

Metcalf Development & Consulting, Inc.
Land Planning, Development & Management- Strategically Focused, Tactically Sound
5681 Bellevue Avenue, La Jolla, California 92037
Phone 619-733-6056 fax 858-459-9517 e-mail pmdevcon@sbcglobal.net

March 25, 2016

Ms. Sandra Teasley, Project Manager
City of San Diego, Development Services
1222 First Avenue, MS 302
San Diego, California 92101-4153

Re: SCR Permit and Resolution Revisions/Clarifications for the Rancho del Sol SDP (PTS #157399)

Dear Sandra:

We are submitting an SCR request to revise language in the City's approval documents for the Rancho del Sol project, specifically Site Development Permit No. 560724 and Planning Commission Resolution No. 4635-PC-1 that is inconsistent with the intent of the approval.

You have recorded a corrected SDP document, however, there is one remaining issue that requires amending and that is to delete the paragraph in PC Resolution that is inconsistent with the approval. This paragraph is on page 9 of the Resolution and reads:

"The applicant has purposely encompassed the required mitigation into the non-required mitigation as a comprehensive wetland creation effort, such that the two cannot be separated in a manner that would allow the required mitigation to be successful. This is illustrated on submitted grading plans that do not separate out wetland mitigation area and future wetland mitigation bank area. Therefore, onsite wetland creation is considered a comprehensive effort."

The reasons that this paragraph should be deleted are enumerated below along with a summary of the project's review and approval history:

- Unfortunately, the existing approval documents do not accurately reflect the project that was proposed, and ultimately approved in November, 2014.
- In 2013, we proposed the creation of a single 14-acre wetlands area, which would serve two purposes:
 - (1) satisfaction of our mitigation requirements under the stipulated judgment and the Army Corps restoration order, and
 - (2) the creation of a voluntary wetlands mitigation bank (which would have required the export and stockpiling of 80,000 cubic yards of dredged materials).
- The Planning Commission was originally scheduled to hear this project in August, 2013.

- In its 2013 staff report to the Planning Commission, the City included conditions of approval that would have required us to create both the required mitigation areas as well as the voluntary mitigation areas.
- Before the 2013 Planning Commission hearing, we became aware of neighbors' concerns regarding the proposed export and stockpiling activities.
- We withdrew the project, and revised it to include two phases:
 - Phase 1 would involve the creation of our required mitigation areas, and Phase 2 would involve the voluntary creation of the mitigation bank, provided that the Wildlife Agencies consented to the proposed bank, a proper disposal site for the dredged material could be located, and the necessary City permits could be obtained.
- Throughout 2014, staff revised the prior staff report, conditions of approval, and findings to reflect the new phased project.
 - These revisions included the addition of a phasing discussion, edits to the acreage measurements of the two phased areas, and the elimination of the conditions from 2013 that would have required us to create both the required and voluntary mitigation areas. We also submitted updated project plans that clearly depicted the phased nature of the project (the current approved "Exhibit A" Plans).
- During the process of updating the project's staff report, the following paragraph was added to the findings:
 - "The applicant has purposely encompassed the required mitigation into the non-required mitigation as a comprehensive wetland creation effort, such that the two cannot be separated in a manner that would allow the required mitigation to be successful. This is illustrated on submitted grading plans that do not separate out wetland mitigation area and future wetland mitigation bank area. Therefore, onsite wetland creation is considered a comprehensive effort."
- This language is not accurate, as the entire point of revising the project in 2014 was to separate out the required mitigation from the voluntary mitigation, and defer the voluntary mitigation bank to a later date after the necessary approvals were obtained. Moreover, the revised and resubmitted project plans clearly show that the project would be phased, and depicts the precise boundary between the two phases.
- However, despite the fact that the remainder of the project approval documents were updated to reflect a phased project, this "inseparability" language remained in the version of the findings presented to the Planning Commission.
- In November 2014, the Planning Commission adopted a resolution approving the permit, which included the incorrect language in the findings.
- In early 2015, City staff provided us with the permit document to sign and have recorded against the property. Unfortunately, the permit conditions that were signed and recorded

included a mix of the 2013 and 2014 conditions of approval – for example, the 2014 language describing the phasing of the project was included, but the deleted 2013 conditions requiring both phases to be performed together had been added back in to the conditions. The incorrect Planning Commission resolution was recorded as well, as it included the acreage measurements from the 2013 staff report, and also includes other edits to the language from the 2014 staff report as well as the ‘inseparability’ paragraph.

- Staff now agrees that the wrong documents were recorded in 2015, and the project documents that were approved by the Planning Commission in November, 2014 have been corrected and re-recorded. We are assisting the City in that effort by revising the Wetlands Creation Plan to be consistent with the clarifications request.
- We are requesting that the Resolution be amended to delete the erroneous paragraph described above and a letter of clarification be prepared to clarify that the “inseparability” language in the findings (which will be recorded alongside the conditions of approval) does not accurately reflect the project, as demonstrated by the phased project description, the conditions of approval, the updated Wetlands Creation and project plans all approved by the Planning Commission in 2014.

The deletion of the paragraph will remove the inconsistency between the findings and the conditions of approval and the clarification will eliminate the possibility of any confusion and further delay that might be caused in the proper implementation of the permit when the applicant seeks the multiple additional City ministerial and discretionary Agency approvals that are required to implement the SDP for this project.

Yours truly,

A handwritten signature in blue ink, consisting of several overlapping loops and a final horizontal stroke.

Paul Metcalf, Owner’s Agent

CC: Chris Barczewski, Todd Nelson, Mark Farrington, Vince Scheidt, John Krizan

Attachments: DS 3032, DS 3035, DS 3242, Rancho del Sol “Exhibit A” Plans, Newly Recorded SDP, The original Record SDP and Resolution, Public Notice Package. January 2016 Wetlands Creation Plan, CD-R with all above submittal requirements