



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: October 11, 2012 **REPORT NO. PC-12-105**

ATTENTION: Planning Commission, Agenda of October 18, 2012

SUBJECT: CHOLLAS DAM VEGETATION REMOVAL - PROJECT NO. 238297
PROCESS FOUR

**OWNER/
APPLICANT:** City of San Diego/Public Utilities Department

SUMMARY

Issue(s): Should the Planning Commission approve the Chollas Dam Vegetation Removal project and Multi-Habitat Planning Area Boundary Line Adjustment within the Eastern Area Neighborhood of Mid-City Communities Plan and Mission Valley Community Planning areas?

Staff Recommendation:

1. **Certify** Mitigated Negative Declaration No. 238297 SCH No. 2012061050 and Adopt the Mitigation Monitoring and Reporting Program; and
2. **Approve** Site Development Permit No. 855223; and
3. **Approve** Multi-Habitat Planning Area Boundary Line Adjustment

Community Planning Group Recommendation: On July 12, 2011, the Eastern Area Community Planning Committee voted 10-0-0 to approve the project without conditions (Attachment 9).

Environmental Review: A Mitigated Negative Declaration No. 238297/ SCH No. 2012061050, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation Monitoring and Reporting Program has been prepared and would be implemented which would reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: All costs associated with the project are recovered through an account funded by the City of San Diego.

Code Enforcement Impact: None with this action.

Housing Impact Statement: There are no existing or proposed dwelling units on the site. Therefore, there are no housing impacts with this project.

BACKGROUND

The Chollas Dam Vegetation Removal project is located north of College Grove Drive just north of Highway 94 and west of College Avenue. The site is within the Eastern Area Neighborhood of Mid City Communities Plan area and zoned OP-1-1 and RS 1-7(Attachment 2 & 3). The project area is not located within the City of San Diego's Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA). However, there is a MHPA Boundary Line Adjustment (BLA) which is proposed for off-site mitigation at the San Diego River Wetland Creation Site to account for the loss of the wetland habitat. The mitigation site is located in the Mission Valley Community Planning area.

Chollas Dam was built in 1901 and Chollas Lake helped serve early San Diego's water supply. In 1966 it was turned over to the Park and Recreation Department, and has served as a recreational area (fishing piers, walking and jogging paths, drinking fountains, and picnic tables and shelters) and youth fishing lake since 1971. Chollas Lake is located within the Pueblo Watershed, but is isolated from the Chollas Creek and its tributaries. The lake is surrounded by non-native Eucalyptus woodland, small patches of restored coastal sage scrub, disturbed habitat, and a densely developed urban area (Attachment 1 & 4).

The City of San Diego Parks and Recreation Department manages most of the lake, park and the dam. The Public Utilities Department (PUD) oversees the safety of the dam and coordinates with the California Department of Water Resources, Division of Safety of Dams, on dam safety and maintenance issues.

On December 16, 2010, PUD received a letter detailing a routine maintenance inspection of the dam performed by the California Department of Water Resources. The letter recommended that the PUD remove objectionable vegetation from the dam. Wood vegetation growing on the dam can hinder safety inspections, interfere with safe operation, or can cause dam failure (FEMA 2005). In order to comply with the California Department of Water Resources recommendation PUD proposes to remove 0.1 acre of upland and wetland vegetation on the right upstream abutment area of Chollas Dam.

The wetland and upland vegetation within and surrounding the lake is considered Environmentally Sensitive Lands (ESL) and the disturbance and removal for the proposed maintenance requires a Site Development Permit. Since impacts cannot be avoided the project requires deviations to the ESL regulations. Compensatory mitigation is required for impacts to wetlands and will be satisfied through allocation of credit at the San Diego River Wetland Creation Site and Rancho Mission Canyon Site which is located in Mission Valley. A MHPA BLA is also proposed for off-site mitigation located at the San Diego River Wetland Creation

Site. The BLA proposes to include the entirety of the San Diego River Wetland Creation mitigation site into the MHPA to facilitate future mitigation allocations and allow for regulatory sign-off and final approval from the Wildlife Agencies.

DISCUSSION

Project Description:

The project proposes to remove 0.1 acre of upland and wetland vegetation located on the eastern side of Chollas Dam; on the (right upstream) dam abutment, and along a 10-foot vegetation buffer from the dam abutment. Upland vegetation would be cut close to ground level with roots left in the soil to reduce erosion. Wetland vegetation would be cut to above the surface of the water with no damage done to wetland soils along the lake shore. An herbicide approved for aquatic use by the United States Environmental Protection Agency would be applied by a licensed applicator following approval from the project biologist. All cut vegetation would be removed from the area and transported to an appropriate waste management facility. The project area would be maintained to prevent vegetation from recovering and reestablishing. Impacts are permanent because it is assumed that these maintenance activities will prevent any reestablishment of the vegetation. Total permanent impacts from vegetation removal would be 0.1 acres, which includes 0.055 acres of freshwater marsh and 0.047 acres of disturbed habitat. The impacts to the freshwater marsh (wetlands) require permitting from the California Department of Fish and Game (CDFG) and the City of San Diego.

PUD is proposing to mitigate off-site at the San Diego River Wetland Creation Site to account for the loss of the wetland habitat. The San Diego River Site is a PUD mitigation site used to satisfy the needs of multiple Department projects. The San Diego River Wetland Creation Site will be deducted 0.055 acre of wetland credit leaving a balance to be allocated for future projects. The wetland creation site is located immediately south of the San Diego River, north of Camino Del Rio north, between Interstate 15 and 805, and within the Mission Valley Community Planning area (Attachment 5). A MHPA BLA was proposed by PUD for approval to the Wildlife Agencies which would add the entirety of the wetland creation project site to the MHPA and remove disturbed adjacent uplands from the MHPA. In order to obtain formal approval and sign-off from the Wildlife Agencies for the mitigation site, a BLA was required to satisfy long-term preservation requirements and allow for continued mitigation assignments. The proposed BLA would add 3.21 acres of Southern Cottonwood Willow Riparian Forest found within the mitigation project site and 4.95 acres of Diegan Coastal Sage Scrub. The habitats present at the inclusion sites totaling 8.16 acres was determined to functionally equivalent or better habitat than 8.16 acres of disturbed and non-native vegetation present at the site proposed for MHPA exclusion. The BLA proposal was reviewed and approved by the Wildlife Agencies and would be formally adopted with the certification of this environmental document.

General Plan and Community Plan Analysis:

The proposed project, to remove upland and wetland vegetation on and adjacent to the Chollas Dam and Reservoir, is located in the Eastern Area of the Mid-City Communities Plan area. The project area has a land use designation of Park.

While the project includes impacts to wetlands, the proposed mitigation measures are adequate in nature and would help preserve the wetlands soils along the lake shore. These efforts would help implement the General Plan Conservation Element goal of protecting and restoring water bodies, including reservoirs. The project would not adversely affect the natural and cultural resources policies of the Mid-City Communities Plan as it would help implement the goals of protecting the biological, visual, and topographic resources of the community.

The proposed MHPA Boundary Adjustment does not adversely impact the Mission Valley Community Plan. Both the Mission Valley Community Plan and the Draft San Diego River Park Master Plan call for a multi-use pathway along the entire length of the San Diego River. It is therefore, recommended that in the future to be consistent with the Mission Valley Community Plan and the San Diego River Park Master Plan a multi-use pathway be designed and constructed adjacent to the proposed MHPA boundary adjustment area along the entire length of the property, as well the adjacent property proposed to be excluded from MHPA.

Environmental Analysis:

The proposed project would require the removal of wetland habitat. Therefore, a biological survey report was prepared (December 2011) to assess the impacts of the project on sensitive habitats. Biological field surveys conducted included: vegetation mapping, and a general wildlife survey. In order to mitigate direct impacts to 0.055 acres of freshwater marsh habitat, the applicant will be required to allocate 0.055 acres of wetland creation credits at the San Diego River Wetland Creation site and 0.055 acres of wetland enhancement credits at the Rancho Mission Canyon site. The total allocation of 0.11 acres of wetland Mitigation requirements shall be incorporated into Section V of the Mitigation Monitoring and Reporting Program (MMRP) and would reduce impacts to biological resources to below a level of significance. The project would not have substantial effects on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

The proposed BLA meets the functional equivalency test as documented in the equivalency analysis (September 2011). Biological surveys were conducted and an analysis concluded that no detrimental effects to conserved habitats, covered species, species of concern, habitat linkages, preserve configuration, and ecotones would result from the BLA and that the 8.16 acres of habitat to be included in the MHPA is of higher biological value than the area to be excluded.

Conclusion:

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. It is also consistent with the Mid-City Communities, Mission Valley Community Plan, City of San Diego General Plan, the MSCP Subarea Plan, and all applicable land use plans, policies, or regulations. Staff has provided draft findings to support approval of the project (Attachment 6) and draft conditions of approval (Attachment 7). Staff recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. Approve Site Development Permit No. 855223 and the Multi-Habitat Planning Area Boundary Line Adjustment, with modifications.
2. Deny Site Development Permit No. 855223, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Helene Deisher
Development Project Manager
Development Services Department

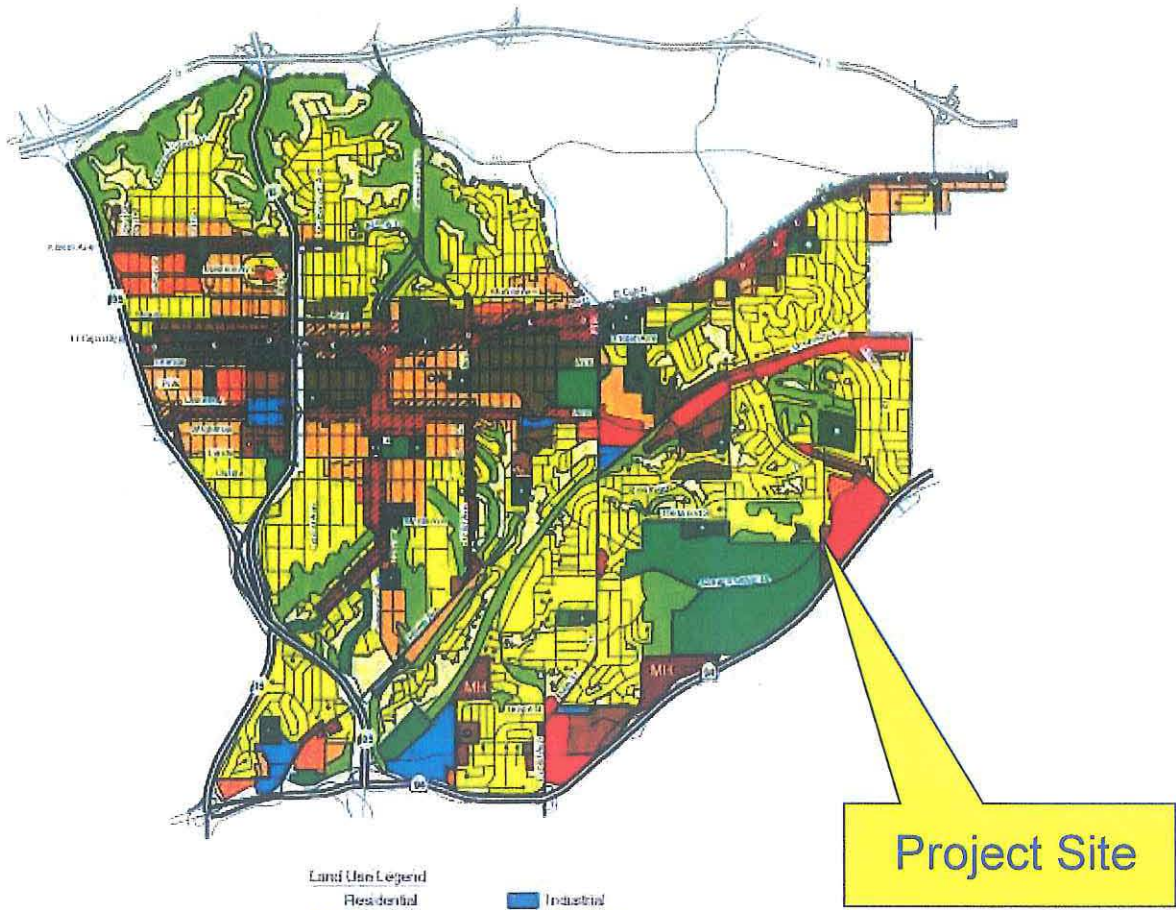
Attachments:

1. Arial Map
2. Community Plan Land Use Map-Mid-City Communities Plan
3. Community Plan Land Use Map-Mission Valley
4. Project Location Map (Chollas Dam Site)
5. Project Location Map (MHPA BLA)
6. Draft Permit Resolution with Findings
7. Draft Permit with Conditions
8. Draft Environmental Resolution with MMRP
9. Community Planning Group Recommendation

Chollas Dam Vegetation Removal



Figure 2. Chollas Lake Location



Land Use Legend

- | | |
|--|---|
| <ul style="list-style-type: none"> Residential 1-5 du/ac 6-10 du/ac 11-15 du/ac 16-20 du/ac 21-25 du/ac 26-30 du/ac MH Mobile Home Park Commercial/Residential Transition Zone Commercial and Mixed Use 29 du/ac* 73 du/ac 25 du/ac* 19 du/ac* 8 du/ac* | <ul style="list-style-type: none"> Industrial Institutional School ○ Elementary ● Junior/High ● High School ● Park ● Open Space ▲ Fire Station ▲ Police Station ▲ Library ▲ Post Office |
|--|---|

*In areas where residential use is permitted, a mixed use zone of 19 du/ac is available

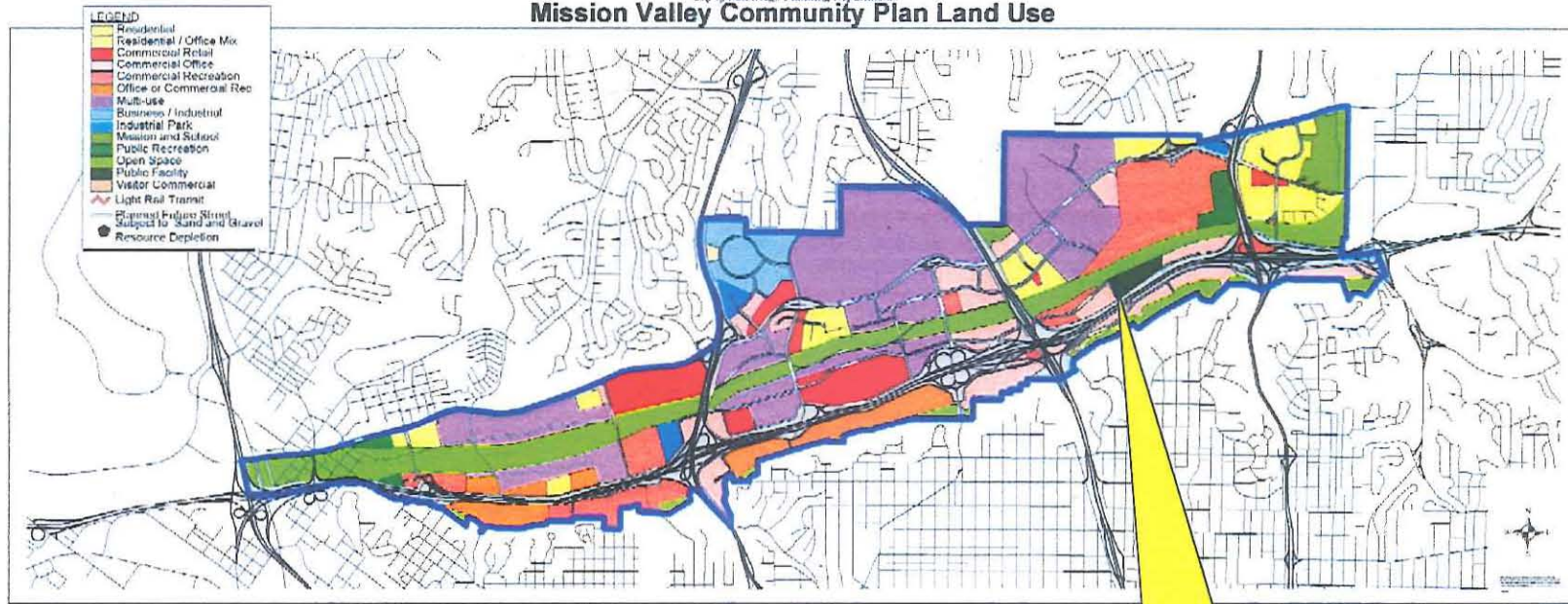


Land Use Map

**Chollas Dam Vegetation Removal– 6420 College Drive
PROJECT NO. 238297**



City of San Diego Planning Department
Mission Valley Community Plan Land Use



- LEGEND**
- Residential
 - Residential / Office Mix
 - Commercial Retail
 - Commercial Office
 - Commercial Recreation
 - Office or Commercial Rec
 - Multi-Use
 - Business / Industrial
 - Industrial Park
 - Masses and Schools
 - Public Recreation
 - Open Space
 - Public Facility
 - Visitor Commercial
 - Light Rail Transit
 - Planned Future Street
 - Designated for Auto and Travel
 - Resource Depletion

MHPA BLA Area

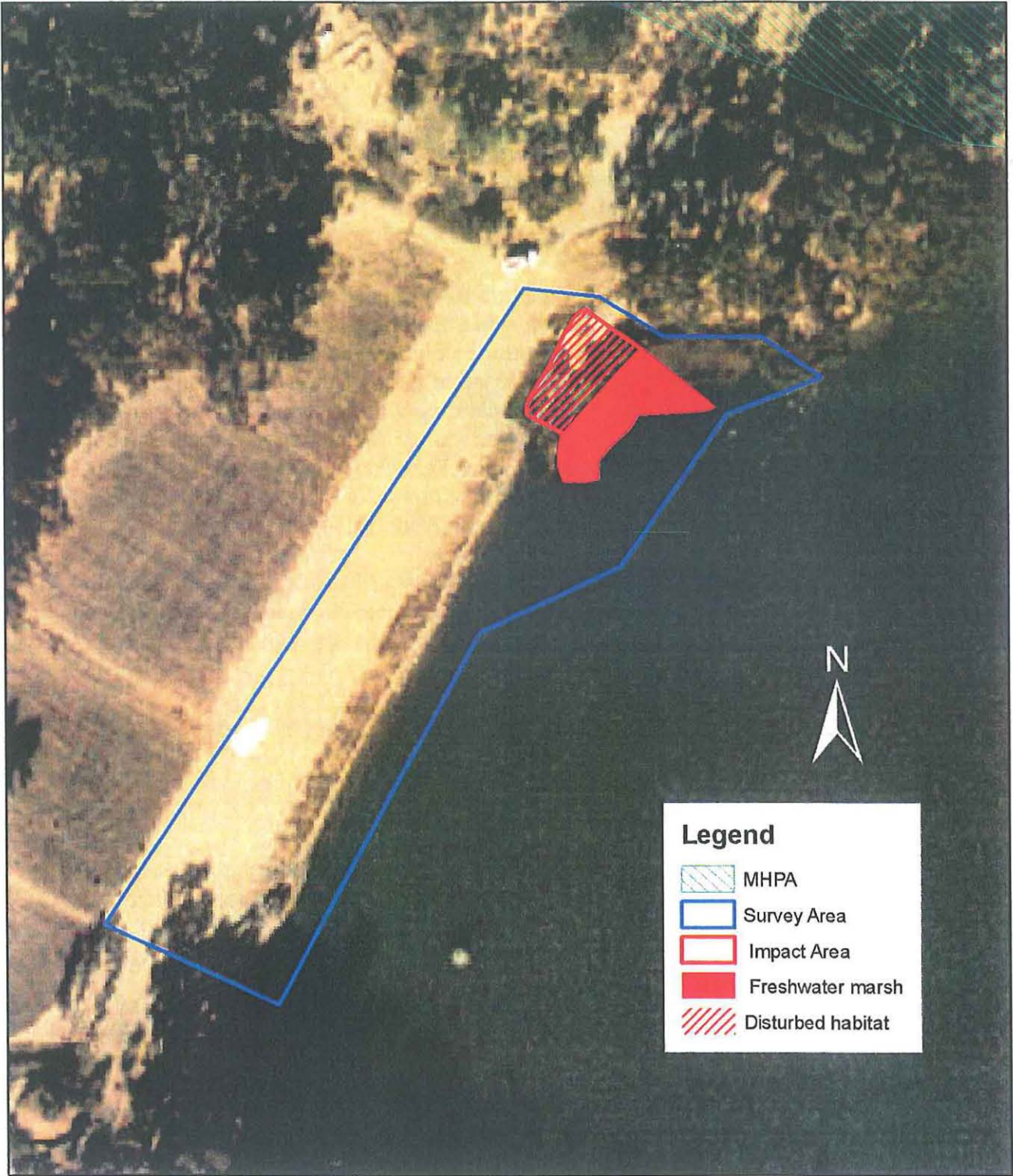


Land Use Map
PROJECT NO. 238297



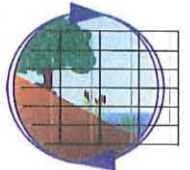
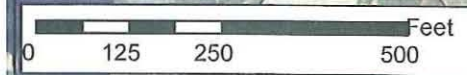
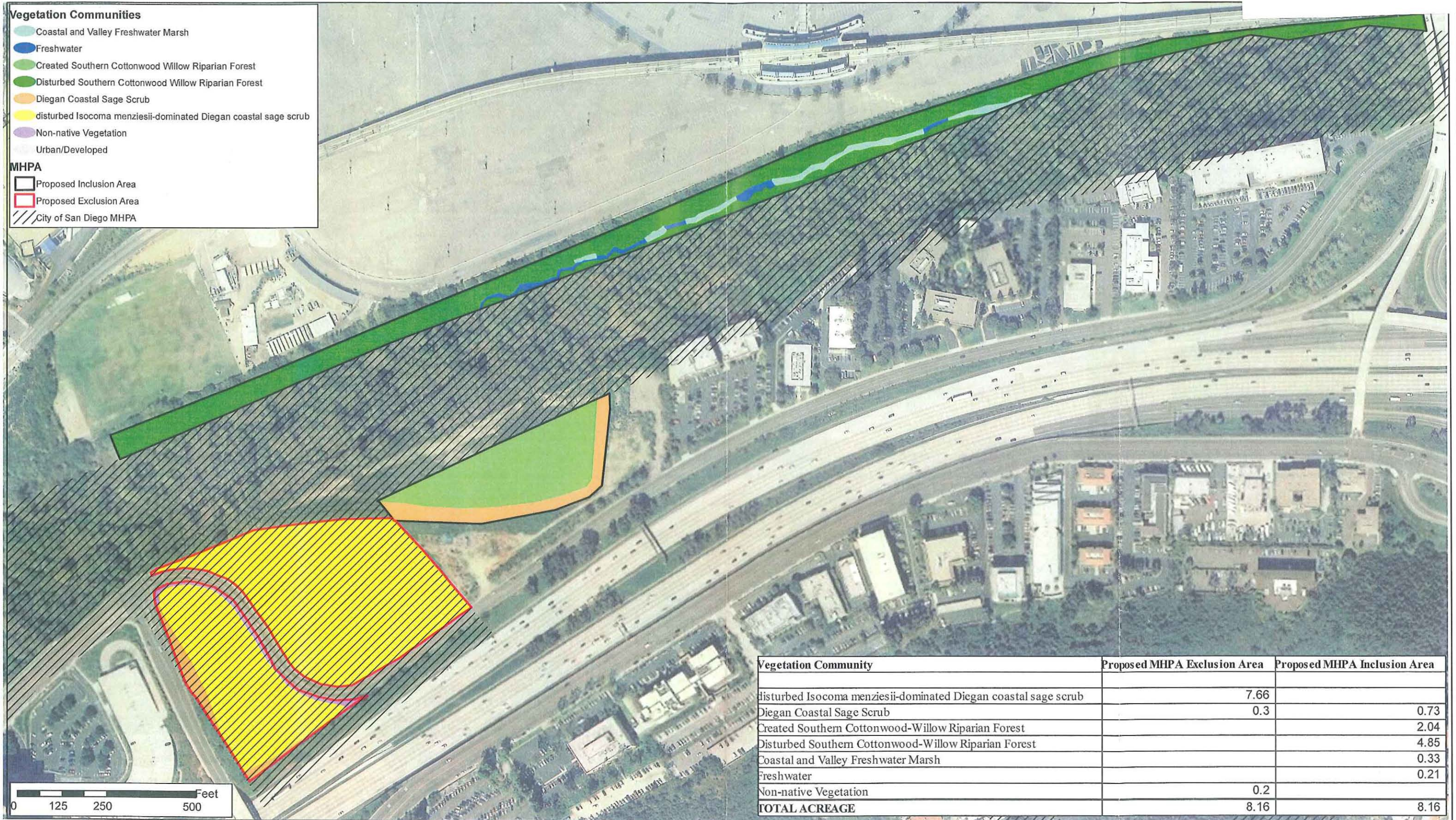
ATTACHMENT 3

Chollas Dam Vegetation Removal



80 40 0 80 Feet

Figure 3. Survey and Impact Areas



MHPA Boundary Adjustment Map

Figure 2

PLANNING COMMISSION RESOLUTION NO. PC_XXX
SITE DEVELOPMENT PERMIT NO 855223
CHOLLAS DAM VEGETATION REMOVAL PROJECT NO. 238297- [MMRP]

WHEREAS, CITY OF SAN DIEGO/PUBLIC UTILITIES DEPARTMENT, Owner/Permittee, filed an application with the City of San Diego for a permit to remove 0.1 acre of upland and wetland vegetation located on the eastern side of Chollas Dam; on the (right upstream) dam abutment, and along a 10-foot vegetation buffer from the dam abutment. A Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA) is also proposed for off-site mitigation located at the San Diego River Wetland Creation Site. (as described in and by reference to the approved Exhibit "A" and corresponding conditions of approval for the associated Site Development Permit No. 855223);

WHEREAS, the project site (Chollas Dam) is located at 6420 College Grove Drive within the OP-1-1 and RS 1-7 zones of the Eastern Area Neighborhood of Mid-City Communities Plan area and the Multi-Habitat Planning Area Boundary Line Adjustment is located at the San Diego River Wetland Creation Site located immediately south of the San Diego River, north of Camino Del Rio north, between Interstate 15 and 805, and within the Mission Valley Community Planning Area.;

WHEREAS, on October 18, 2012, the Planning Commission of the City of San Diego considered Site Development Permit No. 855223 and a Multi-Habitat Planning Area Boundary Line Adjustment pursuant to the Land Development Code of the City of San Diego;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated October 18, 2012:

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The proposed project, to remove upland and wetland vegetation on and adjacent to the Chollas Dam and Reservoir, is located in the Eastern Area of the Mid-City Communities Plan area. The project area has a land use designation of Park.

While the proposed project includes impacts to wetlands, the proposed mitigation measures are adequate in nature and would help preserve the wetlands soils along the lake shore. These efforts would help implement the General Plan Conservation Element goal of protecting and restoring water bodies, including reservoirs. The project would not adversely affect the natural and cultural resources policies of the Mid-City Communities Plan as it would help implement the goals of protecting the biological, visual, and topographic resources of the community.

A MHPA BLA is also proposed for off-site mitigation. The BLA proposes to include the entirety of the San Diego River Wetland Creation mitigation site which is located within the Mission Valley Community Planning area. The proposed MHPA BLA does not adversely impact the Mission Valley Community Plan. Both the Mission Valley Community Plan and the Draft San Diego River Park Master Plan call for a multi-use pathway along the entire length of the San Diego River. It is therefore, recommended that in the future to be consistent with the Mission Valley Community Plan and the San Diego River Park Master Plan a multi-use pathway be designed and constructed adjacent to the proposed MHPA boundary adjustment area along the entire length of the property, as well the adjacent property proposed to be excluded from MHPA

2. The proposed development will not be detrimental to the public health, safety, and welfare. On December 16, 2010, the Public Utilities Department (PUD) received a letter detailing a routine maintenance inspection of the Chollas Dam which was performed by the California Department of Water Resources, Division of Safety of Dams. The letter recommended that the PUD remove objectionable vegetation from the dam. Wood vegetation growing on the dam can hinder safety inspections, interfere with safe operation, or can cause dam failure (FEMA 2005).

In order to comply with the California Department of Water Resources recommendation, PUD proposes to remove 0.1 acre of upland and wetland vegetation located on the eastern side of Chollas Dam; on the (right upstream) dam abutment, and along a 10-foot vegetation buffer from the dam abutment. An herbicide approved for aquatic use by the United States Environmental Protection Agency would be applied by a licensed applicator following approval from the project biologist. All cut vegetation would be removed from the area and transported to an appropriate waste management facility. The project area would be maintained to prevent vegetation from recovering and reestablishing.

PUD is proposing to mitigate off-site at the San Diego River Wetland Creation Site to account for the loss of the wetland habitat. A MHPA BLA is also proposed for off-site mitigation. The BLA proposes to include the entirety of the San Diego River Wetland Creation mitigation site into the MHPA to facilitate future mitigation allocations and allow for regulatory sign-off and final approval from the Wildlife Agencies.

The PUD is acting on a safety recommendation from a State agency to remove intrusive vegetation which could interfere with the safe operation and inspection of Chollas Dam. The MHPA BLA is needed to facilitate mitigation and will create a larger "protected" habitat area which would have no impact on the public health, safety, or welfare. Therefore, the overall project is in the best interest of the public and will not be detrimental to the public health, safety, or welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code. In order to comply with the California Department of Water Resources recommendation, PUD proposes to remove 0.1 acre of upland and wetland vegetation located on the eastern side of Chollas Dam; on the (right upstream) dam abutment, and along a 10-foot vegetation buffer from the dam abutment. The wetland and upland vegetation within and surrounding the lake is considered Environmentally Sensitive Lands (ESL) and the disturbance and removal for the proposed maintenance requires a Site Development Permit. Due to the nature of the project, impacts to the sensitive vegetation cannot be avoided. Therefore, the project requires deviations to the ESL regulations which recommends to avoidance of such vegetation and or to provide a buffer. A MHPA BLA is also proposed in conjunction with off-site mitigation located at the San Diego River Wetland Creation Site.

The BLA proposal was reviewed and approved by the Wildlife Agencies and would be formally adopted with the certification of the associated environmental document.

As a required maintenance project, the project has met all the requirements of the Land Development Code and the deviations requested are the minimum necessary to achieve compliance with the State.

B. Supplemental Findings--Environmentally Sensitive Lands

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 project site is an existing dam and associated lake. Chollas Dam was built in 1901 and Chollas Lake helped serve early San Diego's water supply. In 1966, it was turned over to the Park and Recreation Department, and has served as a recreational area (fishing piers, walking and jogging paths, drinking fountains, and picnic tables and shelters) and youth fishing lake since 1971.

On December 16, 2010, PUD received a letter detailing a routine maintenance inspection of the dam performed by the California Department of Water Resources. The letter recommended that the PUD remove objectionable vegetation from the dam. Wood vegetation growing on the dam can hinder safety inspections, interfere with safe operation, or can cause dam failure (FEMA 2005). In order to comply with the California Department of Water Resources recommendation PUD proposes to remove 0.1 acre of upland and wetland vegetation on the right upstream abutment area of Chollas Dam and along a 10-foot vegetation buffer from the dam abutment. Upland vegetation would be cut close to ground level with roots left in the soil to reduce erosion. Wetland vegetation would be cut to above the surface of the water with no damage done to wetland soils along the lake shore. An herbicide approved for aquatic use by the United States Environmental Protection Agency would be applied by a licensed applicator following approval from the project biologist. All cut vegetation would be removed from the area and transported to an appropriate waste management facility. The project area would be maintained to prevent vegetation from recovering and reestablishing. Impacts are permanent because it is assumed that these maintenance activities will prevent any reestablishment of the vegetation. Total permanent impacts from vegetation removal would be 0.1 acres, which includes 0.055 acres of freshwater marsh and 0.047 acres of disturbed habitat. The impacts to the freshwater marsh (wetlands) require permitting from the California Department of Fish and Game (CDFG) and the City of San Diego.

PUD is proposing to mitigate off-site at the San Diego River Wetland Creation Site to account for the loss of the wetland habitat. A MHPA BLA is also proposed for off-site mitigation. The BLA proposes to include the entirety of the San Diego River Wetland Creation mitigation site into the MHPA to facilitate future mitigation allocations and allow for regulatory sign-off and final approval from the Wildlife Agencies.

The PUD is acting on a safety recommendation from a State agency to remove intrusive vegetation which could interfere with the safe operation and inspection of Chollas Dam. The MHPA BLA is needed to facilitate mitigation and will create a larger "protected" habitat area for future mitigation requirements and would have no impact to the Environmentally Sensitive Lands.

The site is already disturbed by the existing dam and by its proximity to human activity. Maintenance is a required element for the safe operation and function of this facility. The proposed work is required and the minimum necessary disturbance to the Environmentally Sensitive Lands.

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. The project site is an existing dam and associated lake. Chollas Dam was built in 1901 and Chollas Lake helped serve early San Diego's water supply. In 1966, it was turned over to the Park and Recreation Department, and has served as a recreational area (fishing piers, walking and jogging paths, drinking fountains, and picnic tables and shelters) and youth fishing lake since 1971.

On December 16, 2010, PUD received a letter detailing a routine maintenance inspection of the dam performed by the California Department of Water Resources. The letter recommended that the PUD remove objectionable vegetation from the dam. Wood vegetation growing on the dam can hinder safety inspections, interfere with safe operation, or can cause dam failure (FEMA 2005). In order to comply with the California Department of Water Resources recommendation PUD proposes to remove 0.1 acre of upland and wetland vegetation on the right upstream abutment area of Chollas Dam and along a 10-foot vegetation buffer from the dam abutment. Upland vegetation would be cut close to ground level with roots left in the soil to reduce erosion. Wetland vegetation would be cut to above the surface of the water with no damage done to wetland soils along the lake shore. An herbicide approved for aquatic use by the United States Environmental Protection Agency would be applied by a licensed applicator following approval from the project biologist. All cut vegetation would be removed from the area and transported to an appropriate waste management facility. The project area would be maintained to prevent vegetation from recovering and reestablishing. Impacts are permanent because it is assumed that these maintenance activities will prevent any reestablishment of the vegetation. Total permanent impacts from vegetation removal would be 0.1 acres, which includes 0.055 acres of freshwater marsh and 0.047 acres of disturbed habitat. The impacts to the freshwater marsh (wetlands) require permitting from the California Department of Fish and Game (CDFG) and the City of San Diego.

PUD is proposing to mitigate off-site at the San Diego River Wetland Creation Site to account for the loss of the wetland habitat. A Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA) is also proposed for off-site mitigation. The BLA proposes to include the entirety of the San Diego River Wetland Creation mitigation site into the MHPA to facilitate future mitigation allocations and allow for regulatory sign-off and final approval from the Wildlife Agencies.

The PUD is acting on a safety recommendation from a State agency to remove intrusive vegetation which could interfere with the safe operation and inspection of Chollas Dam. The MHPA BLA is needed to facilitate mitigation and will create a larger "protected" habitat area for future mitigation requirements. No alteration of natural landforms will result from the MHPA BLA

The proposed project does not propose grading. Upland vegetation would be cut close to ground level with roots left in the soil to reduce erosion. Wetland vegetation would be cut to above the surface of the water with no damage done to wetland soils along the lake shore. The dam serves to control and maintain water flow. The proper function of the dam will reduce flood hazards and unexpected erosion from dam failure. The proposed project will remove obtrusive vegetation and continued regular maintenance is a required element for the safe operation and function of this facility. The project will not alter natural land forms or cause undue risk from geologic, erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. Chollas Dam was built in 1901 and Chollas Lake helped serve early San Diego's water supply. It has served as a recreational area (fishing piers, walking and jogging paths, drinking fountains, and picnic tables and shelters) and youth fishing lake since 1971. Chollas Lake is located within the Pueblo Watershed, but is isolated from the Chollas Creek and its tributaries. The lake is surrounded by non-native Eucalyptus woodland, small patches of restored coastal sage scrub, disturbed habitat, and a densely developed urban area. The project is required maintenance of the existing structure and measures have been identified to minimize impacts to any adjacent environmentally sensitive lands by targeting vegetation removal to only those areas required for the safe and effective operation of the facility. .

The project proposes to remove 0.1 acre of upland and wetland vegetation on the right upstream abutment area of Chollas Dam and along a 10-foot vegetation buffer from the dam abutment. Upland vegetation would be cut close to ground level with roots left in the soil to reduce erosion. Wetland vegetation would be cut to above the surface of the water with no damage done to wetland soils along the lake shore. An herbicide approved for aquatic use by the United States Environmental Protection Agency would be applied by a licensed applicator following approval from the project biologist. All cut vegetation would be removed from the area and transported to an appropriate waste management facility. The project area would be maintained to prevent vegetation from recovering and reestablishing. Impacts are permanent because it is assumed that these maintenance activities will prevent any reestablishment of the vegetation.

Total permanent impacts from vegetation removal would be 0.1 acres, which includes 0.055 acres of freshwater marsh and 0.047 acres of disturbed habitat. The impacts to the freshwater marsh (wetlands) require permitting from the California Department of Fish and Game (CDFG) and the City of San Diego.

A MHPA BLA is also proposed for off-site mitigation. The BLA proposes to include the entirety of the San Diego River Wetland Creation mitigation site into the MHPA to facilitate future mitigation allocations and allow for regulatory sign-off and final approval from the Wildlife Agencies. The MHPA BLA would add high quality native habitats to the MHPA thereby increasing wildlife function and value to the adjacent environmentally sensitive lands. The inclusion of habitat to the MHPA provides further buffering from edge effects to the San Diego river corridor. Therefore, the development and associated MHPA BLA will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The project site (Chollas Dam) is located outside of the City of San Diego's MSCP MHPA. A MHPA BLA is also proposed for off-site mitigation related to the project.

The BLA proposes to include the entirety of the San Diego River Wetland Creation mitigation site into the MHPA to facilitate future mitigation allocations and allow for regulatory sign-off and final approval from the Wildlife Agencies. The MHPA BLA would add high quality native habitats to the MHPA thereby increasing wildlife function and value to the adjacent environmentally sensitive lands. The inclusion of habitat to the MHPA provides further buffering from edge effects to the San Diego river corridor. The BLA functional equivalency analysis determined that the proposed boundary change will

result in higher biological value habitat being added to the MHPA, then what is proposed for removal. The BLA is in compliance with the MSCP Subarea plan as stated in section 1.1.1.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. Chollas Lake is located within the Pueblo Watershed, but is isolated from the Chollas Creek and its tributaries. Neither Chollas Lake nor, the MHPA BLA site is located in the coastal zone. Chollas Dam is located in an isolated water body with no connection to the ocean. The MHPA BLA would add high quality native habitats to the MHPA thereby increasing wildlife function and value to the adjacent environmentally sensitive lands. The inclusion of habitat to the MHPA provides further buffering from edge effects to the San Diego river corridor.

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. Impacts will be mitigated for in accordance with the City of San Diego's Biological Guidelines. The mitigation for impacts to freshwater marsh will be mitigated by creation and enhancement of wetland habitats at a 2:1 ratio. The BLA functional equivalency analysis determined that the proposed MHPA boundary change will result in higher biological value habitat being added to the MHPA than what is proposed for removal. A Mitigation Monitoring and Reporting Program has been prepared and would be implemented which would reduce, to a level of insignificance, any potential impacts identified in the environmental review process

C. Supplemental Findings--Environmentally Sensitive Lands Deviations

1. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands. Maintenance is necessary and required by the State of California, Department of Water Resources, Division of the Safety of Dams. No work will be conducted within Environmentally Sensitive Lands beyond that which has been required. The MHPA BLA would add high quality native habitats to the MHPA thereby increasing wildlife function and value to the adjacent environmentally sensitive lands. The inclusion of habitat to the MHPA provides further buffering from edge effects to the San Diego river corridor.

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. The project site is an existing dam and associated lake. Chollas Dam was built in 1901 and Chollas Lake helped serve early San Diego's water supply. In 1966, it was turned over to the Park and Recreation Department, and has served as a recreational area (fishing piers, walking and jogging paths, drinking fountains, and picnic tables and shelters) and youth fishing lake since 1971. The City of San Diego Parks and Recreation Department manages most of the lake, park and the dam. The Public Utilities Department (PUD) oversees the safety of the dam and coordinates with the California Department of Water Resources, Division of Safety of Dams, on dam safety and maintenance issues. Vegetation categorized as wetlands and sensitive vegetation is an unintended consequence of the environment around the operational areas of the dam. On December 16, 2010, PUD received a letter detailing a routine maintenance inspection of the dam performed by the California Department of Water Resources. The letter recommended that the PUD remove objectionable vegetation from the dam. Wood vegetation growing on the dam can hinder safety inspections, interfere with safe operation, or can cause dam failure (FEMA 2005).

In order to comply with the California Department of Water Resources recommendation PUD proposes to remove 0.1 acre of upland and wetland vegetation on the right upstream abutment area of Chollas Dam.

The project site is located within the dam and proposes to remove 0.1 acre of upland and wetland vegetation on the right upstream abutment area of Chollas Dam and along a 10-foot vegetation buffer from the dam abutment. Upland vegetation would be cut close to ground level with roots left in the soil to reduce erosion. Wetland vegetation would be cut to above the surface of the water with no damage done to wetland soils along the lake shore. An herbicide approved for aquatic use by the United States Environmental Protection Agency would be applied by a licensed applicator following approval from the project biologist. All cut vegetation would be removed from the area and transported to an appropriate waste management facility. The project area would be maintained to prevent vegetation from recovering and reestablishing. Impacts are permanent because it is assumed that these maintenance activities will prevent any reestablishment of the vegetation. Scope of work covers only that which is required by the State, and measures have been identified to reduce impacts to sensitive environmental resources. Mitigation for impacts to freshwater marsh will be mitigated by creation and enhancement of wetland habitats at a 2:1 ratio.

A MHPA BLA is also proposed which would add high quality native habitats to the MHPA thereby increasing wildlife function and values to the adjacent environmentally sensitive lands. The inclusion of habitat to the MHPA provides further buffering from edge effects to the San Diego River corridor.

Working within the dam which contains wetlands and requires impacts to the vegetation require the deviation due to the location and the impacts and the nature of the project. No disturbance to ESL is proposed as part of the MHPA BLA. The work proposed is the minimum necessary to afford relief from special circumstances and conditions of the land.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission for the Site Development Permit No. 855223 and the Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA) is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 855223, a copy of which is attached hereto and made a part hereof.

Helene Deisher
Development Project Manager
Development Services

Adopted on: October 18, 2012

Internal Order No. 21002468

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Internal Order No. 21002468

SITE DEVELOPMENT PERMIT NO. 855223
CHOLLAS DAM VEGETATION REMOVAL, PROJECT NO. 238297 [MMRP]
Planning Commission

This Site Development Permit No. 855223 is granted by the Planning Commission of the City of San Diego to the City of San Diego Public Utilities Department Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.05.02. The site is located at 6420 College Grove Drive within the OP-1-1 and RS 1-7 zones of the Eastern Area Neighborhood of Mid-City Communities Plan area and the Multi-Habitat Planning Area Boundary Line Adjustment is located at the San Diego River Wetland Creation Site located immediately south of the San Diego River, north of Camino Del Rio north, between Interstate 15 and 805, and within the Mission Valley Community Planning Area.

Subject to the terms and conditions set forth in this Permit, permission is granted to City of San Diego, Public Utilities Department Owner/Permittee to remove 0.1 acre of upland and wetland vegetation located on the eastern side of Chollas Dam; on the (right upstream) dam abutment, and along a 10-foot vegetation buffer from the dam abutment.

The project shall include:

- a. Removal of 0.1 acre of disturbed upland and wetland vegetation on the right upstream abutment area of Chollas Dam;
- b. Regular herbicide treatment.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

8. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

9. The mitigation measures specified in the MMRP and outlined in MITIGATION NEGATIVE DECLARATION NO. 238297/ SCH NO. 2012061050, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

10. The Owner/Permittee shall comply with the MMRP as specified in MITIGATION NEGATIVE DECLARATION, NO. 238297/ SCH NO. 2012061050, to the satisfaction of the Development Services Department and the City Engineer. Prior to the issuance of the "Notice to Proceed" with construction, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas: **Biological Resources**.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on October 18, 2012, by Resolution No. xxx.

Site Development Permit No. 855223
Date of Approval: October 18, 2012

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Helene Deisher
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

City of San Diego, Public Utilities Department
Owner/Permittee

By _____
NAME
TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

RESOLUTION NUMBER R- _____

ADOPTED ON _____

WHEREAS, on May 12, 2011, the city of San Diego Public Works Department submitted an application to Development Services Department for a Site Development Permit and City of San Diego Multi-Habitat Planning Area Boundary Line Adjustment for the Chollas Dam Vegetation Removal Project (Project); and

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

WHEREAS, the issue was heard by the Planning Commission on October 18, 2012; and

WHEREAS, the Planning Commission considered the issues discussed in Mitigation Negative Declaration No. 238297(Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, 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 said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Planning Commission finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Planning Commission in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the DEVELOPMENT SERVICES DEPARTMENT, 1222 FIRST AVENUE, SAN DIEGO, CA 92101 or CITY CLERK, 202 C STREET, SAN DIEGO, CA 92101.

BE IT FURTHER RESOLVED, that DEVELOPMENT SERVICES STAFF is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: DEVELOPMENT PROJECT MANAGER

By: _____
Helene Deisher

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM**

Site Development Permit and City of San Diego Multi-Habitat Planning Area Boundary Line Adjustment

PROJECT NO. 238297

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 Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No.238297 shall be made conditions of the Site Development Permit and City of San Diego Multi-Habitat Planning Area Boundary Line Adjustment as may be further described below.

I. MITIGATION, MONITORING AND REPORTING PROGRAM (MMRP):

A. GENERAL REQUIREMENTS – PART I

Plan Check Phase (prior to permit issuance)

1. Prior to Bid Opening/Bid Award or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD) (plans, specification, details, etc.) to ensure the MMRP requirements have been incorporated.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

B. GENERAL REQUIREMENTS – PART II

Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC).

Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Biologist

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division 858-627-3200**

b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call RE and MMC at **858-627-3360**

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) No. 238297, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's ED, MMC and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc)

Note:

Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence that any other agency requirements or permits have been obtained or are in process shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

California Department of Fish and Game (CDFG) - Streambed Alteration Permit

4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.
5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

<i>Issue Area</i>	<i>Document submittal</i>	<i>Associated Inspection/Approvals/Note</i>
General	Consultant Qualification Letters meeting	Prior to Pre-construction
General	Consultant Const. Monitoring	Prior to or at the Pre-Construction meeting
Biology Final MMRP	Biology Reports	Limit of Work Verification Final MMRP Inspection

SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS:

A BIOLOGICAL RESOURCES

- I. Prior to the Notice to Proceed, which will be sent to DSD, the ADD Environmental Designee of the Entitlements Division shall verify that the following conditions have occurred to mitigate direct impacts to 0.055 acres of freshwater marsh habitat:
- a. The applicant shall purchase 0.055 acres of wetland creation credits at the San Diego River Wetland Creation site and 0.055 acres of wetland enhancement credits at the Rancho Mission Canyon site. The total purchase of 0.11 acres of wetland credits would satisfy the required mitigation ratio of 2:1 for impacts to freshwater marsh habitat.

Letters of Qualification Have Been Submitted to ADD

1. The applicant shall submit, for approval, a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the Principal Qualified Biologist (PQB) and Qualified Biological Monitor (QBM) and the names of all other persons involved in the implementation of the biological monitoring program, as they are defined in the City of San Diego Biological Review References. Resumes and the biology worksheet should be updated annually.
2. MMC will provide a letter to the applicant confirming the qualifications of the PQB /QBM and all City Approved persons involved in the biological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the biological monitoring of the project.
4. PBQ must also submit evidence to MMC that the PQB/QBM has completed Storm Water Pollution Prevention Program (SWPPP) training.

II. Prior to Start of ConstructionA. PQB Shall Attend Preconstruction (Precon) Meetings

1. Prior to beginning any work that requires monitoring:
 - a. The owner/permittee or their authorized representative shall arrange and perform a Precon Meeting that shall include the PQB, Construction Manager (CM) and/or Grading Contractor (GC), Landscape Architect (LA), Revegetation Installation Contractor (RIC), Revegetation Maintenance

Contractor (RMC), Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC.

- b. The PQB shall also attend any other grading/excavation related Precon Meetings to make comments and/or suggestions concerning the biological monitoring program.
 - c. If the PQB is unable to attend the Precon Meeting, the owner shall schedule a focused Precon Meeting with MMC, PQB, CM, BI, LA, RIC, RMC, RE and/or BI, if appropriate, prior to the start of any work associated with the revegetation/ restoration phase of the project, including site grading preparation.
2. When Biological Monitoring Will Occur
 - a. Prior to the start of any work, the PQB shall also submit a monitoring procedures schedule to MMC and the RE indicating when and where biological monitoring and related activities will occur.
 3. PQB Shall Contact MMC to Request Modification
 - a. The PQB may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information (such as other sensitive species not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA) which may reduce or increase the potential for biological resources to be present.

III. During Construction

A. PQB or QBM Present During Construction/Grading/Planting

1. The PQB or QBM shall be present full-time during construction activities including but not limited to, site preparation, cleaning, grading, and excavation, in association with the construction of the project which could result in impacts to sensitive biological resources as identified in the LCD and on the RRME. **The QBM is responsible for notifying the PQB of changes to any approved construction plans, procedures, and/or activities. The PQB is responsible to notify MMC of the changes.**
2. The PQB or QBM shall document field activity via the Consultant Site Visit Record Forms (CSVSR). The CSVSR's shall be faxed by the CM the first day of monitoring, the last day of monitoring, monthly, and in the event that there is a deviation from conditions identified within the LCD and/or biological monitoring program. The RE shall forward copies to MMC.
3. The PQB or QBM shall be responsible for maintaining and submitting the CSVSR at the time that CM responsibilities end (i.e., upon the completion of construction activity other than that of associated with biology).
4. All construction activities (including staging areas) shall be restricted to the development areas. The PQB or QBM staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance.

5. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) all sensitive habitats.
6. The PBQ shall provide a letter to MMC that limits of potential disturbance has been surveyed, staked and that the construction fencing is installed properly
7. The PQB or QBM shall oversee implementation of BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measures, as needed to ensure prevention of any significant sediment transport. In addition, the PQB/QBM shall be responsible to verify the removal of all temporary construction BMP's upon completion of construction activities. Removal of temporary construction BMP's shall be verified in writing on the final construction phase CSV.
8. PQB shall verify in writing on the CSV's that no trash stockpiling or oil dumping, fueling of equipment, storage of hazardous wastes or construction equipment/material, parking or other construction related activities shall occur adjacent to sensitive habitat. These activities shall occur only within the designated staging area located outside the area defined as biological sensitive area.

B. Disturbance/Discovery Notification Process

1. If unauthorized disturbances occurs or sensitive biological resources are discovered that were not previously identified, the PQB or QBM shall direct the contractor to temporarily divert construction in the area of disturbance or discovery and immediately notify the RE or BI, as appropriate.
2. The PQB shall also immediately notify MMC by telephone of the disturbance and report the nature and extent of the disturbance and recommend the method of additional protection, such as fencing and appropriate Best Management Practices (BMP's). After obtaining concurrence with MMC and the RE, PQB and CM shall install the approved protection and agreement on BMP's.
3. The PQB shall also submit written documentation of the disturbance to MMC within 24 hours by fax or email with photos of the resource in context (e.g., show adjacent vegetation).

C. Determination of Significance

1. The PQB shall evaluate the significance of disturbance and/or discovered biological resource and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to obtain concurrence and formulate a plan of action which can include fines, fees, and supplemental mitigation costs.
2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

IV. General Bird and Raptor Mitigation

- a. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. Feb. 1-Sept. 15), or an active nest is noted, the project biologist shall conduct a pregrading survey for active nests in the development area three days prior to the onset of construction and within 300 feet (500 feet for raptors) of it, and submit a letter report to MMC prior to the

preconstruction meeting. The buffer width shall be delineated by temporary fencing, and remain in effect as long as construction is occurring or until the nest is no longer active. No project construction shall occur within the fenced nest zone, until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be affected by the construction.

- b. If active nests are detected, or considered likely, the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and all monitoring results shall be incorporated into the final biological construction monitoring report.
- c. If no nesting birds are detected per III.a above, mitigation under III a. is not required.

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.

Eastern Area Community Planning Committee
Holy Spirit Catholic Church, Parish Hall – 2725 55th Street, San Diego, CA 92105
July 12, 2011 Meeting Minutes Draft

EACPC Chair Laura Riebau called the meeting to order at approximately 7:10 PM noting a quorum of 10 including herself, Denise Armijo, Carl Davis, Lee Rittiner, Andy Huelskamp, Hattie Allen-Crayton, Jolaine Harris, Daniele Laman, Anne Schoeller and Pam Swain. Earl Lamar arrived at 7:25.

Communications from the Public/Board: Laura passed around the new proposed redistricting maps. She encouraged the public to show up in person to tell them what you want. The redistricting commission will be finalized around August 1st. Andy noted that there are four more meetings before the commission makes a final decision. Jolaine commented that the maps are confusing to read. Lee made a motion that we have a special meeting to discuss what we want for the Eastern Area in regards to the redistricting commission. Motion made by Lee, seconded by Pam. Motion passes (9-0-0). Proposed meeting will be Wednesday, July 20th at 7pm. Andy recommends that everyone look at the email link from Laura before the July 20th meeting. Laura also noted that this would be the last meeting for Hattie .

Adoption of Agenda or Agenda Changes: Jennifer Finnegan will be absent. Lee makes motion to adopt the agenda, Pam seconds. Motion passes (10-0-0).

Approval or Correction of Minutes: Daniele – page 1 should read Daniele Laman, page 3, first paragraph should read *trees* not *tees*, PAC report should remove last sentence. Pam – page 3 under Chollas Triangle Update, Colima Park should read *Colina* Park. Ann- Under approval of minutes, should read *May* minutes; Hattie was not present. Laura – under CPC should read *Leo* Wilson. Daniele makes motion to approve minutes. Pam seconds. Motion passes (10-0-0).

Lottery for Secretarial Duties: Carl volunteered

Treasurer's Report: Andy H. reported a beginning balance of \$75.53 and an ending balance of \$75.53.

Council Reports:

Chris Pearson District 7: Announces that there will be free CPR training Saturday, August 13th from 10am to 2pm at the SDSU Parma Payne Goodall Alumni Center on the SDSU campus. Parking will be FREE across from the Alumni center.

Money is there for approval for the North Chollas Park comfort station.

Daniele raises question on what happened for the grant for the South Chollas Park. Laura thought that it got rejected but will look into it.

Chollas Dam Vegetation Removal Project: Kim Roeland and Ms. Balotsky. A request was made in December 2010 to reduce the vegetation from around the Dam. The vegetation compromises the structure integrity of the dam. Currently they are waiting for the environmental permits. Work will begin late in 2011 or early 2012. The work is required vegetation removal of .05 acres of marsh. Jolaine questioned why the dam has been neglected for so long. The vegetation has not been a problem until

now. Jolaine suggests looking out for a bullfrog when they do their cutting. Daniele asks who is paying for the removal project. The dam belongs to the park and recreation dept. and will pay for it. In the past the public utilities dept. took care of it as a favor for park and rec. since it was turned over to the park and recreation dept in 1966. Park and Rec. is now doing this project because the area is wetlands and it needs a permit. Public Utilities continue to maintain it twice a year. Daniele suggested presenting this information to the Chollas Lake Park and rec council. Pam asks if this is near the walking bath. She comments that the vegetation around the path is poor. Lee questions why they just remove the roots since it is an earthen dam. Response - Removing the roots could damage the dam more. Andy recommends that they also come to the Chollas Lake Park and Rec. board. Earl asks what the cost will be. Response - Cost is difficult to determine because 99% of the cost is environmental. Will have the cost when they come to the Chollas Lake Park and Rec. Board. Earl asks how much it cost to maintain it yearly. Response - Most of the cost is in permits and not in labor. Lee makes a motion to approve the vegetation removal project; Second by Daniele and passes (10-0-0).

Bicycle Master Plan – Action Item: Gaetano Martedi , Project is from Trojan to Market on 54th street. Concerns are from four areas discussed in the July meeting. Area 1: 54th and Euclid, door hangers were hung and that no changes will be made to the current proposal. Jolaine asks if the hangers were in other languages and Gaetano says that they were in English only. Area 2: will put sharrows between Westover and Grape and no parking will be removed. Area 3: will leave 10 parking spaces open around Oak Park elementary and will install signs and sharrows. Area 4: 19 spaces around the theatre will remain and signs and sharrows will be installed. Construction should begin around September or October. Lee asks how the bicycle loops work. The loops recognize smaller pressure than the car loops. Earl asks about the loops. The loops are routed to the signal and activated by pressure. Lee makes motion to accept the amended version of 54th and Euclid bikeway. Denise motions to accept the Bicycle Master Plan along 54th Street as presented; second by Daniele and passes (10-0-0). Earl suggested we take the no for sale signs and put them in another location.

Sharrows: Laura shares an article about sharrows and states that they are a notice to drivers that they need to share the road with bicycles.

Subcommittee Reports:

Schools – Lee Rittiner no report

Transportation – Mario Ingrasci – absent Earl asks what the difference between counting cars and a traffic study. Laura says that it is part of the study. She will do some research on why the city was counting cars down by Euclid and Federal. Laura says that most of the money SANDAG has is earmarked for certain projects.

PAC – Daniele Laman – June 23rd. Elections: Have three business owner seats open. New PAC member is Jim Varnadore representing city Heights. She didn't know the results of the election yet. The Chollas Triangle meeting comes up in July. The mural on 7-11 at Billman and College probably won't happen because the owners don't want to put any money into it. The PAC will meet again in July on the 4th Thursday. Laura stated that the city has decided to continue to exist and pay money to the state from Tracey Reed. 16% of money to go towards a sidewalk by college and 94 won't be available. It will be done in parts. 1.8 million dollars from crossroads PAC this year goes to schools. Daniele, crossroads has been bonding for about six months. PAC already gives money to schools but it was minimal.

CPC – Laura Riebau –

SANDAG mobility plan through 2050 was discussed. CPC thought plan didn't focus enough on cars. This was due largely from a state mandate. CPC thought cars should be more of a focus. Laura commented that public transportation is still very difficult in San Diego.

For the Good of the Order and Adjournment Jolaine commented that Chollas Lake Park is understaffed. Daniele says that El Cerrito is a sponsor for the first time of the Chollas Lake little league. Anne asked if we would be dark in August. Laura says that we will be dark in August. Laura: The property owner at 63rd and El Cajon, Monarch Corp., may have a presentation but probably not until September. Anne comments that Rolando village needs to talk and work with the developer. Adjourned at 8:53.

Recording Secretary, Carl Davis