The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare. The granting of the variance would allow the development of a moderate sized single-family home with two off-street parking spaces consistent with the RS-1-1 zone land use designation and development regulations and requirements of the ESL Regulations of the Land Development Code. The development would be consistent with the bulk and scale of other single-family dwelling units in the existing neighborhood. Granting the variance would permit the design flexibility for a dwelling unit that is not dominated by a parking facility or massive grading to access a parking facility which would be likely given the steep topography of the site. Environmental mitigation measures for the proposed development would ensure that the project does not adversely impact sensitive environmental resources on the site or adjacent open space. The project would be engineered, constructed and inspected pursuant to the International Building Code to ensure the development results in a safe and habitable structure. Therefore, granting the variance would be in harmony with the general purpose and intent of the regulations and would not be detrimental to the public health, safety and welfare.

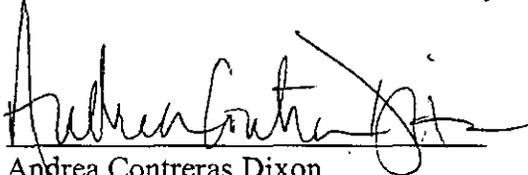
4. The granting of the variance will not adversely affect the applicable land use plan. If the variance is being sought in conjunction with any proposed coastal development, the required finding shall specify that granting of the variance conforms with, and is adequate to carry out, the provisions of the certified land use plan. The proposed project would be consistent with the Uptown Community Plan land use designations including the low density residential land use designation for the property and the adjacent open space area. The variance is being requested to permit a street vacation that would result in a legal lot with no street frontage along a dedicated public street. The requirement to provide frontage is an access issue that would be resolved with an access agreement with the adjoining

property. The resulting parcel and private access easement would not adversely affect the Uptown Community Plan, therefore, granting the variance would not adversely affect the applicable land use plan. The variance is not being sought in conjunction with a coastal development permit.

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 Neighborhood Development Permit No. 186747, and Variance No. 537644 is granted to Kirby L. Pray and Marilyn F. Billingsley, Owners/Permittees, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:cw
07/10/08
Or.Dept:DSD
R-2009-45
MMS #6483

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-3986

NEIGHBORHOOD DEVELOPMENT PERMIT NO. 186747
AND VARIANCE NO 536744
BILLINGSLEY RESIDENCE - PROJECT NO. 62130
CITY COUNCIL

This Neighborhood Development Permit No. 186747 and Variance No. 536744 is granted by the Council of the City of San Diego to Kirby L. Pray and Marilyn F. Billingsley Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0404. The 0.16-acre site is located at 4285 Goldfinch Street in the RS-1-1 zone of the Uptown Community Plan. The project site is legally described as Lots 3 and 4, Block 7, Map No. 334, and that portion of Goldfinch Street vacated by the City Council of the City of San Diego pursuant to Resolution No. R-298161, recorded July 1, 2003, as instrument No. 2003-0819704 of official recordings.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to develop the site with a new 2,973 square-foot single-family residence, 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 or facility shall include:

- a. A new 2,973 square-foot home and detached 2-car garage;
- b. Landscaping and Brush Management (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. A variance to reduce the legal lot frontage to zero feet on a dedicated public right-of-way with an access agreement from Barr Street with the adjacent property; and

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

STANDARD REQUIREMENTS:

1. This Permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this Permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in 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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
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. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owners/ 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 Owners/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.

10. The applicant 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, 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

12. The mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 62130, shall be noted on the construction plans and

specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 62130, satisfactory to the City Manager and the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biology
- MHPA Land Use Adjacency
- Historical (Archeological) Resources

14. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

15. Prior to the recordation of the quitclaim deed, the applicant shall obtain an access agreement from the adjacent property owner to the north, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices [BMP's] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

17. Prior to the issuance of any construction permits, the applicant shall submit 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.

18. Prior to building occupancy, the applicant shall replace the curb along the vacated Goldfinch/Barr Avenue frontage with City standard curb and gutter, and install a new 12 -foot driveway, all satisfactory to the City Engineer.

19. The drainage system proposed for this development is private and subject to approval by the City Engineer.

20. Prior to the issuance of any building permits, the applicant shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

21. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Maintenance and Removal Agreement, for non-standard bricks around the water meter and a D-25 curb outlet in Barr Avenue, satisfactory to the City Engineer.

22. Prior to the building occupancy, the applicant shall replace the curb along the vacated Goldfinch/Barr Avenue frontage with City standard curb and gutter, and install a new 12-foot driveway, a D-25 curb outlet and a 5-foot non-contiguous sidewalk, all satisfactory to the City Engineer. This work shall be shown on the grading plan and included in the grading permit.

LANDSCAPE REQUIREMENTS:

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

24. Prior to issuance of any construction permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account 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.

25. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

26. Prior to issuance of any construction permits for buildings (including shell), complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under Land Development Code [LDC] section 142.0403(b)5.

27. Prior to Final Inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A "No Fee" Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

28. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

29. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or

replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

BRUSH MANAGEMENT REQUIREMENTS:

30. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" Brush Management Plan.

31. Prior to issuance of any construction permits for grading, Landscape Construction Documents required for the construction permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

32. Prior to issuance of any construction permits, a complete set of Brush Management Construction Documents shall be submitted for approval to the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Uniform Fire Code, M.C. section 55.0101, the Landscape Standards, and Land Development Code section 142.0412 (Ordinance No. O-19413).

33. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.

PLANNING/DESIGN REQUIREMENTS:

34. No fewer than two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

35. 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.

36. 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.

WASTEWATER REQUIREMENTS:

37. All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego Sewer Design Guide.

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

39. Prior to the issuance of any grading or building permit, the Developer shall obtain an Encroachment Maintenance and Removal Agreement for connecting a private sewer lateral to a public sewer main located in an easement.

WATER REQUIREMENTS:

40. Prior to the issuance of any building permits the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service, outside of any driveway or drive aisle, within the right-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

41. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of the appropriate private backflow prevention devices on each water service (domestic, fire and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer and the Cross-Connection Control Group in the Customer Support Division of the Water Department.

42. Prior to the issuance of any Certificates of Occupancy, public water facilities necessary to serve the development, including water services and meters, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

43. All on-site water facilities shall be private including domestic, fire and irrigation systems.

44. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities as shown on the approved plans shall be modified at final engineering to comply with standards.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- 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 _____, by Resolution No. R-_____.

00-0524

AUTHENTICATED BY THE CITY MANAGER

By _____

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

KIRBY L. PRAY,
Owner/Permittee

By _____

By _____

MARILYN F. BILLINGSLEY,
Owner/Permittee

By _____

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04