



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: September 5, 2013

REPORT NO. PC-13-033

ATTENTION: Planning Commission, Agenda of September 12, 2013

SUBJECT: APPEAL OF TIJUANA RIVER VALLEY MSWSMP SUBSTANTIAL
CONFORMANCE REVIEW
PROJECT NUMBER 306915
PROCESS TWO

OWNER/
APPLICANT: City of San Diego, Transportation & Storm Water Department

SUMMARY

Issue(s): Should the Planning Commission approve or deny an appeal of a Substantial Conformance Review, Process Two (staff decision) for the Tijuana River Pilot and Smuggler's Gulch Channel maintenance under the Master Storm Water System Maintenance Program?

Staff Recommendation: Deny the appeal and Uphold the Staff decision to Approve Substantial Conformance Review (SCR) No. 1083101.

Community Planning Group Recommendation: There is no recognized community planning group for the Tijuana River Valley (Attachment 2).

Environmental Review: The project was determined to be in Substantial Conformance with the Master Storm Water System Maintenance Program (MSWSMP), Program Environmental Impact Report (PEIR) No. 42891, and adopted Mitigation Monitoring and Reporting Program (MMRP). This determination was based on a thorough review of materials submitted for the Substantial Conformance Review (SCR) which included the biological, archaeological, hydrological and storm water technical reports, as well as information regarding staging and access for this work, and concurrence on the Waste Management Plan mitigation.

Fiscal Impact Statement: The project approval and the processing of the appeal are being paid for by the City Of San Diego -Transportation & Storm Water Department.

Code Enforcement Impact: None.

BACKGROUND

On October 24, 2011, City Council certified the Program Environmental Impact Report (PEIR) Project No. 42891 (Resolution 307068) and approved Coastal Development Permit (CDP) No. 714232 and Site Development Permit (SDP) No. 714233 (Attachment 7) for the Master Storm Water System Maintenance Program (MSWSMP). Subsequently, San Diegans for Open Governmental and Coastal Environmental Rights Foundation (CERF) filed a lawsuit under the California Environmental Quality Act (CEQA), and appealed the CDP to the California Coastal Commission. On November 15, 2012, the Coastal Commission approved a State CDP (A-6-NOC-11-086) (Attachment 6) that covers the Tijuana River Valley and Smuggler's Gulch channels and would allow continued processing for the channels under the MSWSMP Program's SCR Process Two.

On January 2, 2013, the City of San Diego's Transportation & Storm Water Department submitted an application for a Substantial Conformance Review (SCR), Process Two, Project No. 306915, for the implementation of channel maintenance activities within the Tijuana River Pilot and Smuggler's Gulch channel as required by the MSWSMP Attachment 1 & 3). The proposed maintenance of both Channels includes the mechanized removal of sediment, vegetation, and trash and debris from the channels. The periodic maintenance of both channels is required in order provide flood protection to surrounding properties and to protect the Tijuana River National Estuarine Research Reserve from impacts due to downstream transport of accumulated sediment and trash and debris from the project area. The project involves the removal of approximately 10,000–30,000 cubic yards of material, occupying a total of 4.31 acres.

On April 23, 2013, all parties to the MSWSMP litigation entered into a Settlement Agreement and Release (Attachment 9), in which Petitioners agreed to dismiss their lawsuit with prejudice, and CERF agreed to dismiss this Planning Commission appeal for the Tijuana River Pilot and Smuggler's Gulch channel, on the condition that the City ensures certain modifications to the MSWSMP. Those changes were made through revisions to the Program and an amended SDP No. 1134892 which was approved by City Council on July 23, 2013, with a second reading of the ordinance on August 28, 2013.

The channel maintenance activities proposed under this SCR are authorized under the permits and provisions listed in the following table. Each of the referenced documents/approvals were provided to staff for their review.

Summary of Permit Authorization for Maintenance of the Tijuana River Pilot Channel and Smuggler's Gulch

Permit Authorizations	Permit Date	Impact Area
City of San Diego (MSWSMP) Site Development Permit (SDP)No. 714233 Also Consistent with SDP 1134892	2011 2013	4.31 acres
California Coastal Commission Coastal Development Permit No. A-6-NOC-11-086	2012	4.31 acres
RWQCB Amendment to 401 Water Quality Certification (File No. 09C-077)	2012	4.61 acres
CDFG Streambed Alteration Agreement No. 1600-2011-0271-R5	2011	4.31 acres
ACOE 404 Individual Permit (File No. SPL-2009-00719-RRS)	2010	4.31 acres
U.S. Fish and Wildlife Service Biological Opinion (FWS-SDG-08BO600-10F001)	2012	4.31 acres

Consistent with the PEIR for the MSWSMP, the Transportation & Storm Water Department submitted an Individual Maintenance Plan (IMP) and related Individual Technical Assessments for Development Services review and approval under the SCR process. The IMP identified the scope of work, maintenance methodology and procedures, equipment, and duration for maintenance activities planned in the two channels.

DISCUSSION

On February 4, 2013, the Development Services Department Staff approved the SCR for the Tijuana River Pilot and Smuggler's Gulch Channels and determined that the proposed maintenance activities substantially conform to the City's MSWSMP, Site Development Permit, PEIR and MMRP.

Appeal

On February 21, 2013, an appeal was filed by Livia Borak on behalf of the Coastal Environmental Right Foundation (CERF). The appeal raised the following issues (Attachment 5).

1. **Appellant issue:** The City's determination that the Tijuana River Pilot Channel and Smuggler's Gulch maintenance activity (project) is in substantial conformance with the PEIR for the MSWSMP was based on factual error. The PEIR is currently being challenged because of its inadequate analysis and mitigation measures for impacts to biological and water quality resources.

Staff Response: The City agreed through the settlement agreement to modify the SDP to reduce its term to five years and to implement additional water quality and biological measures similar to those in the Coastal Commission's CDP No. A-6-NOC-11-086. This is the same CDP that was used for the review and approval of this SCR.

2. **Appellant issue:** The water quality white paper was rejected by the Coastal Commission and should not be relied upon for water quality impacts.

Staff Response: The PEIR water quality white paper is an analytical framework for determining whether channel maintenance will have a net impact or net benefit on water quality. The California Coastal Commission did not reject the water quality white paper. Instead, City staff worked with the Commission's water quality expert to add water quality measures that will be implemented for every channel maintenance project.

As stated in the Coastal Commission's staff report, these include:

The City proposes to utilize a suite of pollution prevention, source control, special study/process improvement, and treatment BMPs to address sediment and other pollutant inputs to priority channel area drainages within the coastal zone. The selected activity suite was derived from evaluation of current water quality improvement activities in each drainage area, and synthesis of City programmatic findings. The proposed activity suite is both representative of the City's overall tiered and integrated BMP approach, as well as designed to reduce sediment and other pollutant loads from entering the priority channel areas. The City anticipates that application of these activities within the priority channel drainage areas will mitigate for potential water quality impacts associated with the proposed maintenance activities during this permit cycle and lead to long-term water quality benefits.

Thus, the City is required to implement the water quality measures in the State issued CDP No. A-6-NOC-11-086 irrespective of whether analysis, per the PEIR water quality white paper, identifies that channel maintenance will have a net impact or net benefit on water quality.

3. **Appellant issue:** The City failed to adequately mitigate for impacts to biological resources for the project. The project is thus not in substantial conformance with the PEIR.

Staff Response: The City has fully analyzed and will mitigate biological impacts consistent with the PEIR and Resource Agency permits, including a Section 404 Individual Permit issued by the Corps of Engineers, a Section 7 Biological Opinion issued by the USFWS, a CDP issued by the Coastal Commission, a Streambed Alteration Agreement issued by the CDFW, and a 401 Water Quality Certification issued by the RWQCB. The agencies have reviewed and approved the final Wetlands Mitigation and Monitoring Plan (WMMP; Dudek, February 2013) which provides a 2:1 (mitigation to impact) ratio for impacts to jurisdictional waters/wetlands.

Moreover, the CERF lawsuit has since been settled and CERF's concerns on this issue have been resolved through that settlement. The City agreed through the settlement agreement to implement additional biological measures similar to those in the Coastal Commission's CDP No. A-6-NOC-11-086. This is the same CDP that was used for the review and approval of this SCR.

4. **Appellant issue:** The 401 Certification for the project is based on the PEIR currently being challenged by CERF.

Staff Response: The California Regional Water Quality Control Board's (RWQCB) 401 Certification is not under the Planning Commission's purview and should not be a factor considered in this appeal.

Staff notes, however, that the RWQCB issued a valid Clean Water Act Section 401 Certification (09C-077) for the Tijuana River Valley Channel Maintenance Project on February 11, 2013, with the appropriate CEQA findings. The 401 certification states that the RWQCB "has reviewed the lead agency's Environmental Impact Report and also finds that the project as proposed will have a significant effect on the environment and has conditioned mitigation measures accordingly and therefore determines that issuance of this certification is consistent with the Notice of Determination."

5. **Appellant issue:** The impacts of proposed mitigation measures have not been adequately analyzed and will result in significant environmental impacts.

Staff Response: The impacts of the proposed mitigation measures have been adequately analyzed in the certified PEIR.

6. **Appellant issue:** Biological surveys were not conducted to account for spring blooming annual plants, migratory bird species, and nocturnal wildlife.

Staff Response: Multiple individual technical assessments were provided to staff for review and were specific to the maintenance activities and mitigation measures required for the project. An Individual Biological Assessment (IBA) was prepared to determine baseline conditions and the mitigation addresses the appropriate mitigation or measures to avoid and/or minimize impacts to a less than significant level. The IBA clearly states that:

- Surveys for spring-blooming annual plants are not required because there are no spring-blooming annual or herbaceous perennial special-status species with potential to occur in the project footprint. This determination was based on a search of California Natural Diversity Database (CNDDB) records, site observations, and the professional judgment of the botanist performing the biological survey for the 2012 IBA. This botanist has more than a decade of botanical experience in San Diego County and specific experience with rare plants in the Tijuana River Valley and Border Field area. Key characteristics of potentially occurring rare plants were reviewed prior to site visits.

- The PEIR and IBA assume that migratory birds would be impacted if work occurred during the migratory bird breeding season. This is a standard and accepted CEQA practice. Impacts to migratory birds are avoided by working outside the migratory bird breeding season or by performing pre-construction nesting surveys to ensure avoidance if work is performed in the breeding season.
- Pre-construction surveys are conducted to ensure no impacts to nesting migratory bird species. This is a standard method for assessing potential impacts. The surveys were deemed adequate by US Fish and Wildlife Service and California Department of Fish and Wildlife. Use of the site by migratory bird species that might be missed by surveys was also addressed through research in CNDDDB records and the San Diego Bird Atlas data.
- There is no work proposed at night.

The IBA stated that the potential likelihood that sensitive species in these categories would be present was considered to be too low to warrant additional focused surveys.

7. **Appellant issue:** Impacts to jurisdictional wetlands and waters will not be adequately mitigated.

Staff Response: Mitigation is consistent with the PEIR and the permits listed in the previous table issued by the:

- California Coastal Commission
- US Army Corps of Engineers
- US Fish and Wildlife Service
- California Department of Fish and Wildlife
- Regional Water Quality Control Board

The CERF lawsuit has since been settled and CERF's concerns on this issue have been resolved through that settlement. The City has agreed through the settlement agreement to modify the SDP to implement additional biological measures for future projects similar to those in the Coastal Commission's CDP No. A-6-NOC-11-086 which was approved for this project.

Conclusion:

The channel maintenance project is essential to restore the capacity of the Tijuana River Valley and Smuggler's Gulch channels. Appeals and litigation have precluded the City from performing this maintenance since 2010, creating an urgent need to undertake maintenance this fall.

Staff has reviewed the project against the approved documents associated with the Program and the technical documents associated with the work and found them to be within Substantial Conformance. Additionally, the proposed work will rely on the Coastal Development Permit issued by the State Coastal Commission. The Settlement Agreement of the CERF lawsuit has addressed the issues that CERF raised in this appeal. CERF agreed to withdraw its appeal after the modifications to the MSWSMP and SDP are complete. The modifications to the Program have been incorporated; the SDP amended and received final approval by City Council on August 28, 2013.

ALTERNATIVES

1. **Deny the appeal and uphold** the staff decision to **approve** Substantial Conformance Review No. 1083101, **with modifications.**
2. **Approve the appeal and deny** the Substantial Conformance Review.

Respectfully submitted,



Mike Westlake
Acting Deputy Director
Development Services Department

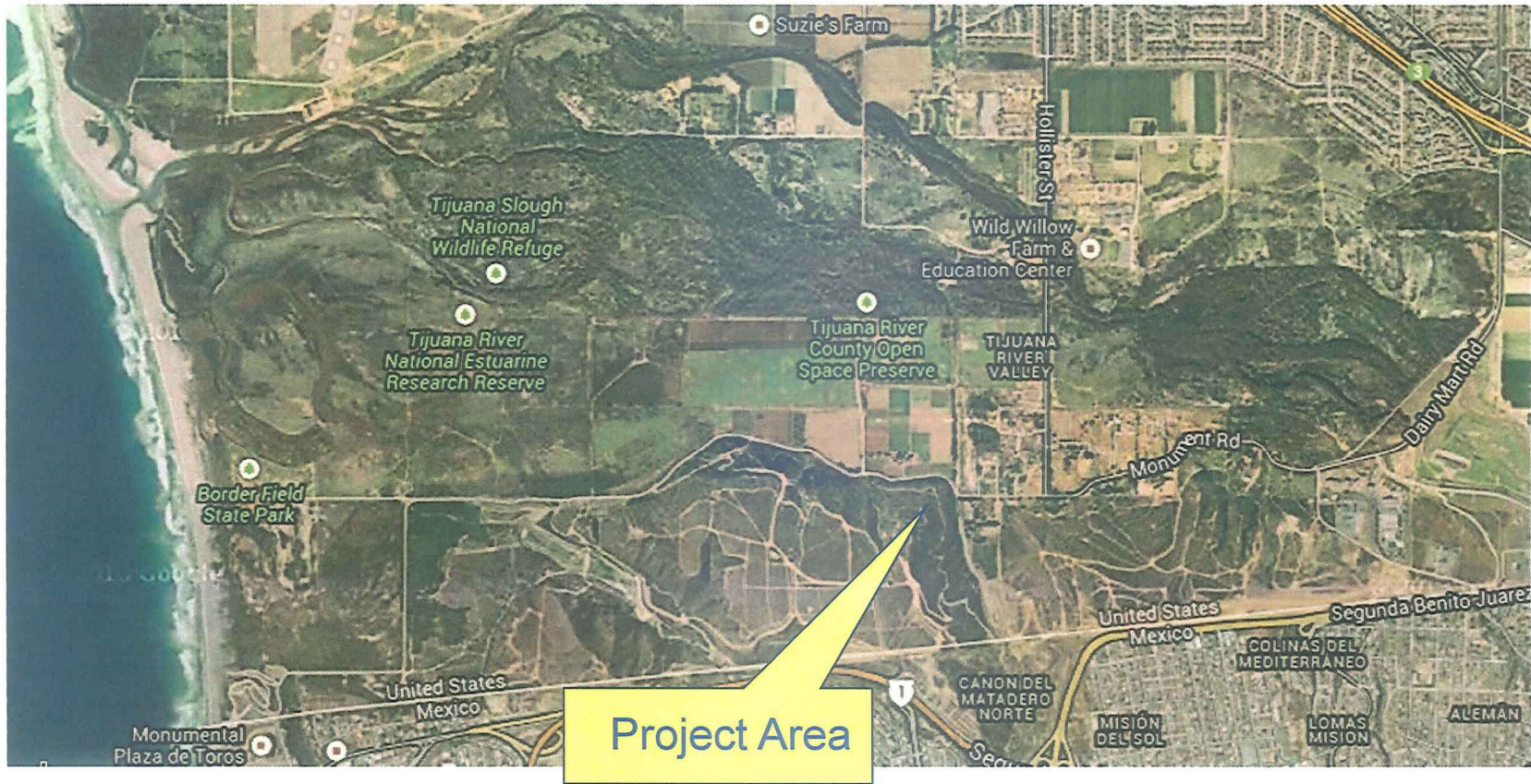


Helene Deisher
Development Project Manager
Development Services Department

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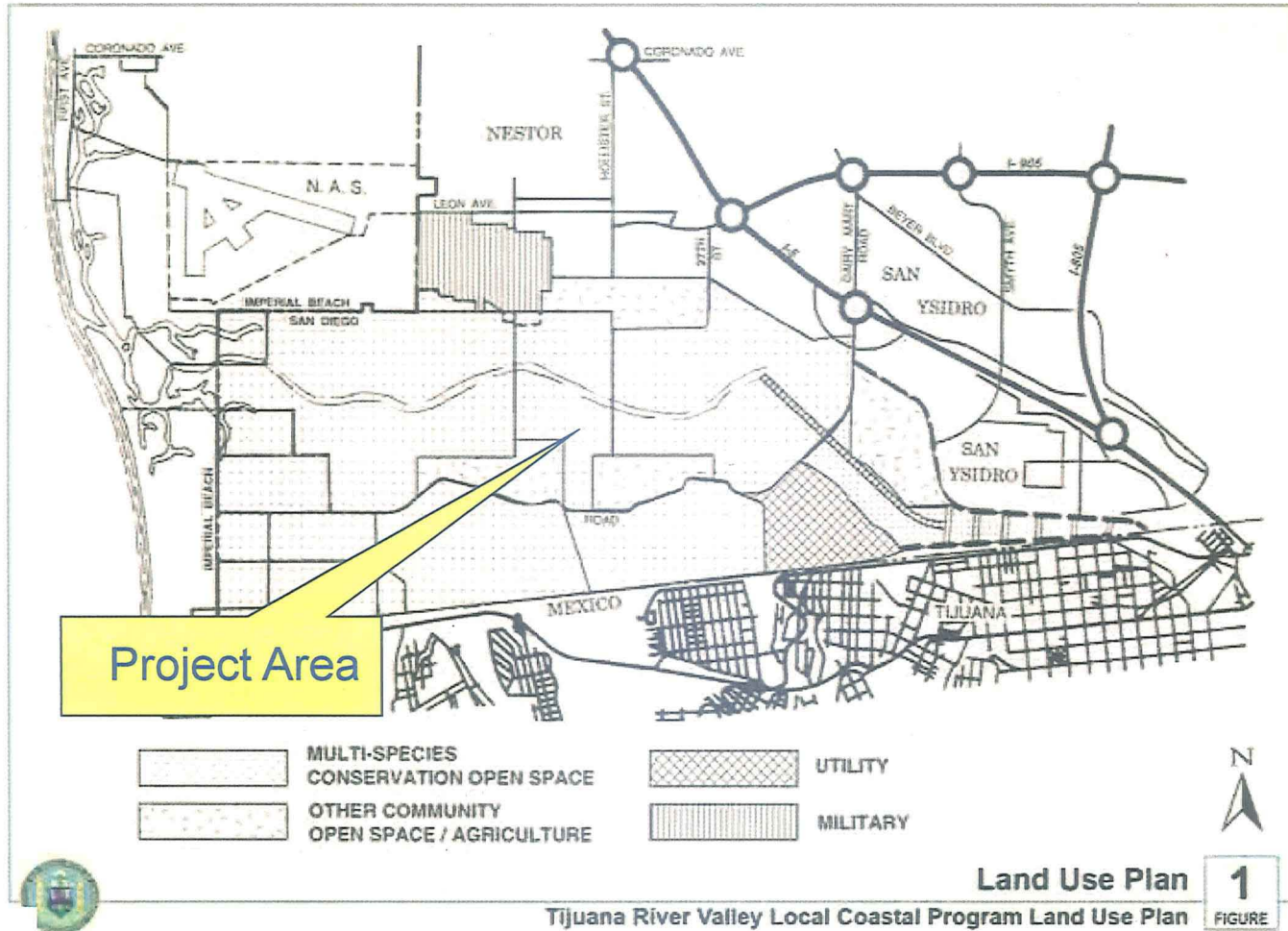
Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Planning Commission Resolution
5. Appeal Application
6. State Coastal Permit CDP No. A-6-NOC-11-086
7. Site Development Permit No. 714233
8. Site Development No. 1134892
9. Settlement Agreement
10. Site plans



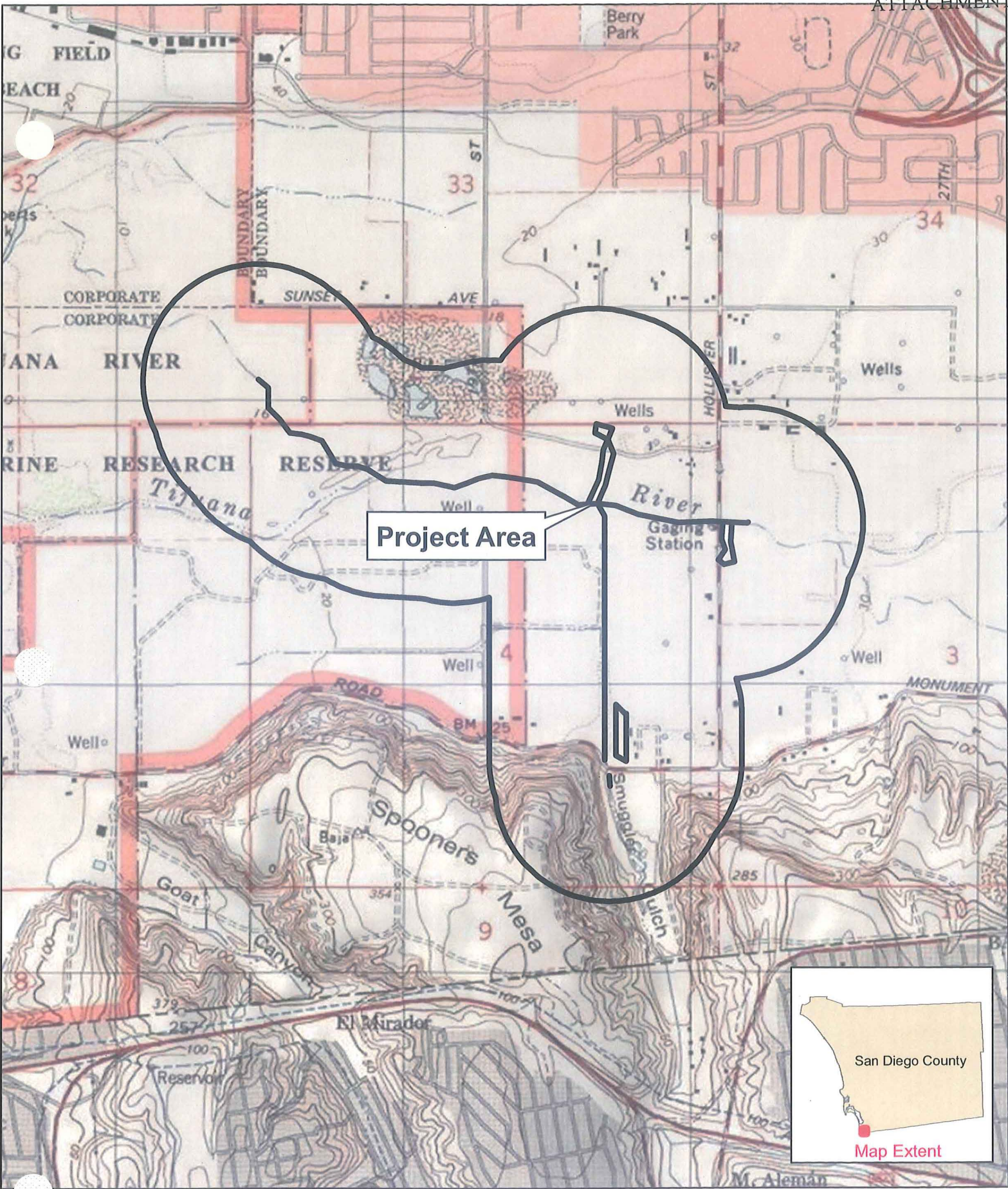
Location Aerial Photo
APPEAL OF TIJUANA RIVER VALLEY
MSWSMP SUBSTANTIAL CONFORMANCE REVIEW
PROJECT NO. 306915





Community Planning Area
APPEAL OF TIJUANA RIVER VALLEY
MSWSMP SUBSTANTIAL CONFORMANCE REVIEW
PROJECT NO. 306915





SDNHM fossil localities within one-quarter mile of the Tijuana River Channel Project site (URS Project No. 27679051.04000).

(Base map USGS Topographic Map of the Imperial Beach 7.5' Quadrangle, California)



PLANNING COMMISSION RESOLUTION NO. XXXX
SUBSTANTIAL CONFORMANCE REVIEW NO. 1083101
APPEAL OF TIJUANA RIVER VALLEY MSWSMP
SUBSTANTIAL CONFORMANCE REVIEW PROJECT NUMBER 306915 [MMRP]

WHEREAS, the City of San Diego's Transportation & Storm Water Department, Owner/Permittee, filed an application with the City of San Diego for a Substantial Conformance Review (SCR), Process Two, Project No. 306915, for the implementation of channel maintenance activities within the Tijuana River Pilot and Smuggler's Gulch Channel as required by the MSWSMP; and

WHEREAS, the proposed maintenance of both Channels includes the mechanized removal of sediment, vegetation and trash and debris from the channels. The periodic maintenance of both channels is required in order provide flood protection to surrounding properties and to protect the Tijuana River National Estuarine Research Reserve from impacts due to downstream transport of accumulated sediment and trash and debris from the project area. The project incorporates removal of approximately 10,000–30,000 cubic yards of material, occupying a total of 4.31 acres (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 714233); and

WHEREAS, the project site is located at 2000 Block of Monument Road in the OF-1-1 ZONE of the Tijuana River Valley;

WHEREAS, on February 4, 2013, the Development Services Department of the City of San Diego considered and approved Substantial Conformance Review No. 1083101, Resolution No. CM-6302 pursuant to the Land Development Code of the City of San Diego and the project was determined to be in Substantial Conformance with the Master Storm Water System Maintenance Program (MSWSMP), Program Environmental Impact Report (PEIR) No. 42891, and adopted Mitigation Monitoring and Reporting Program (MMRP). This determination was based on a thorough review of materials submitted for the Substantial Conformance Review (SCR) which included the biological, archaeological, hydrological and storm water technical reports, as well as information regarding staging and access for this work, and concurrence on the Waste Management Plan mitigation; and

WHEREAS, after the approval of the above referenced project by the Development Services Department the project was appealed on February 21, 2013, by Livia Borak on behalf of the Coastal Environmental Rights Foundation (CERF); which has since withdrawn the appeal in light of a settlement agreement which resulted in changes to the MSWSMP, and no other parties are known that support the appeal;
NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego that the appeal is denied and the staff decision to approve Substantial Conformance Review No. 1083101 is upheld.

Helene Deisher
Development Project Manager
Development Services

Adopted on: September 12, 2013
Internal Order Number 21002863

 THE CITY OF SAN DIEGO	City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 (619) 446-5210	Development Permit/ Environmental Determination Appeal Application	FORM DS-3031 OCTOBER 2012
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See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
 Process Three Decision - Appeal to Planning Commission
 Process Four Decision - Appeal to City Council
 Environmental Determination - Appeal to City Council
 Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.0103)

Name: Coastal Environmental Rights Foundation *c/o Livia Borak* E-mail Address: livia@cerf.org
 Address: 1140 South Coast Highway 101 City: Encinitas State: CA Zip Code: 92024 Telephone: (760) 942-8505

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

City of San Diego -- Transportation & Storm Water Department

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Internal Order 21002863/ SCR-PTS 306915	February 4, 2013	Helene Deisher

Decision (describe the permit/approval decision):
 Substantial Conformance Review for Tijuana River Pilot Channel and Smuggler's Gulch maintenance activities.

5. Grounds for Appeal (Please check all that apply)

- Factual Error
 Conflict with other matters
 Findings Not Supported
 New Information
 City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

The City's determination that the Tijuana River Pilot Channel and Smuggler's Gulch maintenance activity (project) is in substantial conformance with the PEIR for the MSWSMP was based on factual error. The PEIR is currently being challenged because of its inadequate analysis and mitigation measures for impacts to biological and water quality resources. The water quality white paper was rejected by the Coastal Commission and should not be relied upon for water quality impacts. The City failed to adequately mitigate for impacts to biological resources for the project. The project is thus not in substantial conformance with the PEIR. The 401 certification for the project is based on the PEIR currently being challenged by CERF. The impacts of proposed mitigation measures have not been adequately analyzed and will result in significant environmental impacts. Biological surveys were not conducted to account for spring-blooming annual plants, migratory bird species, and nocturnal wildlife. Impacts to jurisdictional wetlands and waters will not be adequately mitigated.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: *Livia Borak* Date: February 15, 2013

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

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STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

San Diego Coast Area Office
 7575 Metropolitan Drive, Suite 103
 San Diego, CA 92108-4421
 (619) 767-2370
 www.coastal.ca.gov



Page: 1

Date: November 29, 2012

Permit Application No.: **A-6-NOC-11-086****COASTAL DEVELOPMENT PERMIT**

On **November 15, 2012**, the California Coastal Commission granted to:

City of San Diego

this permit subject to the attached Standard and Special Conditions, for development consisting of

A 5 year master coastal development permit for clearing of sediment and vegetation and maintenance of storm water facilities to provide adequate flood control

more specifically described in the application filed in the Commission offices.

The development is within the coastal zone at

Various drainages within Coastal Zone to include portions of Sorrento, Soledad and Los Penasquitos Creeks; Flinkote, Mission Bay High School and Pacific Beach Drive/Olney Street Channels; and, the Tijuana River, San Diego, San Diego County.

Issued on behalf of the California Coastal Commission by

CHARLES LESTER
 Executive Director

By: **Lee McEachern**
 District Regulatory Supervisor

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part that: "A Public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

12/20/12

Date

Lee McEachern

Signature of Permittee

COASTAL DEVELOPMENT PERMIT

Date: November 29, 2012

Permit Application No.: A-6-NOC-11-086

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STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

The permit is subject to the following conditions:

1. **Duration of Master Permit.** The Master Permit is valid for a period of five years from the date of Commission action. Future channel maintenance beyond this date will require an amendment to this coastal development permit or a new coastal development permit. Any modification of the project within the five year period, including, but not limited to, changes in channel size or location, timing of work, or staging areas will require an amendment to this permit unless the Executive Director determines that no amendment is legally required.
2. **Substantial Conformance Review.** Channel maintenance activities will be determined by the City on an annual basis. Annual maintenance activities will be approved through the City's Substantial Conformance Review (SCR) process as detailed in the City's Master Storm Water System Maintenance Program dated October 2011 (**ref. Exhibit #4**), except as revised below:

Section 6.2 of the City's Substantial Conformance Review Process titled "State and Federal Agencies" shall be modified to include the following:

Concurrent with the City's SCR process and prior to commencement of work, the City shall submit an annual work plan and supporting documents for priority channels requiring maintenance activities for the upcoming year to the Executive Director of the Coastal Commission for review and written approval. The Executive Director shall review the submitted information to determine whether the proposed maintenance activities are consistent with the Master Maintenance Program and the specific terms of this permit. If any proposed activities are determined by the Executive Director to not be consistent with

COASTAL DEVELOPMENT PERMIT

Date: November 29, 2012

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the Master Maintenance Program and terms of this permit, those specific activities shall not be permitted for that year unless reviewed and approved under a separate coastal development permit. The Executive Director shall notify the City of any proposed activities that do not comply with the terms of this permit within 60 days of submittal by the City of the annual work plan. No work may occur during the Executive Director's review period until the 60 day time period has passed.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a revised Substantial Conformance Review Program that incorporates the above revisions.

3. **Other Permits.** PRIOR TO THE COMMENCEMENT OF DREDGING, the applicant shall submit copies of all other required state or federal discretionary permits (i.e., U.S. Fish and Wildlife Service, Army Corps of Engineers, California Department of Fish and Game, Regional Water Quality Control Board, etc.) for the proposed project to the Executive Director within 30 days of approval of such permits. Any mitigation measures or other changes for the project required through said permits shall be reported to the Executive Director and shall become part of the project. No changes to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
4. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site(s) may be subject to hazards from flooding and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

Prior to issuance of the Coastal Development Permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.
5. **Timing of Construction.** To avoid potential impacts to coastal California gnatcatcher, least Bell's vireo, and other sensitive bird species, during their nesting season, maintenance activities within vegetated channels will not be permitted between the dates of February 15th and September 15th of any year; unless written permission from the California Department of Fish and Game and US Fish and Wildlife Service is provided to the Executive Director for review and written approval.
6. **Construction BMPs.** PRIOR TO THE COMMENCEMENT OF FLOOD CONTROL MAINTENANCE ACTIVITIES, a Construction Runoff and Pollution Control Plan (CRPCP) shall be submitted to the Executive Director for review and written approval, to address the control of construction-phase erosion, sedimentation, and polluted runoff. The CRPCP shall demonstrate and comply with the following construction-related requirements:

COASTAL DEVELOPMENT PERMIT

Date: November 29, 2012

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- a. Prior to the commencement of construction, the limits of the work areas and staging areas shall be delineated in cooperation with a qualified biologist, limiting the potential area affected by construction and ensuring that all agricultural lands, wetlands, and other environmentally sensitive habitats adjacent to construction areas are avoided during construction. All vehicles and equipment shall be restricted to these pre-established work areas and haul routes and to established or designated staging areas. Clearing and grading shall be limited to the minimal footprint necessary and for the shortest time necessary to avoid impacts to adjacent ESHA, riparian habitat and coastal waters;
- b. Best Management Practices (BMPs) shall be designed to control erosion from the disturbed area and prevent sediment and potential pollutants from entering coastal waters and/or native habitat plant communities during channel maintenance activities. The BMPs shall be implemented prior to or concurrent with construction and maintained throughout the project;
- c. In-stream erosion and turbidity control measures shall be implemented during channel dredging activities;
- d. Any newly exposed slopes shall be stabilized to minimize erosion and sediment from runoff waters during maintenance activities using mulch, contour grading and/or other established methods where feasible and appropriate;
- e. Temporary stockpiles of excavated sediment/vegetation should be protected with geofabric or other appropriate cover to prevent dispersal of the stockpile materials. Permanent stockpiling of excavated material on site shall not be allowed. Vegetation and sediment shall be removed from the site(s) on a regular basis during construction to prevent the accumulation of sediment and debris on the worksite. Excavated sediment and vegetation shall be stockpiled at designated temporary areas on the project site(s) and be removed to a permitted disposal site within three months, unless otherwise extended, in writing, by the Executive Director;
- f. During construction, all trash shall be properly contained in a receptacle with a cover over the top to prevent dispersal of trash, removed from the work site, and disposed of on a regular basis (at a minimum of once per week). Any debris discharged into coastal waters during implementation of the approved development shall be recovered immediately and disposed of consistent with the requirements of this coastal development permit and other relevant state and/or federal regulatory controls;
- g. Equipment staging and materials stockpiling areas shall be limited to the locations and sizes specified in the approved final CRPCP. Construction vehicles shall be restricted to designated haul routes. Construction equipment and materials shall be stored only in designated staging and stockpiling areas as depicted on the final plans approved for the project;
- h. Any fueling and maintenance of construction equipment shall occur within upland areas outside of environmentally sensitive habitat areas or within designated staging areas. Mechanized heavy equipment and other vehicles used during the construction process shall not be refueled or washed within 100 feet of coastal waters; and
- i. Fuels, lubricants, and solvents shall not be allowed to enter the coastal waters or wetlands. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered

COASTAL DEVELOPMENT PERMIT

Date: November 29, 2012

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first-response, professional hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be immediately, upon discovery, contained and cleaned up consistent with relevant state and/or federal regulations.

7. **Water Quality Mitigation Measures.** The applicant shall comply with and implement the water quality improvement measures and timeframes identified in the report entitled "Supplemental Information –Water Quality, Appeal No. A-6-NOC-11-086, City of San Diego, Coastal Development Permit, Master Storm Water System Maintenance Program, dated October 2, 2012 " (ref. Exhibit #5)
8. **Other Special Conditions from City of San Diego.** Except as provided by this coastal development permit, this permit has no effect on conditions imposed by the City of San Diego pursuant to an authority other than the Coastal Act. In addition, except as revised herein, the City shall comply with the requirements of the Final Recirculated Master Storm Water System Maintenance Program PEIR Mitigation Monitoring and Reporting Program for the project.
9. **Final Wetlands Mitigation Plan.** PRIOR TO THE COMMENCEMENT OF FLOOD CONTROL MAINTENANCE ACTIVITIES, the applicant shall submit for the review and written approval of the Executive Director, a final mitigation plan, developed in consultation with Department of Fish and Game and the U.S. Fish and Wildlife Service and designed by a qualified wetland biologist. Said plan shall be in substantial conformance with the mitigation plan submitted with this application and shall be revised to include the following:
 - a. Preparation of a detailed site plan of the impact area(s), clearly delineating all areas and types of impact (both permanent and temporary), and identification of the exact acreage of each impact so identified. In addition, a detailed site plan of the mitigation site shall also be included. The final design and construction methods that will be used to ensure the mitigation site achieves the defined goals, objectives, and performance standards. Mitigation for impacts to wetlands shall result in a no-net-loss of function and values and be in-kind habitat to the fullest extent possible and at the appropriate ratios listed below in section d of this special condition. All wetland mitigation shall occur within nine months of impact and either be located on-site or within the same watershed, but in all cases mitigation must occur within the Coastal Zone. Mitigation shall not occur on sites subject to enforcement action where unpermitted development in wetlands has taken place as those sites are subject to restoration and not mitigation;
 - b. For those sites where impacts occur as a result of channel clearing, but mitigation has previously been provided, no additional mitigation is required, except in circumstances where the vegetation to be impacted is currently being utilized by sensitive bird and animal species and said species were not identified as using the areas when previously impacted and mitigation was completed. In such a circumstance, additional mitigation shall be required and shall be developed in consultation with the California Department of Fish and Game and/or U.S. Fish and Wildlife Service.
 - c. Preparation of a baseline ecological assessment of the impact area(s) and any proposed mitigation sites prior to initiation of any activities. Such assessment shall be completed by a qualified biologist and at a minimum shall include quantified estimates of the biological resources and habitat types at each site, description of the functions of these resources and habitats and the associated values. Results of the ecological assessment of the wetland impact area shall form the basis of the goals, objectives, and performance standards for the mitigation project;

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- d. The mitigation plan shall include clearly defined goals, objectives, and performance standards for the mitigation project and include final design and construction methods that will be used to ensure the mitigation sites achieve the defined goals, objectives, and performance standards. Each performance standard shall state in quantifiable terms the level and/or extent of the attribute necessary to reach the goals and objectives. Sustainability of the attributes should be a part of every performance standard. Success criteria shall require, and final performance monitoring shall ensure that the mitigation program provides, coverage commensurate with standards identified in the monitoring program (**see Special Condition #10**);
- e. All wetland impacts shall be mitigated at a ratio of 1:1 for temporary impacts, 2:1 for Natural flood channels, 3:1 for impacts to Riparian habitat, and 4:1 for impacts to Freshwater Marsh and Disturbed wetland (removal of giant reed (*arundo*) and other exotic, invasive and non-native vegetation is not considered an impact to wetlands requiring mitigation);
- f. A minimum 100 ft. buffer, developed in consultation with the Department of Fish and Game and the U.S. Fish and Wildlife Service, shall be provided from all newly created wetland/riparian habitat on the off-site mitigation site(s) unless 100 ft. is not available;

The permittee shall undertake mitigation in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

10. **Final Monitoring Program.** PRIOR TO THE COMMENCEMENT OF FLOOD CONTROL MAINTENANCE ACTIVITIES, the applicant shall submit for review and written approval of the Executive Director, in consultation with the Department of Fish and Game, a final detailed monitoring program designed by a qualified wetland biologist/restoration specialist. Said monitoring program shall be in substantial conformance with the Conceptual Wetland Restoration Plan by Helix Environmental Planning, Inc., dated May 2011, and the approved Mitigation Plan required in Special Condition #9 above, but shall be revised to include the following:

- a. Submittal, upon completion of the mitigation site, of "as built" plans. Description of an as built assessment to be initiated within 60 days after completion of the mitigation project. This report shall describe the results of the as-built assessment including a description of how the as-built project differs, if at all, from the originally planned project.
- b. A description of all attributes of the mitigation habitat to be monitored along with the methods and frequency of monitoring. This description shall include a rationale for the types of data collected and how those data will be used. The description shall also clearly state how the monitoring data will contribute to the evaluation of project performance.
- c. A description of provisions for augmentation, maintenance, and remediation of the mitigation project to ensure each mitigation project attains its respective performance standards, throughout the monitoring period or in perpetuity as appropriate.
- d. Annual reports on the monitoring program shall be submitted to the Executive Director for approval for a period of no less than five years for freshwater and brackish water herbaceous communities and riparian scrub communities and 10 years (at a reduced

COASTAL DEVELOPMENT PERMIT

Date: November 29, 2012

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intensity) for tree-based communities. Each report shall include copies of all previous reports as appendices. Each annual report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of the mitigation project in relation to the performance standards described in Special Condition #9. In addition, biodiversity and cover requirements should be specific to the species and vegetation layers (e.g., in the herbaceous layer, there shall be at least "X" species of plants present from list A, each with no less than "Y"% cover).

- e. Inclusion of a protocol for creation of a comprehensive monitoring report prepared in conjunction with a qualified wetland biologist/restoration specialist at the end of the five or ten year period shall be submitted to the Executive Director for review and approval. This comprehensive report shall consider all of the monitoring data collected over the monitoring period in evaluating the mitigation project performance. Final monitoring for success shall take place no sooner than 3 years after the cessation of all remediation and maintenance activities (including irrigation) other than weeding and trash removal in order to provide evidence that the restoration is self-sufficient. If the report indicates that the mitigation has been, in part, or in whole, unsuccessful, the applicant shall be required to submit a revised or supplemental mitigation program to compensate for those portions of the original program which were not successful. The revised mitigation program, if necessary, shall be processed as an amendment to this coastal development permit.

The permittee shall undertake monitoring in accordance with the approved program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

11. **Mitigation for Upland Impacts.** PRIOR TO COMMENCEMENT OF FLOOD CONTROL MAINTENANCE ACTIVITIES, the applicant shall submit to the Executive Director for review and written approval, a final detailed coastal sage scrub mitigation plan. Said plan shall be developed in consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Game, and shall include, at a minimum, the following:
 - a. Preparation of a detailed site plan delineating all areas and types of impact to upland habitat species (both permanent and temporary) and the exact acreage of each impact;
 - b. All direct impacts to Coastal sage scrub habitat shall be mitigated at a ratio of not less than 1:1 for impacts located outside the City's Multiple Species Conservation Program Multi-Habitat Planning Area (MHPA) and 2:1 for impacts located inside the City's Multiple Species Conservation Program Multi-Habitat Planning Area (MHPA); and
 - c. Except as revised herein, mitigation for upland impacts shall be consistent with those identified in the Final Recirculated Master Storm Water System Maintenance Program PEIR Mitigation Monitoring and Reporting Program approved for the project and consist of either payment in the City's Habitat Acquisition Fund, acquisition and preservation, or purchase of mitigation credits. Mitigation for upland habitat impacts must occur within the Coastal Zone.

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Date: November 29, 2012

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The permittee shall undertake development in accordance with the approved mitigation plan. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

DOC # 2012-0805453



DEC 21, 2012 8:47 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
Ernest J. Dronenburg, Jr., COUNTY RECORDER
FEES: 0.00

PAGES: 56

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Internal Order No. 21000287

COASTAL DEVELOPMENT PERMIT NO. 714232
SITE DEVELOPMENT PERMIT NO. 714233
MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM
PROJECT NO. ~~42981~~ (MMRP) 42891
CITY COUNCIL

This Coastal Development Permit No. 714232 and Site Development Permit No. 714233 is granted by the City Council of the City of San Diego to the City of San Diego Transportation and Storm Water Department, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0501 and 126.0701. The approximate 32 miles of natural and man-made (concrete/earthen) channels, detention basins and storm drain outfalls are located with the City's 342.4-square mile metropolitan area, and within the City's public right-of-way or storm water easements dedicated to the City of San Diego and maintained by the City of San Diego's Transportation and Storm Water Department. These storm water facilities are also located within portions of the Coastal Overlay, Open Space, Agricultural, Residential, Commercial and Industrial Zones and within the Clairemont Mesa, College Area, Encanto Neighborhoods, Linda Vista, Mid-City Communities, Mira Mesa, Mission Valley, Navajo, Otay Mesa-Nestor, Pacific Beach, Peninsula, Skyline-Paradise Hills, Southeastern San Diego, Tijuana River Valley, and Torrey Pines Community Planning areas within the City of San Diego.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/ Permittee for cleaning and long term maintenance of storm water facilities and subject to the Master Storm Water System Maintenance Program (October, 2011) and Program Environmental Impact Report SCH No. 2004101032; Project No. 42891, [Exhibit "A"] dated October 24, 2011, and on file in the Development Services Department.

This Permit provides the City of San Diego Transportation and Storm Water Department the authority to:

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- a. Fulfill the mandate of Section 26.1 of the San Diego City Charter to provide essential public works and public health services by maintaining the storm water conveyance system for the purpose of reducing flood risk;
- b. Implement a comprehensive program that will govern the future maintenance of the City's storm water system in an efficient, economic, environmentally and aesthetically acceptable manner for the protection of property and life, in accordance with Council Policy 800-04;
- c. Ensure implementation of Best Management Practices (BMPs) and maintenance protocols during maintenance activities to avoid and/or minimize effects on environmental resources; and
- d. Implement a comprehensive review process for annual maintenance activities; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for the subject storm water facilities in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

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. This permit must be utilized by November 4, 2014.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. This Permit shall expire in twenty years.
4. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

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6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
8. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.
9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. 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.

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ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

12. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Program Environmental Impact Report (PEIR) No. 42891/SCH No. 2004101032, shall be noted on the maintenance plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in PEIR No. 42891/SCH No. 2004101032, satisfactory to the Development Services Department and the City Engineer. Prior to the issuance of the "Notice to Proceed" with maintenance, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Biological Resources; Historical Resources; Water Quality; Land Use Policies and Paleontological Resources.

13. The Permittee shall comply with Exhibit "A", the Master Storm Water System Maintenance Program satisfactory to the Development Services Department.

14. Prior to the Development Services Department approval of any work, other than emergency actions, the Permittee shall submit an application for a Substantial Conformance Review to the Development Services Department for proposed site specific work consistent with Exhibit "A", the Master Storm Water System Maintenance Program.

INFORMATION ONLY:

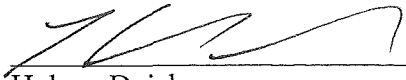
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.

APPROVED by the City Council of the City of San Diego on October 24, 2011.

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Project No 42891-Coastal Development Permit No. 714232
Site Development Permit No. 714233
Date of Approval: October 24, 2011

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
Transportation and Storm Water Department
Owner/Permittee**

By 

Kris McFadden
Deputy Director, Transportation and Storm Water Department

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

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of San Diego

On December 20, 2012 before me, Georgette Ocariza Manela, Notary Public

personally appeared Helene Deisher



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature:

[Handwritten signature of Georgette Ocariza Manela]

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Master Storm Water System Maintenance Program - PTS#: 42981

Document Date: Number of Pages:

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: Signer's Name:

Corporate Officer - Title(s): Corporate Officer - Title(s):

Individual Individual

Partner - Limited General Partner - Limited General

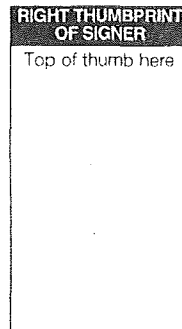
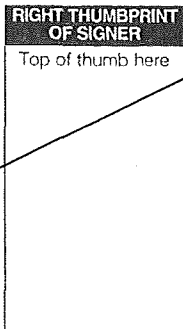
Attorney in Fact Attorney in Fact

Trustee Trustee

Guardian or Conservator Guardian or Conservator

Other: Other:

Signer Is Representing: Signer Is Representing:



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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of San Diego

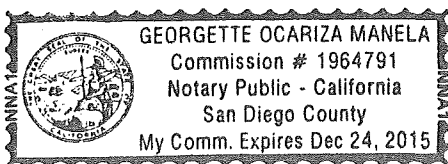
On December 20, 2012 before me, Georgette Ocariza Manela, Notary Public

Date

Here Insert Name and Title of the Officer

personally appeared Kris McFadden

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature:

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Master Storm Water System Maintenance Program - PTS#: 42981

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Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: Signer's Name:

Corporate Officer - Title(s): Corporate Officer - Title(s):

Individual Individual

Partner - Limited General Partner - Limited General

Attorney in Fact Attorney in Fact

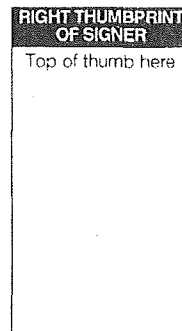
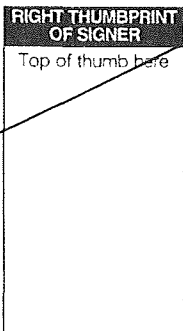
Trustee Trustee

Guardian or Conservator Guardian or Conservator

Other: Other:

Signer Is Representing:

Signer Is Representing:



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**MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE
STORM WATER SYSTEM MAINTENANCE PROGRAM EIR
SCH No. 2004101032; Project No. 42891**

Section 21081.6 of the State of California Public Resources Code requires a Lead or Responsible Agency that approves or carries out a project where an environmental impact report (EIR) has identified significant environmental effects to adopt a "reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects." The City of San Diego is the lead Agency for the Master Program PEIR, and, therefore, is responsible for implementation of the MMRP. Because the PEIR recommends measures to mitigate these impacts, an MMRP is required to ensure that adopted mitigation measures are implemented.

As Lead Agency for the proposed project under CEQA, the City of San Diego will administer the MMRP for the following environmental issue areas: biological resources, historical resources, land use policies, paleontological resources, and water quality.

GENERAL

General Mitigation 1: Prior to commencement of work, the ADD Environmental Designee of the Entitlements Division shall verify that mitigation measures for impacts to biological resources (Mitigation Measures 4.3.1 through 4.3.20), historical resources (Mitigation Measures 4.4.1 and 4.4.2), land use policy (Mitigation Measures 4.1.1 through 4.1.13), paleontological resources (Mitigation Measure 4.7.1), and water quality (Mitigation Measures 4.8.1 through 4.8.3) have been included in entirety on the submitted maintenance documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Pre-maintenance Meeting shall be noted on all maintenance documents.

General Mitigation 2: Prior to the commencement of work, a Pre-maintenance Meeting shall be conducted and include, as appropriate, the MMC, SWD Project Manager, Biological Monitor, Historical Monitor, Paleontological Monitor, Water Quality Specialist, and Maintenance Contractor, and other parties of interest.

General Mitigation 3: Prior to the commencement of work, evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

General Mitigation 4: Prior to commencement of work and pursuant to Section 1600 et seq. of the State of California Fish & Game Code, evidence of compliance with Section 1605 is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

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BIOLOGICAL RESOURCES

Potential impacts to biological resources would be reduced to below a level of significance through implementation of the following mitigation measures as well as Mitigation Measures 4.1-1 through 4.1-25.

Mitigation Measure 4.3.1: Prior to commencement of any activity within a specific annual maintenance program, a qualified biologist shall prepare an IBA for each area proposed to be maintained. The IBA shall be prepared in accordance with the specifications included in the Master Program.

Mitigation Measure 4.3.2: No maintenance activities within a proposed annual maintenance program shall be initiated before the City's Assistant Deputy Director (ADD) Environmental Designee and state and federal agencies with jurisdiction over maintenance activities have approved the IMPs and IBAs including proposed mitigation for each of the proposed activities. In their review, the ADD Environmental Designee and agencies shall confirm that the appropriate maintenance protocols have been incorporated into each IMP.

Mitigation Measure 4.3.3: No maintenance activities within a proposed annual maintenance program shall be initiated until the City's ADD Environmental Designee and Mitigation Monitoring Coordinator (MMC) have approved the qualifications for biologist(s) who shall be responsible for monitoring maintenance activities which may impact sensitive biological resources.

Mitigation Measure 4.3.4: Prior to undertaking any maintenance activity included in an annual maintenance program, a mitigation account shall be established to provide sufficient funds to implement all biological mitigation associated with the proposed maintenance activities. The fund amount shall be determined by the ADD Environmental Designee. The account shall be managed by the City's SWD, with quarterly status reports submitted to DSD. The status reports shall separately identify upland and wetland account activity. Based upon the impacts identified in the IBAs, money shall be deposited into the account, as part of the project submittal, to ensure available funds for mitigation.

Mitigation Measure 4.3.5: Prior to commencing any activity that could impact wetlands, evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

Mitigation Measure 4.3.6: Prior to commencing any activity where the IBA indicates significant impacts to biological resources may occur, a pre-maintenance meeting shall be held on site with the following in attendance: City's SWD Maintenance Manager (MM), MMC, and Maintenance Contractor (MC). The biologist selected to monitor the activities shall be present. At this meeting, the monitoring biologist shall identify and discuss the maintenance protocols that apply to the maintenance activities.

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At the pre-maintenance meeting, the monitoring biologist shall submit to the MMC and MC a copy of the maintenance plan (reduced to 11"x17") that identifies areas to be protected, fenced, and monitored. This data shall include all planned locations and design of noise attenuation walls or other devices. The monitoring biologist also shall submit a maintenance schedule to the MMC and MC indicating when and where monitoring is to begin and shall notify the MMC of the start date for monitoring.

Mitigation Measure 4.3.7: Within three months following the completion of mitigation monitoring, two copies of a written draft report summarizing the monitoring shall be prepared by the monitoring biologist and submitted to the MMC for approval. The draft monitoring report shall describe the results including any remedial measures that were required. Within 90 days of receiving comments from the MMC on the draft monitoring report, the biologist shall submit one copy of the final monitoring report to the MMC.

Mitigation Measure 4.3.8: Within six months of the end of an annual storm water facility maintenance program, the monitoring biologist shall complete an annual report which shall be distributed to the following agencies: the City of San Diego DSD, CDFG, RWQCB, USFWS, and Corps. At a minimum, the report shall contain the following information:

- Tabular summary of the biological resources impacted during maintenance and the mitigation;
- Master table containing the following information for each individual storm water facility or segment which is regularly maintained;
- Date and type of most recent maintenance;
- Description of mitigation which has occurred; and
- Description of the status of mitigation which has been implemented for past maintenance activities.

Mitigation Measure 4.3.9: Wetland impacts resulting from maintenance shall be mitigated in one of the following two ways: (1) habitat creation, restoration, and/or enhancement, or (2) mitigation credits. The amount of mitigation shall be in accordance with ratios in Table 4.3-10 unless different mitigation ratios are required by state or federal agencies with jurisdiction over the impacted wetlands. In this event, the mitigation ratios required by these agencies will supersede, and not be in addition to, the ratios defined in Table 4.3-10. No maintenance shall commence until the ADD Environmental Designee has determined that mitigation proposed for a specific maintenance activity meets one of these two options.

WETLAND TYPE	MITIGATION RATIO
Southern riparian forest	3:1
Southern sycamore riparian woodland	3:1
Riparian woodland	3:1
Coastal saltmarsh	4:1
Coastal brackish marsh	4:1
Southern willow scrub	2:1
Mule fat scrub	2:1
Riparian scrub ¹	2:1
Freshwater marsh ²	2:1
Cismontane alkali marsh	4:1
Disturbed wetland	2:1
Streambed/natural flood channel	2:1

¹ Mitigation ratio within the Coastal Zone will be 3:1

² Mitigation ratio within the Coastal Zone will be 4:1

Mitigation locations for wetland impacts shall be selected using the following order of preference, based on the best mitigation value to be achieved.

1. Within impacted watershed, within City limits.
2. Within impacted watershed, outside City limits on City-owned or other publicly-owned land.
3. Outside impacted watershed, within City limits.
4. Outside impacted watershed, outside City limits on City-owned or other publically-owned land.

In order to mitigate for impacts in an area outside the limits of the watershed within which the impacts occur, the SWD must demonstrate to the satisfaction of the ADD Environmental Designee in consultation with the Resource Agencies that no suitable location exists within the impacted watershed.

Mitigation Measure 4.3.10: Whenever maintenance will impact wetland vegetation, a wetland mitigation plan shall be prepared in accordance with the Conceptual Wetland Restoration Plan contained in Appendix H of the Biological Technical Report, included as Appendix D.3 of the PEIR.

Mitigation which involves habitat enhancement, restoration or creation shall include a wetland mitigation plan containing the following information:

- Conceptual planting plan including planting zones, grading, and irrigation;

- Seed mix/planting palette;
- Planting specifications;
- Monitoring program including success criteria; and
- Long-term maintenance and preservation plan.

Mitigation which involves habitat acquisition and preservation shall include the following:

- Location of proposed acquisition;
- Description of the biological resources to be acquired including support for the conclusion that the acquired habitat mitigates for the specific maintenance impact; and
- Documentation that the mitigation area would be adequately preserved and maintained in perpetuity.

Mitigation which involves the use of mitigation credits shall include the following:

- Location of the mitigation bank;
- Description of the credits to be acquired including support for the conclusion that the acquired habitat mitigates for the specific maintenance impact; and
- Documentation that the credits are associated with a mitigation bank which has been approved by the appropriate Resource Agencies.

Mitigation Measure 4.3.11: Upland impacts shall be mitigated through payment into the City's Habitat Acquisition Fund, acquisition and preservation of specific land, or purchase of mitigation credits in accordance with the ratios identified in Table 4.3-11. Upland mitigation shall be completed within six months of the date the related maintenance has been completed.

Vegetation Type	Tier	Location of Impact with Respect to the MHPA	
		Inside	Outside
Coast live oak woodland	I	2:1	1:1
Scrub oak chaparral	I	2:1	1:1
Southern foredunes	I	2:1	1:1
Beach	I	2:1	1:1
Diegan coastal sage scrub	II	1:1	1:1
Coastal sage-chaparral scrub	II	1:1	1:1
Broom baccharis scrub	II	1:1	1:1
Southern mixed chaparral	IIA	1:1	0.5:1
Non-native grassland	IIIB	1:1	0.5:1
Eucalyptus woodland	IV	--	--
Non-native vegetation/ornamental	IV	--	--
Disturbed habitat/ruderal	IV	--	--
Developed	IV	--	--

¹Assumes mitigation occurs within an MHPA

Mitigation Measure 4.3.12: Loss of habitat for the coastal California gnatcatcher shall be mitigated through the acquisition of suitable habitat or mitigation credits at a ratio of 1:1. Mitigation shall take place within the MHPA, and shall be accomplished within six months of the date maintenance is completed.

Mitigation Measure 4.3.13: Prior to commencing any maintenance activity which may impact sensitive biological resources, the monitoring biologist shall verify that the following actions have been taken, as appropriate:

- Fencing, flagging, signage, or other means to protect sensitive resources to remain after maintenance have been implemented;
- Noise attenuation measures needed to protect sensitive wildlife are in place and effective; and/or
- Nesting raptors have been identified and necessary maintenance setbacks have been established if maintenance is to occur between January 15 and August 31.

The designated biological monitor shall be present throughout the first full day of maintenance, whenever mandated by the associated IBA. Thereafter, through the duration of the maintenance activity, the monitoring biologist shall visit the site weekly to confirm that measures required to protect sensitive resources (e.g., flagging, fencing, noise barriers) continue to be effective. The monitoring biologist shall document monitoring events via a Consultant Site Visit Record. This record shall be sent to the MM each month. The MM will forward copies to MMC.

Mitigation Measure 4.3.14: Whenever off-site mitigation would result in a physical disturbance to the proposed mitigation area, the City will conduct an environmental review of the proposed mitigation plan in accordance with CEQA. If the off-site mitigation would have a significant impact on biological resources associated with the mitigation site, mitigation measures will be identified and implemented in accordance with the MMRP resulting from that CEQA analysis.

Mitigation Measure 4.3.15: Impacts to listed or endemic sensitive plant species shall be offset through implementation of one or a combination of the following actions:

- Impacted plants would be salvaged and relocated;
- Seeds from impacted plants would be collected for use at an off-site location;
- Off-site habitat that supports the species impacted shall be enhanced and/or supplemented with seed collected on site; and/or
- Comparable habitat at an off-site location shall be preserved.

Mitigation which involves relocation, enhancement or transplanting sensitive plants shall include the following:

- Conceptual planting plan including grading and, if appropriate, temporary irrigation;
- Planting specifications;
- Monitoring Program including success criteria; and
- Long-term maintenance and preservation plan.

Mitigation Measure 4.3.16: Maintenance activities shall not occur within the following areas:

- 300 feet from any nesting site of Cooper's hawk (*Accipiter cooperii*);
- 1,500 feet from known locations of the southern pond turtle (*Clemmys marmorata pallida*);
- 900 feet from any nesting sites of northern harriers (*Circus cyaneus*);
- 4,000 feet from any nesting sites of golden eagles (*Aquila chrysaetos*); or
- 300 feet from any occupied burrow or burrowing owls (*Athene cunicularia*).

Mitigation Measure 4.3.17: If evidence indicates the potential is high for a listed species to be present, based on historical records or site conditions, then clearing, grubbing, or grading (inside and outside the MHPA) shall be restricted during the breeding season where development may impact the following species:

- Light-footed clapper rail (between February 15 and August 15);
- Western snowy plover (between March 1 and September 15);
- Least tern (between April 1 and September 15);
- Cactus wren (between February 15 and August 15); or
- Tricolored black bird (between March 1 and August 1).

When other sensitive species, including, but not limited to, the arroyo toad, burrowing owl, or Quino checkerspot butterfly are known or suspected to be present all appropriate protocol surveys and mitigation measures shall be implemented.

Mitigation Measure 4.3.18: If a subject species is not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the ADD Environmental Designee and an applicable resource agency which demonstrates whether or not mitigation measures such as noise walls are necessary between the dates stated above for each species. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

Mitigation Measure 4.3.19: If the SWD chooses not to do the required surveys, then it shall be assumed that the appropriate avian species are present and all necessary protection and mitigation measures shall be required as described in Mitigation Measure 4.3.21

Mitigation Measure 4.3.20: If no surveys are completed and no sound attenuation devices are installed, it will be assumed that the habitat in question is occupied by the appropriate species and that maintenance activities would generate more than 60dB(A) L_{eq} within the habitat requiring protection. All such activities adjacent to the protected habitat shall cease for the duration of the breeding season of the appropriate species and a qualified biologist shall establish a limit of work.

Mitigation Measure 4.3.21: If maintenance occurs during the raptor breeding season (January 15 to August 31), a pre-maintenance survey for active raptor nests shall be conducted in areas supporting suitable habitat. If active raptor nests are found, maintenance shall not occur within 300 feet of a Cooper's hawk nest, 900 feet of a northern harrier's nest, or 500 feet of any other raptor's nest until any fledglings have left the nest.

Mitigation Measure 4.3.22: If removal of any eucalyptus trees or other trees used by raptors for nesting within a maintenance area is proposed during the raptor breeding season (January 15 through August 31), a qualified biologist shall ensure that no raptors are nesting in such trees. If maintenance occurs during the raptor breeding season, a pre-maintenance survey shall be conducted and no maintenance shall occur within 300 feet of any nesting site of Cooper's hawk or other nesting raptor until the young fledge. Should the biologist determine that raptors are nesting, the trees shall not be removed until after the breeding season. In addition, if removal of grassland or other habitat appropriate for nesting by northern harriers, a qualified biologist shall ensure that no harriers are nesting in such areas. If maintenance occurs during the raptor breeding season, a pre-maintenance survey shall be conducted and no maintenance shall occur

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within 900 feet of any nesting site of northern harrier until the young fledge.

Mitigation Measure 4.3.23: If maintenance activities would occur at known localities for listed fish species or within suitable habitat for other highly sensitive aquatic species (i.e., southwestern pond turtle), avoidance or minimization measures (i.e., exclusionary fencing, dewatering of the activity area, live-trapping, and translocation to suitable habitat) must be implemented.

Mitigation Measure 4.3.24: If maintenance activities will occur within areas supporting listed and/or narrow endemic plants, the boundaries of the plant populations designated sensitive by the resource agencies will be clearly delineated with flagging or temporary fencing that must remain in place for the duration of the activity.

Mitigation Measure 4.3.25: In order to avoid impacts to nesting avian species, including those species not covered by the MSCP, maintenance within or adjacent to avian nesting habitat shall occur outside of the avian breeding season (January 15 to August 31) unless postponing maintenance would result in a threat to human life or property.

HISTORICAL RESOURCES

Potential impacts to historical resources would be reduced to below a level of significance through implementation of the following mitigation measures.

Mitigation Measure 4.4.1: Prior to commencement of the first occurrence of maintenance activity within a drainage facility included in the Master Program, an archaeologist, meeting the qualifications specified by the City's HRG, shall determine the potential for significant historical resources to occur in the maintenance area. If the archaeologist determines that the potential is moderate to high, an IHA shall be prepared. Based on the IMP for the proposed maintenance activity, the archaeologist shall determine the APE, which shall include access, staging, and maintenance areas. The IHA shall include a field survey of the APE with a Native American monitor, using the standards of the City's HRG. In addition, the archaeologist shall request a record search from the SCIC. Based on the results of the field survey and record search, the archaeologist shall conduct an archaeological testing program for any identified historical resources, using the standards of the City's HRG. If significant historical resources are identified, they shall be taken to the Historical Resources Board for designation as Historic Sites. Avoidance or implementation of an Archaeological Data Recovery Program (ADRP) and Archaeological Monitoring Program shall be required to mitigate project impacts to significant historical resources. The archaeologist shall prepare a report in accordance with City guidelines. At a minimum, the IHA report shall include:

- Description of maintenance to be performed, including length, width, and depth;
- Prehistory and History Background Discussion;
- Results of Record Search;
- Survey Methods;

- Archaeological Testing Methods;
- Impact Analysis; and
- Mitigation Recommendations, including avoidance or implementation of an ADRP and archaeological monitoring program.

In the event that the IHA indicates that no significant historical resources occur within the APE, or have the potential to occur within the APE, no further action shall be required.

Mitigation Measure 4.4.2: Prior to initiating any maintenance activity where the IHA identifies existing significant historical resources within the APE, the following actions shall be taken.

4.4.2.1 The Storm Water Department shall select a Principal Investigator (PI), who shall be approved by the ADD Environmental Designee. The PI must meet the requirements of the City's HRG.

4.4.2.2 Mitigation recommendations from the IHA shall be incorporated into the IMP to the satisfaction of the PI and the ADD Environmental Designee. Typical mitigation measures shall include but not be limited to: delineating resource boundaries on maintenance plans; implementing protective measures such as fencing, signage or capping; and selective monitoring during maintenance activities.

4.4.2.3 If impacts to significant historical resources cannot be avoided, the PI shall prepare an Archaeological Research Design and Data Recovery Program (ARDDRP) for the affected resources, with input from a Native American consultant, and the ARDDRP shall be approved by the ADD Environmental Designee. Based on the approved research design, a phased excavation program shall be conducted, which will include the participation of a Native American. The sample size to be excavated shall be determined by the PI, in consultation with City staff. The sample size shall vary with the nature and size of the archaeological site, but need not exceed 15 percent of the overall resource area. The area involved in the ARDDRP shall be surveyed, staked and flagged by the archaeological monitor, prior to commencing maintenance activities which could affect the identified resources.

4.4.2.4 A pre-maintenance meeting shall be held on-site prior to commencing any maintenance that may impact a significant historical resource. The meeting shall include representatives from the PI, the Native American consultant, Storm Water Department, Mitigation Monitoring Coordinator (MMC), Resident Engineer (RE), and Maintenance Contractor (MC). The PI shall explain mitigation measures which must be implemented during maintenance. The PI shall also confirm that all protective measures (e.g. fencing, signage or capping) are in place.

4.4.2.5 If human remains are discovered in the course of conducting the ARDDRP, work shall be halted in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) will be taken:

- The PI shall notify the RE, and the MMC. The MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
- The PI shall notify the Medical Examiner, after consultation with the RE, either in person or via telephone.
- Work will be redirected away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner, in consultation with the PI, concerning the provenience of the remains.
- The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
- If a field examination is not warranted, the Medical Examiner shall determine, with input from the PI, if the remains are or are most likely to be of Native American origin.
- If Human Remains are determined to be Native American, the Medical Examiner shall notify the Native American Heritage Commission (NAHC). The NAHC shall contact the PI within 24 hours after the Medical Examiner has completed coordination. The NAHC will identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information. The PI will coordinate with the MLD for additional coordination. If (1) the NAHC is unable to identify the MLD, or the MLD fails to make a recommendation within 24 hours after being notified by the Commission; or (2) the landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, then the landowner or their authorized representative shall re-enter the human remains and all associated grave goods with appropriate dignity, on the property in a location not subject to subsurface disturbance. Information on this process will be provided to the NAHC.
- If Human Remains are not Native American, the PI shall contact the Medical Examiner and notify them of the historic era context of the burial. The Medical Examiner shall determine the appropriate course of action with the PI and City staff (PRC 5097.98). If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for reinterment of the human remains shall be made in consultation with MMC, EAS, the landowner, and the Museum.

4.4.2.6 The PI shall be responsible for ensuring: (1) that all cultural materials collected are cleaned, catalogued and permanently curated with an appropriate institution; (2) that a letter of acceptance from the curation institution has been submitted to MMC; (3) that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; (4) that faunal material is identified as to species; and (5) that specialty studies are completed, as appropriate. Curation of artifacts associated with the survey, testing and/or data recovery for

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this project shall be completed in consultation with LDR and the Native American representative, as applicable.

4.4.2.7 The Archaeologist shall be responsible for updating the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B associated with the ARDDRP in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the SCIC with the Final Results Report.

4.4.2.8 The PI shall prepare a Draft Results Report (even if negative) that describes the results, analysis and conclusions of the ARDDRP (with appropriate graphics). The MMC shall return the Draft Results Report to the PI for revision or for preparation of the Final Report. The PI shall submit the revised Draft Results Report to MMC for approval. The MMC shall provide written verification to the PI of the approved report. The MMC shall notify the RE of receipt of all Draft Result Report submittals and approvals. The MMC shall notify the RE of receipt of the Final Results Report.

Mitigation Measure 4.4.3: Prior to initiating any maintenance activity where the IHA identifies a moderate to high potential for the occurrence of significant historical resources within the APE, the following actions shall be taken:

4.4.3.1 Prior to Permit Issuance or Bid Opening/Bid Award

- A. Entitlements Plan Check
 - 1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable maintenance documents through the plan check process.
- B. Letters of Qualification have been submitted to ADD
 - 1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
 - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
 - 3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

4.4.3.2 Prior to Start of Maintenance

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Pre-maintenance Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Pre-maintenance Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Maintenance Manager (MM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Pre-maintenance Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Maintenance Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Pre-maintenance Meeting, the Applicant shall schedule a focused Pre-maintenance Meeting with MMC, the PI, RE, MM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.
3. Identify Areas to be Monitored
Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate maintenance documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).
MMC shall notify the PI that the AME has been approved.
4. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a maintenance schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during maintenance requesting a modification to the monitoring program. This

request shall be based on relevant information such as review of final maintenance documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

5. Approval of AME and Maintenance Schedule

After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Maintenance Schedule from the MM.

4.4.3.3 During Maintenance

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Maintenance Manager is responsible for notifying the RE, PI, and MMC of changes to any maintenance activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Sections 4.4.3.3.B-C and 4.4.3.4-A-D shall commence.
3. The PI may submit a detailed letter to MMC during maintenance requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the MM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section 4.4.3.4 below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, MM and RE. ADRP and any mitigation must be approved by MMC, RE and/or MM before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA Section 15064.5, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
 - (1).Note: For pipeline trenching and other linear projects in the public Right-of-Way, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
 - (1).Note: For Pipeline Trenching and other linear projects in the public Right-of-Way, if the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
 - (2).Note, for Pipeline Trenching and other linear projects in the public Right-of-Way, if significance cannot be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources - Pipeline Trenching and other Linear Projects in the Public Right-of-Way

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities or for other linear project types within the Public Right-of-Way including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.

- b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section 4.4.3.6-A.
- c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
- d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

4.4.3.4 Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in

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accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.

4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission, OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN
 - c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement; or
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 4.4.3.5.c., above.
- D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

4.4.3.5 Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Pre-maintenance meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
 In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.

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- b. Discoveries
 - All discoveries shall be processed and documented using the existing procedures detailed in Sections 4.4.3.3 - During Maintenance, and 4.4.3.4 – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
 - If the PI determines that a potentially significant discovery has been made, the procedures detailed under Sections 4.4.3.3 During Maintenance and 4.4.3.4- Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact the RE and MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section 4.4.3.3-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of maintenance
- 1. The Maintenance Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

4.4.3.6 Post Maintenance

- A. Submittal of Draft Monitoring Report
- 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe as a result of delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
 - The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
 - 2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.

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3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section 4.4.3.4 – Discovery of Human Remains, Subsection C.
 3. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 4. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
 5. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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LAND USE

Potential impacts to land use policies in the City's General Plan would be reduced to below a level of significance through implementation of the following mitigation measures.

Mitigation Measure 4.1.1: Prior to commencing maintenance on any storm water facility within, or immediately adjacent to, a Multi-Habitat Planning Area (MHPA), the ADD Environmental Designee shall verify that all MHPA boundaries and limits of work have been delineated on all maintenance documents.

Mitigation Measure 4.1.2: A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) recovery permit) shall survey those habitat areas inside and outside the MHPA suspected to serve as habitat (based on historical records or site conditions) for the coastal California gnatcatcher, least Bell's vireo and/or other listed species. Surveys for the appropriate species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service. When other sensitive species, including, but not limited to, the arroyo toad, burrowing owl, or Quino checkerspot butterfly are known or suspected to be present all appropriate protocol surveys and mitigation measures identified in Subchapter 4.3, Biological Resources, required shall be implemented.

Mitigation Measure 4.1.3: If a listed species is located within 500 feet of a proposed maintenance activity and maintenance would occur during the associated breeding season, an analysis of the noise generated by maintenance activities shall be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ADD Environmental Designee. The analysis shall identify the location of the 60 dB(A) L_{eq} noise contour on the maintenance plan. The report shall also identify measures to be undertaken during maintenance to reduce noise levels.

Mitigation Measure 4.1.4: Based on the location of the 60 dB(A) L_{eq} noise contour and the results of the protocol surveys, the Project Biologist shall determine if maintenance has the potential to impact breeding activities of listed species. If one or more of the following species are determined to be significantly impacted by maintenance, then maintenance (inside and outside the MHPA) shall avoid the following breeding seasons unless it is determined that maintenance is needed to protect life or property.

- Coastal California gnatcatcher (between March 1 and August 15 inside the MHPA only; no restrictions outside MHPA);
- Least Bell's vireo (between March 15 and September 15); and
- Southwestern willow flycatcher (between May 1 and September 1).

Mitigation Measure 4.1.5: If maintenance is required during the breeding season for a listed bird to protect life or property, then the following conditions must be met:

- At least two weeks prior to the commencement of maintenance activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from maintenance activities shall not exceed 60 dB(A) hourly average at the edge of occupied habitat. Concurrent with the commencement of maintenance activities and the maintenance of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated maintenance activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season of the subject species, as noted above.
- Maintenance noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the maintenance activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ADD, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of maintenance equipment and the simultaneous use of equipment.
- Prior to the commencement of maintenance activities that would disturb sensitive resources during the breeding season, the biologist shall ensure that all fencing, staking and flagging identified as necessary on the ground have been installed properly in the areas restricted from such activities.
- If noise attenuation walls or other devices are required to assure protection to identified wildlife, then the biologist shall make sure such devices have been properly constructed, located and installed.

Mitigation Measure 4.1.6: A pre-maintenance meeting shall be held with the Maintenance Contractor, City representative and the Project Biologist. The Project Biologist shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor. Prior to the pre-maintenance meeting, the following shall be completed:

- The Storm Water Division (SWD) shall provide a letter of verification to the Mitigation Monitoring Coordination Section stating that a qualified biologist, as defined in the City of San Diego Biological Resources Guidelines, has been retained to implement the projects MSCP monitoring Program. The letter shall include the names and contact information of all persons involved in the Biological Monitoring of the project. At least thirty days prior to the pre-maintenance meeting, the qualified biologist shall submit all required documentation to MMC, verifying that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, MSCP requirements, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.

- The limits of work shall be clearly delineated. The limits of work, as shown on the approved maintenance plan, shall be defined with orange maintenance fencing and checked by the biological monitor before initiation of maintenance. All native plants or species of special concern, as identified in the biological assessment, shall be staked, flagged and avoided within Brush Management Zone 2, if applicable.

Mitigation Measure 4.1.7: Maintenance plans shall be designed to accomplish the following.

- Invasive non-native plant species shall not be introduced into areas adjacent to the MHPA. Landscape plans shall contain non-invasive native species adjacent to sensitive biological areas, as shown on the approved maintenance plan.
- All lighting adjacent to, or within, the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from sensitive areas using appropriate placement and shields. If lighting is required for nighttime maintenance, it shall be directed away from the preserve and the tops of adjacent trees with potentially nesting raptors, using appropriate placement and shielding.
- All maintenance activities (including staging areas and/or storage areas) shall be restricted to the disturbance areas shown on the approved maintenance plan. The project biologist shall monitor maintenance activities, as needed, to ensure that maintenance activities do not encroach into biologically sensitive areas beyond the limits of work as shown on the approved maintenance plan.
- No trash, oil, parking or other maintenance-related activities shall be allowed outside the established maintenance areas including staging areas and/or storage areas, as shown on the approved maintenance plan. All maintenance related debris shall be removed off-site to an approved disposal facility.
- Access roads through MHPA-designated areas shall comply with the applicable policies contained in the "Roads and Utilities Construction and Maintenance Policies" identified in Section 1.4.2 of the City's Subarea Plan.

Mitigation Measure 4.1.8: Prior to commencing any maintenance in, or within 500 feet of any area determined to support coastal California gnatcatchers, the ADD Environmental Designee shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the maintenance plans:

NO MAINTENANCE ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ADD ENVIRONMENTAL DESIGNEE:

- a. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD

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BE SUBJECT TO MAINTENANCE NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY MAINTENANCE. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

1. BETWEEN MARCH 1 AND AUGUST 15, MAINTENANCE OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
2. BETWEEN MARCH 1 AND AUGUST 15, NO MAINTENANCE ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE MAINTENANCE ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY MAINTENANCE ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF MAINTENANCE ACTIVITIES. PRIOR TO THE COMMENCEMENT OF MAINTENANCE ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR
3. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF MAINTENANCE ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM MAINTENANCE ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF MAINTENANCE ACTIVITIES AND THE MAINTENANCE OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE

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ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED MAINTENANCE ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

* Maintenance noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the maintenance activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ADD environmental designee, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of maintenance equipment and the simultaneous use of equipment.

b. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:

1. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
2. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

PALEONTOLOGICAL RESOURCES

Potential impacts to paleontological resources would be reduced to below a level of significance through implementation of the following mitigation measures.

Mitigation Measure 4.7.1: Prior to initiating any maintenance activity where significant paleontological resources may occur within the APE, the following actions shall be taken.

4.7.1.1 Prior to Permit Issuance or Bid Opening/Bid Award

- A. Entitlements Plan Check
 - 1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate maintenance documents.

- B. Letters of Qualification have been submitted to ADD
 - 1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
 - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
 - 3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

4.7.1.2 Prior to Start of Maintenance

- A. Verification of Records Search
 - 1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

- B. PI Shall Attend Pre-maintenance Meetings
 - 1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Pre-maintenance Meeting that shall include the PI, Maintenance Manager (MM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Pre-maintenance Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Maintenance Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Pre-maintenance Meeting, the Applicant shall schedule a focused Pre-maintenance Meeting with MMC, the PI, RE, MM or BI, if appropriate, prior to the start of any work that requires monitoring.
 - 2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
 The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the paleontological monitoring program.
 - 3. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate

- maintenance documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits. Monitoring shall begin at depths below 10 feet from existing grade or as determined by the PI in consultation with MMC. The determination shall be based on site specific records search data which supports monitoring at depths less than ten feet.
- b. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
 - c. MMC shall notify the PI that the PME has been approved.
4. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a maintenance schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during maintenance requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final maintenance documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.
 5. Approval of PME and Maintenance Schedule

After approval of the PME by MMC, the PI shall submit to MMC written authorization of the PME and Maintenance Schedule from the MM.

4.7.1.3 During Maintenance

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 1. The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the PME that could result in impacts to formations with high and/or moderate resource sensitivity. **The Maintenance Manager is responsible for notifying the RE, PI, and MMC of changes to any maintenance activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
 2. The PI may submit a detailed letter to MMC during maintenance requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
 3. The monitor shall document field activity via the Consultant Site Visit Record (CSVr). The CSVr's shall be faxed by the MM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
 1. In the event of a discovery, the Paleontological Monitor shall direct the contractor

to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval of the program from MMC, MC and/or RE. PRP and any mitigation must be approved by MMC, RE and/or MM before ground disturbing activities in the area of discovery will be allowed to resume.
 - (1). Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.
 - (1). Note: For Pipeline Trenching Projects Only. If the fossil discovery is limited in size, both in length and depth; the information value is limited and there are no unique fossil features associated with the discovery area, then the discovery should be considered not significant.
 - (2). Note, for Pipeline Trenching Projects Only: If significance cannot be determined, the Final Monitoring Report and Site Record shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources - Pipeline Trenching Projects

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance.

1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the fossil resources within the trench alignment and width shall be documented in-situ photographically, drawn in plan view

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(trench and profiles of side walls), recovered from the trench and photographed after cleaning, then analyzed and curated consistent with Society of Invertebrate Paleontology Standards. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact and so documented.

- b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section 4.7.1.1-A.
- c. The PI shall be responsible for recording (on the appropriate forms for the San Diego Natural History Museum) the resource(s) encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines. The forms shall be submitted to the San Diego Natural History Museum and included in the Final Monitoring Report.
- d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

4.7.1.4 Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Pre-maintenance meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via the RE via fax by 8AM on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Section 4.7.1.3 - During Maintenance.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section 4.7.1.3 - During Maintenance shall be followed.
 - d. The PI shall immediately contact the RE and MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section 4.7.1.3-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of maintenance
 1. The Maintenance Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

4.7.1.5 Post Maintenance

- A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
 2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
- C. Curation of artifacts: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall submit the Deed of Gift and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 3. The RE or BI, as appropriate shall obtain signature on the Deed of Gift and shall return to PI with copy submitted to MMC.
 4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC of the approved report.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

WATER QUALITY

Potential impacts to water quality would be reduced to below a level of significance through implementation of the following mitigation measures.

Mitigation Measure 4.8.1: Prior to commencement of any activity within a specific annual maintenance program, a qualified water quality specialist shall prepare an IWQA for each area proposed to be maintained. The IWQA shall be prepared in accordance with the specifications included in the Master Program. If the IWQA indicates that maintenance would impact a water pollutant where the existing level for that pollutant exceeds or is within 25 percent of the standard established by the San Diego Basin Plan, mitigation measures identified in Table 4.8-8 shall be incorporated into the IMP to reduce the impact to within the established standard for that pollutant.

Mitigation Measure	Pollutant Type						
	Bacteria	Metals	Nutrients	Pesticides	Sediment	TDS/ Chloride Sulfates	Trash
Remove kelp on beaches					●	●	
Sweep streets	●	●	●	●	●	●	●
Retrofit residential landscaping to reduce runoff	●	●	●		●		
Install artificial turf	●	●	●	●	●		●
Install inlet devices on storm drains		●	●		●		
Replace impermeable surfaces with permeable surfaces		●	●		●		●
Install modular storm water filtration systems		●	●	●	●	●	●
Install storm water retention basins		●	●	●	●	●	●
Install catch basin media filters		●	●		●	●	●
Create vegetated swales	●	●	●	●	●	●	●
Restore wetlands	●	●	●	●	●	●	●
Install check dams		●			●		●

Mitigation Measure 4.8.2: No maintenance activities within a proposed annual maintenance program shall be initiated before the City's ADD Environmental Designee and state and federal agencies with jurisdiction over maintenance activities have approved the IMPs and IWQAs including proposed mitigation and BMPs for each of the proposed activities. In their review, the ADD Environmental Designee and agencies shall also confirm that the appropriate maintenance protocols have been incorporated into each IMP.

Mitigation Measure 4.8.3: Prior to commencing any activity where the IWQA indicates significant water quality impacts may occur, a pre-maintenance meeting shall be held on site with following in attendance: City's SWD, MM, MMC, and MC. A qualified water quality specialist shall also be present. At this meeting, the water quality specialist shall identify and discuss mitigation measures, protocols and BMPs identified in the IWQA that must be carried out during maintenance. After the meeting, the water quality specialist shall provide DSD with a letter indicating that the applicable mitigation measures, protocols and BMPs identified in the IWQA have been appropriately implemented.

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Final Recirculated Master Storm Water System Maintenance Program EIR

SCH No. 2004101032; Project No. 42891

Mitigation Monitoring and Reporting Program

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ORIGINAL

RESOLUTION NUMBER R- 907068
DATE OF FINAL PASSAGE OCT 24 2011

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RESOLUTION DENYING THE APPEAL AND MODIFYING
THE PLANNING COMMISSION'S DECISION BY
APPROVING MODIFIED COASTAL DEVELOPMENT
PERMIT NO. 714232 AND MODIFIED SITE DEVELOPMENT
PERMIT NO. 714233 FOR THE MASTER STORM WATER
SYSTEM MAINTENANCE PROGRAM PROJECT NO. 42891

WHEREAS, the City of San Diego Transportation and Storm Water Department (T&SWD), Owner/Permittee, filed an application with the City of San Diego for a permit to clean and maintain existing storm water facilities as described in and by reference to the approved Exhibit "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 714232 and Site Development Permit No. 714233; and

WHEREAS, the project site is defined as located within the City's 342.4 square mile metropolitan area and within portions of the Coastal Overlay, Open Space, Agricultural, Residential, Commercial and Industrial zones and the Clairemont Mesa, College Area, Encanto Neighborhood, Linda Vista, Mid-City Communities, Mira Mesa, Mission Valley, Navajo, Otay River Valley, and Torrey Pines Community Planning areas as described in the original Master Storm Water System Maintenance Program (Master Program) (March 2010); and

WHEREAS, on May 13, 2010, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 714232 and Site Development Permit No. 714233 and pursuant to Resolution No. 4586-PC voted to approve the Project; and

WHEREAS, an appeal of the Planning Commission's decision was submitted jointly by San Diego Coastkeeper, Coastal Environmental Rights Foundation, San Diego Audubon Society,

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Friends of Rose Canyon, San Diego Chapter of the Sierra Club, San Diego Canyonlands, and the California Native Plant Society; and

WHEREAS, in response to comments from and meetings with appellants during the public review period for the original PEIR and following the appeal of the Planning Commission decision, the T&SWD incorporated a number of modifications to the original Master Program as was approved by the Planning Commission, which the T&SWD considers a good faith effort to respond to appellants' concerns and recommends that the City Council approve as modified; and

WHEREAS, the modifications included, among other things: (1) reducing the number of storm water facilities included in the Master Program by removing many of the storm facilities within open space, the number of miles was reduced from 50 to 32 miles and 113 rather than 160 facilities; (2) adding measures to further reduce impacts to biology and water quality; (3) identifying specific areas to be used for staging, stockpiling and storage for each facility to be maintained; (4) estimating biological impacts based on disturbance generally being limited to the the channel bottom plus two feet on either side rather than the full channel, as assumed in the original PEIR; (5) clarifying the Master Program objectives; (6) providing increased opportunities for public input through pro-active notification and presentations of City Council and Community Planning Chair committee meetings; adopting the City's Substantial Conformance Review process rather than the originally proposed Consistency Determination process; and (7) refining Master Program protocols to improve specificity and enforceability; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter required the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the

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decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on October 24, 2011, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego that it modifies the Planning Commission decision and adopts the following modified findings with respect to Coastal Development Permit No. 714232 and Site Development Permit No. 714233:

A. SITE DEVELOPMENT PERMIT

1. Findings for all Site Development Permits:

a. **The proposed development will not adversely affect the applicable land use plan.** The 32 miles of storm water facilities to be maintained by T&SWD are designed to convey storm water flows in order to protect the life and safety of its citizens and to control flooding. These facilities also convey urban runoff from development, protect water quality, and support natural resources. The long-term performance of storm water facilities is dependent upon ongoing and proper maintenance. To maintain the effectiveness of storm water facilities, the T&SWD has prepared the Master Program. The purpose of the Master Program is to permit and implement a comprehensive, annual approach to the maintenance of existing storm water facilities.

The Master Program maintenance activities are subject to the City's General Plan (March 2008), the Clairemont Mesa, College Area, Encanto Neighborhoods, Linda Vista, Mid-City Communities, Mira Mesa, Mission Valley, Navajo, Otay Mesa-Nestor, Pacific Beach, Peninsula, Skyline-Paradise Hills, Southeastern San Diego, Tijuana River Valley, and Torrey Pines Community Plans. The applicable environmental goals, objectives and guidelines identified in the General Plan and the applicable community plans can be generally characterized as follows: (1) maintain natural drainages; (2) minimize disturbance to natural habitat and the wildlife it supports; (3) protect water quality; and (4) create and maintain recreation opportunities associated with natural drainages. In order to assess the relationship of storm water maintenance to the environmental goals, objectives and guidelines, the following discussion is based on these four over-arching goals and objectives.

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Maintain Natural Drainages

Maintenance activities would not alter the configuration of the natural drainage courses included in the Master Program. While the Master Program does provide for removal of accumulated sediment and overgrown vegetation that interfere with conveyance of floodwater, it would not allow any physical modifications of the underlying drainage. Furthermore, the removal of riparian vegetation would not significantly impact the character of the natural drainages. In general, mature trees spaced at least 50 feet apart would be allowed to remain in place during maintenance. Given the fact that typical riparian tree canopy widths have a radius of 10-20 feet, this would allow the appearance of a continuous tree canopy following maintenance which would retain the visual character of these drainages. The dominant understory vegetation would be expected to re-establish within six to 12 months of maintenance. Thus, the affect of removing this understory vegetation would be temporary in nature, and would not adversely affect the implementation of this land use policy.

Minimize Disturbance To Natural Habitat And The Wildlife It Supports

Maintenance activities would disturb wetland vegetation found within the storm water facilities and the wildlife it supports. Due to the impedance to flood water associated with wetland habitat, achieving the primary goal of the Master Program to control flooding, maintenance is expected to remove portions of wetland vegetation located within storm water facilities included in the Master Program. However, protocols in the Master Program, combined with biological mitigation required by Recirculated Program Environmental Impact Report (PEIR) No. 42891/SCH No. 200401032 and the Mitigation Monitoring and Reporting Program, would minimize impacts to natural habitat and wildlife in several ways.

First, individual hydrologic and hydraulic assessments (IHHA's) would be completed prior to maintenance to identify the minimum amount of vegetation that needs to be removed and still result in effective storm water conveyance. In most cases, it is anticipated that removal of vegetation on the banks of storm water facilities would not be necessary to effectively convey flood water. As indicated earlier, trees spaced a minimum of 50 feet apart on the bottom of storm water facilities would remain after maintenance. The retention of mature trees and the ability of understory vegetation to naturally re-establish within a short period of time will help achieve the goal of minimizing impacts to natural habitat and wildlife. Lastly, impacts to wetland habitat would be mitigated by enhancing, restoring or creating new wetland habitat. Whenever feasible, this mitigation would occur within the same watershed as the impact. This mitigation would further minimize the net impact of maintenance on natural habitat and associated wildlife. Thus, the proposed Master Program would achieve the goal of minimizing disturbance to natural habitat.

Protect Water Quality

Maintenance of storm water facilities could adversely affect water quality by reducing the ability of sediment and vegetation within those facilities to remove and retain urban pollutants from surface water. The removal of sediment and/or vegetation in the course of maintenance would diminish the pollutant removal function of these components until they naturally re-

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establish between maintenance events. On the other hand, maintenance can improve water quality by eliminating the pollutants that have accumulated in a channel. Removal of the pollutants retained in sediment and plants would avoid the potential for them to be transported downstream during high runoff flows. Maintenance would also improve water quality by removing illegally dumped materials such as trash, appliances, furniture, shopping carts, and tires. The Master Program requires BMPs and an analysis of net benefits or impacts to water quality that may result from maintenance activity. If adverse impacts are found, mitigation will be required in accordance with the Recirculated Program Environmental Impact Report (PEIR) No. 42891/SCH No. 200401032 and adopted Mitigation Monitoring and Reporting Program. Therefore, the Master Program would not adversely affect the planning goals and objectives to protect water quality.

Create and Maintain Recreation Opportunities Associated with Natural Drainages

The Master Program would not interfere with the scenic, natural or cultural resources within resource-based parks. Drainages within resource-based parks are not bordered by development which requires flood control. Thus, these areas are not included in the Master Program. The Master Program would not alter the natural landforms and would not result in the loss of open space. The configuration and continuity of the drainage system would be unchanged by maintenance activities. No filling or reconfiguration of the storm water facilities would occur as part of the Master Program. Thus, the Master Program would comply with the goal of maintaining natural drainage systems.

b. **The proposed development will not be detrimental to the public health, safety, and welfare.** The purpose of the Master Program is to assure that the storm water facilities managed by T&SWD minimize the risk of flooding on adjacent property. The Master Program describes the maintenance technique to be employed as well as the protocols to be followed to minimize the impacts to environmental resources. The primary objectives of the Master Program are:

- Fulfill the mandate of Section 26.1 of the San Diego City Charter to provide essential public works and public health services by maintaining the storm water conveyance system for the purpose of reducing flood risk;
- Develop a comprehensive program that will govern the future maintenance of the City's storm water system in an efficient, economic, environmentally and aesthetically acceptable manner for the protection of property and life in accordance with Council Policy 800-04;
- Ensure implementation of Best Management Practices (BMPs) and maintenance protocols during maintenance activities to avoid and/or minimize effects to environmental resources, and incorporate the analysis of the operational and pollution prevention benefits of each proposed project; and
- Create an integrated comprehensive review process for annual maintenance activities that will facilitate authorizations from local, state and federal regulatory agencies.

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Maintenance of concrete-lined and earthen channels, storm drain outlets/inlets, and detention basins may include the removal of vegetation (cover), sedimentation, and trash/debris that attract vagrants, high concentrations of pollutants, and other vector-controlled insects/mammals such as mosquitoes and rats. On an annual basis, the T&SWD receives numerous documented telephone calls and several damage claims against the City from property owners and businesses adjacent to unmaintained channels that are directly affected by associated storm event flooding, vectors, odors, and vagrancy nuisances.

Implementation of the Master Program will protect and promote the public's health, safety, and welfare by providing the means to eliminate detrimental health and safety concerns that result from improperly maintained storm water facilities.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The Master Program is subject to the Environmentally Sensitive Lands (ESL) regulations, Section 143.0101 et seq. of the Land Development Code (LDC) because maintenance would occur within sensitive biological and historical resources, wetlands and floodplains. The Master Program is requesting deviations to the Land Development Code (LDC) to impact sensitive biological and historical resources and to not maintain a 100-foot buffer around all wetlands.

For projects occurring within the Coastal Overlay Zone impacts are allowed for incidental public service projects, such as maintenance of storm water facilities. As an incidental public service project, the maintenance activities proposed complies with the City's Biology Guidelines where unavoidable impacts include those necessary to allow reasonable use of a parcel entirely constrained by wetlands; roads where the only access to the developable portion of the site results in impacts to wetlands, and essential public facilities where no feasible alternative exists. Furthermore, within the Coastal Overlay Zone impacts to wetlands shall be limited to only those uses identified in Section 143.0130(d) for the ESL which is limited to aquaculture, nature study project or similar resource dependent uses, wetland restoration and incidental public service projects. The ESL regulations for development occurring within the Coastal Overlay Zone also require that a 100-foot buffer be maintained around all wetlands, as appropriate, to protect the functions and values of the wetlands. This project will comply with all applicable regulations of the Land Development Code with the approval of a deviation to enter within the 100-foot wetland buffer to perform maintenance.

2. Supplemental Findings--Environmentally Sensitive Lands

a. The site is physically suitable for the design and sitting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. Implementation of the Master Plan will ensure that the design and sitting of future storm water maintenance activities will minimize, to the extent possible, disturbance to environmentally sensitive lands. On an annual basis, the T&SWD will identify specific maintenance activities to be undertaken the next fiscal year. A detailed hydrology and hydraulic study will be conducted for each storm water facility to determine the minimum amount of vegetation and sediment removal needed to achieve the desired flood conveyance capacity. Once this is determined, an Individual Maintenance Plan (IMP) would be prepared to

define the limits, approach to maintenance and appropriate protocols to control impacts of the maintenance on biological resources and water quality. Based on the IMP, biology, historic, and noise studies would be conducted to determine what, if any, mitigation would be required by the Mitigation Monitoring and Reporting Program to offset impacts associated with the proposed maintenance. 12244

These activities would then be subject to a Substantial Conformance Review (SCR) process to assure that the applicable Master Plan protocols and MMRP mitigation measures are incorporated into each individual maintenance activity. The "SCR Package" would include an Individual Maintenance Plan (IMP); Individual Biological Assessment (IBA); Individual Historical Assessment (IHA); Individual Hydrologic and Hydraulic Assessment (IHHA); and an Individual Noise Assessment (INA). An SCR package would be prepared for each storm water facility prior to maintenance to evaluate the current capacity and the condition and extent of sensitive resources within the facility, and maintenance activity details such as method(s) and equipment to be used, maintenance requirements, and schedule. The SCR Package would be evaluated by designated City departments as well as state and federal agencies to confirm that the proposed maintenance activities would be consistent with the Master Program and that environmental impacts would be mitigated pursuant to the MMRP.

b. 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 proposed Master Program only allows maintenance of storm water facilities. It does not allow for expansion or modification of the underlying drainages. Therefore, the proposed maintenance activities will not alter the natural landform or geology. The Master Program also establishes a series of protocols to be carried out during maintenance activities to minimize impacts related to soil and erosion. Therefore, the maintenance activities will not result in undue geologic or erosional forces.

Implementation of the Master Program would also reduce flood hazards within the affected areas by removing sedimentation often carrying pollutants that have either dropped within the channel bottoms from surface run-off and/or wetland vegetation which interferes with the efficient conveyance of storm. Furthermore, removal of vegetation, under the Master Program, may also prevent fire hazards to residents and businesses adjacent to channels that could be prone to fire hazards because of the fire load (vegetation).

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. Maintenance activities will take place within storm water facilities which have been maintained in the past. The Master Plan specifically excludes any expansion or modifications to the storm water facilities beyond their original configuration. With respect to biologically sensitive lands, the Master Program includes a series of protocols specifically designed to minimize the impact of maintenance on environmentally sensitive lands within as well as adjacent to maintenance activities. A series of water quality protocols are included in the Master Program to ensure that areas downstream of maintenance activities do not experience increased sedimentation or diminished water quality. Biology protocols will require that sensitive biological areas adjacent to maintenance areas be protected during maintenance. IHHAs are required by the Master Plan to identify the minimum

amount of environmentally sensitive vegetation which must be removed to increase the capacity of storm water facilities to convey storm water.

Although significant historic resources are not expected to be encountered during maintenance, the MMRP requires monitoring whenever the PEIR identifies a moderate to high potential for buried historic resources to occur within proposed maintenance areas. This monitoring will assure that any significant resources present within or adjacent to maintenance will be detected and mitigation carried out to retain valuable information associated with historic resources.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The PEIR's analysis of the consistency of the Master Program with the MSCP Subarea Plan (Table 4.1-3) concluded that maintenance would be consistent with the various general planning policies as well as adjacency guidelines. With respect to general MSCP policies, it is concluded that the maintenance activities would be consistent for the following reasons:

- The natural configuration of the storm water facilities would not be modified other than to remove accumulated sediment and vegetation would be expected to reestablish between maintenance intervals.
- Except for short-term erosion control, maintenance would not introduce new berming, rip rap, channelization or similar features within natural drainages.
- Access routes will use existing roadways or be designed to minimize disturbance within MHPA areas.
- Maintenance activities would be of limited durations and would occur during daylight hours when wildlife movement is limited.
- Wherever possible, maintenance activities would avoid breeding seasons for sensitive bird species. Where avoidance during the breeding season is not possible, noise reductions measures would be incorporated into the maintenance activities.
- The Master Program contains maintenance protocols which prohibit the use of invasive plants in revegetation efforts as well as measures to limit the spread of existing invasive species into downstream areas during maintenance. In addition, invasive species would be removed during maintenance.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. Storm water facility maintenance will not contribute to erosion of public beaches or impact the supply of beach sand. Although maintenance often involves the removal of sediment, the sediment is comprised of silt and clay material rather than sand. Thus, the removal of sediment would not deprive local beaches of a sand source. Lastly, the velocity of storm water in areas which require routine maintenance are

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by nature non-erosive which contributes to the fact that sediment from surrounding sources tends to accumulate in these areas.

On an annual basis, the City will determine the amount of vegetation impacts based on the final IMPs. Based on these calculations, the City will define and implement compensation actions in accordance with the mitigation measures identified in the PEIR. The mitigation program will also be reviewed by the State and Federal regulatory agencies to assure that adequate compensation is carried out.

With respect to historical resources, the monitoring and subsequent data recovery required by the PEIR and MMRP will be specifically designed to mitigate for significant historic resources encountered during maintenance.

f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The biological mitigation measures included in the Recirculated PEIR and accompanying MMRP are specifically designed to provide adequate compensation for impacts resulting from storm water facility maintenance. In particular, the mitigation ratios required by the PEIR and MMRP are consistent with the requirements of the City's Biological Guidelines and mitigation traditionally imposed by state and federal agencies with regulatory authority over the biological resources potentially impacted by maintenance. The adequacy of mitigation measures for biological resources will be reviewed by state and federal resource agencies as well as DSD staff to assure that the proposed mitigation is sufficient to reduce maintenance impacts to below a level of significance.

On an annual basis, the City will determine the amount of vegetation impacts based on the final IMPs. Based on these calculations, the City will define and implement compensation actions in accordance with the mitigation measures identified in the PEIR. The mitigation program will also be reviewed by the State and Federal regulatory agencies to assure that adequate compensation is carried out.

With respect to historical resources, the monitoring and subsequent data recovery required by the PEIR and MMRP will be specifically designed to mitigate for significant historic resources encountered during maintenance.

3. Supplemental Findings--Environmentally Sensitive Lands Deviations

a. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands. The PEIR includes a specific discussion of alternatives to minimize the flood risk to adjacent life and property including: widening existing channels, constructing berms and walls on top of the existing banks and implementing measures outside of the storm water facilities to reduce the amount of runoff entering the facilities. After evaluating each of these alternatives, the PEIR concluded that none of these alternatives were feasible. In general these alternatives were considered infeasible due the cost and/or difficulties associated with acquiring and using adjacent private property.

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The Master Program requires a rigorous effort to reduce biological impacts associated with maintenance. As discussed earlier, the Master Program requires detailed hydrology and hydraulic studies are performed before maintenance plans are prepared to make sure that the minimum amount of vegetation is removed to achieve flood control objectives. Mature trees spaced more than 50 feet apart are required to be retained during maintenance.

In addition, the PEIR identifies a broad range of mitigation measures intended to reduce potential impacts to biological and/or historic resources associated with storm water facilities. No other feasible mitigation measures were identified during public review or testimony which would be more effective than those included in the MMRP.

b. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making. Within the Coastal Overlay Zone two deviations from the ESL regulations are requested. Deviations to the 100-foot buffer around all wetlands and to impact sensitive biological and historical resources are requested. The proposed deviations are unavoidable because storm water facilities by their very nature and function are located within wetlands and the removal of vegetation to clean and maintain them could potentially impact sensitive biological and historical resources.

B. COASTAL DEVELOPMENT PERMIT

1. Findings for all Coastal Development Permits:

a. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. Maintenance activities would occur within existing drainage courses which are not considered coastal access ways. Furthermore, access routes required to transport maintenance equipment into the storm water facilities would not impede coastal access nor would they impede coastal views.

b. The proposed coastal development will not adversely affect environmentally sensitive lands. Maintenance activities will take place within storm water facilities located within the coastal zone which have been maintained in the past. The Master Plan specifically excludes any expansion or modifications to the storm water facilities beyond their original configuration. With respect to biologically sensitive lands, the Master Program includes a series of maintenance protocols specifically designed to minimize the impact of maintenance on environmentally sensitive lands within the coastal zone. A series of water quality protocols are included in the Master Program to ensure that areas downstream of maintenance activities do not experience increased sedimentation or diminished water quality within the coastal zone. Biology protocols will require that sensitive biological areas adjacent to maintenance areas be protected during maintenance. IHHAs are required by the Master Plan to identify the minimum amount of environmentally sensitive vegetation which must be removed to increase the capacity of storm water facilities to convey storm water.

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Although significant historic resources are not expected to be encountered during maintenance within the coastal zone, the MMRP requires monitoring whenever the PEIR identifies a moderate to high potential for buried historic resources to occur within proposed maintenance areas. This monitoring will assure that any significant resources present within or adjacent to maintenance will be detected and mitigation carried out to retain valuable information associated with historic resources.

c. **The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The maintenance activities associated with the Master Program would conform to the Local Coastal Program (LCP) and Implementation Program. The City's Land Development Code provides part of the City's LCP for development in the Coastal Overlay Zone. For the reasons stated on page 5, this project would comply with the applicable regulations of the Land Development Code. The policies and recommendations that make up the City's adopted Local Coastal Programs (LCPs) are also included and incorporated into the goals, objectives, and recommendations of the community plans and/or other area planning documents for the areas within the Master Program.

The community plans which incorporate the LCP set forth a number of conservation policies which are related to storm water maintenance. The applicable environmental goals, objectives and guidelines can be generally characterized as follows: (1) maintain natural drainages; (2) minimize disturbance to natural habitat and the wildlife it supports; (3) protect water quality; and (4) create and maintain recreation opportunities associated with natural drainages.

Maintenance activities would not alter the configuration of the natural drainage courses included in the Master Program. The Master Program does not allow any physical modifications of the underlying drainage.

While maintenance activities would disturb wetland vegetation found within the storm water facilities and the wildlife it supports, protocols in the Master Program, combined with biological mitigation required by the MMRP, would minimize impacts to natural habitat and wildlife.

Maintenance protocols and mitigation measures would be implemented in accordance with the Master Program and PEIR to prevent significant degradation of water quality related to maintenance. Furthermore, removal of the pollutants retained in sediment and plants would improve local water quality and prevent these pollutants from being transported downstream during high flow events.

Lastly, the Master Program would not interfere with the scenic, natural or cultural resources within resource-based parks. The Master Program would not alter the natural landforms and would not result in the loss of open space. No filling or reconfiguration of the storm water facilities would occur as part of the Master Program. Therefore, the Master Program would not adversely affect the land use policies intended to maintain and create recreation opportunities.

d. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The cleaning and maintenance activities of the Master Program would occur within existing storm water facilities. These facilities are not considered to be for public access or public recreational uses, therefore the Master Program is in conformance with the policies of California Coastal Act.

2. Supplemental Findings--Environmentally Sensitive Lands Within the Coastal Overlay Zone

a. Based on the economic information provided by the applicant, as well as any other relevant evidence, each use provided for in the Environmentally Sensitive Lands Regulations would not provide any economically viable use of the applicant's property. While storm water facilities are permitted as incidental public services projects, under the ESL regulations encroachment into the 100-foot wetland buffer is not allowed without an approval of a deviation. As use of the facilities to effectively convey storm water requires routine maintenance, the T&SWD would be denied the only economically viable use of the facilities if it were not allowed entry into the wetland buffer area for cleaning and maintenance. Therefore, the applicant's only economically viable use of the property is to use the facilities for storm water conveyance due to current easements restricting the use and the presence within wetland areas.

b. Application of the Environmentally Sensitive Lands Regulations would interfere with the applicant's reasonable investment-backed expectations. The strict application of the ESL regulations would not allow for maintenance of existing storm water facilities because they are located within wetlands and could potentially impact sensitive biological and historical resources within the Coastal Overlay Zone. Since the City has made the investment of constructing storm water facilities strict application of ESL would preclude cleaning and maintenance and would therefore, interfere with their reasonable investment-back expectations, as well as protecting life and property from flooding.

Additionally as a General Fund department, the Transportation and Stormwater Department of the City of San Diego has paid tax-payer's dollars in claims against the City by residents and business owners for the loss of property and damage caused by flooding. This has been correlated to lack of frequent maintenance activities (dredging and excavation) for affected channels whose conveyance capacities are diminished by the accumulated material that settles within the channel.

c. The use proposed by the applicant is consistent with the applicable zoning. The project is located within the City's 342.4 square mile metropolitan area and within portions of the Coastal Overlay, Open Space, Agricultural, Residential, Commercial and Industrial zones. Incidental public service projects, such as storm water facilities, are permitted uses in all zones and therefore the proposed use by the applicant is consistent with the applicable zoning.

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d. **The use and project design, sitting, and size are the minimum necessary to provide the applicant with an economically viable use of the premises.** The 32 miles of storm water facilities to be maintained by T&SWD are designed to convey storm water flows in order to protect the life and safety of its citizens and to control flooding. These facilities also convey urban runoff from development, protect water quality, and support natural resources. This project was revised to include maintenance of 32 rather than 50 miles of channels and 113 rather than 160 facilities in order to design the project to the minimum channels and facilities that would reasonably need maintenance for the life of the project. The sites are existing storm channels and facilities. No enlargement of facilities or new facilities are proposed by the project. Based on IHHA's, vegetation removal will be limited to that necessary to achieve desired conveyance of storm water and specific limits have been established such that vegetation will not be removed from the sides of channels that are over 20 feet wide. The long-term performance and economic viability of these storm water facilities is dependent upon ongoing and proper maintenance. Implementation of the Master Program will aid in maintaining the economic viability and effectiveness of storm water facilities.

e. **The project is the least environmentally damaging alternative and is consistent with all provisions of the certified Local Coastal Program with the exception of the provision for which the deviation is requested.** The Master Plan is the least damaging alternative and specifically excludes any expansion or modifications to the storm water facilities beyond their original configuration. With respect to impacts to biologically sensitive lands, the Master Program includes a series of maintenance protocols specifically designed to minimize the impacts to them as well as adjacent to maintenance activities. A series of water quality protocols are included in the Master Program to ensure that areas downstream of maintenance activities do not experience increased sedimentation or diminished water quality. Biology protocols will require that sensitive biological areas adjacent to maintenance areas be protected during maintenance. IHHAs are required by the Master Plan to identify the minimum amount of environmentally sensitive vegetation which must be removed to increase the capacity of storm water facilities to convey storm water.

Although significant historic resources are not expected to be encountered during maintenance, the MMRP requires monitoring whenever the PEIR identifies a moderate to high potential for buried historic resources to occur within proposed maintenance areas. This monitoring will assure that any significant resources present within or adjacent to maintenance will be detected and mitigation carried out to retain valuable information associated with historic resources.

A deviation related to the requirement for a 100-foot buffer around biological resources in the coastal zone is appropriate because maintenance does not constitute the type of development warranting a buffer. Furthermore, the storm water facilities are typically located in highly urbanized areas where adjacent development precludes 100-foot buffers.

The project is consistent with the provisions of the certified Local Coastal Program. According to the LUP's utilities, such as storm water facilities are allowed. A deviation to the 100-foot buffer around all wetlands and to sensitive biological resources is requested because storm water facilities by their very nature and function are located within wetlands and the removal of

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vegetation to clean them impacts sensitive biological resources. Therefore, with the exception of the deviations the project is consistent with all provisions of the certified Local Coastal Program.

The above findings are supported by the minutes, maps, and exhibits, all of which are incorporated herein by this reference.

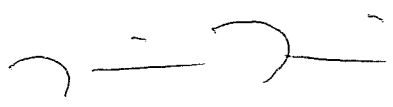
BE IT FURTHER RESOLVED, that the appeal of the San Diego Coastkeeper, Coastal Environmental Rights Foundation, San Diego Audubon Society, Friends of Rose Canyon, San Diego Chapter of the Sierra Club, San Diego Canyonlands, and the California Native Plant Society is denied; the decision of the Planning Commission is modified; and modified Coastal Development Permit No. 426369 and modified Site Development Permit 714233 is granted to the City of San Diego Storm Water Department, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

BE IT FURTHER RESOLVED, that the City of San Diego Transportation and Storm Water Department is directed to provide a comprehensive review of the Master Storm Water System Maintenance Program every four years to coincide with review by regulatory agencies.

BE IT FURTHER RESOLVED, that the City Auditor is requested to prepare a performance review of this Program within its first three years.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



 Nina M. Fain
 Deputy City Attorney

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 Or.Dept: SWD
 R-2012-131REV.
 PL#2010-00871

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I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 24 2011

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Passed by the Council of The City of San Diego on OCT 24 2011, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused	12253
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

OCT 24 2011

Date of final passage _____

AUTHENTICATED BY:

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By *[Signature]*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 307068

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Passed by the Council of The City of San Diego October 24, 2011, by the following vote:

YEAS: LIGHTNER, FAULCONER, GLORIA, YOUNG DEMAIO, ZAPF,
EMERALD, ALVAREZ.

NAYS: NONE.

NOT PRESENT: NONE.

RECUSED: NONE.

AUTHENTICATED BY:

JERRY SANDERS

Mayor of The City of San Diego, California

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)

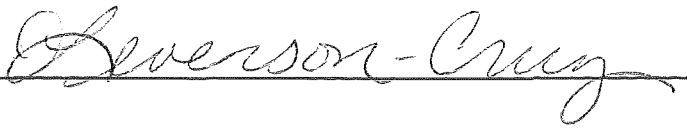
By: Debbie Levenson-Cruz, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. R-307068 approved by the Mayor of the City of San Diego, California on
October 24, 2011.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(SEAL)

By: , Deputy

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

WHEN RECORDED MAIL TO
 CITY CLERK
 MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Internal Order No. 21002863

**SITE DEVELOPMENT PERMIT NO 1134892 AMENDING AND SUPERSEDING
 SITE DEVELOPMENT PERMIT NO. 714233/
 COASTAL DEVELOPMENT PERMIT NO. 714232
 MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM
 PROJECT NO. 320787 (MMRP)
 CITY COUNCIL**

This Site Development Permit No. 1134892, which amends and supersedes Site Development Permit No. 714233/Coastal Development Permit No. 714232, is granted by the City Council of the City of San Diego to the City of San Diego Transportation & Storm Water Department, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0501. The approximate 32 miles of natural and man-made (concrete/earthen) channels, detention basins and storm drain outfalls are located with the City's 342.4-square mile metropolitan area, and within the City's public right-of-way or storm water easements dedicated to the City of San Diego and maintained by the City of San Diego's Transportation & Storm Water Department. These storm water facilities are also located within portions of the Coastal Overlay, Open Space, Agricultural, Residential, Commercial and Industrial Zones and within the Clairemont Mesa, College Area, Encanto Neighborhoods, Linda Vista, Mid-City Communities, Mira Mesa, Mission Valley, Navajo, Otay Mesa-Nestor, Pacific Beach, Peninsula, Skyline-Paradise Hills, Southeastern San Diego, Tijuana River Valley, and Torrey Pines Community Planning areas within the City of San Diego.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee for cleaning and long term maintenance of storm water facilities subject to the Master Storm Water System Maintenance Program (dated June 2009 and last revised July 2013) (Exhibit "A") and Program Environmental Impact Report SCH No. 2004101032; Project No. 42891, on file in the Development Services Department.

This Permit provides the City of San Diego Transportation & Storm Water Department the authority to:

- a. Fulfill the mandate of Section 26.1 of the San Diego City Charter to provide essential public works and public health services by maintaining the storm water conveyance system for the purpose of reducing flood risk;
- b. Implement a comprehensive program that will govern the future maintenance of the City's storm water system in an efficient, economic, environmentally and aesthetically acceptable manner for the protection of property and life, in accordance with Council Policy 800-04;
- c. Ensure implementation of Best Management Practices (BMPs) and maintenance protocols during maintenance activities to avoid and/or minimize effects on environmental resources; and
- d. Implement a comprehensive review process for annual maintenance activities; and
- e. Allow Process Two Substantial Conformance Reviews City-wide; and
- f. Construct public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for the subject storm water facilities in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

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. This permit must be utilized by November 4, 2014.
2. This Permit shall expire in five years from the Effective Date of the Settlement Agreement and Release regarding *San Diegans for Open Government, et al. v. City of San Diego*, San Diego Superior Court case no. 37-2011-00101571.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.

4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. 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" conditions(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:

10. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

11. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Program Environmental Impact Report (PEIR) No. 42891/SCH No. 2004101032, shall be noted on the maintenance plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

12. The Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in PEIR No. 42891/SCH No. 2004101032, satisfactory to the Development Services Department and the City Engineer. Prior to the issuance of the "Notice to Proceed" with maintenance, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Biological Resources; Historical Resources; Water Quality; Land Use Policies and Paleontological Resources.

13. The Permittee shall comply with Exhibit "A", the Master Storm Water System Maintenance Program satisfactory to the Development Services Department.

14. Prior to the Development Services Department approval of any work, other than emergency actions, the Permittee shall submit an application for a Substantial Conformance Review Process Two to the Development Services Department for proposed site specific work consistent with Exhibit "A", the Master Storm Water System Maintenance Program. Concurrent processing or proof of outside review by the California Coastal Commission is required on all Substantial Conformance Reviews within the Coastal zone.

ADDITIONAL REQUIREMENTS:

15. The Permittee shall comply with the Special Conditions 9.a, 9.c, 9.d, 9.e, 9.f, 10 and 11 as referenced in California Coastal Commission's Coastal Development Permit No. A-6-NOC-11-086 (Exhibit "B") in the entire Master Storm Water System Maintenance Program, except: (a) submission to and approval from the Executive Director of Coastal Commission shall not be required outside the coastal zone; (b) for impacts outside the coastal zone, mitigation under the Master Storm Water System Maintenance Program will be initiated within one year of the maintenance project instead of the nine months required by the Coastal Development Permit; and (c) impacts outside the coastal zone need not be mitigated inside the Coastal Zone.

16. Impacts to biological resources shall be mitigated through new enhancement, creation, or mitigation credit acquisition, except for the Tijuana River Valley (Master Storm Water System Maintenance Program Maps 138a, 138b, 138, 139), and Sorrento Valley (Master Storm Water System Maintenance Program Maps 7, 8, 9, 10, 11, 12). For all other channels, new mitigation shall be performed the first time channel maintenance is implemented under the Master Storm Water System Maintenance Program but need not be repeated for subsequent maintenance of the same project footprint so long as performance criteria continue to be met pursuant to condition 17 below, and no new impacts will result from subsequent maintenance activities.

17. The Permittee shall confirm, as part of a Substantial Conformance Review, that performance criteria continue to be met for any past mitigation upon which the Permittee has relied.

18. The Permittee shall conduct photo documentation of each segment before and after maintenance, to be modeled after the State Water Resources Control Board Standard Operating Procedures 4.2.1.4: Stream Photo Documentation Procedure. Photo documentation must include GPS coordinates for each photo points referenced. Pre-maintenance photos must be taken no more than 30 days before maintenance and post-maintenance photos must be taken no more than 30 days after maintenance is complete.

19. The Permittee shall select and implement one of the following four options for each area to be maintained:

- (a) For every segment for which at least 100 linear feet of vegetation is removed (except for removal of invasive species, e.g., Arundo), and for every 100 additional linear feet thereafter, the City ensures landscape retrofits are implemented at one residential property, within the Watershed Management Area (WMA) of the segment with one of the following options: 1) Install a rain barrel or other rainwater harvesting device at least 50 gallons in size; 2) Redirect at least 100 square feet of rooftop surface area currently directed to the street to onsite landscaping (i.e., redirect rain gutter downspouts); 3) Replace at least 400 square feet of natural grass turf, or 100% of front yard turf if it is less than 400 square feet in size, with plants that have low watering requirements; 4) Replace non-weather based irrigation controller; or 5) Replace existing in-ground and operable overhead spray irrigation servicing at least 200 square feet of landscape area to drip, micro-spray, in-line tubing, or other low-volume micro-irrigation components; or

- (b) Except for the three areas approved in State Coastal Development Permit No. A-6-NOC-11-086 for which the City may satisfy this condition by implementing the additional street sweeping approved by the Coastal Commission, the Permittee shall increase street sweeping frequency by prioritizing high traffic commercial routes adjacent to maintained channel with vacuum-assisted sweeper for every 400 linear feet of vegetation that is removed (except for removal of invasive species, e.g., Arundo) within a drainage area. Sweeping shall be conducted in median areas that are not subject to regular sweeping routes, and shall occur at a frequency of at least once per quarter for one calendar year after maintenance; or
- (c) For every 200 linear feet of vegetation (except for removal of invasive species, e.g., Arundo) removed per fiscal year per Watershed Management Area (WMA), the Permittee shall construct and maintain in perpetuity one of the following within the WMA: 1) install 100 square feet biofiltration system; 2) replace 100 square feet of impermeable pavement with permeable surfaces; 3) Install 100 square feet vegetated swale; or 4) restore 100 square feet of wetlands (such as stabilizing eroded drainage and planting with native riparian vegetation); or
- (d) Permittee shall increase frequency of catch basin inspection and as-needed cleaning for one year after maintenance. For every segment that is cleared, the Permittee shall conduct an inspection and cleaning (if necessary) of every catch basin with 100 feet of the maintained segment, and conduct additional inspections and cleaning (if necessary) every three (3) months.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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 §66020.

APPROVED by the City Council of the City of San Diego on _____.

SETTLEMENT AGREEMENT AND RELEASE

THIS SETTLEMENT AGREEMENT AND RELEASE ("Agreement") is entered into as of the last date of execution of the Agreement, by and between Plaintiffs and Petitioners San Diegans for Open Government ("SDOG") and Coastal Environmental Rights Foundation ("CERF") (collectively, "Plaintiffs") and Defendant and Respondent the City of San Diego, a charter city and California municipal corporation ("City") (each hereinafter a "Party" and collectively "the Parties").

A. On or about October 24, 2011, the City Council of the City of San Diego approved a Coastal Development Permit ("CDP") and a Site Development Permit ("SDP") for the City's Master Maintenance Program ("MMP") and certified a Programmatic Environmental Impact Report ("Programmatic EIR").

B. On or about November 23, 2011, Plaintiffs filed *San Diegans for Open Government, et al. v. City of San Diego*, in San Diego Superior Court, Department C-71 ("Court"), Case No. 37-2011-00101571, demanding declaratory and injunctive relief under the California Environmental Quality Act ("CEQA") ("Lawsuit").

C. On or about March 5, 2013, as a result of the Parties' participation in mediation, Plaintiffs agreed to dismiss the Lawsuit with prejudice in exchange for valuable consideration, as herein described.

D. On or about March 26, 2013, the City, by and through its City Council, agreed to settle Plaintiffs' Lawsuit on the terms and conditions specifically set forth in this Agreement.

NOW THEREFORE, in consideration of the forgoing and for good and valuable consideration, the parties hereby agree as follows:

1.0 Revisions to Master Storm Water Maintenance Program and Programmatic EIR. The City shall perform the following actions with relation to the MMP and its accompanying Programmatic EIR and SDP:

1.1 The Programmatic EIR shall automatically become null and void five years from the Effective Date of this Agreement.

1.2 City shall not tier off the Programmatic EIR for projects that are not within the scope of the Programmatic EIR. Tiering is acceptable for the following within the scope of the Programmatic EIR: Substantial Conformance Reviews, "after-the-fact" permits, CEQA 21166 analyses, and coastal development permits for flood control channel maintenance.

1.3 City shall not rely on the water quality white paper as substantial evidence for CEQA purposes during the term of the Programmatic EIR. City acknowledges that Petitioners reserve the right to challenge the validity of the white paper if City relies on it in any future proceeding. A copy of the white paper is attached to this Agreement as Exhibit "A."

1.4 City shall submit an application to modify the MMP as follows:

1.4.1 Modify the sections of Chapter 6.1 of MMP labeled "Process One Decision" and "Process Two Decision" so that all Substantial Conformance Review ("SCR") decisions are appealable directly to City Council. The SCR decisions will be modified Process Two decisions with an appeal right to City Council instead of Planning Commission. Otherwise, the standard Process Two procedures apply, as set forth in San Diego Municipal Code sections 112.0503 and 112.0504, as may be amended from time to time. Any interested person can raise CEQA issues during the appeal process.

1.4.2 Modify MMP Chapter 7.0 "Emergency Maintenance" to require that "after-the-fact" permits will be issued under the modified SCR procedure described in 1.4.1.

1.4.3 Modify the MMP to make staff SCR decisions appealable to City Council no later than 12 business days from SCR Notice of Decision.

1.5 Storm Water Division shall post its SCR application, including individual maintenance plans and studies, on its website on the same day that the Development Services Department posts a Notice of Future Decision.

1.6 City shall post any documentation that is part of the SCR application and any documentation in response to DSD follow-up questions on the Storm Water Division website prior to issuance of the SCR Notice of Decision.

1.7 City shall submit an application to amend the MMP SDP to add the following conditions, and shall include the following conditions in any future permit applications made under the MMP and Programmatic EIR:

1.7.1 Special conditions 9.a, 9.c, 9.d, 9.e, 9.f, 10 and 11 from the Coastal Commission's Coastal Development Permit No. A-6-NOC-11-086 shall apply to the entire MMP, except: (a) submission to and approval from the executive Director of the Coastal Commission shall not be required; (b) for impacts outside the coastal zone, mitigation under the MMP will be initiated within one year of the maintenance project instead of the nine months required by the Coastal Development Permit; and (c) impacts outside the coastal zone need not be mitigated inside the coastal zone.

1.7.2 Impacts to biological resources shall be mitigated through new enhancement, creation, or mitigation credit acquisition, except for the Tijuana River Valley (MMP Maps 138a, 138b, 138, 139), and Sorrento Valley (MMP Maps 7, 8, 9, 10, 11, 12). For all other channels, new mitigation shall be performed the first time channel maintenance is implemented under the MMP but need not be repeated for subsequent maintenance of the same project footprint so long as performance criteria continue to be met pursuant to Section 1.7.3, and no new impacts will result from subsequent maintenance activities

1.7.3 City shall confirm, as part of an SCR, that performance criteria continue to be met for any past mitigation upon which City has relied.

1.7.4 City shall conduct photo documentation of each segment before and after maintenance, to be modeled after the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure. Photo documentation must include GPS coordinates for each of the photo points referenced. Pre-maintenance photos must be taken no more than 30 days before maintenance and post-maintenance photos must be taken no more than 30 days after maintenance is complete.

1.7.5 City shall select and implement one of the following four options for each area to be maintained:

- (a) For every segment for which at least 100 linear feet of vegetation is removed (except for removal of invasive species, e.g., Arundo), and for every 100 additional linear feet thereafter, the City ensures landscape retrofits are implemented at one residential property within the Watershed Management Area of the segment with one of the following options: 1) Install a rain barrel or other rainwater harvesting device at least 50 gallons in size; 2) Redirect at least 100 ft² of rooftop surface area currently directed to the street to onsite landscaping (i.e., redirect rain gutter downspouts); 3) Replace at least 400 ft² of natural grass turf, or 100% of front yard turf if it is less than 400 ft² in size, with plants that have low watering requirements; 4) Replace non-weather-based irrigation controller; or 5) Replace existing in-ground and operable overhead spray irrigation servicing at least 200 ft² of landscape area to drip, micro-spray, in-line tubing, or other low-volume micro-irrigation components; or
- (b) Except for the three areas approved in Coastal Development Permit No. A-6-NOC-11-086 for which the City may satisfy this condition by implementing the additional street sweeping approved by the Coastal Commission, City shall increase street sweeping frequency by prioritizing high traffic commercial routes adjacent to maintained channel with vacuum-assisted sweeper for every 400 linear feet of vegetation that is removed (except for removal of invasive species, e.g., Arundo) within a drainage area. Sweeping shall be conducted in median areas that are not subject to regular sweeping routes, and shall occur at a frequency of at least once per quarter for one calendar year after maintenance; or
- (c) For every 200 linear feet of vegetation (except for removal of invasive species, e.g., Arundo) removed per fiscal year per Watershed Management Area (WMA), the City shall construct and maintain in perpetuity one of the following within the WMA: 1) install 100 ft² biofiltration system; 2) Replace 100 ft² of impermeable pavement with permeable surfaces; 3) Install 100 ft² vegetated swale; or 4) Restore

100 ft² of wetlands (such as stabilizing eroded drainage and planting with native riparian vegetation); or

- (d) City shall increase frequency of catch basin inspection and as-needed cleaning for one year after maintenance. For every segment that is cleared, the City shall conduct an inspection and cleaning if necessary of every catch basin within 100 feet of the maintained segment, and conduct additional inspections and cleaning if necessary every three months.

1.8 City shall complete a special study or studies in Fiscal Year 2015 that address the following issues: 1) whether continued maintenance is needed at current levels, including the purpose of the conveyance system location and whether the original need still exists, whether maintenance at individual locations is necessary for the function of the conveyance system, whether historic maintenance practices may be modified to reduce maintenance area or type of maintenance performed, whether vegetation could be trimmed by hand rather than removed by the roots, whether annual maintenance is necessary or deferral to subsequent years would suffice, whether herbicides are necessary and whether it could be avoided in areas with year-round flows, whether vegetation is invasive or native, whether the habitat supports any endangered species or served the greater region, whether the location is critical in relation to nearby roads and infrastructure and whether storm flow could be allowed to extend beyond the channel without risking damage to adjacent properties; and 2) identifying retrofit opportunities to reduce maintenance needs, including daylighting concrete channels, preserving important habitat which serves as a wildlife corridor, is home to special status species, or eventually discharges into a 303(d) listed water body, and reducing downstream flooding through localized Low Impact Development (LID), including the option of creating retention facilities at the Qualcomm Stadium parking lot and land acquisition in the Tijuana River Valley for conversion to wetlands. This study or studies will only address channels in which maintenance was undertaken in first two years of MMP implementation (beginning in Fiscal Year 2014), and will be posted on the Storm Water Division website.

1.9 City shall complete a fee study within three years from the Effective Date of this Agreement. The fee study will be conducted by a third-party expert, and will be posted on the Storm Water Division website.

1.10 City shall hold a stakeholder meeting at least 30 days before finalizing each Fiscal Year budget request, to include Plaintiffs. At this stakeholder meeting, the City will present any LID, retrofit, channel widening, restoration, and/or special study options considered for inclusion in its budget or Capital Improvement Plan.

1.11 This Agreement is conditional on the City giving Plaintiffs written notice that it has approved the modifications to the MMP and SDP substantially as set forth in Sections 1.4 and 1.7 of this Agreement and on entry of the Court order described in Section 4.19 of this Agreement. This Agreement shall become

effective as soon as both of these conditions have been satisfied (the "Effective Date").

2.0 Plaintiffs' Obligations.

2.1 Plaintiffs agree to file a notice of dismissal of the Lawsuit, with prejudice, within 10 days of the Effective Date of this Agreement.

2.2 SDOG and CERF waive any and all rights to challenge any approval under the MMP and/or Programmatic EIR by judicial action or appeal to the Coastal Commission for five years from the date the Programmatic EIR was certified.

2.3 CERF agrees to withdraw its appeal of the Tijuana River Valley SCR to Planning Commission within 5 days of the Effective Date of this Agreement.

3.0 Release.

3.1 The Parties hereby release and forever discharge each other from any and all claims, debts, damages, liabilities, demands, obligations, costs, expenses, attorney fees, disputes, actions and causes of action of every nature, whether known or unknown, suspected or unsuspected, which each Party may now hold or have, or at any heretofore owned or held, or may now hold against each other as a result of the subject of the Lawsuit, including, but not limited to those claims set forth in the Lawsuit, all of which are incorporated herein fully by reference.

3.2 The Parties acknowledge that there is a risk that, subsequent to the execution of this Agreement, one or more of the Parties could incur injury, loss, damage, costs, attorneys' fees, or expenses, which are in some way caused by or connected with the persons, entities, matters, and/or issues referred to herein, or which are unknown and unanticipated at the time this Agreement is executed, or which are not presently capable of being ascertained. Nevertheless, the Parties acknowledge this Agreement has been negotiated and agreed upon in light of that realization. The Parties have had the benefit and advice of independent legal counsel on this issue and, therefore, enter into this Agreement with full knowledge and recognition of the above stated possibilities.

3.3 Wherefore, The Parties specifically waive their rights under California Civil Code section 1542. Section 1542 provides as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."

4.0 Miscellaneous Provisions.

4.1 Compromise of Disputed Claims. This Agreement is a compromise of disputed claims and shall never at any time or for any purpose be considered an

admission of any liability or responsibility on the part of any Party; nor shall the furnishing of any consideration for the execution of this Agreement constitute or be construed as an admission of any liability whatsoever by either Party.

4.2 Integration. The undersigned, and each of them, acknowledge and represent that no promise or inducement not expressed in this Agreement has been made in connection with this Agreement. This Agreement contains the entire agreement and understanding between the Parties as to the subject matter of this Agreement and is intended to be and is a final integration thereof. There are no representations, warranties, agreements, arrangements, undertakings, oral or written, between or among the Parties hereto relating to the terms and conditions of this Agreement that are not fully expressed herein.

4.3 Waiver and Amendment. No provision of this Agreement, or breach of any provision, can be waived except in writing. Any waiver by the City must be formally approved by the City Council. Waiver of any provision or breach shall not be deemed to be a waiver of any other provision, or of any subsequent breach of the same or other provision. This Agreement may be amended, modified or rescinded only in writing signed by all Parties to this Agreement.

4.4 Time of Essence. Time is expressly declared to be of the essence in this Agreement, and of every provision in which time is an element, if any.

4.5 Captions. Paragraph titles and captions contained in this Agreement are inserted as a matter of convenience and for reference, and are not a substantive part of this Agreement.

4.6 Interpretation and Intent. This Agreement is the result of arms-length negotiations by the Parties, each of whom had their own counsel. Accordingly, all Parties hereto acknowledge and agree that this Agreement shall not be deemed prepared or drafted by one party or another, or the attorneys for one party or another. No provision of this Agreement shall be interpreted against any Party because that Party, or their legal representative, may have drafted that provision.

4.7 Additional Documents. The Parties each agree to sign any additional documents which are reasonably necessary to carry out the purpose and intent of this Agreement.

4.8 Benefit and Burden. This Agreement shall be binding upon and inure to the benefit of the Parties and their heirs, executors, administrators, trustees, trustees, beneficiaries, predecessors, successors, assigns, partners, partnerships, parent companies, subsidiaries, affiliated and related entities, officers, directors, principals, agents, servants, employees, representatives, and all persons, firms, plaintiffs, and/or persons or entities connected with each of them, including, without limitation, their insurers, sureties, attorneys, consultants and experts.

4.9 Governing Law. This Agreement has been executed in the State of California, and shall be interpreted and enforced under California law. Venue for any action related to this Agreement shall be in San Diego County.

4.12 Warranty of Authority. Each of the signatories hereto represents and warrants that he or she is competent and authorized to enter into this Agreement on behalf of the Party for whom he or she purports to sign. Each Party hereto agrees to defend, indemnify, and hold harmless the other Parties hereto against all claims, suits, actions and demands, including necessary expenses of investigation and reasonable attorneys' fees and costs, arising out of claims that its signatory was not competent or so authorized to execute this Agreement.

4.13 No Assignment. Each party represents and warrants that it has not assigned or transferred any claims released herein, and that it is the sole owner of that claim.

4.14 Signatures. This Agreement may be signed in counterparts. Signatures transmitted by facsimile shall be deemed to be originals.

4.15 Representation by Counsel. The undersigned and each of them acknowledge and represent that they are affecting this compromise and settlement and are executing this Agreement after having received full legal advice as to their rights from an attorney of their choice.

4.16 Agreement Voluntarily. The undersigned and each of them acknowledge and represent that they have read this Agreement in its entirety, understand all of its terms and provisions, and sign this Agreement voluntarily and of their own free will, knowing that it is a legally binding document and with the intent to be bound hereby.

4.17 No Reliance On Other Party. The undersigned and each of them acknowledge and represent that they are affecting this compromise and settlement and are executing this Agreement (i) after they and their respective legal counsel had the opportunity to and did conduct an independent investigation of the relevant facts; and (ii) without relying on representation made by the other Party or the other Party's attorney.

4.18 Severability. Even if a court holds one or more parts of this Agreement ineffective, invalid, or void, all remaining provisions shall remain valid.

4.19 Jurisdiction. This Agreement shall not take effect until the Court in the Lawsuit has entered an order continuing its jurisdiction over the Lawsuit for the purposes of enforcing this Agreement pursuant to California Code of Civil Procedure section 664.6. The Parties shall enter into an appropriate stipulation for this purpose, to be filed by the City, and appear at any hearing that the Court may require for the purpose of issuing the order. The Parties shall otherwise cooperate in attempting to obtain the order.

4.20 Notices. All notices given pursuant to this Agreement or law shall be written. Notices shall be delivered with all delivery or postal charges prepaid. Notices may be given personally; by facsimile; by United States first-class mail; by United States certified or registered mail; or by other recognized overnight service. Notices shall be deemed received on the date of personal delivery or facsimile transmission; on the date shown on a signed return receipt or acknowledgment of delivery; or, if delivery is refused or notice is sent by regular mail, seventy-two (72) hours after deposit. Until a Party gives notice of a change, notices shall be sent to:

FOR PLAINTIFFS:

Marco Gonzales, Esq.
Livia Borak, Esq.
Coastal Environmental Rights Foundation
1140 South Coast Highway 101
Encinitas, CA 92024
for Plaintiff Coastal Environmental Rights
Foundation

Cory Briggs, Esq.
Mekaela Gladden, Esq.
99 East "C" Street Suite 111
Upland, CA 91786
for Plaintiff San Diegans for Open Government

FOR THE CITY:

Jan I. Goldsmith, City Attorney
o/o Andrea M. Contreras, DCA
Office of the San Diego City Attorney
1200 Third Ave. Suite 1100
San Diego, CA 92101

IN WITNESS THEREOF, the undersigned have executed this Agreement as follows:

COASTAL ENVIRONMENTAL RIGHTS FOUNDATION

Dated: 3-14-2013

By: Marco Gonzalez
Its: Executive Director

SAN DIEGANS FOR OPEN GOVERNMENT

Dated: 3/26/13

By: Karin Ferguson
Its: _____

APPROVED AS TO FORM:

Dated: 3-14-2013

By: Marco Gonzalez
Marco Gonzalez
Attorney for Plaintiffs Coastal
Environmental Rights Foundation

Dated: 26 March 2013

By: Cory Briggs
Cory Briggs
Attorney for Plaintiffs San Diegans for Open
Government

CITY OF SAN DIEGO

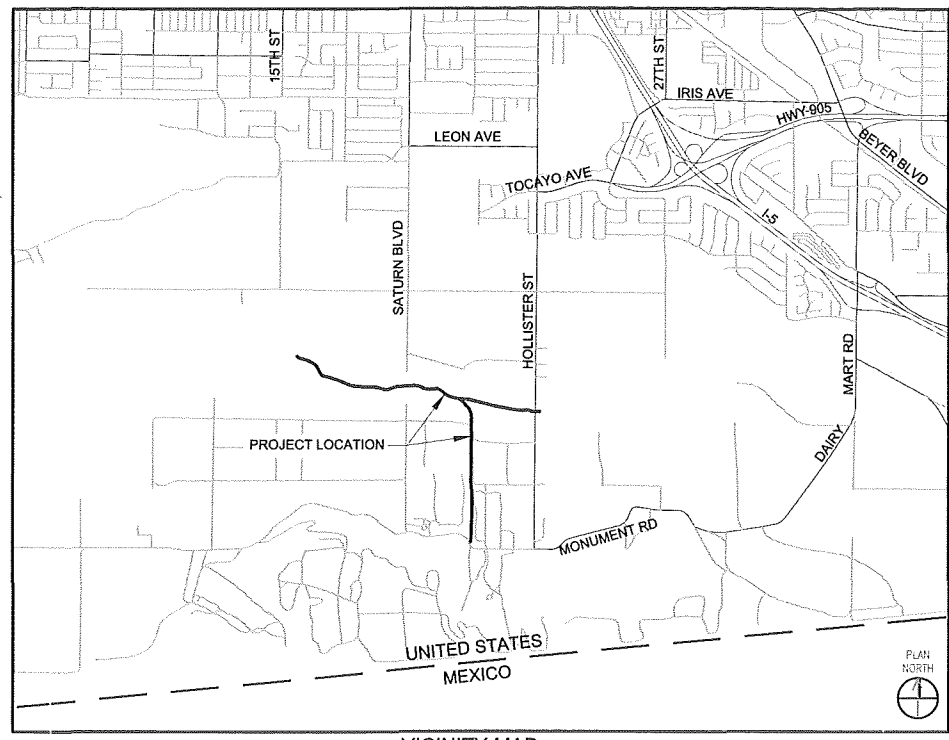
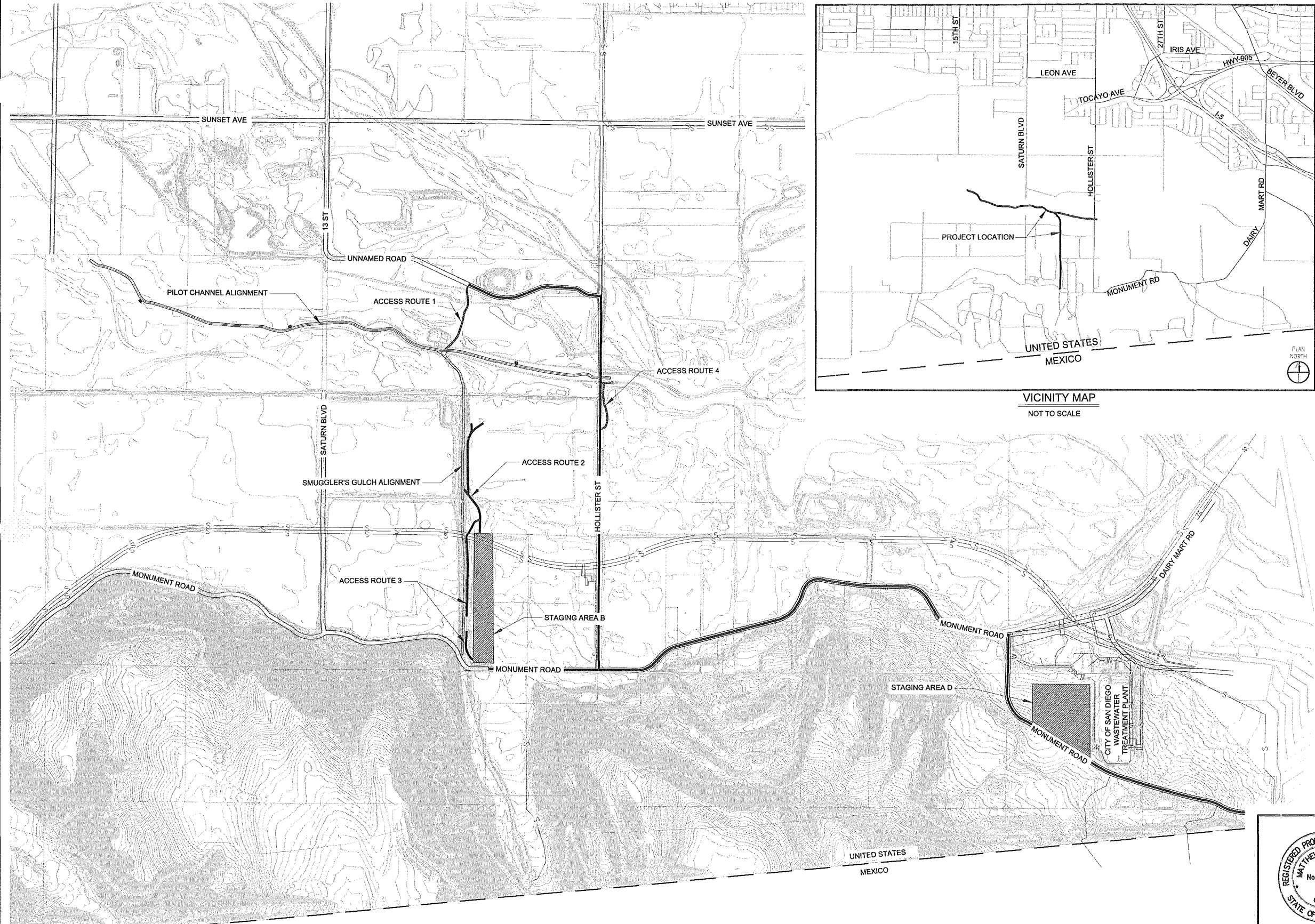
Dated: 23 APR 13

By: J. Goldsmith
Its: J. Goldsmith CDD

APPROVED AS TO FORM:

Dated: 4.23.13

JAN I. GOLDSMITH
City Attorney
By: Andrea M. Contreras
Andrea M. Contreras
Deputy City Attorney
City of San Diego



VICINITY MAP
NOT TO SCALE

LEGEND

- PERMANENT TURNAROUND AREA (30' x 25')
- EXISTING ACCESS ROAD
- ESA
- STABILIZED CONSTRUCTION ENTRANCE (TC-1)
- EX WATER MAIN
- EX STORM DRAIN
- EX SEWER MAIN
- SILT FENCE (SE-1)
- FIBER ROLL (SE-5)
- STAGING AREA LIMITS
- MAJOR CONTOUR
- MINOR CONTOUR
- PARCEL
- HAUL ROUTE

WORK TO BE DONE

THE IMPROVEMENTS CONSIST OF THE FOLLOWING WORK TO BE DONE ACCORDING TO THESE PLANS AND THE STANDARD SPECIFICATIONS AND STANDARD DRAWINGS OF THE CITY OF SAN DIEGO.

- MAINTENANCE OF CHANNELS TO REMOVE ACCUMULATED SEDIMENT AND OTHER DEBRIS

STANDARD SPECIFICATIONS

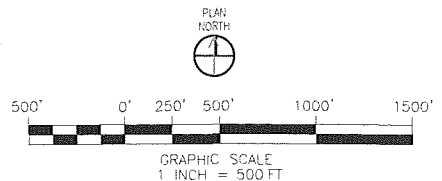
- STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (GREENBOOK), 2012 EDITION, DOCUMENT NO. PITS070112-01
- CITY OF SAN DIEGO STANDARD SPECIFICATIONS FOR PUBLICWORKS CONSTRUCTION (WHITEBOOK), 2012 EDITION, DOCUMENT NO. PITS070112-02
- CALIFORNIA DEPARTMENT OF TRANSPORTATION MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, 2012 EDITION, DOCUMENT NO. PITS070112-04
- CALIFORNIA DEPARTMENT OF TRANSPORTATION U.S. CUSTOMARY STANDARD SPECIFICATIONS, 2010 EDITION, DOCUMENT NO. PITS070112-02

STANDARD DRAWINGS

- CITY OF SAN DIEGO STANDARD DRAWINGS FOR PUBLIC WORKS CONSTRUCTION, 2012 EDITION, DOCUMENT NO. PIT070112-03
- CALIFORNIA DEPARTMENT OF TRANSPORTATION U.S. CUSTOMARY STANDARD PLANS, 2010 EDITION, DOCUMENT NO. PITS070112-05

PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITEE SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS. (FROM CYCLE 4)

DATUM: NAD 1983 STATEPLANE CALIFORNIA VI FIPS 0406 FEET
TOPO ELEVATIONS FOR PICTORIAL PURPOSES ONLY
TOPOGRAPHY DATE: 1999



CONCEPTUAL DESIGN PLANS FOR
PILOT CHANNEL AND SMUGGLERS GULCH
MAINTENANCE NOT FOR CONSTRUCTION



PLANS FOR THE CONSTRUCTION OF
TIJUANA RIVER VALLEY
OVERALL PLAN

CITY OF SAN DIEGO, CALIFORNIA
ENGINEERING DEPARTMENT
SHEET 1 OF 15 SHEETS

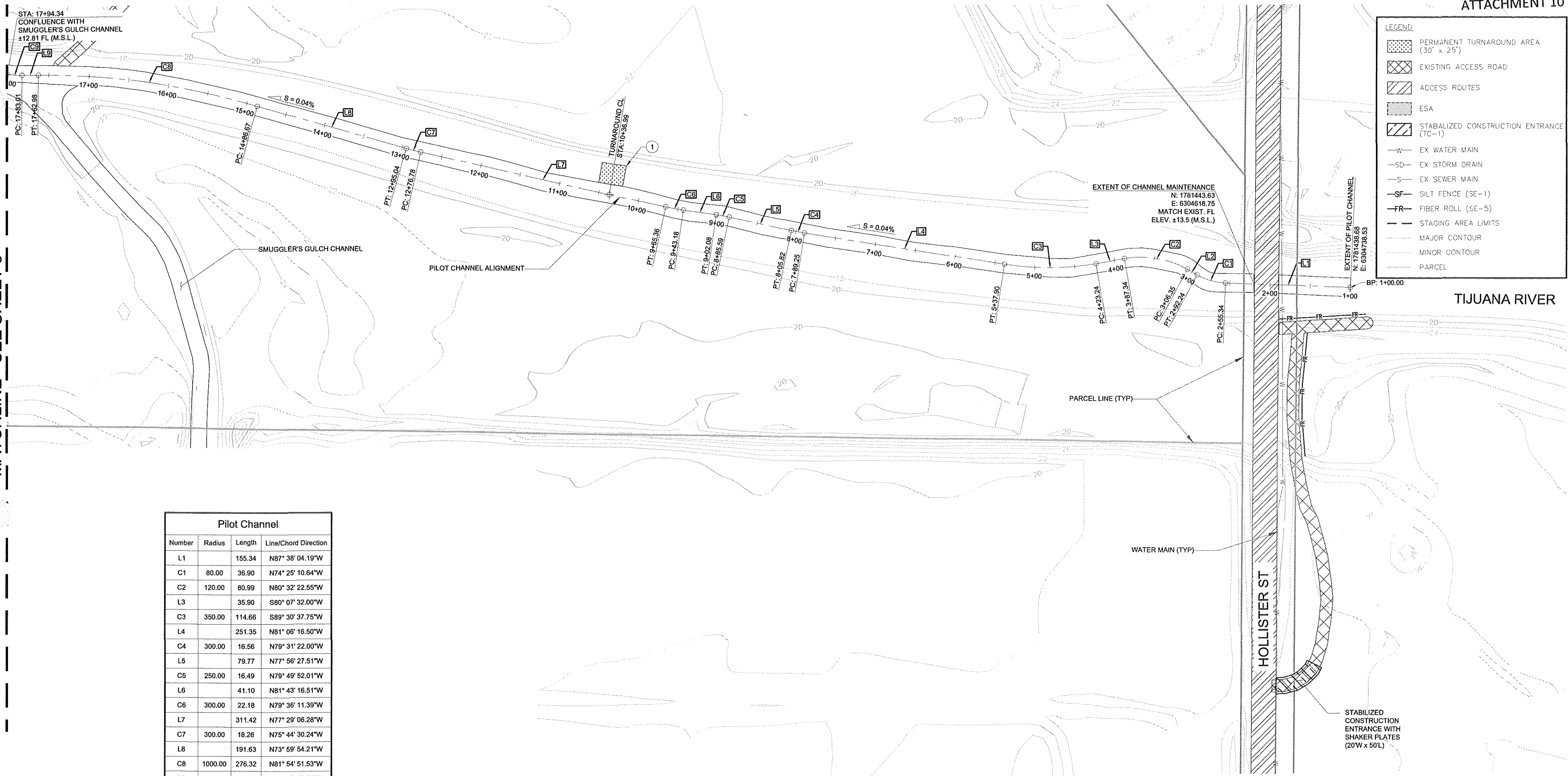
W.O. NO. _____

CONTRACTOR MUST NOTIFY THE BELOW LISTED AGENCY AT LEAST TWO (2) WORKING DAYS PRIOR TO COMMENCEMENT OF EXCAVATION :

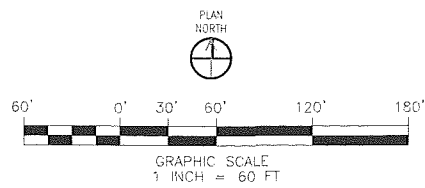
UNDERGROUND SERVICE ALERT (USA) 1-800-422-4133

FOR CITY ENGINEER		DATE		SECTION HEAD
DESCRIPTION	BY	APPROVED	DATE	FILMED
FILE NAME: TJJ-CAD-ALGDWG 12-17-12	URS			
				PROJECT MANAGER
				DESIGN ENGINEER
				140-1731
				LAMBERT COORDINATES
AS-BUILT CONTRACTOR INSPECTOR		DATE STARTED	DATE COMPLETED	

MATCHLINE - SEE SHEET 3



Pilot Channel			
Number	Radius	Length	Line/Chord Direction
L1		155.34	N87° 38' 04.19"W
C1	80.00	36.90	N74° 25' 10.64"W
C2	120.00	80.99	N80° 32' 22.55"W
L3		35.90	S80° 07' 32.00"W
C3	350.00	114.66	S89° 30' 37.75"W
L4		251.35	N81° 06' 16.50"W
C4	300.00	16.56	N79° 31' 22.00"W
L5		79.77	N77° 56' 27.51"W
C5	250.00	16.49	N79° 49' 52.01"W
L6		41.10	N81° 43' 16.51"W
C6	300.00	22.18	N79° 36' 11.39"W
L7		311.42	N77° 29' 06.28"W
C7	300.00	18.26	N75° 44' 30.24"W
L8		191.63	N73° 59' 54.21"W
C8	1000.00	276.32	N81° 54' 51.53"W
L9		20.02	N89° 49' 48.84"W
C9	100.00	18.10	N84° 38' 40.78"W



NOTES:

- EXACT LOCATION OF PERMANENT TURNAROUND TO BE DETERMINED IN THE FIELD AND COORDINATED WITH THE PROJECT BIOLOGIST.
- SEE SHEET 8 FOR CHANNEL SECTION.

CONCEPTUAL DESIGN PLANS FOR
PILOT CHANNEL MAINTENANCE
NOT FOR CONSTRUCTION



PLANS FOR THE CONSTRUCTION OF
TIJUANA RIVER VALLEY
PILOT CHANNEL MAINTENANCE

CITY OF SAN DIEGO, CALIFORNIA
ENGINEERING DEPARTMENT
SHEET 2 OF 15 SHEETS

CONTRACTOR MUST NOTIFY THE BELOW LISTED AGENCY AT LEAST TWO (2) WORKING DAYS PRIOR TO COMMENCEMENT OF EXCAVATION :

UNDERGROUND SERVICE ALERT (USA) 1-800-422-4133

FOR CITY ENGINEER		DATE		SECTION HEAD
DESCRIPTION	BY	APPROVED	DATE	FILMED
FILE NAME: 10_CAD-ALGWD 12-17-12	URS			
AS-BUILT				DESIGN ENGINEER
CONTRACTOR INSPECTOR				140-1731
DATE STARTED				LAMBERT COORDINATES
DATE COMPLETED				

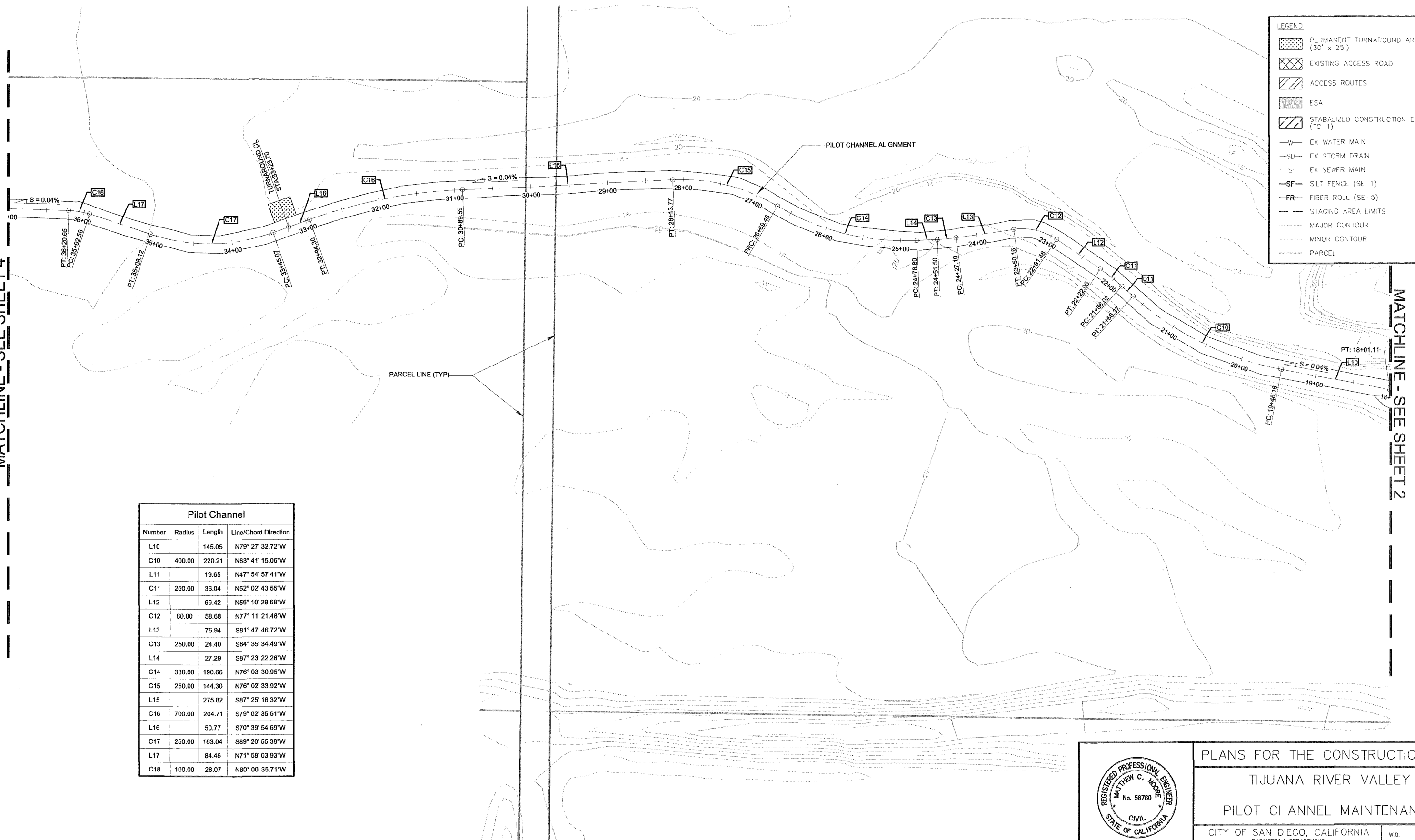
w.o. NO. _____

MATCHLINE - SEE SHEET 4

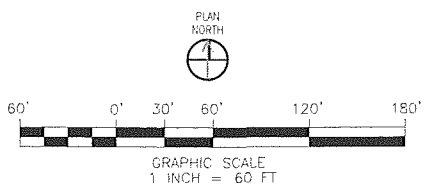
MATCHLINE - SEE SHEET 2

LEGEND

- PERMANENT TURNAROUND AREA (30' x 25')
- EXISTING ACCESS ROAD
- ACCESS ROUTES
- ESA
- STABILIZED CONSTRUCTION ENTRANCE (TC-1)
- EX WATER MAIN
- EX STORM DRAIN
- EX SEWER MAIN
- SILT FENCE (SE-1)
- FIBER ROLL (SE-5)
- STAGING AREA LIMITS
- MAJOR CONTOUR
- MINOR CONTOUR
- PARCEL



Pilot Channel			
Number	Radius	Length	Line/Chord Direction
L10		145.05	N79° 27' 32.72"W
C10	400.00	220.21	N63° 41' 15.06"W
L11		19.65	N47° 54' 57.41"W
C11	250.00	36.04	N52° 02' 43.55"W
L12		69.42	N56° 10' 29.68"W
C12	80.00	58.68	N77° 11' 21.48"W
L13		76.94	S81° 47' 46.72"W
C13	250.00	24.40	S84° 35' 34.49"W
L14		27.29	S87° 23' 22.28"W
C14	330.00	190.66	N76° 03' 30.95"W
C15	250.00	144.30	N76° 02' 33.92"W
L15		275.82	S87° 25' 16.32"W
C16	700.00	204.71	S79° 02' 35.51"W
L16		50.77	S70° 39' 54.69"W
C17	250.00	163.04	S89° 20' 55.38"W
L17		84.46	N71° 58' 03.93"W
C18	100.00	28.07	N80° 00' 35.71"W



NOTES:
 1 SEE SHEET 8 FOR CHANNEL SECTION.

CONCEPTUAL DESIGN PLANS FOR
 PILOT CHANNEL MAINTENANCE
 NOT FOR CONSTRUCTION



PLANS FOR THE CONSTRUCTION OF
 TIJUANA RIVER VALLEY
 PILOT CHANNEL MAINTENANCE

CITY OF SAN DIEGO, CALIFORNIA
 ENGINEERING DEPARTMENT
 SHEET 3 OF 15 SHEETS

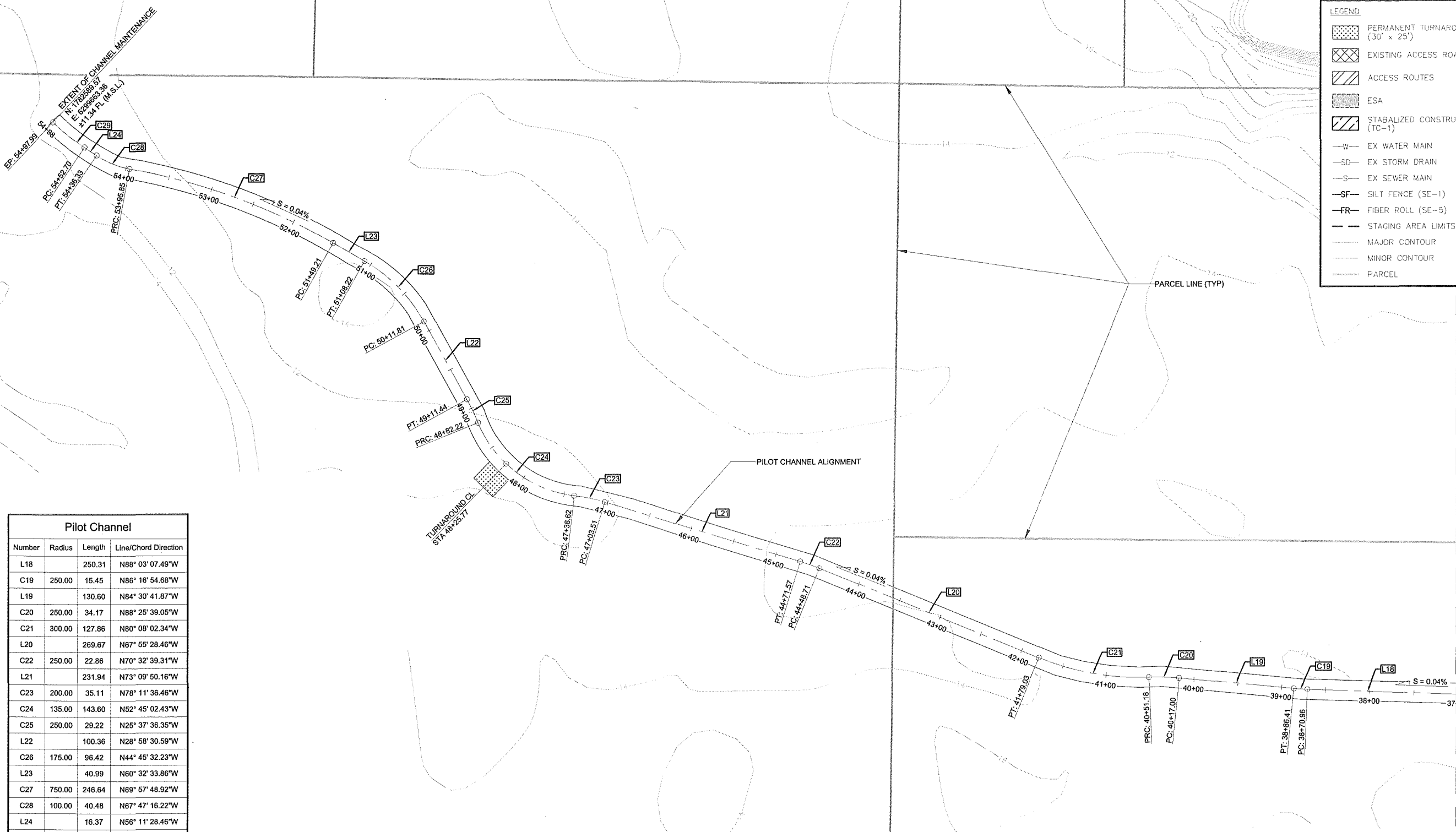
CONTRACTOR MUST NOTIFY THE BELOW LISTED AGENCY AT LEAST TWO (2) WORKING DAYS PRIOR TO COMMENCEMENT OF EXCAVATION :

UNDERGROUND SERVICE ALERT
 (USA) 1-800-422-4133

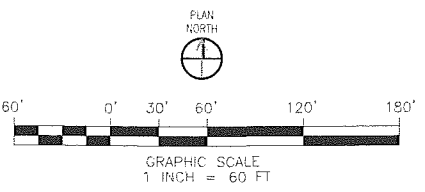
FOR CITY ENGINEER		DATE		SECTION HEAD
DESCRIPTION	BY	APPROVED	DATE	FILMED
FILE NAME: TL_CAD-ALC.DWG	DATE: 12-17-12	URS		
AS-BUILT				DESIGN ENGINEER
CONTRACTOR				140-1731
INSPECTOR				LAMBERT COORDINATES
DATE STARTED		DATE COMPLETED		

LEGEND

- PERMANENT TURNAROUND AREA (30' x 25')
- EXISTING ACCESS ROAD
- ACCESS ROUTES
- ESA
- STABILIZED CONSTRUCTION ENTRANCE (TC-1)
- EX WATER MAIN
- EX STORM DRAIN
- EX SEWER MAIN
- SILT FENCE (SE-1)
- FIBER ROLL (SE-5)
- STAGING AREA LIMITS
- MAJOR CONTOUR
- MINOR CONTOUR
- PARCEL



Pilot Channel			
Number	Radius	Length	Line/Chord Direction
L18	250.31		N88° 03' 07.49"W
C19	250.00	15.45	N86° 16' 54.68"W
L19	130.60		N84° 30' 41.87"W
C20	250.00	34.17	N88° 25' 39.05"W
C21	300.00	127.86	N80° 08' 02.34"W
L20	269.67		N67° 55' 28.46"W
C22	250.00	22.86	N70° 32' 39.31"W
L21	231.94		N73° 09' 50.16"W
C23	200.00	35.11	N78° 11' 36.46"W
C24	135.00	143.80	N52° 45' 02.43"W
C25	250.00	29.22	N25° 37' 36.35"W
L22	100.36		N28° 58' 30.59"W
C26	175.00	96.42	N44° 45' 32.23"W
L23	40.99		N60° 32' 33.86"W
C27	750.00	246.64	N69° 57' 48.92"W
C28	100.00	40.48	N67° 47' 16.22"W
L24	16.37		N56° 11' 28.46"W
C29	275.00	45.29	N51° 28' 25.17"W



NOTES:
 1 SEE SHEET 8 FOR CHANNEL SECTION.

CONCEPTUAL DESIGN PLANS FOR
 PILOT CHANNEL MAINTENANCE
 NOT FOR CONSTRUCTION

PLANS FOR THE CONSTRUCTION OF
 TIJUANA RIVER VALLEY
 PILOT CHANNEL MAINTENANCE

CITY OF SAN DIEGO, CALIFORNIA
 ENGINEERING DEPARTMENT
 SHEET 4 OF 15 SHEETS

CONTRACTOR MUST NOTIFY THE BELOW LISTED AGENCY AT LEAST TWO (2) WORKING DAYS PRIOR TO COMMENCEMENT OF EXCAVATION :

FOR CITY ENGINEER	DATE	SECTION HEAD
DESCRIPTION	BY	APPROVED
FILE NAME: TU_CAD-ALGDWG 12-17-12	URS	

W.O. NO. _____

PROJECT MANAGER

DESIGN ENGINEER

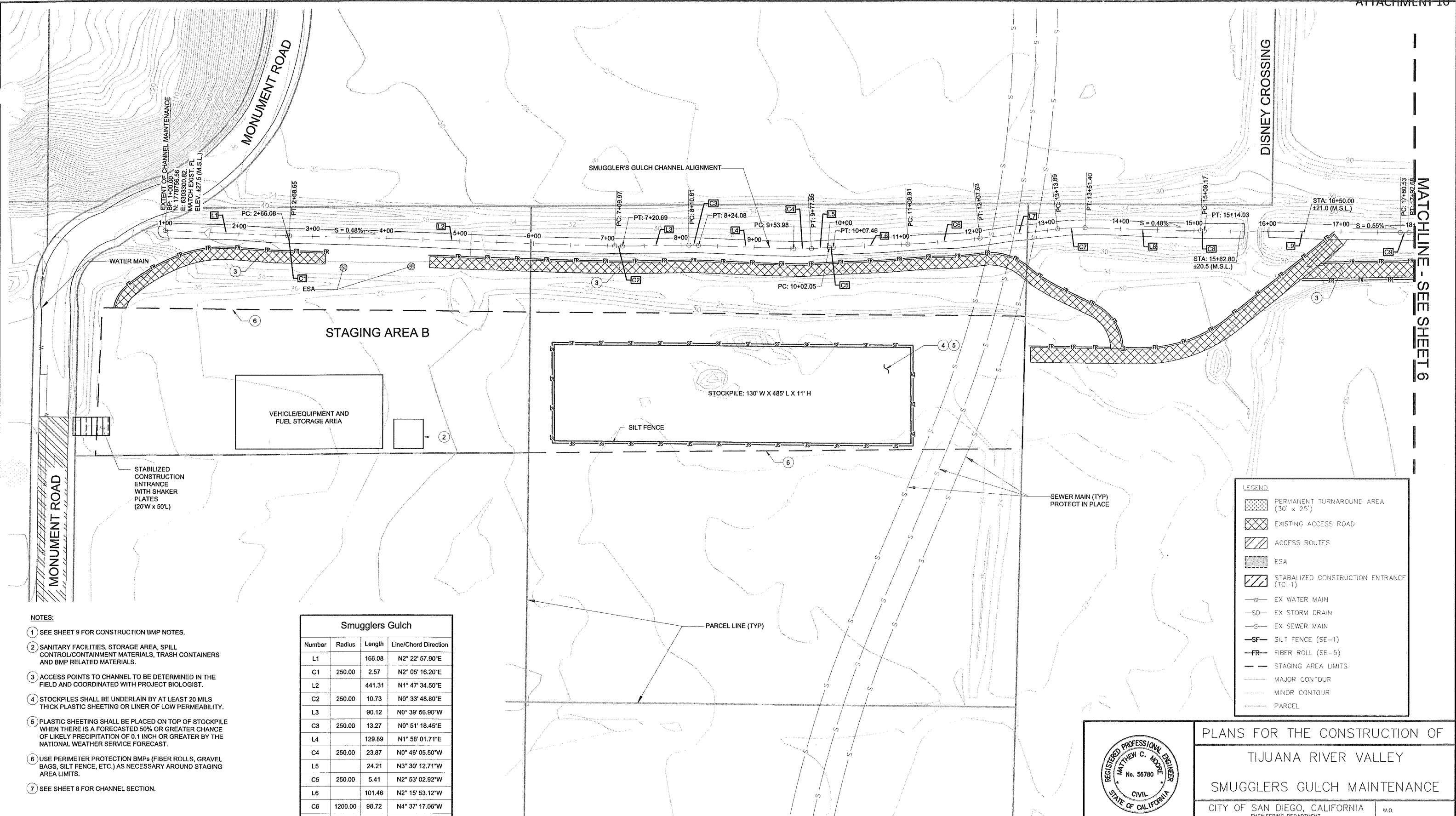
140-1731

LAMBERT COORDINATES

UNDERGROUND SERVICE ALERT (USA) 1-800-422-4133

CONTRACTOR INSPECTOR _____ DATE STARTED _____ DATE COMPLETED _____

MATCHLINE - SEE SHEET 6



NOTES:

- 1 SEE SHEET 9 FOR CONSTRUCTION BMP NOTES.
- 2 SANITARY FACILITIES, STORAGE AREA, SPILL CONTROL/CONTAINMENT MATERIALS, TRASH CONTAINERS AND BMP RELATED MATERIALS.
- 3 ACCESS POINTS TO CHANNEL TO BE DETERMINED IN THE FIELD AND COORDINATED WITH PROJECT BIOLOGIST.
- 4 STOCKPILES SHALL BE UNDERLAIN BY AT LEAST 20 MILS THICK PLASTIC SHEETING OR LINER OF LOW PERMEABILITY.
- 5 PLASTIC SHEETING SHALL BE PLACED ON TOP OF STOCKPILE WHEN THERE IS A FORECASTED 50% OR GREATER CHANCE OF LIKELY PRECIPITATION OF 0.1 INCH OR GREATER BY THE NATIONAL WEATHER SERVICE FORECAST.
- 6 USE PERIMETER PROTECTION BMPs (FIBER ROLLS, GRAVEL BAGS, SILT FENCE, ETC.) AS NECESSARY AROUND STAGING AREA LIMITS.
- 7 SEE SHEET 8 FOR CHANNEL SECTION.

Smugglers Gulch			
Number	Radius	Length	Line/Chord Direction
L1		166.08	N2° 22' 57.90"E
C1	250.00	2.57	N2° 05' 16.20"E
L2		441.31	N1° 47' 34.50"E
C2	250.00	10.73	N0° 33' 48.80"E
L3		90.12	N0° 39' 56.90"W
C3	250.00	13.27	N0° 51' 18.45"E
L4		129.89	N1° 58' 01.71"E
C4	250.00	23.87	N0° 46' 05.50"W
L5		24.21	N3° 30' 12.71"W
C5	250.00	5.41	N2° 53' 02.92"W
L6		101.46	N2° 15' 53.12"W
C6	1200.00	98.72	N4° 37' 17.06"W
L7		106.26	N6° 58' 41.01"W
C7	250.00	37.51	N2° 40' 48.37"W
L8		157.77	N1° 37' 04.27"E
C8	250.00	4.86	N1° 03' 39.50"E
L9		266.50	N0° 30' 14.72"E
C9	1000.00	12.15	N0° 09' 21.78"E

LEGEND

- PERMANENT TURNAROUND AREA (30' x 25')
- EXISTING ACCESS ROAD
- ACCESS ROUTES
- ESA
- STABILIZED CONSTRUCTION ENTRANCE (TC-1)
- EX WATER MAIN
- EX STORM DRAIN
- EX SEWER MAIN
- SILT FENCE (SE-1)
- FIBER ROLL (SE-5)
- STAGING AREA LIMITS
- MAJOR CONTOUR
- MINOR CONTOUR
- PARCEL

PLANS FOR THE CONSTRUCTION OF TIJUANA RIVER VALLEY SMUGGLERS GULCH MAINTENANCE

CITY OF SAN DIEGO, CALIFORNIA
ENGINEERING DEPARTMENT
SHEET 5 OF 15 SHEETS

REGISTERED PROFESSIONAL ENGINEER
MATTHEW C. MOORE
No. 56780
CIVIL
STATE OF CALIFORNIA

w.o. NO. _____

SECTION HEAD _____

PROJECT MANAGER _____

DESIGN ENGINEER
140-1731
LAMBERT COORDINATES

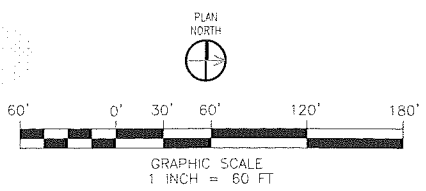
FOR CITY ENGINEER	DATE	SECTION HEAD
DESCRIPTION	BY	APPROVED
DATE	DATE	FILED

CONTRACTOR MUST NOTIFY THE BELOW LISTED AGENCY AT LEAST TWO (2) WORKING DAYS PRIOR TO COMMENCEMENT OF EXCAVATION :

AS-BUILT _____ CONTRACTOR _____ DATE STARTED _____ INSPECTOR _____ DATE COMPLETED _____

UNDERGROUND SERVICE ALERT (USA) 1-800-422-4133

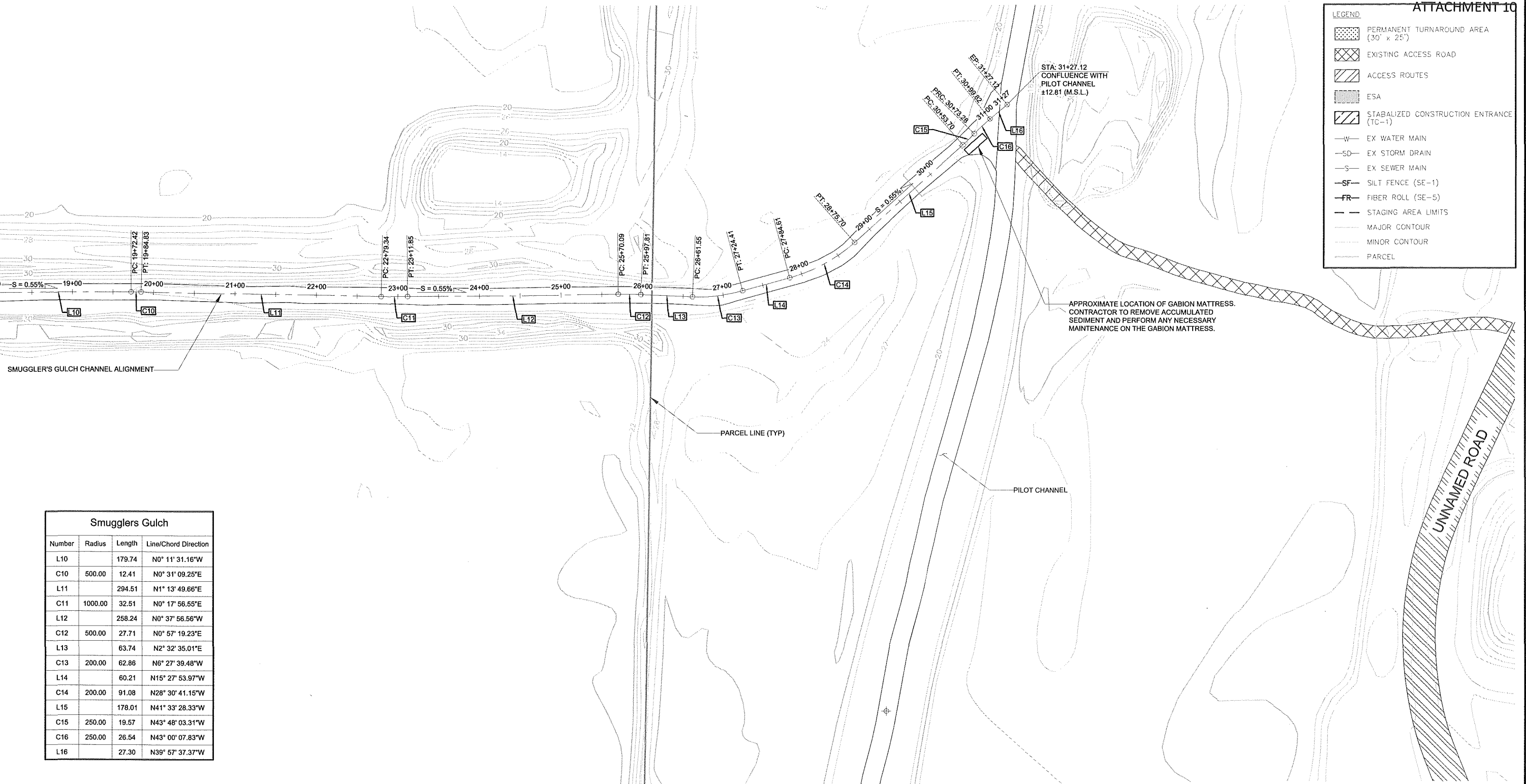
CONCEPTUAL DESIGN PLANS FOR SMUGGLERS GULCH MAINTENANCE
NOT FOR CONSTRUCTION



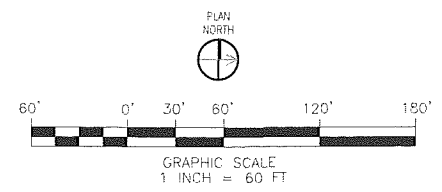
LEGEND

- PERMANENT TURNAROUND AREA (30' x 25')
- EXISTING ACCESS ROAD
- ACCESS ROUTES
- ESA
- STABILIZED CONSTRUCTION ENTRANCE (TC-1)
- EX WATER MAIN
- EX STORM DRAIN
- EX SEWER MAIN
- SILT FENCE (SE-1)
- FIBER ROLL (SE-5)
- STAGING AREA LIMITS
- MAJOR CONTOUR
- MINOR CONTOUR
- PARCEL

MATCHLINE - SEE SHEET 5



Smugglers Gulch			
Number	Radius	Length	Line/Chord Direction
L10		179.74	N0° 11' 31.16"W
C10	500.00	12.41	N0° 31' 09.25"E
L11		294.51	N1° 13' 49.66"E
C11	1000.00	32.51	N0° 17' 56.55"E
L12		258.24	N0° 37' 56.56"W
C12	500.00	27.71	N0° 57' 19.23"E
L13		63.74	N2° 32' 35.01"E
C13	200.00	62.86	N6° 27' 39.48"W
L14		60.21	N15° 27' 53.97"W
C14	200.00	91.08	N28° 30' 41.15"W
L15		178.01	N41° 33' 28.33"W
C15	250.00	19.57	N43° 48' 03.31"W
C16	250.00	26.54	N43° 00' 07.83"W
L16		27.30	N39° 57' 37.37"W



- NOTES:**
- ① ACCESS POINTS TO CHANNEL TO BE DETERMINED IN THE FIELD AND COORDINATED WITH PROJECT BIOLOGIST.
 - ② SEE SHEET 8 FOR CHANNEL SECTION.

CONCEPTUAL DESIGN PLANS FOR
SMUGGLERS GULCH MAINTENANCE
NOT FOR CONSTRUCTION

**PLANS FOR THE CONSTRUCTION OF
TIJUANA RIVER VALLEY
SMUGGLERS GULCH MAINTENANCE**

CITY OF SAN DIEGO, CALIFORNIA
ENGINEERING DEPARTMENT
SHEET 6 OF 15 SHEETS

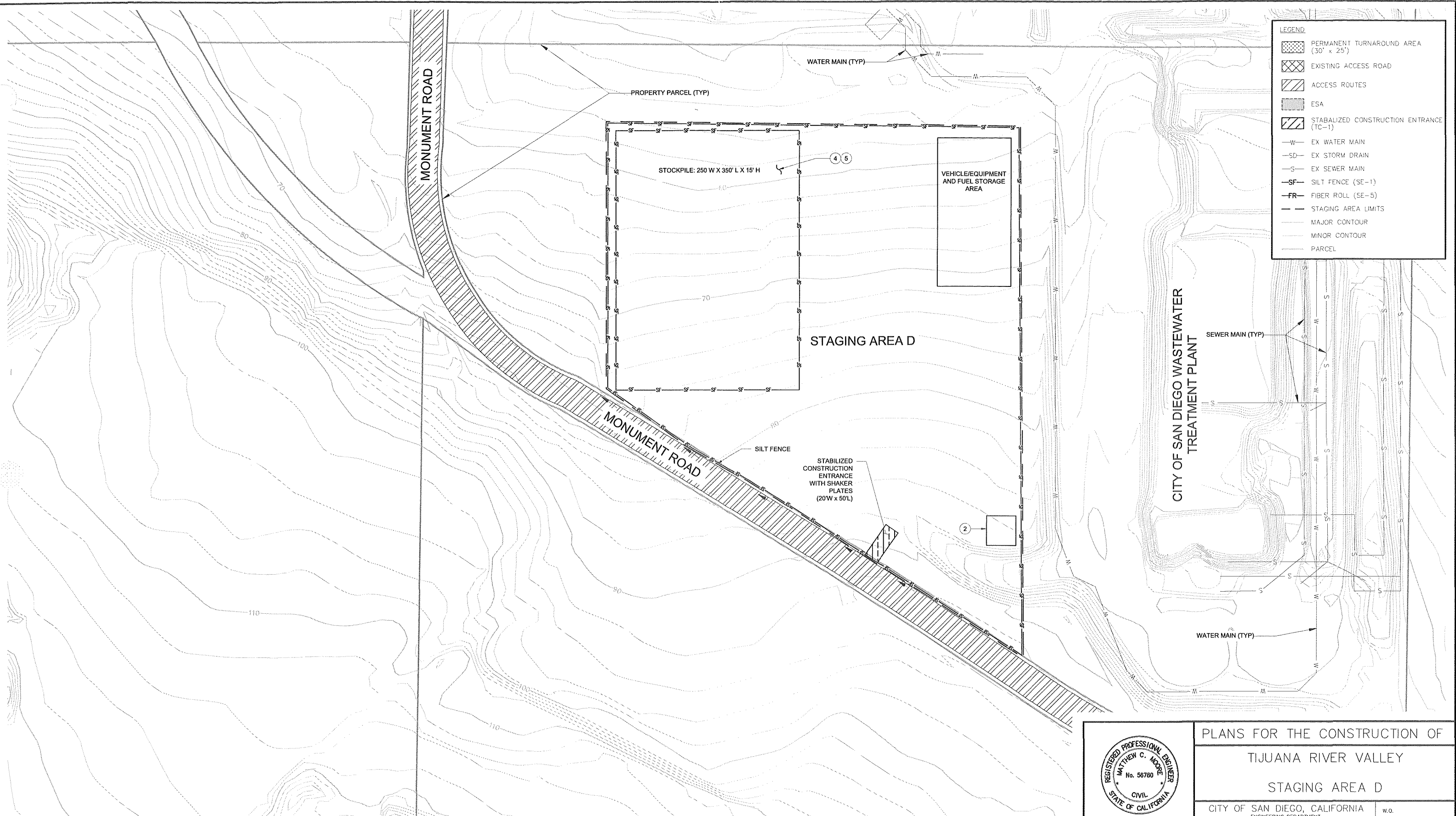
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FOR CITY ENGINEER		DATE		SECTION HEAD
DESCRIPTION	BY	APPROVED	DATE	FILMED
FILE NAME: T0_CAD-ALGDMG 12-17-12	URS			
AS-BUILT				
CONTRACTOR INSPECTOR				DATE STARTED
				DATE COMPLETED

CONTRACTOR MUST NOTIFY THE BELOW LISTED AGENCY AT LEAST TWO (2) WORKING DAYS PRIOR TO COMMENCEMENT OF EXCAVATION :

DESIGN ENGINEER
140-1731
LAMBERT COORDINATES

UNDERGROUND SERVICE ALERT (USA) 1-800-422-4133



LEGEND

- PERMANENT TURNAROUND AREA (30' x 25')
- EXISTING ACCESS ROAD
- ACCESS ROUTES
- ESA
- STABILIZED CONSTRUCTION ENTRANCE (TC-1)
- EX WATER MAIN
- EX STORM DRAIN
- EX SEWER MAIN
- SILTY FENCE (SE-1)
- FIBER ROLL (SE-5)
- STAGING AREA LIMITS
- MAJOR CONTOUR
- MINOR CONTOUR
- PARCEL

- NOTES:**
- 1 SEE SHEET 9 FOR CONSTRUCTION BMP NOTES.
 - 2 SANITARY FACILITIES STORAGE AREA, SPILL CONTROL/CONTAINMENT MATERIALS, TRASH CONTAINERS AND BMP RELATED MATERIALS.
 - 3 STAGING AREA D TO BE USED FOR PROCESSING EXCAVATED MATERIALS.
 - 4 STOCKPILES SHALL BE UNDERLAIN BY AT LEAST 20 MILS THICK PLASTIC SHEETING OR LINER OF LOW PERMEABILITY.
 - 5 PLASTIC SHEETING SHALL BE PLACED ON TOP OF STOCKPILE WHEN THERE IS A FORECASTED 50% OR GREATER CHANCE OF LIKELY PRECIPITATION OF 0.1 INCH OR GREATER BY THE NATIONAL WEATHER SERVICE FORECAST.

CONCEPTUAL DESIGN PLANS FOR
STAGING AREA D
NOT FOR CONSTRUCTION



PLANS FOR THE CONSTRUCTION OF
TIJUANA RIVER VALLEY
STAGING AREA D

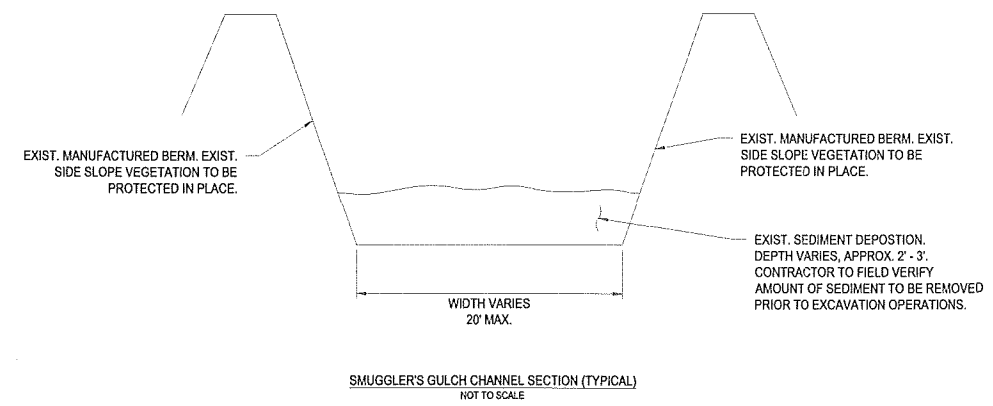
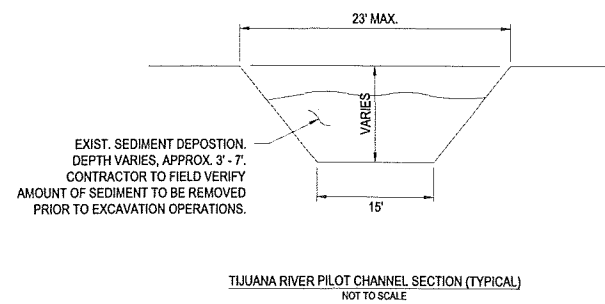
CITY OF SAN DIEGO, CALIFORNIA
ENGINEERING DEPARTMENT
SHEET 7 OF 15 SHEETS

w.o. NO. _____

CONTRACTOR MUST NOTIFY THE BELOW LISTED AGENCY AT LEAST TWO (2) WORKING DAYS PRIOR TO COMMENCEMENT OF EXCAVATION :

UNDERGROUND SERVICE ALERT (USA) 1-800-422-4133

FOR CITY ENGINEER		DATE		SECTION HEAD
DESCRIPTION	BY	APPROVED	DATE	FILMED
FILE NAME: TL_CAD-ALGDWG 12-17-12	DATE: URS			
AS-BUILT				PROJECT MANAGER
CONTRACTOR INSPECTOR				DESIGN ENGINEER
DATE STARTED				140-1731
DATE COMPLETED				LAMBERT COORDINATES



CONCEPTUAL DESIGN PLANS FOR
CROSS SECTIONS
NOT FOR CONSTRUCTION

REGISTERED PROFESSIONAL ENGINEER
MATTHEW C. MOORE
No. 56780
CIVIL
STATE OF CALIFORNIA

PLANS FOR THE CONSTRUCTION OF
TIJUANA RIVER VALLEY
CROSS SECTIONS

CITY OF SAN DIEGO, CALIFORNIA
ENGINEERING DEPARTMENT
SHEET 8 OF 15 SHEETS

CONTRACTOR MUST NOTIFY THE BELOW LISTED AGENCY AT LEAST TWO (2) WORKING DAYS PRIOR TO COMMENCEMENT OF EXCAVATION :

UNDERGROUND SERVICE ALERT (USA) 1-800-422-4133

w.o. NO. _____

FOR CITY ENGINEER		DATE			SECTION HEAD
DESCRIPTION	BY	APPROVED	DATE	FILMED	
FILE NAME: 11_CAD-ALG.DWG	DATE: 12-17-12	URS			PROJECT MANAGER
					DESIGN ENGINEER
					140-1731
					LAMBERT COORDINATES

CONSTRUCTION BMP NOTES:

1. ALL BEST MANAGEMENT PRACTICES (BMPs) WILL BE IMPLEMENTED PRIOR TO OR CONCURRENT WITH CONSTRUCTION AND MAINTAINED THROUGHOUT THE PROJECT. A QUALIFIED CONTACT PERSON WILL BE RESPONSIBLE FOR IMPLEMENTING THE WATER POLLUTION CONTROL PLAN (WPCP.) ALL WORK SHALL BE COMPLETED BETWEEN SEPTEMBER 15TH AND FEBRUARY 15TH UNLESS AN EXTENSION IS GRANTED IN CONFORMANCE WITH ALL APPLICABLE PERMITS.
2. CONTRACTOR WILL LIMIT ALL CONSTRUCTION RELATED ACTIVITIES TO THE PROJECT FOOTPRINT.
3. EXISTING VEGETATION TO BE PRESERVED IN PLACE SHALL BE CLEARLY MARKED WITH A BUFFER AREA FOLLOWING THE GUIDANCE OF BMP FACT SHEET EC-2.
4. REMOVAL OF VEGETATION MUST OCCUR BY HAND, MECHANICALLY, OR USING U.S. ENVIRONMENTAL PROTECTION AGENCY APPROVED HERBICIDES DEPLOYED WITH APPLICABLE BMPs TO PREVENT IMPACTS TO BENEFICIAL USES OF WATERS OF THE U.S. AND/OR STATE. USE OF AQUATIC PESTICIDES MUST BE DONE IN ACCORDANCE WITH STATE WATER RESOURCES CONTROL BOARD WATER QUALITY ORDER NO. 2004-0009-DWQ, AND ANY SUBSEQUENT REISSUANCE AS APPLICABLE. REMOVAL OF VEGETATION MUST OCCUR OUTSIDE OF THE AVIAN NESTING SEASON (MARCH 15-AUGUST 31).
5. REMOVAL AND DISPOSAL OF EXOTIC INVASIVE SPECIES SHALL BE DONE IN A MANNER THAT PREVENTS THE SPREAD OF EXOTIC INVASIVE SPECIES TO OTHER AREAS.
6. THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ADEQUATE WIND EROSION CONTROL IS AVAILABLE ONSITE FOLLOWING BMP FACT SHEET WE-1.
7. STABILIZED CONSTRUCTION ROADWAYS AND ENTRANCE/EXITS WILL BE INSTALLED TO PREVENT TRACKING FOLLOWING THE GUIDANCE OF BMP FACT SHEET TC-1 AND TC-2.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANUP OF SILT AND MUD ON STREETS DUE TO EXCAVATION AND STOCKPILING ACTIVITIES. STREET SWEEPING AND VACUUMING WILL BE MANAGED FOLLOWING THE GUIDANCE OF BMP FACT SHEET SE-7.
9. THE PERIMETER OF THE SITES SHALL BE PROTECTED AGAINST RUN-ON AND RUNOFF USING LINEAR SEDIMENT BARRIERS SUCH AS DRAINAGE SWALES, SILT FENCE, FIBER ROLLS, AND/OR GRAVEL BAG BERMS. THE SEDIMENT CONTROL BMPs MAY BE USED INTERCHANGEABLY BASED ON SITE CONDITIONS AND STORMWATER CONCENTRATION.
10. CONTRACTOR TO PLACE LINEAR SEDIMENT BARRIERS AROUND WORK ZONE FOLLOWING THE GUIDANCE OF BMP FACT SHEETS SC-1, SC-5, SC-6 AND/OR SC-8. SC-1 OR SC-5 SHALL BE USED WHERE APPROPRIATE IN CONJUNCTION WITH CONSTRUCTION FENCE, WHICH WILL BE USED AS SUPPORT. FIBER ROLLS MUST BE ADEQUATELY SECURED SO THAT STORMWATER CANNOT GET AROUND OR UNDER THEM.
11. GRAVEL BAG BERMS MAY BE USED TO FORM BARRIERS ACROSS SLOPES TO INTERCEPT RUNOFF AND RELEASE IT AS SHEET FLOW, PROVIDING SOME SEDIMENT REMOVAL. GRAVEL BAGS CAN BE USED WHERE FLOWS ARE MODERATELY CONCENTRATED, SUCH AS IN DITCHES AND SWALES. GRAVEL BAGS SHALL BE USED AS A LINEAR SEDIMENT BARRIER IF FLOW EXCEEDS THE ABILITY OF FIBER ROLLS TO CONTROL. GRAVEL BAG BERMS WILL BE IMPLEMENTED FOLLOWING THE GUIDANCE OF BMP FACT SHEET SE-6.
12. FIBER ROLLS SHALL ALSO BE USED IN VEGETATED AREAS, ON SLOPES, AND TO FORM BERMS AROUND STOCKPILES. FIBER ROLLS SHALL BE IMPLEMENTED FOLLOWING THE GUIDANCE OF BMP FACT SHEET SC-5. SILT FENCE MAY ALSO BE USED AT TOES OF STOCKPILES.
13. WEATHER TRIGGERED ACTION PLAN SHALL BE IMPLEMENTED WHEN THERE IS A FORECASTED 50% OR GREATER CHANCE OF LIKELY PRECIPITATION OF 0.1 INCH OR GREATER BY THE NATIONAL WEATHER SERVICE FORECAST.
14. SOIL ROUGHENING CAN BE USED IN CONJUNCTION WITH HYDRAULICALLY APPLIED STABILIZATION METHODS, GEOTEXTILES, FIBER ROLLS, OR MULCH TO PROTECT, TEMPORARY STOCKPILES, OR SWALES FOLLOWING THE GUIDANCE OF BMP FACT SHEETS EC-4, EC-5, & EC-7.
15. CONTRACTOR SHALL RESTORE ALL EROSION CONTROL DEVICES TO WORKING ORDER AFTER EACH RUNOFF-PRODUCING RAINFALL.
16. TEMPORARY EROSION OR SEDIMENT CONTROL MEASURES WILL BE REMOVED UPON COMPLETION OF MAINTENANCE UNLESS THEIR REMOVAL WOULD RESULT IN GREATER ENVIRONMENTAL IMPACT THAN LEAVING THEM IN PLACE.
17. WASTE AND STOCKPILES SHALL BE MANAGED FOLLOWING THE GUIDANCE OF BMP FACT SHEETS WM-3, WM-5, WM-6, WM-7, AND WM-10. COMPOSTABLE GREEN WASTE MATERIALS SHALL BE TRANSPORTED TO AN APPROVED COMPOSTING FACILITY WHEN FEASIBLE.
18. EXPOSED WASTE MATERIALS AND SOIL STOCKPILES SHALL BE TEMPORARILY STORED IN STAGING AREAS B AND D UNTIL REMOVAL TO A PERMITTED DISPOSAL FACILITY. EXPOSED WASTE MATERIALS AND SOIL STOCKPILES SHALL BE PROTECTED IN PLACE USING SILT FENCE, FIBER ROLLS, GRAVEL BAGS, PLASTIC COVERS, AND/OR DRAINAGE SWALES FOLLOWING THE GUIDANCE OF BMP FACT SHEETS SE-1, SE-5, SE-6, EC-7 AND/OR EC-9. MANAGEMENT OF STOCKPILES TEMPORARILY MUST ALSO COMPLY WITH R9-2007-0104, CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS FOR SPECIFIC TYPES OF DISCHARGE WITHIN THE SAN DIEGO REGION, CONDITIONAL WAIVER 8.
19. EXCAVATED MATERIALS FROM THE CHANNELS SHALL BE TRANSFERRED TO STAGING AREA D TO BE SUFFICIENTLY DRIED AND TO BE PROCESSED TO

20. SEPARATE OUT SEDIMENT, VEGETATION, TRASH AND TIRES. WASTE TIRES SHALL BE SEPARATED FROM EXCAVATED MATERIALS AND TRANSPORTED TO AN APPROPRIATE DISPOSAL FACILITY.. IF MORE THAN NINE TIRES ARE IN A VEHICLE OR WASTE BIN AT ANY ONE TIME, THEY SHALL BE TRANSPORTED UNDER A COMPLETED COMPREHENSIVE TRIP LOG (CTL) TO DOCUMENT THAT THE TIRES WERE TAKEN TO AN APPROPRIATE DISPOSAL FACILITY.
21. EXCAVATED MATERIALS WILL BE REUSED, WHENEVER POSSIBLE, AS FILL MATERIAL, AGGREGATE, SAND REPLENISHMENT OR OTHER RAW MATERIAL USES. RE-USED MATERIAL (AGGREGATES, SOIL, SAND, OR SILT) SHALL BE DOCUMENTED IN ACCORDANCE WITH APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.
22. HAZARDOUS MATERIALS USED DURING MAINTENANCE WILL NOT BE STORED WITHIN 50 FEET FROM STORM WATER FACILITIES. HAZARDOUS MATERIALS SHALL BE MANAGED AND STORED IN ACCORDANCE WITH APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS. A REGISTERED FIRST-RESPONSE, PROFESSIONAL HAZARDOUS MATERIALS CLEAN-UP/REMEDIATION SERVICE SHALL BE LOCALLY AVAILABLE ON CALL.
23. MAINTENANCE-RELATED TRASH WILL BE STORED IN AN APPROPRIATE RECEPTACLE WITH A COVER IN THE STAGING AREAS AT LEAST 150 FEET FROM STORM WATER FACILITIES, AND TRASH RECEPTACLES WILL BE EMPTIED/REMOVED REGULARLY (AT LEAST ONCE PER WEEK).
24. THE TREATMENT, STORAGE, AND DISPOSAL OF WASTEWATER DURING THE LIFE OF THE PROJECT MUST BE DONE IN ACCORDANCE WITH WASTE DISCHARGE REQUIREMENTS ESTABLISHED BY THE SAN DIEGO WATER BOARD PURSUANT TO CWC 13260.
25. CONSTRUCTION DEWATERING OPERATIONS ARE NOT ANTICIPATED FOR THE MAINTENANCE ACTIVITIES DUE TO DRY WEATHER EXCAVATION REQUIREMENTS. IF THEY ARE NEEDED, CONSTRUCTION DEWATERING OPERATIONS SHALL BE MANAGED FOLLOWING THE GUIDANCE OF BMP FACT SHEET NS-2. GROUNDWATER DEWATERING SHALL BE MANAGED IN ACCORDANCE WITH THE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM TEMPORARY GROUNDWATER EXTRACTION AND SIMILAR WASTE DISCHARGES TO SAN DIEGO BAY, TRIBUTARIES THERETO UNDER TIDAL INFLUENCE, AND STORM DRAINS OR OTHER CONVEYANCE SYSTEMS TRIBUTARY THERETO (WDR) ORDER NO. R9-2007-0034, NPDES NO. CAG919001.
26. SANITARY FACILITIES WILL BE PROVIDED ONSITE FOR THE USE OF PERSONNEL AND WILL BE PROPERLY MAINTAINED, INCLUDING BEING EQUIPPED WITH SECONDARY CONTAINMENT FOLLOWING THE GUIDANCE OF BMP FACT SHEET WM-9
27. SPILLS SHALL BE MANAGED FOLLOWING THE GUIDANCE OF BMP FACT SHEET WM-4. SPILL CLEANUP MATERIALS SHALL BE AVAILABLE ONSITE AT ALL TIMES.
28. MATERIAL USE, DELIVERY AND STORAGE SHALL BE MANAGED FOLLOWING THE GUIDANCE OF BMP FACT SHEETS WM-1 AND WM-2.
29. WATER SHALL BE CONSERVED FOLLOWING THE GUIDANCE OF BMP FACT SHEET NS-1 SO AS NOT TO ALLOW UNAUTHORIZED NON-STORMWATER DISCHARGES.
30. BMP MATERIAL SHALL BE STORED ONSITE TO PROVIDE COMPLETE PROTECTION OF EXPOSED AREAS AND PREVENT OFFSITE SEDIMENT TRANSPORT.
31. VEHICLE AND EQUIPMENT FUELING/MAINTENANCE SHALL BE MANAGED FOLLOWING THE GUIDANCE OF BMP FACT SHEETS NS-9 AND NS-10. THE FUELING AREA SHALL BE LOCATED AT LEAST 100 FEET AWAY FROM THE CHANNELS IN STAGING AREAS B AND D. NO ROUTINE MAINTENANCE AND NO STORAGE OF PETROLEUM PRODUCTS OR CHEMICALS ARE PERMITTED ONSITE. RE-FUELING WILL BE RESTRICTED TO HEAVY EARTH MOVING EQUIPMENT (NOT DUMP TRUCKS) AND RESTRICTED TO THE STAGING AREA. EQUIPMENT WILL BE INSPECTED DAILY FOR FLUID LEAKS AND PROMPTLY CLEANED UP.
32. STATIONARY EQUIPMENT (CRANES, MOTORS, PUMPS, ETC.) LOCATED IN OR ADJACENT TO THE CHANNELS SHALL BE POSITIONED OVER DRIP PANS.
33. THE CONTRACTOR SHALL PROVIDE EQUIPMENT NECESSARY TO EXTINGUISH SMALL BRUSH FIRES (FROM SPARKING VEHICLES, ETC.) ON-SITE DURING ALL PHASES OF PROJECT ACTIVITIES, ALONG WITH TRAINED PERSONNEL FOR USE OF SUCH EQUIPMENT.
34. THE CONTRACTOR SHALL MONITOR THE 5 DAY WEATHER FORECAST. IF ANY PRECIPITATION IS FORECASTED, THE SITE SHALL BE SECURED TO PREVENT ANY CONSTRUCTION RELATED MATERIALS FROM LEAVING THE SITE AND ENTERING THE CHANNELS. THE SITE SHALL BE COMPLETELY SECURED ONE DAY PRIOR TO EXPECTED PRECIPITATION UNLESS PRIOR WRITTEN APPROVAL IS PROVIDED BY THE DEPARTMENT OF FISH AND GAME (DFG). NO CONSTRUCTION ACTIVITIES SHALL OCCUR DURING RAIN EVENTS. IF THE AMOUNT OF RAINFALL ACCUMULATED IN THE WATERSHED IS ONE INCH OR GREATER, CONSTRUCTION ACTIVITIES SHALL BE HALTED FOR TWO WEEKS OR UNTIL THE FLOWS HAVE RECEDED AND THE MOISTURE CONTENT OF THE SOILS HAVE STABILIZED.
35. SAMPLING AND ANALYSIS, MONITORING AND REPORTING, AND POST-MAINTENANCE MANAGEMENT OF THE PROJECT SHALL BE CONDUCTED AS DETERMINED NECESSARY BY THE CITY OF SAN DIEGO.
36. CHANNELS WILL BE INSPECTED WITHIN 72 HOURS OF THE FIRST 2-YEAR STORM FOLLOWING MAINTENANCE. IF SUBSTANTIAL EROSION HAS OCCURRED, EROSION CONTROL MEASURES RECOMMENDED BY THE FIELD ENGINEER WILL BE IMPLEMENTED TO REMEDIATE EROSION AREAS AND TO MINIMIZE FUTURE EROSION.
37. CONTRACTOR SHALL PROVIDE TRAINING FOR ALL PERSONNEL RESPONSIBLE FOR THE PROPER INSTALLATION, INSPECTION, AND MAINTENANCE OF ONSITE BMPs.

38. THE QUALIFIED CONTACT PERSON WILL ASSIGN A MONITOR FOR DAILY INSPECTION OF THE BMPs. EACH MORNING, THE MONITOR WILL CHECK THE NATIONAL WEATHER SERVICE FORECAST, COMPLETE BMP INSPECTION CHECKLIST, PERFORM ANY NECESSARY BMP MAINTENANCE/REPAIRS, AND REPORT THE RESULTS TO THE QUALIFIED CONTACT PERSON. COMPLETED INSPECTION CHECKLISTS WILL BE KEPT WITH THE WPCP.
39. PREVIOUSLY UNDISTURBED STAGING AREAS WILL BE REVEGETATED WITHIN 30 DAYS OF COMPLETION OF MAINTENANCE ACTIVITIES. THE REVEGETATED AREAS WILL BE MONITORED FOR A PERIOD OF NOT LESS THAN 25 MONTHS AFTER PLANTING.
40. FINAL LOCATION OF CHANNEL CENTERLINE WILL BE DETERMINED IN THE FIELD AND COORDINATED WITH NECESSARY PROJECT SPECIALISTS (BIOLOGIST, HISTORICAL MONITOR, ETC.).


MAINTENANCE PROCEDURE:

- PRE-MAINTENANCE ACTIVITIES:**
1. PRECONSTRUCTION MEETING - CONDUCT A PRE-MAINTENANCE MEETING ON-SITE PRIOR TO THE START OF ANY MAINTENANCE ACTIVITY. QUALIFIED SPECIALISTS SHALL: INDICATE/IDENTIFY ANY SENSITIVE BIOLOGICAL/HISTORICAL/WATER QUALITY RESOURCES TO BE AVOIDED DURING MAINTENANCE, FLAG/DELINEATE SENSITIVE RESOURCES TO BE AVOIDED DURING MAINTENANCE, REVIEW SPECIFIC MEASURES TO BE IMPLEMENTED TO MINIMIZE DIRECT/INDIRECT IMPACTS, AND DIRECT CREWS OR OTHER PERSONNEL TO PROTECT SENSITIVE RESOURCES AS NECESSARY.
 2. TRAINING - CONDUCT TRAINING FOR PERSONNEL RESPONSIBLE FOR THE PROPER INSTALLATION, INSPECTION, AND MAINTENANCE OF ON-SITE BMPs.
 3. BMP INSTALLATION - INSTALL CONSTRUCTION BMPs (SEDIMENT, EROSION CONTROL, ETC.) IN ACCORDANCE WITH THE WATER POLLUTION CONTROL PLAN ALONG ALL EXISTING ACCESS ROADS AND STAGING AREAS.
 4. MOBILIZE EQUIPMENT AT STAGING AREAS B AND D.
 5. PERFORM NECESSARY MAINTENANCE ACTIVITIES ALONG THE EXISTING ACCESS ROADS.

- CHANNEL SEQUENCE**
1. SMUGGLER'S GULCH (SG) NORTH OF DISNEY CROSSING TOWARD CONFLUENCE AND CULVERTS UNDER DISNEY CROSSING.
 2. PILOT CHANNEL EAST OF CONFLUENCE TOWARDS HOLLISTER BRIDGE.
 3. PILOT CHANNEL WEST OF CONFLUENCE TO SATURN BOULEVARD.
 4. SG SOUTH OF DISNEY CROSSING TOWARD MONUMENT ROAD AND CULVERTS UNDER MONUMENT ROAD.

- METHODOLOGY**
1. SG NORTH OF DISNEY CROSSING TOWARD CONFLUENCE AND CULVERTS UNDER DISNEY CROSSING
 - 1.1. EQUIPMENT ENTERS SG AT TEMPORARY ACCESS RAMP NORTH OF DISNEY CROSSING.
 - 1.2. BULLDOZER PUSHES MATERIAL TO A CENTRAL LOCATION IN CHANNEL.
 - 1.3. EXCAVATOR STATIONED AT CENTRAL LOCATION SCOOPS ACCUMULATED MATERIAL AND LOADS INTO ROCK TRUCK
 - 1.4. ROCK TRUCK (USING DESIGNATED TURNAROUND AND ACCESS ROADS) HAULS MATERIAL TO STAGING AREA B
 - 1.5. PLACE BARRIERS AT TRAIL HEADS AND DISNEY CROSSING.
 2. CULVERTS UNDER DISNEY BRIDGE
 - 2.1. SKID-STEER (BOBCAT) ENTERS SG AT TEMPORARY ACCESS RAMP.
 - 2.2. SKID-STEER PUSHES MATERIAL IN CULVERTS TO EXCAVATOR STATIONED AT ACCESS RAMP.
 - 2.3. EXCAVATOR LOADS ROCK TRUCK/DUMP TRUCK.
 - 2.4. ROCK/DUMP TRUCK HAULS MATERIAL TO STAGING AREA B.
 3. SG SOUTH OF DISNEY CROSSING TOWARD MONUMENT ROAD
 - 3.1. BULLDOZER TO ENTER CHANNEL FROM DESIGNATED ACCESS POINT ALONG ACCESS ROUTE.
 - 3.2. BULLDOZER PUSHES MATERIAL TO CENTRAL LOCATION.
 - 3.3. EXCAVATOR STATIONED ON ACCESS ROAD SCOOPS MATERIAL FROM CENTRAL LOCATION.
 - 3.4. EXCAVATOR LOAD MATERIAL INTO ROCK TRUCK.
 - 3.5. ROCK TRUCK USES EXISTING ACCESS ROADS TO HAUL MATERIALS TO STAGING AREA B.
 - 3.6. MAINTENANCE SHALL BE PERFORMED SUCH THAT IDENTIFIED SENSITIVE RESOURCES ARE AVOIDED. SENSITIVE RESOURCES ARE LOCATED ON THE EARTHEN BERM OF SG AS INDICATED ON THE PLAN SHEETS.
 4. CULVERTS UNDER MONUMENT ROAD
 - 4.1. VACTOR TRUCK STATIONED ON MONUMENT ROAD FLUSHES ACCUMULATED MATERIAL IN CULVERT AND VACUUMS MATERIAL.
 - 4.2. MATERIALS TO BE HAULED TO AN APPROPRIATE DISPOSAL FACILITY.
 5. PILOT CHANNEL
 - 5.1. FOLLOW SG NORTH OF DISNEY CROSSING METHODOLOGY.
 - 5.2. CONSTRUCT NEW TURNAROUND ALONG NORTH BANK AND MAINTAIN EXISTING TURNAROUNDS.
 - 5.3. PERFORM INSPECTION/MAINTENANCE OF GABION ROCK MATTRESS LOCATED NEAR CONFLUENCE OF SG AND PILOT CHANNELS.
 6. STAGING AREA B
 - 6.1. ROCK TRUCK TRANSPORTS/DUMPS SPOILS TO STAGING AREA B.
 - 6.2. BULLDOZER MANAGES STOCKPILE.
 - 6.3. LOADER DUMPS MATERIAL INTO DUMP TRUCK.
 - 6.4. DUMP TRUCK HAULS MATERIAL TO STAGING AREA D.
 7. STAGING AREA D
 - 7.1. DUMP TRUCK TRANSPORTS/DUMPS SPOILS TO STAGING AREA D.
 - 7.2. BULLDOZER MANAGES STOCKPILE.
 - 7.3. BACKHOE SEPERATES AND SORTS MATERIALS (WASTE TIRES,VEGETATION, TRASH) FROM STOCKPILE.
 - 7.4. LOADER DUMPS MATERIAL INTO DUMP TRUCK.
 - 7.5. DUMPTRUCK HAULS TO APPROPRIATE DISPOSAL FACILITY.

- POST-CONSTRUCTION**
1. DEMOBILIZE EQUIPMENT.
 2. REMOVE TEMPORARY CONSTRUCTION BMPs.


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	TIJUANA RIVER VALLEY									
	CONSTRUCTION BMP NOTES									
CITY OF SAN DIEGO, CALIFORNIA ENGINEERING DEPARTMENT SHEET 9 OF 15 SHEETS	W.O. NO. _____									
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OTHER BMP REQUIREMENTS:

1. THE MASTER LIST OF BMPs, INCLUDED AS APPENDIX B IN THE WPCP, SHOULD BE CONSULTED FOR ADDITIONAL BIOLOGICAL, CULTURAL, AND WATER QUALITY RELATED REQUIREMENTS.
2. AN ONSITE PRE-MAINTENANCE MEETING SHOULD BE CONDUCTED PRIOR TO THE START OF THE PROJECT. IN ATTENDANCE AT THE MEETING SHOULD BE THE: MAINTENANCE CONTRACTOR, CITY STORM WATER DIVISION REPRESENTATIVES, MITIGATION MONITORING COORDINATOR, QUALIFIED WATER QUALITY SPECIALIST, PROJECT BIOLOGIST/MONITOR, QUALIFIED ARCHAEOLOGIST/HISTORICAL MONITOR/PALEONTOLOGICAL MONITOR, AND ANY OTHER KEY PERSONNEL. SENSITIVE HISTORICAL AND BIOLOGICAL RESOURCES SHOULD BE IDENTIFIED TO BE AVOIDED DURING THE MAINTENANCE ACTIVITIES AS WELL AS ANY CONDITIONS FOR POSSIBLE NIGHT AND/OR WEEKEND WORK. THE WATER QUALITY SPECIALIST SHOULD IDENTIFY MITIGATION MEASURES, PROTOCOLS AND BMPs TO BE CARRIED OUT DURING THE MAINTENANCE. THE MASTER LIST OF BMPs PROVIDES DETAILED INFORMATION ON PROCEDURES TO BE FOLLOWED.
3. THE CITY SHALL NOTIFY DFG, IN WRITING, AT LEAST FIVE DAYS PRIOR TO INITIATION OF CONSTRUCTION (PROJECT) ACTIVITIES AND AT LEAST FIVE DAYS PRIOR TO COMPLETION OF CONSTRUCTION (PROJECT) ACTIVITIES, EACH TIME PROJECT ACTIVITIES OCCUR. NOTIFICATION SHALL BE SENT TO DFG'S SOUTH COAST OFFICE, ATTN: STREAMBED ALTERATION PROGRAM - SM # 1600-2011-0271-R5.
4. AVOID THE INTRODUCTION OF INVASIVE PLANT SPECIES WITH PHYSICAL EROSION CONTROL MEASURES.
5. REMOVE ARUNDO THROUGH ONE, OR A COMBINATION OF, THE FOLLOWING METHODS : (1) FOLIAR SPRAY (SPRAYING HERBICIDE ON LEAVES AND STEMS WITHOUT CUTTING FIRST) WHEN ARUNDO OCCURS IN MONOTYPIC STANDS, OR (2) CUT AND PAINT (CUTTING STEMS CLOSE TO THE GROUND AND SPRAYING OR PAINTING HERBICIDE ON CUT STEM SURFACE) WHEN ARUNDO IS INTERMIXED WITH NATIVE PLANTS. WHEN SEDIMENT SUPPORTING ARUNDO MUST BE REMOVED, THE SEDIMENT SHALL BE EXCAVATED TO A DEPTH SUFFICIENT TO REMOVE THE RHIZOMES, WHEREVER FEASIBLE. FOLLOWING REMOVAL OF SEDIMENT CONTAINING RHIZOMES, LOOSE RHIZOME MATERIAL SHALL BE REMOVED FROM THE CHANNEL AND DISPOSED OFFSITE. AFTER THE INITIAL TREATMENT, THE AREA OF REMOVAL SHALL BE INSPECTED ON A QUARTERLY BASIS FOR UP TWO YEARS, OR UNTIL NO RESPROUTING IS OBSERVED DURING AN INSPECTION. IF RESPROUTING IS OBSERVED, THE CUT AND PAINT METHOD SHALL BE APPLIED TO ALL RESPROUTS.
6. PRIOR TO COMMENCING ANY MAINTENANCE ACTIVITY WHICH MAY IMPACT SENSITIVE BIOLOGICAL RESOURCES, THE MONITORING BIOLOGIST SHALL VERIFY THAT THE FOLLOWING ACTIONS HAVE BEEN TAKEN, AS APPROPRIATE:
 - FENCING, FLAGGING, SIGNAGE, OR OTHER MEANS TO PROTECT SENSITIVE RESOURCES TO REMAIN AFTER MAINTENANCE HAS BEEN IMPLEMENTED;
 - NOISE ATTENUATION MEASURES NEEDED TO PROTECT SENSITIVE WILDLIFE ARE IN PLACE AND EFFECTIVE; AND/OR
 - NESTING RAPTORS HAVE BEEN IDENTIFIED AND NECESSARY MAINTENANCE SETBACKS HAVE BEEN ESTABLISHED IF MAINTENANCE IS TO OCCUR BETWEEN JANUARY 15 AND AUGUST 31. SEE THE MASTER LIST OF BMPs FOR ADDITIONAL INFORMATION.
7. A QUALIFIED BIOLOGICAL MONITOR THAT CAN RECOGNIZE CLAPPER RAILS AND THEIR VOCALIZATIONS SHALL BE PRESENT DURING ALL THE PROJECT MAINTENANCE ACTIVITY WITHIN THE CHANNELS, ENFORCE THE LIMITS OF MAINTENANCE AND ENSURE THAT NO HARM TO CLAPPER RAILS OCCURS. BEFORE EACH WORKDAY IN THE PILOT CHANNEL BEGINS, THE BIOLOGICAL MONITOR SHALL WALK UPSTREAM TO DOWNSTREAM ON EITHER SIDE OF THE CHANNEL TO EVALUATE IF CLAPPER RAILS HAVE ENTERED THE PROJECT AREA. THE BIOLOGICAL MONITOR WILL FOLLOW PROCEDURES OUTLINED IN THE MASTER LIST OF BMPs.
8. CONTRACTOR SHALL HAVE A QUALIFIED BIOLOGIST ON SITE DAILY DURING PROJECT ACTIVITY TO ENSURE THAT AGREEMENT CONDITIONS ARE BEING MET AND MINIMIZE IMPACTS TO HABITAT. THE BIOLOGIST WILL BE KNOWLEDGEABLE OF VIREO BIOLOGY AND ECOLOGY. THE BIOLOGIST SHALL BE AUTHORIZED TO STOP CONSTRUCTION IF NECESSARY TO PROTECT FISH AND WILDLIFE RESOURCES. IF ANY PROTECTED SPECIES ARE FOUND THE BIOLOGIST SHALL INFORM DFG. IF THERE IS A THREAT OF HARM TO ANY PROTECTED SPECIES OR OTHER AQUATIC WILDLIFE THE BIOLOGIST SHALL HALT CONSTRUCTION AND NOTIFY DFG. CONSULTATION WITH DFG IS REQUIRED BEFORE RE-COMMENCING WORK. THE QUALIFIED BIOLOGIST WILL FOLLOW PROCEDURES OUTLINED IN THE MASTER LIST OF BMPs.
9. IF ANY WILDLIFE IS ENCOUNTERED DURING THE COURSE OF CONSTRUCTION, SAID WILDLIFE SHALL BE ALLOWED TO LEAVE THE CONSTRUCTION AREA UNHARMED.
10. PRIOR TO THE START OF MAINTENANCE ACTIVITIES, ALL HISTORICAL RESOURCES AREAS SHALL BE FLAGGED, CAPPED OR FENCED.
11. AREAS IDENTIFIED AS MODERATE TO HIGH POTENTIAL FOR THE OCCURRENCE OF SIGNIFICANT HISTORICAL RESOURCES SHALL BE IDENTIFIED FOLLOWING THE PROCEDURES OUTLINES IN THE MASTER LIST OF BMPs. AN ARCHAEOLOGICAL MONITOR SHALL BE PRESENT ONSITE FULL TIME DURING CONSTRUCTION ACTIVITIES IN AREAS IDENTIFIED AS ARCHEOLOGICAL RESOURCES.
12. IF HUMAN REMAINS ARE DISCOVERED, WORK SHALL HALT IN THAT AREA AND NO SOIL SHALL BE EXPORTED OFF-SITE UNTIL A DETERMINATION CAN BE MADE. THE PROCEDURES OUTLINED IN THE MASTER LIST OF BMPs SHALL BE FOLLOWED.
13. IF A LISTED SPECIES IS LOCATED WITHIN 500 FEET OF A PROPOSED MAINTENANCE ACTIVITY AND MAINTENANCE WOULD OCCUR DURING THE

ASSOCIATED BREEDING SEASON, AN ANALYSIS OF THE NOISE GENERATED BY MAINTENANCE ACTIVITY SHALL BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE ADD ENVIRONMENTAL DESIGNEE. THE MASTER LIST OF BMPs PROVIDES DETAILED INFORMATION ON PROCEDURES TO BE FOLLOWED.

14. ALL LIGHTING ADJACENT TO, OR WITHIN, THE MHPA SHALL BE SHIELDED, UNIDIRECTIONAL, LOW PRESSURE SODIUM ILLUMINATION (OR SIMILAR) AND DIRECTED AWAY FROM SENSITIVE AREAS USING APPROPRIATE PLACEMENT AND SHIELDS. IF LIGHTING IS REQUIRED FOR NIGHTTIME MAINTENANCE, IT SHALL BE DIRECTED AWAY FROM THE PRESERVE AND THE TOPS OF ADJACENT TREES WITH POTENTIALLY NESTING RAPTORS, USING APPROPRIATE PLACEMENT AND SHIELDING.

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ENVIRONMENTAL MITIGATION REQUIREMENTS:

CHAPTER 11.0 MITIGATION MONITORING AND REPORTING PROGRAM

Section 21081.6 of the State of California Public Resources Code requires a Lead or Responsible Agency that approves or carries out a project where an environmental impact report (EIR) has identified significant environmental effects to adopt a "reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects."

As Lead Agency for the proposed project under CEQA, the City of San Diego will administer the MMRP for the following environmental issue areas: biological resources, historical resources, land use policies, paleontological resources, and water quality.

GENERAL

General Mitigation 1: Prior to commencement of work, the ADD Environmental Designee of the Entitlements Division shall verify that mitigation measures for impacts to biological resources (Mitigation Measures 4.3.1 through 4.3.20), historical resources (Mitigation Measures 4.4.1 and 4.4.2), land use policy (Mitigation Measures 4.1.1 through 4.1.13), paleontological resources (Mitigation Measure 4.7.1), and water quality (Mitigation Measures 4.8.1 through 4.8.3) have been included in entirety on the submitted maintenance documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements."

General Mitigation 2: Prior to the commencement of work, a Pre-maintenance Meeting shall be conducted and include, as appropriate, the MMC, SWD Project Manager, Biological Monitor, Historical Monitor, Paleontological Monitor, Water Quality Specialist, and Maintenance Contractor, and other parties of interest.

General Mitigation 3: Prior to the commencement of work, evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

General Mitigation 4: Prior to commencement of work and pursuant to Section 1600 et seq. of the State of California Fish & Game Code, evidence of compliance with Section 1605 is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

BIOLOGICAL RESOURCES

Potential impacts to biological resources would be reduced to below a level of significance through implementation of the following mitigation measures as well as Mitigation Measures 4.1-1 through 4.1-25.

Mitigation Measure 4.3.1: Prior to commencement of any activity within a specific annual maintenance program, a qualified biologist shall prepare an IBA for each area proposed to be maintained. The IBA shall be prepared in accordance with the specifications included in the Master Program.

Mitigation Measure 4.3.2: No maintenance activities within a proposed annual maintenance program shall be initiated before the City's Assistant Deputy Director (ADD) Environmental Designee and state and federal agencies with jurisdiction over maintenance activities have approved the IMPs and IBAs including proposed mitigation for each of the proposed activities. In their review, the ADD Environmental Designee and agencies shall confirm that the appropriate maintenance protocols have been incorporated into each IMP.

Mitigation Measure 4.3.3: No maintenance activities within a proposed annual maintenance program shall be initiated until the City's ADD Environmental Designee and Mitigation Monitoring Coordinator (MMC) have approved the qualifications for biologist(s) who shall be responsible for monitoring maintenance activities which may impact sensitive biological resources.

Mitigation Measure 4.3.4: Prior to undertaking any maintenance activity included in an annual maintenance program, a mitigation account shall be established to provide sufficient funds to implement all biological mitigation associated with the proposed maintenance activities. The fund amount shall be determined by the ADD Environmental Designee. The account shall be managed by the City's SWD, with quarterly status reports submitted to DSD. The status reports shall separately identify upland and wetland account activity. Based upon the impacts identified in the IBAs, money shall be deposited into the account, as part of the project submittal, to ensure available funds for mitigation.

Mitigation Measure 4.3.5: Prior to commencing any activity that could impact wetlands, evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

Mitigation Measure 4.3.6: Prior to commencing any activity where the IBA indicates significant impacts to biological resources may occur, a pre-maintenance meeting shall be held on site with the following in attendance: City's SWD Maintenance Manager (MM), MMC, and Maintenance Contractor (MC). The biologist selected to monitor the activities shall be present. At this meeting, the monitoring biologist shall identify and discuss the maintenance protocols that apply to the maintenance activities.

At the pre-maintenance meeting, the monitoring biologist shall submit to the MMC and MC a copy of the maintenance plan (reduced to 11"x17") that identifies areas to be protected, fenced, and monitored. This data shall include all planned locations and design of noise attenuation walls or other devices. The monitoring biologist also shall submit a maintenance schedule to the MMC and MC indicating when and where monitoring is to begin and shall notify the MMC of the start date for monitoring.

Mitigation Measure 4.3.7: Within three months following the completion of mitigation monitoring, two copies of a written draft report summarizing the monitoring shall be prepared by the monitoring biologist and submitted to the MMC for approval. The draft monitoring report shall describe the results including any remedial measures that were required. Within 90 days of receiving comments from the MMC on the draft monitoring report, the biologist shall submit one copy of the final monitoring report to the MMC.

Mitigation Measure 4.3.8: Within six months of the end of an annual storm water facility maintenance program, the monitoring biologist shall complete an annual report which shall be distributed to the following agencies: the City of San Diego DSD, CDFG, RWQCB, USFWS, and Corps. At a minimum, the report shall contain the following information:

- Tabular summary of the biological resources impacted during maintenance and the mitigation;
• Master table containing the following information for each individual storm water facility or segment which is regularly maintained;
• Date and type of most recent maintenance;
• Description of mitigation which has occurred; and
• Description of the status of mitigation which has been implemented for past maintenance activities.

Mitigation Measure 4.3.9: Wetland impacts resulting from maintenance shall be mitigated in one of the following three ways: (1) habitat creation, restoration, and/or enhancement concurrent with maintenance, (2) habitat creation, restoration, and/or enhancement prior to maintenance, or (3) mitigation credits. The amount of mitigation when mitigation is proposed to be accomplished through concurrent creation, restoration or enhancement, the amount of planting shall be in accordance with ratios in Table 4.3-10 unless different mitigation ratios are required by state or federal agencies with jurisdiction over the impacted wetlands. In this event, the mitigation ratios required by these agencies will supersede, and not be in addition to, the ratios defined in Table 4.3-10.

determined that mitigation proposed for a specific maintenance activity meets one of these three options.

Table 4.3-10 WETLAND MITIGATION RATIOS

Table with 2 columns: WETLAND TYPE and MITIGATION RATIO. Rows include Southern riparian forest (3:1), Southern sycamore riparian woodland (3:1), Riparian woodland (3:1), Coastal saltmarsh (4:1), Coastal brackish marsh (4:1), Southern willow scrub (2:1), Mule fat scrub (2:1), Riparian scrub (2:1), Freshwater marsh (4:1), Cismontane alkali marsh (4:1), Disturbed wetland (4:1), Streambed/natural flood channel (NA:2:1).

Mitigation ratios within the Coastal Zone will be 3:1. Mitigation ratios within the Coastal Zone will be 4:1. Mitigation done in advance or through purchase of mitigation credits would be at a 1:1 ratio.

Mitigation locations for wetland impacts shall be selected using the following order of preference, based on the best mitigation value to be achieved.

- 1. Within impacted watershed, within City limits.
2. Within impacted watershed, outside City limits on City-owned or other publicly-owned land.
3. Outside impacted watershed, within City limits.
4. Outside impacted watershed, outside City limits on City-owned or other publicly-owned land.

In order to mitigate for impacts in an area outside the limits of the watershed within which the impacts occur, the SWD must demonstrate to the satisfaction of the ADD Environmental Designee in consultation with the Resource Agencies that no suitable location exists within the impacted watershed.

Mitigation Measure 4.3.10: Whenever maintenance will impact wetland vegetation, a wetland mitigation plan shall be prepared in accordance with the Conceptual Wetland Restoration Plan contained in Appendix H of the Biological Technical Report, included as Appendix D.3 of the PEIR.

Mitigation which involves habitat enhancement, restoration or creation shall include a wetland mitigation plan containing the following information:

- Conceptual planting plan including planting zones, grading, and irrigation;
• Seed mix/planting palette;
• Planting specifications;
• Monitoring program including success criteria; and
• Long-term maintenance and preservation plan.

Mitigation which involves habitat acquisition and preservation shall include the following:

- Location of proposed acquisition;
• Description of the biological resources to be acquired including support for the conclusion that the acquired habitat mitigates for the specific maintenance impact; and
• Documentation that the mitigation area would be adequately preserved and maintained in perpetuity.

Mitigation which involves the use of mitigation credits shall include the following:

- Location of the mitigation bank;
• Description of the credits to be acquired including support for the conclusion that the acquired habitat mitigates for the specific maintenance impact; and
• Documentation that the credits are associated with a mitigation bank which has been approved by the appropriate Resource Agencies.

Mitigation Measure 4.3.11: Upland impacts shall be mitigated through payment into the City's Habitat Acquisition Fund, acquisition and preservation of specific land, or purchase of mitigation credits in accordance with the ratios identified in Table 4.3-11. Upland mitigation shall be completed within six months of the date the related maintenance has been completed.

Table 4.3-11 UPLAND HABITAT MITIGATION RATIOS

Table with 3 columns: Vegetation Type, Tier, and Location of Impact with Respect to the MHPA (Inside, Outside). Rows include Coast five oak woodland (I, 2:1, 1:1), Scrub oak chaparral (I, 2:1, 1:1), Southern foredunes (I, 2:1, 1:1), Beach (I, 2:1, 1:1), Diegan coastal sage scrub (II, 1:1, 1:1), Coastal sage-chaparral scrub (II, 1:1, 1:1), Broom baccharis scrub (II, 1:1, 1:1), Southern mixed chaparral (IIA, 1:1, 0.5:1), Non-native grassland (IIIB, 1:1, 0.5:1), Eucalyptus woodland (IV, --, --), Non-native vegetation/ornamental (IV, --, --), Disturbed habitat/ruderal (IV, --, --), Developed (IV, --, --).

*Assumes mitigation occurs within an MHPA

Mitigation Measure 4.3.12: Loss of habitat for the coastal California gnatcatcher shall be mitigated through the acquisition of suitable habitat or mitigation credits at a ratio of 1:1. Mitigation shall take place within the MHPA, and shall be accomplished within six months of the date maintenance is completed.

Mitigation Measure 4.3.13: Prior to commencing any maintenance activity which may impact sensitive biological resources, the monitoring biologist shall verify that the following actions have been taken, as appropriate:

- Fencing, flagging, signage, or other means to protect sensitive resources to remain after maintenance have been implemented;
• Noise attenuation measures needed to protect sensitive wildlife are in place and effective; and/or
• Nesting raptors have been identified and necessary maintenance setbacks have been established if maintenance is to occur between January 15 and August 31.

The designated biological monitor shall be present throughout the first full day of maintenance, whenever mandated by the associated IBA. Thereafter, through the duration of the maintenance activity, the monitoring biologist shall visit the site weekly to confirm that measures required to protect sensitive resources (e.g., flagging, fencing, noise barriers) continue to be effective. The monitoring biologist shall document monitoring events via a Consultant Site Visit Record. This record shall be sent to the MM each month. The MM will forward copies to MMC.

Mitigation Measure 4.3.14: Whenever off-site mitigation would result in a physical disturbance to the proposed mitigation area, the City will conduct an environmental review of the proposed mitigation plan in accordance with CEQA. If the off-site mitigation would have a significant impact on biological resources associated with the mitigation site, mitigation measures will be identified and implemented in accordance with the MMRP resulting from that CEQA analysis.

Mitigation Measure 4.3.15: Impacts to listed or endemic sensitive plant species shall be offset through implementation of one or a combination of the following actions:

- Impacted plants would be salvaged and relocated;
• Seeds from impacted plants would be collected for use at an off-site location;
• Off-site habitat that supports the species impacted shall be enhanced and/or supplemented with seed collected on site; and/or
• Comparable habitat at an off-site location shall be preserved.

Mitigation which involves relocation, enhancement or transplanting sensitive plants shall include the following:

- Conceptual planting plan including grading and, if appropriate, temporary irrigation;
• Planting specifications;
• Monitoring Program including success criteria; and
• Long-term maintenance and preservation plan.

Mitigation Measure 4.3.16: Maintenance activities shall not occur within the following areas:

- 300 feet from any nesting site of Cooper's hawk (Accipiter cooperii);
• 1,500 feet from known locations of the southern pond turtle (Clemmys marmorata pallida);
• 900 feet from any nesting sites of northern harriers (Circus cyaneus);
• 4,000 feet from any nesting sites of golden eagles (Aquila chrysaetos); or
• 300 feet from any occupied burrow or burrowing owls (Athene cunicularia).

Mitigation Measure 4.3.11: Upland impacts shall be mitigated through payment into the City's Habitat Acquisition Fund, acquisition and preservation of specific land, or purchase of mitigation credits in accordance with the ratios identified in Table 4.3-11. Upland mitigation shall be completed within six months of the date the related maintenance has been completed.

Mitigation Measure 4.3.11: Upland impacts shall be mitigated through payment into the City's Habitat Acquisition Fund, acquisition and preservation of specific land, or purchase of mitigation credits in accordance with the ratios identified in Table 4.3-11. Upland mitigation shall be completed within six months of the date the related maintenance has been completed.

Mitigation Measure 4.3.11: Upland impacts shall be mitigated through payment into the City's Habitat Acquisition Fund, acquisition and preservation of specific land, or purchase of mitigation credits in accordance with the ratios identified in Table 4.3-11. Upland mitigation shall be completed within six months of the date the related maintenance has been completed.

PLANS FOR THE CONSTRUCTION OF TIJUANA RIVER VALLEY ENVIRONMENTAL MITIGATION REQUIREMENTS. CITY OF SAN DIEGO, CALIFORNIA. ENGINEERING DEPARTMENT SHEET 11 OF 15 SHEETS. Includes professional engineer seal for Matthew C. Moore, No. 56780, Civil, State of California. Also includes a table for contractor notification and project details.

projects MSCP monitoring Program. The letter shall include the names and contact information of all persons involved in the Biological Monitoring of the project. At least thirty days prior to the pre-maintenance meeting, the qualified biologist shall submit all required documentation to MMC, verifying that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, MSCP requirements, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.

- The limits of work shall be clearly delineated. The limits of work, as shown on the approved maintenance plan, shall be defined with orange maintenance fencing and checked by the biological monitor before initiation of maintenance. All native plants or species of special concern, as identified in the biological assessment, shall be staked, flagged and avoided within Brush Management Zone 2, if applicable.

Mitigation Measure 4.1.7: Maintenance plans shall be designed to accomplish the following.

- Invasive non-native plant species shall not be introduced into areas adjacent to the MHPA. Landscape plans shall contain non-invasive native species adjacent to sensitive biological areas, as shown on the approved maintenance plan.
- All lighting adjacent to, or within, the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from sensitive areas using appropriate placement and shields. If lighting is required for nighttime maintenance, it shall be directed away from the preserve and the tops of adjacent trees with potentially nesting raptors, using appropriate placement and shielding.
- All maintenance activities (including staging areas and/or storage areas) shall be restricted to the disturbance areas shown on the approved maintenance plan. The project biologist shall monitor maintenance activities, as needed, to ensure that maintenance activities do not encroach into biologically sensitive areas beyond the limits of work as shown on the approved maintenance plan.
- No trash, oil, parking or other maintenance-related activities shall be allowed outside the established maintenance areas including staging areas and/or storage areas, as shown on the approved maintenance plan. All maintenance related debris shall be removed off-site to an approved disposal facility.
- Access roads through MHPA-designated areas shall comply with the applicable policies contained in the "Roads and Utilities Construction and Maintenance Policies" identified in Section 1.4.2 of the City's Subarea Plan.

Mitigation Measure 4.1.8: Prior to commencing any maintenance in, or within 500 feet of any area determined to support coastal California gnatcatchers, the ADD Environmental Design shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the maintenance plans:

NO MAINTENANCE ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ADD ENVIRONMENTAL DESIGNER:

- A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO MAINTENANCE NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY MAINTENANCE. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:
 - BETWEEN MARCH 1 AND AUGUST 15, MAINTENANCE OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
 - BETWEEN MARCH 1 AND AUGUST 15, NO MAINTENANCE ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE MAINTENANCE ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY MAINTENANCE ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF MAINTENANCE ACTIVITIES. PRIOR TO THE COMMENCEMENT OF MAINTENANCE ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR
 - AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF MAINTENANCE ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g.,

BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM MAINTENANCE ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF MAINTENANCE ACTIVITIES AND THE MAINTENANCE OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED MAINTENANCE ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

* Maintenance noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the maintenance activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ADD environmental design, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of maintenance equipment and the simultaneous use of equipment.

- IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:
 - IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
 - IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

PALEONTOLOGICAL RESOURCES

Potential impacts to paleontological resources would be reduced to below a level of significance through implementation of the following mitigation measures.

Mitigation Measure 4.7.1: Prior to initiating any maintenance activity where significant paleontological resources may occur within the APE, the following actions shall be taken.

4.7.1.1 Prior to Permit Issuance or Bid Opening/Bid Award

- Entitlements Plan Check
 - Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental Design shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate maintenance documents.
- Letters of Qualification have been submitted to ADD
 - Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordinator (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
 - MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
 - Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

4.7.1.2 Prior to Start of Maintenance

- Verification of Records Search
 - The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 - The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
- PI Shall Attend Pre-maintenance Meetings
 - Prior to beginning any work that requires monitoring, the Applicant shall arrange a Pre-maintenance Meeting that shall include the PI, Maintenance Manager (MM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Pre-maintenance Meetings to make comments and/or

- suggestions concerning the Paleontological Monitoring program with the Maintenance Manager and/or Grading Contractor.
 - If the PI is unable to attend the Pre-maintenance Meeting, the Applicant shall schedule a focused Pre-maintenance Meeting with MMC, the PI, RE, MM or BI, if appropriate, prior to the start of any work that requires monitoring.
- Acknowledgement of Responsibility for Curation (CIP or Other Public Projects) The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the paleontological monitoring program.
- Identify Areas to be Monitored
 - Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate maintenance documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits. Monitoring shall begin at depths below 10 feet from existing grade or as determined by the PI in consultation with MMC. The determination shall be based on site specific records search data which supports monitoring at depths less than ten feet.
 - The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
 - MMC shall notify the PI that the PME has been approved.
- When Monitoring Will Occur
 - Prior to the start of any work, the PI shall also submit a maintenance schedule to MMC through the RE indicating when and where monitoring will occur.
 - The PI may submit a detailed letter to MMC prior to the start of work or during maintenance requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final maintenance documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.
- Approval of PME and Maintenance Schedule After approval of the PME by MMC, the PI shall submit to MMC written authorization of the PME and Maintenance Schedule from the MM.

4.7.1.3 During Maintenance

- Monitor Shall be Present During Grading/Excavation/Trenching
 - The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the PME that could result in impacts to formations with high and/or moderate resource sensitivity. The Maintenance Manager is responsible for notifying the RE, PI, and MMC of changes to any maintenance activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.

- The PI may submit a detailed letter to MMC during maintenance requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
 - The monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the MM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
- In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
 - The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 - The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
- The PI shall evaluate the significance of the resource.
 - The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval of the program from MMC, MC and/or RE. PRP and any mitigation must be approved by MMC, RE and/or MM before ground disturbing activities in the area of discovery will be allowed to resume
 - Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.
 - Note: For Pipeline Trenching Projects Only. If the fossil discovery is limited in size, both in length and depth; the information value is limited and there are no unique fossil features associated with the discovery area, then the discovery should be considered not significant.

(2) Note, for Pipeline Trenching Projects Only: If significance cannot be determined, the Final Monitoring Report and Site Record shall identify the discovery as Potentially Significant.

- D. Discovery Process for Significant Resources - Pipeline Trenching Projects The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance.
- Procedures for documentation, curation and reporting
 - One hundred percent of the fossil resources within the trench alignment and width shall be documented in-situ photographically, drawn in plan view (trench and profiles of side walls), recovered from the trench and photographed after cleaning, then analyzed and curated consistent with Society of Invertebrate Paleontology Standards. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact and so documented.
 - The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section 4.7.1.1-A.
 - The PI shall be responsible for recording (on the appropriate forms for the San Diego Natural History Museum) the resource(s) encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines. The forms shall be submitted to the San Diego Natural History Museum and included in the Final Monitoring Report.
 - The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

4.7.1.4 Night and/or Weekend Work

- If night and/or weekend work is included in the contract
 - When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Pre-maintenance meeting.
 - The following procedures shall be followed.
 - No Discoveries In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVSR and submit to MMC via the RE via fax by 8AM on the next business day.
 - Discoveries All discoveries shall be processed and documented using the existing procedures detailed in Section 4.7.1.3 - During Maintenance.
 - Potentially Significant Discoveries If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section 4.7.1.3 - During Maintenance shall be followed.
 - The PI shall immediately contact the RE and MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section 4.7.1.3.

PLANS FOR THE CONSTRUCTION OF TIJUANA RIVER VALLEY ENVIRONMENTAL MITIGATION REQUIREMENTS

CITY OF SAN DIEGO, CALIFORNIA ENGINEERING DEPARTMENT SHEET 14 OF 15 SHEETS

FOR CITY ENGINEER	DATE	SECTION HEAD			
DESCRIPTION	BY	APPROVED	DATE	FILMED	PROJECT MANAGER
FILE NAME: T3_CAD-ALGWDG	DATE: 12-17-12	URS			
AS-BUILT					DESIGN ENGINEER
CONTRACTOR INSPECTOR	DATE STARTED	DATE COMPLETED			140-1731

UNDERGROUND SERVICE ALERT (USA) 1-800-422-4133

B, unless other specific arrangements have been made.

- B. If night and/or weekend work becomes necessary during the course of maintenance
 1. The Maintenance Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

4.7.1.5 Post Maintenance

- A. Preparation and Submittal of Draft Monitoring Report
 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring.
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
 2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
- C. Curation of artifacts: Deed of Gift and Acceptance Verification
 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall submit the Deed of Gift and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 3. The RE or BI, as appropriate shall obtain signature on the Deed of Gift and shall

- return to PI with copy submitted to MMC.
- 4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
 1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC of the approved report.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

WATER QUALITY

Potential impacts to water quality would be reduced to below a level of significance through implementation of the following mitigation measures.

Mitigation Measure 4.8.1: Prior to commencement of any activity within a specific annual maintenance program, a qualified water quality specialist shall prepare an IWQA for each area proposed to be maintained. The IWQA shall be prepared in accordance with the specifications included in the Master Program. If the IWQA indicates that maintenance would impact a water pollutant where the existing level for that pollutant exceeds or is within 25 percent of the standard established by the San Diego Basin Plan, mitigation measures identified in Table 4.8-8 shall be incorporated into the IMP to reduce the impact to within the established standard for that pollutant.

**Table 4.8-8
MITIGATION MEASURES FOR REDUCED POLLUTANT REMOVAL CAPACITY**


Mitigation Measure	Pollutant Type						
	Bacteria	Metals	Nutrients	Pesticides	Sediment	TDS/ Chloride Sulfates	Trash
Remove kelp on beaches					●	●	
Sweep streets	●	●	●	●	●	●	●
Retrofit residential landscaping to reduce runoff	●	●	●		●		
Install artificial turf	●	●	●		●		●
Install inlet devices on storm drains		●	●		●		
Replace impermeable surfaces with permeable surfaces		●	●		●		●

**Table 4.8-8 (cont.)
MITIGATION MEASURES FOR REDUCED POLLUTANT REMOVAL CAPACITY**

Mitigation Measure	Pollutant Type						
	Bacteria	Metals	Nutrients	Pesticides	Sediment	TDS/ Chloride Sulfates	Trash
Install modular storm water filtration systems		●	●	●	●	●	●
Install storm water retention basins		●	●	●	●	●	●
Install catch basin media filters		●	●	●	●	●	●
Create vegetated swales	●	●	●	●	●	●	●
Restore wetlands	●	●	●	●	●	●	●
Install check dams		●			●		●

Mitigation Measure 4.8.2: No maintenance activities within a proposed annual maintenance program shall be initiated before the City's ADD Environmental Designee and state and federal agencies with jurisdiction over maintenance activities have approved the IMPs and IWQAs including proposed mitigation and BMPs for each of the proposed activities. In their review, the ADD Environmental Designee and agencies shall also confirm that the appropriate maintenance protocols have been incorporated into each IMP.

Mitigation Measure 4.8.3: Prior to commencing any activity where the IWQA indicates significant water quality impacts may occur, a pre-maintenance meeting shall be held on site with following in attendance: City's SWD, MM, MMC, and MC. A qualified water quality specialist shall also be present. At this meeting, the water quality specialist shall identify and discuss mitigation measures, protocols and BMPs identified in the IWQA that must be carried out during maintenance. After the meeting, the water quality specialist shall provide DSD with a letter indicating that the applicable mitigation measures, protocols and BMPs identified in the IWQA have been appropriately implemented.

	PLANS FOR THE CONSTRUCTION OF	
	TIJUANA RIVER VALLEY ENVIRONMENTAL MITIGATION REQUIREMENTS	
CITY OF SAN DIEGO, CALIFORNIA ENGINEERING DEPARTMENT SHEET 15 OF 15 SHEETS	W.O. NO. _____	
CONTRACTOR MUST NOTIFY THE BELOW LISTED AGENCY AT LEAST TWO (2) WORKING DAYS PRIOR TO COMMENCEMENT OF EXCAVATION : UNDERGROUND SERVICE ALERT (USA) 1-800-422-4133	FOR CITY ENGINEER _____ DATE _____	SECTION HEAD _____
	DESCRIPTION BY APPROVED DATE FILMED	PROJECT MANAGER _____
	AS-BUILT	DESIGN ENGINEER _____
	CONTRACTOR INSPECTOR _____ DATE STARTED _____ DATE COMPLETED _____	140-1731 LAMBERT COORDINATES