(R-2001-1520)

RESOLUTION NUMBER R-294528

ADOPTED ON FEBRUARY 6, 2001

WHEREAS, San Dieguito River Park, appealed the decision of the Planning Commission as it pertains to modifying Condition 54 (for posting of signs); as it pertains to the deletion of Condition 56, with conditions; and as pertains to the issue of waiver of processing fees, in Site Development Permit No. 40-0711 submitted by San Dieguito River Park, Owner/Permittee, to construct a 9.4-mile trail on 20.5 acres for hikers, bikers and equestrians, located in the San Pasqual Valley to the east of I-15, south of Via Rancho Parkway and Highway 78 and north of Highland Valley and Bandy Canyon Roads, in the San Pasqual - Lake Hodges Planning Area; and

WHEREAS, on January 4, 2001, the Planning Commission of the City of San Diego considered Site Development [SDP] Permit No. 40-0711, and pursuant to Resolution No. 3070-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on February 6, 2001, 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 this Council adopts the following findings with respect to Site Development Permit No. 40-0711:

A. SITE DEVELOPMENT PERMIT:

1. The proposed development will not adversely affect the applicable land use plan for the subject property. The Mule Hill/San Pasqual Valley Trail is located within the San Pasqual Valley Planning Area. Implementation of the trail is the primary goal and a specific

proposal within the Park and Recreation Element of the San Pasqual Valley Plan dated June 1995 [Plan]. Under policies, the Plan states, "The San Dieguito River Park/Joint Powers Authority. [JPA] has been given the authority through the Joint Powers Agreement to undertake overall planning for and to plan, design, improve, operate, manage and maintain the San Dieguito River Park. Therefore, the proposed trail corridor and related recreational facilities within the valley shall be designed and implemented through the joint efforts of the City of San Diego, as the land owner, and the JPA." Other policies in the Plan state that the multi-use trail corridor, forming the San Pasqual Valley segment of the JPA's Coast to Crest Trail shall be aligned to minimize impacts to sensitive resource areas and to agriculture. The trail was aligned to follow existing direct paths and farm roads wherever possible so as not to cause new impacts to the sensitive resources in the area. Measures such as reducing trail widths in sensitive areas and fencing the trail where adjacent to sensitive resources were used to further minimize impacts. The JPA staff worked with the farmers in the San Pasqual Valley to align the trail with the least disruption to their farming operations. The trail follows the edges of farming operations rather than traversing them to minimize intrusion. Fencing will also be used to protect crops.

Under specific proposals, the San Pasqual Valley Plan refers to a figure that illustrates a trail corridor location rather than a specific alignment. It states that in order to determine the feasibility and specific alignments of the trail corridor within the planning area, additional site-specific design work and property owner/leasehold coordination must be completed. It goes on to say that the trail corridor alignment will follow th seam between land uses and follow (or be adjacent to) existing dirt fire roads and farm roads to minimize impacts to agriculture and to the natural environment. The trail is designed to follow the edges of farms rather than traversing them. Approximately eighty percent of the trail's total length follows existing dirt paths or farm roads. Several alternate alignments were explored wit the farmers in the valley to determine the alignment with the least disruption to their operations.

Through these efforts, JPA and City staff have worked together to align the trail to be consistent with the San Pasqual Valley Plan and its policies. The proposed trail alignment meets all the specific proposal guidelines specified in the San Pasqual Valley Plan and would not adversely affect the plan.

2. The proposed development will not be detrimental to the public health, safety and general welfare. The trail has been designed to safely transport trail users along the trail without any impacts to public health, safety, and welfare. Where the trail is within the road right-of-way, the trail was placed as far from the travel lane as possible and will be fenced to further separate the trail from the road . In one area along the Verger Dairy where the trail may not be fenced, other means will be used. The JPA Board of Directors has adopted a resolution (Resolution R00-7, "Resolution of the Board of Directors of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority agreeing to provide indemnification to the City of San Diego and its Agricultural Lessees adjacent to the Mule Hill/San Pasqual Valley Trail.") that will hold the City harmless in the event of an accident.

The trail is located in a rural area and would not be in conflict with any land uses. The trail travels adjacent to active farming operations and JPA staff has worked closely with farmers in the area, as well as the County Farm Bureau and the County Agricultural Advisor's Office to establish protocols for trail use where adjacent to farming operations. These protocols include signage to alert users of farming operations and a trail closure protocol during the periodic use of pesticides.

During periods of high flows, the crossings and portions of the trail would be inundated. The trail would be closed to all use during these periods and would not expose people to flooding hazards. Closure procedures are described in the Operations Agreement required by the City's Real Estate Assets Department prior to issuance of the Right of Entry Agreement for the Trail.

As specified in the above-referenced Operations Agreement, portable toilets will be provided at both trailheads, and if required by the City Manager, at an additional location. The agreement also calls for litter to be removed weekly, trash bins to be checked and if necessary emptied twice weekly, and closure of the new staging area (at Hwy 78 and Bandy Canyon Road) from dusk to daylight.

San Dieguito River Park Ranger Staff are in charge of trail maintenance and enforcement of rules and regulations. This involves supervision of our Volunteer Patrol program and trail maintenance crews. The Volunteer Patrol are trained volunteers who check in at the Park office and then patrol the trails in teams of two, either on foot, on horseback, or on bicycle. The Patrols are scheduled for Fridays, Saturdays, Sundays and Mondays. They carry two-way radios with them so that they can reach the ranger staff in case of emergency. Ranger staff is in the Park daily working on improvement projects such as trail and habitat restoration, trail management (adding/ removing signage, enforcement, education, addressing urban interface issues, encampments, etc.). The presence of trained volunteer patrolmembers and park rangers would provide additional assurance that the public's health, safety and welfare while using the trail would be maximized, so that the trail would be a benefit to the health and welfare of the community and region by providing a safe recreational opportunity.

The trail will be accessible to emergency vehicles in case someone becomes injured on the trail. Because most of the trail can be accessed off of existing streets (i.e., Sunset Drive, Via Rancho Parkway, Highland Valley Road, and Bandy Canyon Road) and existing farm roads, most of the trail could be accessed with a standard brush vehicle. However, some portions of the trail will only be accessible by a 4-wheel drive truck. An agreement/contract between the JPA and the City Fire Department will be established for the purchase and maintenance of an EMS-equipped Ford F250 4-wheel drive truck. The JPA has worked closely with the City of San Diego Fire and Life Safety Services Department to ensure the trail is accessible in cases of emergencies. The operations agreement with the City will include a list of measures to accommodate emergency access which include locational information for trail users, trail maps, identification of emergency access points, and other measures.

3. **The proposed development will comply with the applicable regulations of the City's Land Development Code.** The proposed project complies with the regulations of the San Diego Municipal Code [SDMC} and the AR-1-1 zone. As described in the findings below, the project is in conformance with the development regulations for Environmentally Sensitive Lands (SDMC § 143.0140), (with the exception of the wetland deviations), Biology Guidelines, Steep Hillside Guidelines, and historical resource regulations (SDMC § 143.0210). As described elsewhere in these findings, the trail design minimizes impacts to environmentally sensitive lands, including wetlands, by following existing dirt roads. Only one 3,400-foot long section of the trail requires new trail construction through sensitive upland habitat. This section is required in order to avoid impacts to wetland habitat and cultural resources.

A detailed cultural resources survey was performed along a 100-foot wide corridor of the alignment; sites were recorded and the trail is aligned to avoid sites wherever possible. Several sites were found in the "narrows" area and the trail was realigned to avoid them. However, when sites cannot be avoided, they will be capped in accordance with the archaeological guidelines in the River Park Concept Plan and the recommendations of the Cultural Survey Report, Surface collection by a qualified archaeologist will occur prior to capping. Capping will consist of a filter fabric placed over that portion of the site to be impacted, followed by the placement of two inches of sterile soil, one inch of ½ to ¼-inch gravel, and a minimum of an additional four inches of sterile soil. An archaeological monitor will also be present during grading of this area. With these measures, all potential impacts to cultural resources would be avoided.

B. <u>SUPPLEMENTAL FINDINGS - ENVIRONMENTALLY SENSITIVE LANDS</u>:

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 9.5-mile long trail would traverse the San Pasqual Valley and would primarily follow existing dirt paths. Approximately 7.7 miles of the trail would follow existing dirt paths and farm roads, or the Bandy Canyon Road right-of-way. Only about 1.8 miles of the trail requires new trail construction and only 3,400 linear feet of the new construction would be in sensitive upland habitat. The trail would create 6,593 square feet (.16 acre) of wetland impacts, which are described in detail below. The rest of the new construction would be in agricultural or ruderal land, with the exception of 19,166 square feet (.44) acre) of impacts to non-native grassland as the trail crosses the floodplain. Several alternative trail alignments were evaluated by the San Dieguito River Park JPA to determine the alignment with the least environmental impact to biological, cultural, and agricultural resources in the area. Impacts to environmentally sensitive lands were minimized by following existing dirt paths and seams between land uses, surveying the alignment for sensitive resources and avoiding resources where possible, restricting construction to the non-breeding season in sensitive habitat types, reducing the width of the trail where it traverses environmentally sensitive lands, and fencing areas to further protect sensitive vegetation from potential impacts from trail users.

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A 3,400-feet long section of the trail would travel through an environmentally sensitive area that consists of a steep hillside with oak woodland and coastal sage scrub habitat. This area occurs in the "narrows" portion of the valley. The only way to avoid the hillside is to align the trail closer to the river. An alignment closer to the river was explored but it would impact several cultural sites and cause additional wetland and oak woodland impacts. The proposed alignment would join an existing dirt path at the top of the hillside thereby reducing the amount of new trail construction. The trail width would be reduced to four feet in this area (the minimum width to accommodate a multi-use trail). The rest of the trail varies from six to eight feet in width with the exception of the westernmost three miles, which is twelve feet wide. Thus, a trail width less than six feet would not appreciably reduce impacts to the adjacent vegetation. The trail winds its way through the edge of the oak tree drip liens. Woven fabric material will be used in appropriate places to minimize soil compaction before the trail. The entire distance of the trail through oak woodland will be mitigated at a 2 to 1 ratio.

The only other portions of the trail that require new construction include a 3,000 foot long segment where the trail crosses the floodplain and a 3,000 foot long segment along Bandy Canyon Road between the intersection of Santa Ysabel Creek Road and the Santa Maria Creek Bridge. The floodplain crossing location was chosen because it is the least impactive place to cross; it avoids wetland vegetation (except at the channel crossing itself) and only impacts previously grazed non-native grassland. The non-native grassland is a regulated, sensitive habitat per the City's Biology Guidelines, and has been included in the summary of habitat that must be mitigated through a contribution to the City's Habitat Acquisition Fund. The floodplain crossing would also connect to existing dirt roads at both ends. The portion along Bandy Canyon Road would follow the edge of an unused agriculture area.

Although trail construction could potentially impact sensitive species, such impacts will be mitigated through the following conditions: Prior to construction of the trail, a pre-construction survey shall be conducted to ensure that there are no nesting birds covered by the Migratory Bird Act, as well as other wildlife species, that could be impacted by construction. However, construction may continue in ruderal habitats and along existing roads flanked by ruderal habitat during March through August in order to construct the trail within one continuous time period. If ground-nesting birds are observed within the project footprint, construction would be halted at that site until such time as the brood is fledged or the nest moved following approval of the resource agencies. Construction shall be timed to avoid the breeding season of the least Bell's vireo, southwestern willow flycatcher, California gnatcatcher, yellow-breasted chat and arroyo toad (construction to occur between September 15 and March 1); sections of trails that traverse sensitive areas, as specified in the *Biological Resources Report for the Mule Hill/San Pasqual Segment of the Coast to Crest Trail Project*, shall be constructed to the greatest extent possible using hand tools. Prior to construction of the trail, a biological monitor shall be retained by the JPA to (1) flag sensitive areas, (2) ensure that breeding has been completed prior to initiating construction, and (3) monitor sensitive biological areas during construction.

Construction will not occur during the breeding season for the arroyo toad (March 1 to August 30). If the San Dieguito River low-flow crossing is constructed during a rainy period, the JPA's biological monitor will survey the area first for arroyo toads so all impacts can be minimized. The crossing is elevated off the channel grade so that arroyo toads cannot directly access the trail from the channel. Also, a "gabion" rip-rap (smaller rocks placed inside a mesh material) will be used for the energy dissipater at the San Dieguito crossing to reduce the amount of rough rocky surface considered potentially harmful to the arroyo toad, as requested by the California Department of Fish and am [CDFG].

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.** A majority of the trail would be located on flat land with little topographic variation. A 3,400-foot long portion of the trail would traverse one steeply-sloped portion of the site. Although this segment of the trail would be located on steep hillsides, the alignment was chosen to locate the trail further from the river thereby avoiding wetland impacts in a particularly narrow section of the valley. This trail section would rise from a 350-foot elevation to 700 feet and would be designed to follow the existing contour avoiding, to the maximum extent practicable, the loss of existing vegetation. Upon reaching the summit, the trail would join an existing dirt road that winds down the hill back to the 400-foot elevation. Cut and fill would be very minimal with a maximum cut of six inches (see attached cross sections). The trail winds its way through the oak trees; no trees would be removed and cuts would be minimized in sensitive root zones so as not to damage the trees.

Erosion would be minimized through adherence to the City's Landscape Technical Manual and the San Dieguito River Park Concept Plan design guidelines, which require construction techniques and trail maintenance to minimize soil erosion. The trail would be located partially within the floodplain of the San Dieguito River; however, the nature of the project would not alter any drainage patterns. The trail as designed would be subject to inundation during flood events. The two river crossings at Kit Carson Creek and San Dieguito River are designed to be conduits for creek low flow, with the trail on top. During heavy rains or flood conditions, the river would flow over the top of the crossings. Thus, floodwaters would not change. During periods of high flows, the crossings and portions of the trail would be inundated. The trail would be closed to all use during these periods and would not expose people to flooding hazards. Closure procedures are described in the Operations Agreement required by the City's Real Estate Assets Department prior to issuance of the Right of Entry Agreement for the Trail.

Most of the trail alignment would travel through an area with relatively low fire hazard adjacent to agriculture and a floodplain. The surrounding area is already susceptible to wildfires due to dry brush and the adjacency of urban development and roadways. The trail would not significantly increase the fire danger in the area.

3. **The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** Trail users who leave the designated trail could potentially impact environmentally sensitive lands located adjacent to the trail. This unauthorized potential use would be controlled through the use of fencing in appropriate locations, signage and ranger patrol, as well as trail design. Therefore, the trail design includes fencing, located as described below, along environmentally sensitive areas where it is determined that trail users may leave the trail thereby causing impacts to natural vegetation, plants or animals. These areas to be fenced include the two river crossings and the beginning of the steep hillside area near the "narrows" to minimize impacts to oak woodland. Signs at the trailheads and along the trail will educate users about sensitive lands and alert users to stay on the trail. In accordance with the details of the Operations Agreement required by the City's Real Estate Department prior to issuance of the Right of Entry Agreement for the trail, the trail will be regularly patrolled and maintained by the JPA (Ranger staff and trained Volunteer Patrol) to monitor and control potential impacts. The JPA has a 3-person ranger staff and a 21-member Volunteer Patrol.

The San Dieguito River low-flow crossing would have minimal impacts on adjacent environmentally sensitive land. The crossing is designed to handle small flows, thereby allowing a dry crossing for the trail user. During storm events heavy floodwaters would flow over the crossing; the crossing would not have any impact on the hydraulics of the river. The crossing is designed to handle moderate storms. A large magnitude storm (possible a 10-year storm) may damage the crossing requiring repair. Regular maintenance of the crossing would be performed such as frequent cleaning of the conduits to remove debris especially after storm events. This would prevent flow from backing up behind the crossing. The concrete structure would not trap sediment nor require annual "rebuilding" like the Santa Ysabel Creek crossing does (this crossing exists to the east of the trail project at Santa Ysabel Creek Road). Also see additional information about the crossing under findings discussed at SDMC section 126.0504(c).

4. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program Subarea Plan.** The proposed project lies within the boundaries of the Multiple Species Conservation Program [MSCP] Subarea Plan (1997) and is subject to the policies and directives of that plan. Portions of the trail alignment are also located within the Multiple-Habitat Planning Area [MHPA]. The trail has been designed to minimize disturbance to environmentally sensitive lands (see discussion regarding findings at SDMC sections 126.0504(b)(1) and (2)). The proposed project would also be subject to general management directives pertaining to public access, trails and recreation described in the MSCP's Subarea Plan. These are summarized below.

a. Provide sufficient signage to clearly identify public access to the MHPA. Use appropriate barriers to direct public access away from sensitive areas.

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Fencing and signage will be installed along the trail as appropriate to direct trail users away from sensitive areas and to encourage them to stay on the trail. In addition, the River Park's existing trail patrols (composed of trained volunteers and ranger staff) will be expanded to cover this area once the trail is completed. The trail patrols educate the public about the importance of protecting the resources along the trail by always staying on the designated trail.

b. Locate trails, overlooks and staging areas in the least sensitive areas of the MHPA, following dirt roads as much as possible rather than entering habitat or wildlife movement areas.

The trail alignment was developed based on the results of the biological surveys conducted within the project area. Every effort has been made to avoid impacts to sensitive resources. Where avoidance is not possible, the trail width has been reduced to four feet to minimize such impacts. Existing farm roads and dirt paths have been incorporated into the trail design to the maximum extent feasible. The staging area has been sited in a disturbed area in order to avoid impacts to sensitive resources.

c. Avoid paving trails and minimize trail widths except where necessary to accommodate multiple uses or disabled access.

Most of the trail will consist of a dirt path (8.25 miles of the 9.5 total miles of trail). However, the first 1.25 miles of the trail will have a hardened surface to allow for universal access in compliance with the Americans with Disabilities Act [ADA]. A polymer binder mixed with native soil will be used instead of asphalt to minimize environmental impacts.

d. Limit the extent and location of equestrian trails to less sensitive areas of the MHPA. Locate staging areas between 300-500 feet from riparian and coastal sage scrub habitats to minimize impacts to valuable biological resources. Design and maintain equestrian trails where possible to drain into a gravel bottom or vegetated swale or basin to detain run-off and remove pollutants.

Equestrian use is proposed along the Coast to Crest Trail, and the presence of horses along the trail was taken into consideration when the trail alignment was being designed. Existing roads and pathways were used to the maximum extent possible and wherever possible, the trail was setback from riparian habitat and/or areas of coastal sage scrub. Equestrian staging will be located at least 300 feet from Santa Ysabel Creek on an existing disturbed site. Drainage from the staging area will be handled in a manner that will avoid impacts to water quality in accordance with permit conditions that require construction and operation water quality Best Management Practices. A regular maintenance program for the removal of horse manure in the staging area and along the

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trail will be established whereby the JPA ranger staff will monitor equestrian trail use and use that information to determine the necessary frequency for cleanup.

e. The proposed project's compliance with specific management directives pertaining to the Lake Hodges/San Pasqual Valley are addressed below:

i. Install fencing or other aesthetic barriers at the MHPA boundary to avoid impacts to least Bell's vireo if development occurs east of Interstate 15. Trails should occur on the open space side of the fence within an adequately sized wetland buffer area.

Fencing is proposed at the two river crossings in order to protect adjacent least Bell's vireo habitat. Further fencing to minimize sensitive species impacts will be installed along the trail. JPA will consult with the resource agencies and City staff to confirm that fencing placement is adequate.

ii. Retain the native habitats on the slopes southeast of the Narrows in an undisturbed condition. If development occurs on the property, place fencing or other aesthetic barrier to direct access.

Construction of the proposed trail would require ascending the slope for a short distance to avoid wetland impacts. However, the maximum width of the trail at the Narrows would be approximately four feet and would be constructed by River Park personnel using hand tools. Fencing shall be installed as dictated by resource agencies and the City.

5. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed trail is not located along the coast.

6. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The Biological Report prepared for this project identified impacts to oak woodlands, coastal sage scrub, non-native grassland and wetlands as follows:

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Habitat Type	Impacts	Proposed Mitigation	Mitigation Area	Mitigation Method
Southern Willow Scrub	1,800 sq. ft. (0.04 acre)	2:1	3,,600 sq. ft. (0.08 acre)	On-site
Mule Fat Scrub	105 sq. ft. (0.002 acre)	2:1	210 sq. ft. (0.004 acre)	On-site
Coastal Brackish Marsh	1,189 sq. ft. (0.027 acre)	2:1	2,378 sq. ft. (0.054 acre)	On-site
Freshwater Marsh	2,273 sq. ft. (0.05 acre)	2:1	4,546 sq. ft. (0.10 acre)	On-site
Open Water	1,226 sq. ft. (0.028 acre)	1:1	1,226 sq. ft. (0.028 acre)	On-site
Coast Live Oak Woodland	9,583 sq. ft. (0.22 acre)	2:1	19,166 sq. ft. (0.44 acre)	Habitat acquisition
Coastal Scrub	9,583 sq. ft. (0.22 acre)	1:1	9,583 sq. ft. (0.22 acre)	Habitat acquisition
Disturbed Coastal Sage Scrub	8,712 sq. ft. (0.2 acre)	1:1	8,712 sq. ft. (0.2 acre)	Habitat acquisition
Native Grassland	1,800 sq. ft. (0.04 acre)	2:1	3,600 sq. ft. (0.08 acre)	Habitat acquisition
Non-Native Grassland	19,166 sq. ft. (0.44 acre)	1:1	19,166 sq. ft. (0.44 acre)	Habitat acquisition
TOTAL	55,437 sq. ft. (1.27 acre)		72,187 sq. ft. (1.6 acre)	

To mitigate for the upland impacts, the River Park will contribute to the City's Habitat Acquisition Fund, in accordance with the Biology Guidelines. To mitigate for the wetland impacts, the River Park has entered into an agreement with the City of San Diego to implement a portion of the City's River Corridor Management Program in the San Pasqual Valley. Under that agreement, the River Park will create 2.8 acres of wetland habitat at a designated location in the river valley as detailed in the City's River Corridor Management Plan. The mitigation site is located west of Ysabel Creek Road between Santa Ysabel Creek and Santa Maria Creek. This mitigation would mitigate the wetland impacts at a ratio of 17.5:1, greatly exceeding the amount of mitigation required under local, state or federal regulations.

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C. SUPPLEMENTAL FINDINGS - ENVIRONMENTALLY SENSITIVE LANDS DEVIATIONS, SDMC SECTION 126.0504(C).

1. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands. The project's design has incorporated all feasible measures to minimize impacts to environmentally sensitive lands and there are no other feasible measures that can further minimize the potential adverse effects to sensitive resources.

Wetlands:

Every effort was made to avoid wetland impacts in planning the alignment of the 9.5-mile long Mule Hill/San Pasqual Valley Trail. San Dieguito River Park staff met several times with representatives from the City of San Diego and state and federal resources agencies to explore alternative alignments and to obtain feedback on potential biological impacts. However, minor wetland impacts could not be avoided in three places along the alignment (described below). The total amount of wetland impacts from the trail is 0.16 acre. The three areas where wetland impacts could not be avoided are as follows:

Crossing of Kit Carson Creek.

The trail travels from west to east along the San Dieguito River Valley. Kit Carson Creek is a perennial stream that feeds into San Dieguito River from the north. Because the trail travels in an easterly direction, crossing the Kit Carson Creek is unavoidable. The JPA explored an alternative alignment to avoid constructing a new crossing. The alternative alignment would follow Sunset Drive to the north and east which crosses Kit Carson Creek with a narrow vehicular bridge. The trail would then have to cross two entrances to the Hodges Golf Driving Range (currently under construction). This alternative alignment was rejected due to safety issues regarding the Sunset Drive bridge across Kit Carson Creek and the crossings at the driving range. It was also considered in conflict with the San Pasqual Valley Plan because the San Pasqual Valley Plan shows the trail location on the south side of the leasehold (formerly the Pinery Tree Farm, now the Hodges Golf Improvement Center.)

The location of the trail crossing was selected because it crosses at an opening in the creek absent of willows and other sensitive wetland species and away from potentially breeding least Bells vireo. Construction would occur outside of the least Bell's vireo breeding season as required in the Mitigated Negative Declaration. The total amount of freshwater marsh [FM] that would be impacted at the Kit Carson Creek Crossing is 924 square feet (0.02 acre).

Coastal Brackish Marsh.

The trail was aligned to avoid a wide drainage swale that drains into the San Dieguito River east of the new Hodges Golf Driving Range. The trail travels along Via Rancho Parkway to avoid the drainage. A keystone retaining wall would be constructed between the trail and the swale. The keystone wall design is used instead of a 2:1 slope at the edge of the trail to minimize impacts to the drainage swale/wetland. The keystone wall would impact 236 square feet (0.005 acre) of coastal brackish marsh [CBM].

The trail would also impact a small drainage with CBM that flows over an SDG&E easement/road on which the trail is located. CBM impacts in this location are 1,189 square feet (0.03 acre). This small flow comes from urban runoff from the adjacent residential community, which flows downhill toward the lake. The wetland over the road is caused by debris caught in existing culverts which has rerouted flow across the road. A new culvert will be installed as part of the trail project to allow the water to flow freely under the trail.

San Dieguito River Crossing.

The trail would cross from the north side of the San Dieguito River valley to the south side along an area of the valley previously disturbed by cattle grazing and characterized by non-native grassland avoiding most wetland impacts. However, the trail would impact wetlands to cross the river itself. The low-flow crossing would be elevated off of the channel bottom for greater stability. This design would also prevent arroyo toads from accessing the trail at the crossing where they could be trampled by trail users. The crossing would impact 280 square feet (0.006 acre) of mule fat scrub, 4,375 square feet (0.1 acre) of freshwater marsh, and 1,800 square feet (0.04 acre) of southern willow scrub habitat. Although wetlands would be impacted, River Park staff worked with qualified professional biologists and resource agency representatives to select the crossing location that would have the least impact to sensitive habitat and species along the river.

Staying on the north side of the valley along the entire 9.5 miles is not feasible because the trail would have to traverse through the middle of many active agricultural operations as opposed to the south side where the trail follows the edge (not through the middle) of only three agricultural operations. To avoid impacting agricultural operations on the north side of the river the trail would have to be aligned in the right-of-way of Highway 78 posing significant safety issues for vehicles and trail users. In addition, in one location riparian habitat directly abuts private property, offering no feasible trail alignment. No feasible staging area

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locations have been identified on the north side of the valley, whereas the San Pasqual Valley Plan identifies a staging area on the south side of the river at Hwy 78 and Bandy Canyon Road, which is the staging area proposed by this project.

Several alternatives were considered to cross the San Dieguito River. The low flow "Arizona-style" concrete structure crossing was chosen for its stability and because it is the least damaging practicable alternative. The crossing is designed to withstand moderate storms without substantial damage and could last well over ten years. The design allows floodwaters to flow over the top of the crossing/trail thereby maintaining the hydrologic function of the river. The low-flow crossing as designed would allow the trail to be reopened between storm events.

Other alternatives considered included an at-grade crossing at the channel bottom and two bridge types.

The at-grade crossing alternative would consist of a concrete crossing at the grade of the river channel. Although this type of crossing would be less expensive, it is considered impractical for the multi-use trail. An at-grade crossing would be less stable and may not withstand annual storms. Replacing the structure annually would not be practicable. In addition, this type of structure would not serve the public need because it would require that the trail be closed most of the time during the wet months (possibly October through March) because during wet months the trail would be wet and impassible. Because this portion of the river has flow even during the dry months, the crossing would be wet most of the year and would require constant maintenance to clean debris off the trail.

A bridge was also considered to cross the river. A bridge designed to handle a 100-year flood would have to span the entire floodplain (over 3,000 feet in length at a minimum of ten feet in height) making this option infeasible due to economic constraints (a bridge of this magnitude would cost over $6 million to construct).

Also considered was a bridge designed to approximate the same stability as the proposed low-flow crossing. A bridge of this type would be about 110 feet in length with two intermediate piers and 20-foot-wide abutments at both ends of the bridge. A greater amount of flow could go under a bridge of this type. However, the bridge would require railings which would act as hydraulic and debris barriers causing impacts upstream and would also cause shading on the river, which is considered a wetland impact. Flood conditions in excess of a 10-year flood could wash out the bridge, requiring replacement. The bridge is economically infeasible because it would cost approximately $500,000 to construct, according to the

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JPA's professional engineering consultants. Replacing a $500,000 bridge is not a practicable alternative, compared to the $60,000 replacement cost of the low-flow crossing as proposed.

As described previously, permit conditions require that construction of both river crossings will occur outside of the breeding season for least Bell's vireo, southwestern willow flyatcher, yellow-breasted chat, California gnatcatcher and arroyo toad. Biological monitors will survey the area prior to construction to ensure that breeding has been completed and to ensure arroyo toads are not present at the San Dieguito River crossing construction site. Post and cable fencing will be installed on both sides of the crossing (and their approaches) to keep trail users from entering the wetlands.

2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.

Wetlands:

The two trail crossings have been designed to accommodate the trail while minimizing the structure size. Because the trail is located within the river valley and traverses the valley from west to east, crossing of the two creeks cannot be avoided. As described above, other alternatives to crossing the creeks were considered but due to conditions already existing in the surrounding area, these other alternatives are infeasible.

The other 1,400 square-feet of wetland impacts described above was minimized to the maximum extent possible and cannot be avoided without causing greater impacts to adjacent habitat. These wetlands include coastal brackish marsh adjacent to a major road, and water that flows from urban runoff across an existing dirt road. Impacts to the coastal brackish marsh adjacent to the major road (Via Rancho Parkway) is caused because the trail has been located in the road right-of-way in order to avoid a broad drainage swale. The road right-of-way must be widened to accommodate the trail use. Several options for widening the road right-of-way were evaluated, with the option chosen, a keystone grid wall, being the least impactive. The urban runoff across the existing dirt road cannot be avoided without new trail construction that would impact additional wetlands, since the area of coastal brackish marsh is directly adjacent to the trail. No habitat functions or values are impacted, and the water will be redirected through pipes across the dirt road to connect to the wetlands on the other side.

D. SUPPLEMENTAL FINDINGS SDMC SECTION 126.0504(F) - IMPORTANT ARCHAEOLOGICAL SITES AND TRADITIONAL CULTURAL PROPERTIES.

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to historical resources and measures which fully mitigate for any disturbance have been provided by the applicant. A detailed cultural resources survey was performed along a 100-foot wide corridor of the entire alignment (Cultural Resources Survey for the San Dieguito River Park Joint Powers Authority Coast to Crest Trail Mule Hill/San Pasqual Segment, Tierra Environmental Services, September 1999). Archaeological field inventory of the trail alignment. The inventory identified thirty-two cultural resources within or adjacent to the area of potential effects for the project. As part of the background research, a Native American contact program was conducted.

The proposed trail alignment was designed to avoid most of the cultural sites. The development of the trail through the project area would have limited direct and indirect impacts to cultural resources. Buried resources would not be impacted by the small amount of physical improvements required for the construction of the trail. Little disturbance would be required to build the trail because most of the trail is along an existing dirt path. The mitigation measures listed in the Mitigated Negative Declaration to further minimize impacts to cultural resources include adjusting the trail alignment where possible to avoid impacting sites, capping or covering sites, and fencing the trail where it passes in the vicinity of a sensitive resource. In addition, archaeological monitoring will occur during trail construction to minimize impacts to cultural resources.

2. All feasible measures to protect and preserve the special character or the special historical, architectural, archaeological, or cultural value of the resource have been provided by the applicant. As described in the Supplemental Finding above, all impacts to cultural sites will be mitigated through capping and fencing. The trail would travel near two historically important areas: the historic Sikes Adobe and the Mule Hill battlefield. The trail does not negatively impact these sites. In fact, the trail will provide interpretive stations in the vicinity of these historic sites to educate trail users on the historic events that have happened in the area. The River Park JPA is currently in the process of preparing a restoration plan for the Sikes Adobe through a state grant and eventually trail users will be able to access Sikes Adobe from the trail. The River Park JPA has also complied with Section 106 of the National Historic Preservation Act through the Clean Water Act wetland permitting process. The JPA will also conduct Native American consultation during cultural resources monitoring of trail construction as required by the River Park Concept Plan EIR.

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STEEP HILLSIDE AREA ALTERNATIVES ANALYSIS

Trail Factors	Oak Woodland Trail	CSS Switchback Trail	Low Trail
Length/Width of New Construction	1600'/4' in OW 1600'/6' in CSS 200'/6' in ruderal Total 3400'	2500'/6' in CSS 2400'/8' in NNG Total 4900'	2400'/4' in OW 1500'/6' in CSS 2800'/8' in NNG Total 6700'
Direct Impacts to Sensitive Vegetation	Vegetation 0.15 acre of OW 0.22 acre of CSS	Vegetation Entire CSS area where switchbacks exist would be impacted for a total of approx. 2 acres. See Long Term Impacts and Trail Design discussions below.	Vegetation 0.22 acre of OW 0.21 acre of CSS
Long Term Impacts with Trail Use	Qualified biology consultant believes that no impacts to oak woodland habitat and no deterioration of oak trees will occur from trail use.	Shortcutting and erosion would cause entire hillside to be severely damaged. Closely spaced switchbacks would encourage trail users to shortcut straight up/down the hillside between the switchbacks thereby damaging the CSS habitat. Switchbacks are located in a drainage which would increase erosion potential. Trail users may try to avoid switchbacks by traveling on the road at the base of the hill which would be visible from the trail. This would cause adverse impacts to riparian and cultural sites. Switchbacks in a concentrated area would keep trail users in the CSS habitat area for a longer period of time as they travel up/down the hillside.	Trail is directly adjacent to wetland vegetation for at least 1,000'; greater chance for trail erosion and flooding repairs over time.
Other Environmental Impacts	One cultural site adjacent to trail.	Six cultural sites directly adjacent to trail would be susceptible to vandalism. Switchback design could not use natural topography due to space limitation.	Trail would directly impact one cultural site. Nine cultural sites directly adjacent to trail would be susceptible to vandalism.

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Threatened and Endangered Species Detected along or near the alignment	California gnatcatcher	California gnatcatcher	California gnatcatcher Least Bell's vireo Southwestern willow flycatcher Arroyo toad
Trail Design	Trail follows contours and ranges in width to minimize disturbance (e.g., travels between or adjacent to large boulders or trees). No mature oak trees would be removed. 1' to 2' high wooden retaining walls required in drainages.	Minimum of five switchbacks based on rough estimate, number likely to increase once engineered; 12' long embankments at each switchback landing to hold turn and reduce erosion. Landings would be double the trail width (12') to reduce eroision potential. Turning radius of 5' to 8' per switchback. Upper half of each switchback would be a full bench cut into hillside (min. 2' cut x 18' long) with 8" deep gutters along the bottom of the cut bank. Each switchback would require 15' x 1' retaining walls to support approaches.	No impacts to steep slopes. Approx. 600' long section would require minimum 8' high retaining wall to hold the trail where the hillside abuts the river channel. This was not engineered but it is likely to increase impacts to OW and wetlands stated above.
Maintenance Requirements	Maintenance of trail as it crosses into three drainages to prevent erosion during storms; potential repairs needed.	Continual maintenance problems due to highly likely erosion of switchbacks located in drainage. Switchbacks are documented as very problematic from a maintenance standpoint - problems include erosion, frequent trail tread restoration from use, multiple drainage mechanisms require frequent cleaning during rainy season. No nearby water source and difficult access for frequent revegetation of CSS.	Portion of trail adjacent to river channel would require frequent maintenance and possible replacement during large storm events.

Based on the above information, the oak woodland trail is considered to be the least damaging alternative.

SAN DIEGUITO RIVER WETLANDS CROSSING ALTERNATIVES ANALYSIS

Factors	Low-Flow Arizona Crossing	Large Bridge	Small Bridge
Size	120' x 8' (surface width)	3,000' x 12'	125' x 12'
Initial Cost	$54,000	**$6 million**	$500,000
Cost over life of project (assuming 50 year life)	$270,000 + initial cost (replacement once every ten years due to washout)	None other than initial cost	$2,500,000 + initial cost (Replacement once every ten years due to washout)
Durability of Design	Washes out in major storm (can be less than ten years)	100 year flood design	Same as low-flow alternative. Washes out in major storm (can be less than ten years)
Routine Maintenance Impacts to Sensitive Resources	Manual cleaning of culverts is required after storms and to prevent sediment buildup	None	Remove debris from railings after large storm
Temporary Construction Impacts to Sensitive Resources	0.14 acre impacts to wetlands	Construction disturbance area 3.5 acres, impacts to non-native grassland	0.17 acre impacts to wetlands
Permanent construction impacts to Sensitive Resources	0.1 acre wetland impacts	Minimum of 25 mid-span piers, impacts unknown, primarily non-native grassland	Two mid-span piers impact 0.005 acre wetland impacts
Impacts to Least Bell's Vireo	None	None	None

Impacts to Arroyo Toad	Minimal after construction; the slightly raised crossing surface is designed to allow water to flow through culverts thereby maintaining the hydrologic function of the river and allowing the toads in the river to flow through the culverts instead of accessing the trail surface; gabion dissapeter downstream of crossing was redesigned at request of California Fish & Game to minimize impacts to Arroyo Toad. During high water, trail will be closed.	None.	None after construction.
Accessibility by Emergency Access Vehicle (4WD)	YES	YES	YES
Meets Multi-Use Trail Objectives	YES	NO (Horses balk at long bridges, would require re-routing equestrian users	YES

The table above supports the finding that the low-flow "Arizona" crossing is the least damaging practicable alternative, given the large costs associated with the two alternatives studied.

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 appeal of San Dieguito River Park, is Granted; the decision of the Planning Commission is sustained with the following conditions, that Condition 54 is modified with regard to the posting of signs; Condition 56 is deleted; and the issue of a waiver of processing fees is referred to the City Manager, and Site Development Permit

No. 40-0711 is hereby granted to San Dieguito River Park, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By _____
Mary Jo Lanzafame
Deputy City Attorney

MJL:pev
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Or.Dept:Clerk
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