



**California Regional Water Quality Control Board
San Diego Region**



Matthew Rodriguez
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
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Edmund G. Brown Jr.
Governor

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February 17, 2012

In reply refer to:
646824: amonji

Mr. Tony Pauker
City Ventures
5075 Shoreham Place
San Diego, California 92122

SUBJECT: AMENDMENT No. 1 TO CLEAN WATER SECTION 401 WATER QUALITY CERTIFICATION No. 07C-008 FOR THE LA COSTA VILLAGE CENTER TOWNHOMES.

Dear Mr. Pauker:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), is amending the **La Costa Village Center Townhomes** Certification No. 07C-008 (Attachment 1). The action is based upon the requests submitted by City Ventures on August 29, 2011 (Attachment 2) and a follow-up request on December 20, 2011 (Attachment 3).

Modifications to the Applicant, Mitigation, and Reporting Conditions of Water Quality Certification No. 07C-008 are shown in bold strikeout/underline below:

APPLICANT¹: ~~Mr. Robert Cummings~~ **Tony Pauker, Vice President**
~~Barratt American Inc.~~ **City Ventures**
~~5950 Priestly Drive~~ **5075 Shoreham Place, Suite 240**
~~Carlsbad, CA 92008~~ **San Diego, CA 92122**

C. MITIGATION

1. Compensatory mitigation for the proposed permanent impacts to ~~0.04~~ **0.04** acres of vegetated waters of the U.S. and/or State must be achieved at an overall ratio of 4:1 by the purchase of ~~0.04 acre of riparian woodland creation mitigation credits from the North (San Diego) County Habitat Bank~~ **creation of 0.02 acres (150 linear feet) of freshwater marsh habitat and the onsite enhancement of 0.35 acres (1,050 linear feet) of ephemeral drainage and adjacent areas**

¹ **Effective December 30, 2010 (Attachment 4), all references to "applicant" or "Barratt American Inc." shall be replaced to refer to "City Ventures" throughout the Certification.**

(Attachment 5). Total mitigation for the project is 0.37 acres and approximately 1,200 linear feet.

2. ~~Within one year of issuance of this certification, Barratt American Inc. must submit proof of the acquisition mitigation credits by either geographic (mapped-polygon credits) or mathematical (accounting) methods.~~ **Mitigation for permanent discharges to waters of the United States and/or State must be achieved as described in the La Costa Village Center Townhomes Conceptual Wetland Mitigation Plan prepared by Dudek and dated February 2012.**

7. **Mitigation shall be considered acceptable once it has met the pre-determined success criteria for that site, and shall be maintained, in perpetuity, in a manner that consistently meets the final success criteria identified.**

D. REPORTING

4. **Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful in accordance with the mitigation success criteria in the La Costa Village Center Townhomes Conceptual Wetland Mitigation Plan prepared by Dudek and dated February 2012.**

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that City Ventures has accepted and will comply with all the conditions of this Certification. Failure to comply with all conditions of this Certification may result in enforcement actions against City Ventures.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Alan Monji at (858) 637-7140 or amonji@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer
San Diego Regional Water Quality Control Board

cc: (Via Email)

Anita Hayworth,
Dudek
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Bill Orme
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ATTACHMENTS:

1. 401 Water Quality Certification 07C-008
2. Letter from City Ventures dated August 29, 2011
3. Letter from City Ventures dated December 20, 2011
4. Letter from City Ventures dated February 8, 2012
5. Revised Mitigation Map

Tech Staff Info & Use	
File No.	07C-008
WDID	9 000001602
Reg. Measure ID	3204916
Place ID	646824
Party ID	5798

