

RESOLUTION NUMBER R-300860

ADOPTED ON SEPTEMBER 20, 2005

WHEREAS, on December 19, 2002, the San Dieguito River Park Joint Powers Authority submitted an application to the City of San Diego for a site development permit; and

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

WHEREAS, the issue was heard by the City Council on September 20, 2005; and

WHEREAS, the City Council as a Responsible Agency under the California Environment Quality Act of 1970, as amended [CEQA], considered the issues discussed in Mitigated Negative Declaration No. 5429/State Clearinghouse No. 2005601085, prepared by the San Dieguito River Park Joint Authority; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the information contained in the final document, including any comments received during the public review process, has been reviewed and considered by this Council in connection with a site development permit for the Lake Hodges Pedestrian/Bicycle Bridge.

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

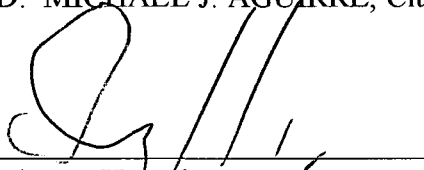
BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or

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.

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: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:pev
10/03/05
Or.Dept:Clerk
R-2006-282
MMS #2526
ENVIRONMENTAL – Other Lead Agency 11-01-04

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM
SITE DEVELOPMENT PERMIT

PROJECT NO. 5429

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 (Project No. 5429) / State Clearinghouse No. 2005011085 shall be made conditions of Site Development Permit (SDP No. 193075) as may be further described below.

MITIGATION MONITORING AND REPORTING PROGRAM:

In accordance with CEQA Section 21081.6, a Mitigation, Monitoring, and Reporting Program has been prepared for the project and the requirements of this program have been incorporated into the scope of the project. The measures outlined below shall be stated in the appropriate agencies' resolutions of approval and within any subsequent permits required for this project. The following mitigation measures have been incorporated into the project:

Biological Resources:

The following measures are required to mitigate impacts to biological resources to below a level of significance (also see Table 1):

- B1. Prior to issuance of a grading permit or notice to proceed, the JPA shall deposit \$9,500 into the City of San Diego's Habitat Acquisition Fund in order to mitigate a total of 0.15 hectare (0.38 acre) of land for permanent impacts to 0.1 hectare (0.25 acre) of Diegan coastal sage scrub and 0.05 hectare (0.13) acre of disturbed Diegan coastal sage scrub. This mitigation shall also compensate for the loss of raptor foraging habitat.
- B2. Permanent impacts to southern willow scrub and reservoir 0.02 hectare (0.05 acre) shall be mitigated through a combination of 1:1 creation and 1:1 enhancement at the JPA's proposed mitigation site at Cloverdale Creek mitigation site, for a total mitigation ratio of 2:1, per a final Cloverdale Creek wetland mitigation plan. Therefore, 0.024 hectare (0.05 acre) of southern willow scrub habitat will be created and another 0.024 hectare (0.05 acre) of riparian habitat will be enhanced at Cloverdale Creek, for a total mitigation of 0.048 hectare (0.1 acre). Cloverdale Creek is located in the MHPA west of the Wild Animal Park (City 1997, Subarea Plan Figure 14). The habitat creation and enhancement shall be maintained and monitored for a period of five years, and preserved in perpetuity. If for any reason, the Cloverdale Creek mitigation plan is not approved, an equivalent plan will be prepared that includes a comparable mitigation site, creation and restoration per the required ratios, an implementation plan, success criteria, a maintenance and monitoring plan, and contingency measures

Table 1 MITIGATION FOR IMPACTS TO SENSITIVE VEGETATION COMMUNITIES				
Vegetation Community	Impact (hectare (acre))	Mitigation Ratio (all mitigation in MHFA)	Mitigation Area Required (hectare (acre))	Mitigation Type/Location
<i>Permanent (bridge piers, abutments, rip rap, trail)</i>				
Diegan coastal sage scrub (Tier II)	0.1 (0.25)	1:1	0.1 (0.25)	Contribution to Habitat Acquisition Fund
Diegan coastal sage scrub - disturbed (Tier II)	0.05 (0.13)	1:1	0.05 (0.13)	Contribution to Habitat Acquisition Fund
Southern willow scrub	0.004 (0.01)	2:1	0.01 (0.02)	Habitat creation at Cloverdale Creek
Reservoir (southern willow scrub/disturbed wetland)	0.02 (0.04)	2:1	0.04 (0.08)	Habitat creation at Cloverdale Creek
<i>Temporary (access road)</i>				
Diegan coastal sage scrub (Tier II)	0.03 (0.08)	1:1	0.03 (0.08)	Revegetate impacted area
Diegan coastal sage scrub - disturbed (Tier II)	0.05 (0.13)	1:1	0.05 (0.13)	Revegetate impacted area
Southern willow scrub	0.01 (0.03)	2:1	0.02 (0.06)	Revegetate impacted area and enhance habitat at Cloverdale Creek
Reservoir (southern willow scrub/disturbed wetland)	0.25 (0.62)	1:1	0.25 (0.62)	Revegetate impacted area
<i>Temporary (construction staging area 1)</i>				
Diegan coastal sage scrub (Tier II)	0.07 (0.18)	1:1	0.07 (0.18)	Revegetate impacted area
Diegan coastal sage scrub - disturbed (Tier II)	0.03 (0.08)	1:1	0.03 (0.08)	Revegetate impacted area

- B3. Mitigation for temporary impacts to 0.18 hectare (0.46 acre) of Diegan coastal sage scrub and Diegan coastal sage scrub-disturbed shall be accommodated by seeding the area of temporary impact (e.g., Construction Staging Area 1 and construction area of the abutments) with Diegan coastal sage scrub species that occur in nearby Diegan coastal sage scrub, in accordance with a City-approved onsite revegetation plan, which shall include targeted mitigation goals, an implementation plan, success criteria, and a maintenance and monitoring plan and contingency measures in accordance with City biological guidelines. The revegetation shall be maintained and monitored for five years.
- B4. The JPA shall mitigate temporary impacts to 0.01 hectare (0.03 acre) of southern willow scrub by planting cuttings taken from adjacent willow trees after construction is complete in the area of impact. Additionally, a native seed mix shall be spread in the temporary impact area. The revegetation shall be maintained and monitored for five years. Additionally, 0.01 hectare (0.03 acre) of riparian habitat at Cloverdale Creek shall be enhanced through the removal of non-native, invasive plant species such as, but not limited to, giant reed (*Arundo donax*), tamarisk (*Tamarix* spp.), perennial pepperweed (*Lepidium latifolium*), and pampasgrass (*Cortaderia* sp). The enhancement area shall be maintained and monitored for a period of five years.
- B5. The JPA shall mitigate temporary impacts to 0.28 hectare (0.69 acre) of reservoir by planting cuttings taken from adjacent willow trees in the area of impact. Additionally, a native seed mix shall be spread in the temporary impact area. The restoration shall be maintained and monitored for five years, unless the reservoir floods becomes inundated in the project area due to rainfall or the County Water Authority's (CWA) Emergency Storage Project because impacts would be mitigated by the CWA under its project. If one of these occurs, then no mitigation or monitoring shall be required.
- B6. A qualified biologist shall monitor construction activities to avoid any unauthorized impact to sensitive biological resources. The monitor will be present at a pre-construction meeting, during all initial removal of vegetation, and during project construction as specified in the MMRP.

Mitigation measures to avoid or minimize impacts to sensitive species observed during the field surveys include:

- B7. To protect the least Bell's vireo and coastal California gnatcatcher in the MHPA, no clearing, grubbing, grading, or other disruptive construction activities shall occur in occupied vireo habitat from March 15 to September 30 and in occupied gnatcatcher habitat from February 15 to August 31, unless the requirements of the City's "MMR Conditions for Potential Impacts to Habitats Occupied by Sensitive Avian Species" (July 15, 2002) have been met. These requirements include biological surveys, and criteria for continuing or stopping construction activities.
- B8. Mitigation for potentially significant noise impacts to the least Bell's vireo and coastal California gnatcatcher shall be mitigated in accordance with the City's Mitigation, Monitoring and Reporting Conditions for Potential Impacts to Habitats Occupied by Sensitive Avian Species (July 15, 2002). These requirements include biological surveys, and criteria for continuing or stopping construction activities.

- B9. Potential impacts from degraded surface water quality shall be minimized to the maximum extent practicable by using Best Management Practices (BMPs) for erosion/sedimentation control during construction. These BMPs may include the use of a bonded fiber matrix, straw mulch, or erosion control blankets/mats to prevent erosion, and/or the installation of such items as silt fences or fiber rolls to catch any eroded material before it can reach the reservoir. Additionally, the proposed revegetation should occur as soon as impacts to an area are complete (i.e., the revegetation could be phased) to help further prevent erosion.
- B10. Potential impacts from the use of petroleum products during construction shall be minimized by only adding or changing such products, if necessary, within the designated construction staging areas. The addition or change of such products shall occur over plastic tarps, which if contaminated, shall be disposed of in accordance with applicable federal, state and local laws and regulations. Furthermore, BMPs such as those listed above for erosion/sedimentation control will also be used at the staging areas.
- B11. Potential fugitive dust impacts to sensitive vegetation shall be minimized through dust control measures such as spraying water on dusty staging area/access road surfaces (but not causing runoff). Spraying water shall occur as often as necessary to prevent dust clouds from forming when vehicles are driving in construction areas.
- B12. For raptors, if construction activities are proposed during the raptor breeding season (generally February 1 through JulySeptember 15), a pre-construction survey (one survey) shall be conducted within 900 feet of the project limits to look for active raptor nests. If no active nest is found, no further mitigation shall be required. If an active nest is found, monitoring shall be conducted by a qualified biologist to ensure all construction activity remains at least 300 feet from an active Cooper's hawk nest, 900 feet from an active northern harrier's nest and 500 feet from all other raptor nests. The biologist shall also determine when the nest becomes inactive and construction activity can move closer to the nest site.
- B13. All construction-related activities shall be limited to daylight hours. to the maximum extent practicable. If night lighting is required during construction, all lighting shall be the minimum necessary for safety and security purposes and shall be shielded and directed downward to minimize impacts to the MHPA and Lake Hodges wildlife corridor.
- B14. The construction and construction staging area limits in upland areas shall be clearly delineated with orange construction fencing and silt fencing or fiber rolls to ensure that construction activity remains within the defined construction limits. A qualified biologist shall inspect the delineated areas and shall monitor construction activities to avoid unauthorized impacts.
- B15. Disturbed habitat (that was not already disturbed habitat prior to construction) remaining in the project disturbance footprint following construction (i.e., where coastal sage scrub is impacted by use of Construction Staging Area 1, for example) shall be revegetated with native species similar to the native surrounding habitats in accordance with a City-approved onsite revegetation plan, which shall include targeted mitigation goals, an implementation plan, success criteria, and a maintenance and monitoring plan and

contingency measures in accordance with City biological guidelines. The revegetation shall be maintained and monitored for five years. Potential noise impacts to the least Bell's vireo and coastal California gnatcatcher shall be mitigated in accordance with the City's Mitigation, Monitoring and Reporting Conditions for Potential Impacts to Habitats Occupied by Sensitive Avian Species (July 15, 2002).

Cultural Resources:

The following measures are required to mitigate impacts to cultural resources to below a level of significance:

- C1. The final project design shall avoid potential impacts to CA-SDI-809 near the northern trail realignment and abutment. The portion of the archaeology site adjacent to the existing North Shore Trail shall be fenced using ranch-style fencing and/or shallow rooted plants to restrict access to the southern portion of the site. The existing North Shore Trail shall be capped with soil or road material to protect the portion of the site that extends beneath the trail in accordance with the standards contained in the *San Dieguito River Park Concept Plan*.
- C2. The JPA shall retain a qualified historic/archaeological monitor prior to commencement of project construction. This monitor will be responsible for overseeing all subsurface disturbance associated with trail project construction in accordance with City of San Diego mitigation requirements for archaeological resources. in proximity to archaeological sites as documented in the *Cultural Resources Survey Report for Lake Hodges Pedestrian/Bicycle Bridge*. The monitor shall ensure that (1) the proposed trail alignment or site disturbance avoids cultural resources as designed; (2) construction provides fill and fencing for midden areas; and (3) unanticipated finds are handled properly will be handled in a timely manner. Resources will be evaluated to determine significance and significant resources will be capped and avoided whenever possible. If avoidance is not possible then data recovery will be conducted per City of San Diego requirements. All work will be conducted in consultation with local Native Americans as appropriate. If a subsurface deposit is encountered then it shall be capped in accordance with the mitigation measure described below.
- C3. Where the trail surface will be covered with an impervious surface, fabric and 6" of culturally sterile soil will be installed between the native soil and the hardened surface as necessary to cap affected sites. If it is necessary to cap a site along subsequent sections of the trail that would not have a hardened surface, the procedures described in the Concept Plan for the San Dieguito River Park will be followed:
 - Filter fabric (Supac 5NP or a comparable product) shall be placed over that portion of the site to be impacted, followed by the placement of two inches of sterile soil, one inch of 1/2 to 3/4 inch gravel, and a minimum of an additional four inches of sterile soil.

Geology and Soils:

The following measures are required to mitigate impacts to geology and soils to below a level of significance:

- G1. All recommendations contained in the Bridge Foundation Report (Law Crandall 2002) shall be implemented, as appropriate.
- G2. The project applicant would be required to obtain authorization under the National Pollutant Discharge Elimination System (NPDES) General Construction Activity Storm Water Permit (Construction Permit, NPDES No. CAS000002) prior to the pre-construction meeting. Specific conformance requirements include implementing an approved Storm Water Pollution Prevention Plan (SWPPP) and monitoring program, with these plans identifying detailed measures to prevent and control the off-site discharge of contaminants (including sediment) in storm water runoff. Specific pollution control measures typically involve the use of best available technology (BAT), best conventional pollutant control technology (BCT) and/or best management practices (BMPs), pursuant to direction by the State Water Resources Control Board (SWRCB) and the applicable RWQCB office.
- G3. Specific erosion and sedimentation control measures identified in the handbooks applicable to project construction include the following:
- Preservation of existing vegetation wherever feasible
 - Landscaping/restoration of applicable disturbed areas as soon as feasible, and minimizing irrigation (e.g., by use of native and/or drought-tolerant species)
 - Use of erosion prevention devices such as mulches, mats, fiber rolls, bonded fiber matrix and/or geotextiles to stabilize graded areas
 - Dust control through regular watering.
 - Stabilization of construction ingress/egress points (e.g., through temporary paving or gravelling), washing of vehicles leaving the site, and sweeping/vacuuming of paved areas
 - Use of temporary berms, swales, check dams, slope/terrace drains and/or brow ditches to direct run-on and runoff
 - Use of temporary sediment catchment devices such as sand/gravel bags, straw/hay bales, silt fences, fiber rolls or temporary sediment basins
 - Regular monitoring and maintenance of project erosion control and drainage facilities to ensure proper working order, as well as water quality testing (if applicable) pursuant to Construction Permit requirements.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.