

(R-2003-81)

RESOLUTION NUMBER R- 296853

ADOPTED ON JUL 29 2002

BE IT RESOLVED, by the Council of the City of San Diego [Council], that it is hereby certified that Mitigated Negative Declaration LDR No. 40-0065, 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 this Council in connection with the approval of the Construction of South Miramar Landfill Slope Stabilization.

BE IT FURTHER RESOLVED, that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said LDR No. 40-0065 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 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 as Exhibit A and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: CASEY GWINN, City Attorney

By 
Cristie McGuire, Deputy

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07/05/02
Or.Dept:E&CP
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EXHIBIT A

MITIGATION, MONITORING AND REPORTING PROGRAM

SOUTH MIRAMAR LANDFILL SLOPE STABILIZATION PROJECT LDR NO. 40-0065

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. 40-0065) shall be made a part of the construction plans and specifications for the subject project.

Biological Resources/Sensitive Habitat

The proposed improvements would occupy a 440-foot scoured portion of the unnamed tributary stream varying in width from about 20 feet to a maximum of 50 feet, an affected area totalling 13,100 square feet (0.30 acre). Approximately 0.12 acres of wetland would be temporarily impacted and 0.18 acres of waters of the United States. The total 0.30 acre of impact to this natural channel is considered sensitive by the City of San Diego and requires mitigation at a minimum of 2:1 replacement ratio. (See attached Figures 4 and 5.)

A site-specific survey for identified an unvegetated channel (subject creek portion), upstream pampas grass, and a small area of willow woodland within the project site and immediate vicinity. (See attached Figure 5.) The presence of least Bell's vireo was a possibility. A site-specific protocol least Bell's vireo survey was conducted (Appendix E) by a qualified biologist using U.S. Fish and Wildlife Service prescribed survey procedure and "no vireos were detected during any of [the] surveys."

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To compensate for this 0.30 acre impact to this natural channel, the project shall mitigate this impact at a 2:1 ratio to include a combination of the following measures such that a minimum of 0.60 acre mitigation/replacement is achieved.

- 1) native riparian revegetation of the 0.30 acre of improved channel. Plantings needed for the revegetation, maintenance and exotic replacement projects should be locally cultured from indigenous materials either onsite or at the existing greenhouse/nursery, located in another area of the Miramar landfill, and

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- 2) removal of the habitat-limiting exotic species (i.e. the identified/labeled pampus grass dominated area, upstream and to the south of the subject portion; see Figure 5.) which are currently present. The project shall include a phased removal of exotic plant species for 800 feet upstream from the area, covering an area of more than 0.37 acres, to further enhance the biological value of the subject creek channel.

The goal/purpose of these above referenced mitigation measures is to provide better habitat for native species by removing invasive, non-native riparian plant species and replacing them with natives, and the revegetation of the improved creek channel, currently scoured/unvegetated.

The mitigation shall be conducted under the supervision of a qualified biologist and be monitored for five years. The revegetation effort must be achieve 80 percent coverage at the end of five years and the exotic removal must be conducted at least on an annual basis for a period no less than five years.

The results of the revegetation effort and exotic removal operations shall be reported in annual written reports for a period of five years and shall be made available upon request to the Environmental Review Manager of the City's Planning and Development Review Department.

To ensure the absence of the least Bell's vireo and to avoid possible adverse effects to nesting birds, the project site and its immediate vicinity shall be surveyed by a qualified biologist, prior to start of construction. Results of this pre-construction survey shall be prepared and submitted to the Environmental Review Manager of PDR. If least Bell's vireo is sighted, work can not start until September 1. Work may continue into restricted periods if the work and all access points at least 500 feet from the detected nest, and construction noise levels are not exceeding 60.dB at the nest.

Temporary Water Quality/Construction Impacts

The project would minimize disruptions to the west side of the drainage by using a combination of gabions and ajacks. Ajacks fit together to stabilize slopes with little preparation necessary before placement. Gabions would be used in conjunction with the ajacks and on the east (landfill) side of the creek to stabilize the slope covering trash. Drop structures would be installed to mediate the elevation change, thereby, slowing the creek stormwater flow. The existing access road on the fringe of the stream bank would be moved up the west-facing slope.

The project would require construction/placement of drainage improvements within the creek channel and would require construction activities on the eastern slopes of the South Miramar landfill, above the subject creek to stabilize the cover and to reconstruct the access maintenance road.

To prevent/avoid potential water quality impacts, the following mitigation measures must be implemented prior to and/or during construction and clearly shown and/or referenced on all improvement plans:

- a) Access to the worksite shall maximize the existing access roads.
- b) No structure shall impair water flow.
- c) Motor vehicles shall not operate in wetted areas; no vehicle shall be driven in the creek's floodway.

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- d) Water containing mud, silt or other pollutants from any construction or related activities shall not be allowed to enter the flowing stream or placed in locations that may be subject to storm flows. Silt curtains shall be installed in areas where mud or silt might enter the stream flow. The aggregate to be placed in the proposed gabion structures shall be clean, free of mud/silt coating.
- e) All construction staging /storage areas shall be located outside the floodway.
- f) Raw cement/concrete or washing thereof, asphalt, paint, or other coating material, oil, or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from entering the stream directly or during subsequent storm flows.
- g) Stationary construction equipment including but not limited to motors, pumps, generators, and welders located within, adjacent, over the stream shall be positioned over drip pans. Materials collected in these pans shall be disposed of properly.
- h) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement, or concrete or washing thereof, oil or petroleum products or other products or other organics or earthen material from any construction, or associated activity shall be allowed to enter or placed where it may be washed by rainfall or runoff into the stream. Silt/debris curtains shall be installed in areas where these fugitive materials might enter the stream flow.
- i) No equipment maintenance shall be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter these areas under flow.