

RESOLUTION NUMBER 294537

ADOPTED ON FEB 12 2001

WHEREAS, on May 22, 2000, the City of San Diego Engineering and Capital Projects Department submitted an application to the Planning and Development Review Department for Approval of a Grade and Alignment Study for Camino Ruiz North;

WHEREAS, the Grade and Alignment Study was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, the issue was heard by the City of San Diego City Council on FEB 12 2001, and,

WHEREAS, the City Council of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 40-0386; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 40-0386, 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 the City Council in connection with their approval of the Grade and Alignment Study for Camino Ruiz North (R- 294536).

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 said Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code section 21081.6, the City Council hereby 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 and incorporated herein by reference.

APPROVED: Casey Gwinn, City Attorney

By: Cristie C McGuire
Cristie C. McGuire, Deputy

CCM:mr
01/30/01
Or.Dept:Eng&CP
R-2001-1103
Attachment: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

CAMINO RUIZ NORTH

GRADE AND ALIGNMENT STUDY NO. 40-0386

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with 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. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration LDR No. 40-0386 shall be made conditions of the approval of the Grade and Alignment Study as may be further described below.

The following measures shall be made conditions of the Grade and Alignment Study for the extension of Camino Ruiz and any related Site Development Permits, and shall be made part of the project plans and specifications:

Biological Resources

1. Prior to the issuance of any grading permit, the City of San Diego Engineering and Capital Projects Department shall establish and maintain a *Camino Ruiz Biological Impacts Mitigation Inventory Report*. The *Inventory Report* shall include the following components which must be satisfactory to the Environmental Review Manager (ERM) of the Land Development Review Division (LDR):
 - A. An on-going upland and wetland habitat impact tabulation which accounts for all sensitive habitat impacts on a per-site basis as the project is brought forward (either as one project, as individual segments, or a combination of both);
 - B. A record of all of the upland and wetland acreage mitigation requirements (on a per-site basis as described above) in accordance with the ratios and requirements shown on Table 1 of this Mitigation, Monitoring, and Reporting Program (MMRP);
 - C. A tabulation of upland and wetland habitat impacts related to any applicable wetland mitigation requirements (on a per-site basis as described above). Habitat impacts associated with the wetland mitigation plan shall include all areas impacted by construction (such as staging areas and access roads); and,
 - D. Evidence that all applicable upland and wetland habitat impacts (on a per-site basis as described above) have been mitigated in accordance with the mitigation ratios and requirements as shown on Table 1 of this MMRP.
2. Prior to the issuance of any grading permit and/or the first pre-construction meeting, the owner/permittee shall provide a letter to the ERM of LDR verifying that a qualified biologist has been retained to implement the biological resources mitigation program as outlined below (see A through K):
 - A. The qualified biologist (project biologist) shall attend the first preconstruction meeting;

R-294537

- B. The project biologist and construction manager or designee shall conduct an on-site educational session with construction crews and discuss the sensitive nature of all adjacent native habitats including the vernal pools watershed areas;
- C. The project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance as shown on the approved Exhibit A;
- D. The project biologist shall identify appropriate locations on the project site where trench spoil is to be stockpiled, and flag these areas in the field no more than one week prior to construction;
- E. The project biologist shall assure that all construction activities are restricted to the development area as shown on Exhibit A. Construction staging areas shall be designated inside the development area by the biologist;
- F. The project biologist shall supervise the placement of gravel bags, straw logs, silt fences or equivalent erosion control measures adjacent to all graded areas, and monitor the location where trench spoil is to be stockpiled in order to prevent sedimentation of the habitat. The project biologist shall implement Best Management Practices as needed to prevent any significant sediment transport;
- G. The project biologist shall supervise the placing of a chain link fence (or any other fencing deemed appropriate by the biologist) around the watershed of the vernal pools located within 150 feet of the project site, as shown on the approved Exhibit A. **All construction activities taking place within 100 feet of vernal pools watersheds and other wetlands habitats shall be monitored by the project biologist.**
- H. If construction occurs during the breeding season of the California gnatcatcher; that is, from March 1st to August 15th, the following measures shall be implemented:
- a) Prior to the commencement of grading, the project biologist shall survey those areas of the Multiple Habitat Planning Area (MHPA) within 500 feet of any construction activity in accordance with the USFWS protocol for determining the presence/absence of gnatcatchers and shall notify the ERM of LDR of the results.
 - b) If no California gnatcatchers are found to be present, then no additional measures are required.
 - c) If it is determined that California gnatcatchers are present, construction operations shall be suspended or noise/line of sight barrier(s) shall be constructed to buffer noise and occupied habitat. The location of any such barrier(s) shall be determined by the project biologist. Other measures shall be implemented, as necessary, to reduce noise levels to below 60 dB(A) at the edge of gnatcatcher occupied habitat in the MHPA.
 - d) Construction noise shall be monitored by an acoustical expert on an ongoing basis to verify that noise at the edge of gnatcatcher occupied areas of the MHPA is maintained below 60 dB(A). If the level is exceeded, additional alternative measures shall be implemented to the satisfaction of the ERM of LDR. If such measures are not effective, construction activities shall cease in the area of occupied habitat within the MHPA.

R-294537

- e) Monthly letter reports shall be provided to the ERM of LDR with the results of noise monitoring and an assessment of the breeding/nesting behavior of the gnatcatchers.
- I. The qualified biologist shall assure that all construction taking place within and adjacent to the MHPA is consistent with the Multiple Species Conservation Program (MSCP) Land Use Adjacency Guidelines including:
- a) All required 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. Bollard lighting, low pressure sodium illumination, or other lighting alternatives shall be used in place of City pole lights to the satisfaction of the ERM of LDR.
 - b) Graded slopes adjacent to the MHPA shall be revegetated with native species.
 - c) No new, exotic, invasive species shall be utilized in, or adjacent to the MHPA. All non-irrigated hydroseeded revegetation areas and areas adjacent to the MHPA shall consist of native or non-invasive species to the satisfaction of the ERM of LDR.
 - c) No direct drainage into the MHPA shall occur during and after construction. The biologist shall ensure that filtration devices, swales or detention basins are used as needed during construction.
 - d) A non-invasive preferably native landscape barrier or fencing shall be constructed along the length of Camino Ruiz (in the Fairbanks Highlands segment) to protect non-native grassland (captor foraging habitat) from unlimited access, off-road vehicle use (including bicycles) and other degrading impacts. Signage indicating the MHPA shall be displayed on the fence and/or barrier.
 - e) No trash, oil, parking, or other construction related activities shall be allowed outside the established limits of construction-related activities.
- J. No mature trees shall be removed during the breeding season for raptor species. If removal of any mature trees is proposed during the breeding season, the following measures shall ensure that construction related impacts to captor species are avoided:
- a) Prior to grading, the applicant/permittee shall submit a survey report for active captor nests, prepared by a qualified biologist, satisfactory to the ERM of LDR.
If no captor nests are discovered in the trees to be removed, no further mitigation is required.
 - b) If any active captor nests are discovered, the qualified biologist shall mark all the trees where nests are located and delineate an appropriate "no construction" buffer area around any nest sites, satisfactory to the ERM OF LDR of LDR. The size of the buffer area shall depend on the species present and shall be determined by the project biologist. The buffer shall be maintained until the young raptors are fledged.

12-294537

- K. The project biologist shall assure that all native habitat subject to temporary disturbance is revegetated with appropriate species and monitored for a period of 25 months in conformance with the City's Landscape Technical Manual;
- L. The project biologist shall review the landscape plans to insure all species are compatible with surrounding habitats;
- M. Prior to the release of the grading bond, the project biologist shall submit a letter report to the ERM of LDR which assesses the project's impacts resulting from implementation of the project. The report shall include an evaluation of the impacts of the project in comparison with those anticipated. In the event that impacts exceed those previously considered, the owner/permittee shall be required to mitigate all additional impacts in accordance with the requirements of the City of San Diego's *Land Development Code, Biology Guidelines* (June 2000) and the Subarea IV Plan.

Wetlands

3. Prior to the issuance of the first grading permit, the owner/permittee shall prepare a final wetlands mitigation plan to the satisfaction of the ERM of LDR. The mitigation plan shall describe the proposed mitigation area location and methodology, maintenance program, monitoring and reporting plan, success criteria, remedial measures to correct any problems, and any other information deemed necessary by the City. Additionally, the mitigation plan must quantify all impacts to sensitive habitats resulting from implementation of the wetland mitigation plan (also including all impacts associated with staging areas and access roads).
4. Prior to the issuance of any grading permit, the ERM of LDR shall verify that a bonded mitigation agreement in sufficient amount to ensure the mitigation of the applicable wetland impacts (either as one project or a portions of it) has been executed by the applicant(s). Wetland impacts shall be mitigated in kind, with no net loss, at the ratios and requirements as shown on Table 1 of this MMRP. Any deviations must be justified by the applicant/permittee and approved by the ERM of LDR prior to the issuance of the grading permit. Mitigation for the entire alignment of both Camino Ruiz and Carmel Mountain Road shall require a total of 6.72 acres of wetland mitigation, including a minimum of 2.3 acres of wetland creation required to achieve no net loss.
5. Prior to the issuance of any grading permit which affects on-site wetlands and prior to implementation of the approved wetland mitigation plan, the ERM of LDR shall verify that any sensitive habitats to be impacted by the wetland restoration have been quantified.
6. Prior to the issuance of any grading permit which affects on-site wetlands and prior to implementation of the approved wetland mitigation plan, the ERM of LDR shall verify that impacts to sensitive habitats (to result from the wetland mitigation plan) are mitigated in accordance with the City of San Diego's *Land Development Code, Biology Guidelines* (June 2000) and the Subarea IV Plan. In accordance with the City of San Diego's *Land Development Code, Biology Guidelines* (June 2000) and the Subarea IV Plan, impacts to 2.3 acres of non-native grassland (Tier IIIB) shall be mitigated at a 1:1 ratio and impacts to 0.08 acres of Diegan coastal sage scrub (Tier II) shall be mitigated at a 1:1 ratio. Impacts to uplands shall be mitigated by the preservation of 0.08 acres of Tier II habitat and preservation of 2.3 acres of Tier IIIB habitat within the MHPA in Subarea IV. Impacts to 0.2 acres of southern willow scrub shall be mitigated at a 3:1 ratio; and impacts to 0.2 acres of mule fat scrub shall be mitigated at a 2:1 ratio, including a minimum of 0.4 acres of wetland creation required to achieve no net loss.

7. Prior to the issuance of any grading permit which affects on-site wetlands and prior to implementation of the approved wetland mitigation plan, the applicant/permittee shall submit verification that a qualified project biologist has been retained to oversee the implementation of the wetland mitigation plan. The project biologist shall have experience

preparing and monitoring wetland and riparian mitigation plans in San Diego County and shall be acceptable to the ERM of LDR. The project biologist shall oversee other specialists and contractors involved in the implementation of the mitigation plan.

8. Prior to the issuance of any grading permit, the owner/permittee shall submit the following items to the ERM of LDR:
- a) Evidence of compliance with Sections 401 and 404 of the federal Clean Water Act;
 - b) Evidence of compliance with Section 1603 of the State of California Fish and Game Code.

Evidence shall include either copies of the permits issued, letters of resolutions issued by the responsible agencies documenting compliance, or other evidence which demonstrates that state and federal permits have been obtained.

Uplands

9. Prior to issuance of any grading permit, impacts to upland habitats shown in Table 1 shall be mitigated by acquisition and dedication of Tier I-III habitat located within the MHPA in Subarea IV at the mitigation ratios shown in Table 1. Mitigation for the entire alignment of both Camino Ruiz and Carmel Mountain Road shall require 22.48 acres of mitigation. The ERM of LDR shall ensure that the applicant/permittee has preserved the required acreage of Tier I-III habitat within the MHPA in Subarea IV. If mitigation occurs inside of the MHPA, but outside of Subarea IV, then the mitigation ratios shall double as required by the Subarea IV Plan. Any changes to the proposed upland mitigation plan shall be approved by the ERM of LDR, prior to issuance of any grading permits.

Table 1 VEGETATION IMPACTS AND MITIGATION REQUIREMENTS					
HABITAT	TIER	IMPACT (acre[s])		MITIGATION RATIO	
RIPARIAN/WETLAND/OPEN WATER					
	Impact Relative to the MHPA	In	Out		
Mulefat Scrub	N/A	--	0.03	2:1	0.06
Southern Willow Scrub	N/A	1.05	1.01	3:1	6.18
Southern Willow Scrub - disturbed	N/A	--	0.02	3:1	0.06
Disturbed Wetland	N/A	--	0.04	2:1	0.12
Freshwater Marsh	N/A	--	0.04	2:1	0.08
Waters of the U.S.	N/A	--	0.11	2:1	0.22
	TOTAL	1.05	1.25		6.72

Table 1 (cont.) VEGETATION IMPACTS AND MITIGATION REQUIREMENTS							
HABITAT	TIER	IMPACT (acre[s])		MITIGATION RATIO			
UPLANDS							
Impact Relative to the MHPA		In	Out	In	Out	In	Out
Diegan Coastal Sage Scrub	II	0.15	2.19	1:1	1:1	0.15	2.19
Diegan Coastal Sage Scrub - disturbed	II	0.05	3.58	1:1	1:1	0.05	3.58
Diegan Coastal Sage Scrub/ Southern Mixed Chaparral Ecotone	II	--	0.51	1:1	1:1	--	0.51
Southern Mixed Chaparral	IIIA	1.94	1.33	1:1	0.5:1	1.94	0.67
Chamise Chaparral	IIIA	0.32	2.98	1:1	0.5:1	0.32	1.50
Chamise Chaparral - disturbed	IIIA	--	2.01	1:1	0.5:1	--	1.01
Non-native Grassland	IIIB	1.89	17.32	1:1	0.5:1	1.89	8.67
TOTAL		4.35	29.92	--	--	4.35	18.13
NON-SENSITIVE UPLANDS							
Impact Relative to the MHPA		In	Out	In	Out		
Eucalyptus Woodland	IV	--	0.40	0:1	0:1	--	
Disturbed / Ruderal	IV	1.18	3.57	0:1	0:1	--	
Developed	IV	0.04	3.37	0:1	0:1	--	
TOTAL		1.22	7.24				--
GRAND TOTAL		45.03				29.20	

Hydrology/Water Quality

10. Prior to the issuance of the first grading permit, the owner/permittee shall prepare a Storm Water Pollution Prevention Plan (SWPPP) containing all of the following requirements, satisfactory to the ERM of LDR and the City Engineer:
- A. Comprehensive permanent post-construction Best Management Practices (BMPs) shall be incorporated into the construction plans to reduce the amount of pollutants and sediments discharged from the project site into adjacent open space and wetland areas. Acceptable BMP's include in-line and/or inlet stormceptors. Equivalent alternative available technologies and BMPs may be approved by the City Engineer.
 - B. The owner/permittee shall note the following on the construction plans: "The applicant and/or contractor shall post the City- and State-approved SWPPP on the job-site during all construction activities."

R-294537

- C. No grading shall be performed during the rainy season (November 15 through March 31) without special erosion control measures approved by the City Engineer and the ERM of LDR.
 - D. The SWPPP shall include a permanent maintenance plan, satisfactory to the ERM of LDR, which defines the owner/permittee as the responsible party for the permanent maintenance of the hydrology/water quality controls. As part of the permanent maintenance plan, all applicable BMPs shall be monitored quarterly during the first year of operation to determine an appropriate maintenance schedule. One of the required quarterly monitoring events shall take place immediately prior to the start of the rainy season.
11. Prior to the issuance of the first grading permit, the owner/permittee shall prepare a drainage study, in accordance with the City of San Diego Drainage Manual, subject to approval by the City Engineer. The drainage study must comply with the following requirements and any other deemed necessary by the City Engineer:
- A. The drainage system design shall be coordinated with the City of San Diego Engineering Department to ensure compatibility with existing and planned drainage facilities;
 - B. Surface drainage shall be designed to collect and move runoff into adequately sized stream channels and/or drainage structures;
 - C. All project drainage facilities shall be designed to accommodate runoff associated with a 100-year storm event, pursuant to direction by the City Engineer;
 - D. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas;
 - E. Surface and subsurface drainage shall be designed to be directed away from the MHPA, or if not possible, shall not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, mechanical trapping devices or other applicable water quality control elements prior to entering the MHPA;
 - F. Downstream drainage courses and facilities shall be protected from the potential effects of increased runoff volumes or velocities through the use of flow equalization and/or energy dissipating structures. Such controls may include detention ponds, drop structures, or other measures pursuant to direction by the City Engineer;
 - G. Drainage directed into natural and manufactured slopes shall be minimized by the incorporation of all applicable Best Management Practices into the drainage design as deemed necessary by the ERM of LDR;
 - H. All manufactured slopes shall be landscaped and irrigated to ensure slope stability, reduce erosion and enhance visual appearance within 90 days of their creation. Temporary slope erosion control measures such as hydroseeding and slope stability measures shall be included.
 - I. Native vegetation shall be preserved whenever possible, and all disturbed areas shall be reclaimed as soon as possible after completion of grading. Native topsoils shall be stockpiled and reapplied as part of site reclamation whenever feasible.