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To	Mary Ladina	From
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CITY of
MEMO

E NO.:

DATE : December 8, 1987

TO : Mike Stepner, Acting Planning Department Director

FROM : Jack McGrory, Deputy City Manager

SUBJECT: Private Mitigation Projects on City Owned Open Space

Recently, the developer of the Villages of Five Creeks (TM-86-0994) contacted the Park and Recreation Department for approval of development plans for a riparian vegetation mitigation site to be located on City owned open space. The purpose of this mitigation site was to compensate for 1.8 acres of riparian vegetation which will be destroyed during the development of the Villages of Five Creeks.

On a previous occasion, a developer requested permission from the Park and Recreation Department to use a portion of the Los Pensasquitos Canyon Preserve as a mitigation site for their private development. We advised the developer that the use of City owned open space as a mitigation site for private development is an inappropriate use and we would not approve their concept.

The reasons for our opposition to this concept are:

- 1) Mitigation sites will be required for City-initiated projects in the future, so it seems prudent to retain possible mitigation sites for City use and not private development.
- 2) If City owned open space is allowed to be used as private mitigation sites, it would be reasonable to assume all developers would request this approach and the potential available sites for mitigation would be depleted.
- 3) Allowing private mitigation sites on City owned open space could encourage developers to completely develop their property, irrespective of biological concerns, with the knowledge that the mitigation required for their development would use City property.
- 4) It is our position that the use of City owned land for private gain is not appropriate.

In regards to the Villages of Five Creeks project, mitigation at the City site was a directive of the EIR. Also, the City land was acquired through a prior map filed on the property. For these reasons, we have reluctantly agreed to this mitigation if they agree to assume maintenance responsibilities. We will allow them to develop their mitigation site provided they enter into an agreement which states they will maintain the site as long as the level of maintenance required is greater than normal City-provided maintenance. We will require a letter from the U.S. Fish and Wildlife and Army Corps of Engineers stating that the site has stabilized and the normal City maintenance will be adequate before terminating the maintenance agreement.

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To summarize, the use of City owned open space as a mitigation site for private development is not an appropriate use of open space and it is the Manager's policy not to accept this approach. This approach should not be proposed in the future.

Jack McGrory

Jack McGrory
Deputy City Manager

JM/JW/mep

cc: George Loveland
Dave Twomey
Nancy Acevedo
Jerry Williams ✓