

City of San Diego

CONTRACTOR'S NAME: San Diego Mountain Biking Association
ADDRESS: PO Box 881491, San Diego, CA 92168
TELEPHONE NO.: 619-504-5806
CITY CONTACT: Rosa Isela Riego, Email: RRiego@sandiego.gov
Phone No. (619) 533-3426
LB

CONTRACT



RUFFIN CANYON SOUTH

CONTRACT NO.: M-25-0108
SAP NO. (WBS/IO): 12000545

THIS CONTRACT WILL BE SUBJECT TO THE FOLLOWING:

- PREVAILING WAGE RATES

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GENERAL CONDITIONS

1. **SUMMARY OF WORK:** Minor Construction services for Ruffin Canyon South. For additional information refer to Attachment A.
2. **CONSTRUCTION COST:** This contract is for a Lump Sum as set forth herein. The contract price for this project is \$109,500.00.
3. **PREVAILING WAGE RATES APPLY TO THIS CONTRACT:** Refer to Attachment D.
4. **LICENSE REQUIREMENT:** The City has determined that the following licensing classification(s) are required for this contract: C-27.
5. **PREQUALIFICATION OF CONTRACTORS:** Contractors providing construction services to the City must be pre-qualified for the total amount proposed, including all alternate items.
6. **AWARD PROCESS:**
 - 6.1. Each signed quote shall constitute a firm offer which may be accepted by the City.
 - 6.2. The City may award the contract to the contractor with the written price quotation offering the best value to the City, considering factors such as price, unit cost, life cycle cost, economic cost analysis, operating efficiency, warranty and quality, compatibility with existing equipment, maintenance costs, experience and qualification of the contractor, when the contractor can start and complete the project, and any additional factors deemed relevant.
 - 6.3. The City of San Diego will not discriminate in the award of contracts with regard to race, religion creed, color, national origin, ancestry, physical handicap, marital status, sex or age.
 - 6.4. The award of this contract is contingent upon the Contractor's compliance with all conditions of this contract, including submission and acceptance of bonds and compliant insurance.
 - 6.5. This contract will be deemed executed and effective only upon the signing of the contract by the Mayor or his designee and approval as to form by the City Attorney's Office.
7. **ELECTRONIC QUOTE SUBMISSIONS CARRY FULL FORCE AND EFFECT**
 - 7.1. The Contractor, by submitting its quote, agrees to and certifies under penalty of perjury under the laws of the State of California, that the certification, forms and affidavits submitted pursuant to this contract are true and correct.
 - 7.2. The Contractor agrees to the construction of the project for the City of San Diego as described in Attachment "A-Scope of Work" in accordance with the requirements set forth herein at the submitted prices.

The Contractor guarantees their quoted price until the City has received all items from the Contractor necessary to fulfill all conditions precedent.

8. **QUOTES ARE PUBLIC RECORDS:** Upon receipt by the City, Quotes shall become public records subject to public disclosure. It is the responsibility of the respondent to clearly identify any confidential, proprietary, trade secret or otherwise legally privileged information contained within the quote. General references to sections of the California Public Records Act (PRA) will not suffice. If the Contractor does not provide applicable case law that clearly establishes that the requested information is exempt from the disclosure requirements of the PRA, the City shall be free to release the information when required in accordance with the PRA, pursuant to any other applicable law, or by order of any court or government agency, and the Contractor will hold the City harmless for release of this information.
9. **CONTRACTOR REGISTRATION AND ELECTRONIC REPORTING SYSTEM:** Prior to the Award of this Contract, you and your Subcontractors and Suppliers must register with the City's web-based vendor registration and quote management system. For additional information go to:
- <http://www.sandiego.gov/purchasing/bids-contracts/vendorreg.shtml>
10. **PREVAILING WAGE RATES WILL APPLY:** Refer to Attachment D.
11. **INSURANCE REQUIREMENTS:**
- 11.1. All certificates of insurance and endorsements required by the contract are to be provided upon issuance of the City's Notice of Intent to Award (NOI) letter.
- 11.2. Refer to sections 5-4, "INSURANCE", and 5-4.11, "WORKERS' COMPENSATION INSURANCE AND EMPLOYERS LIABILITY INSURANCE" of the Supplementary Special Provisions (SSP) for the insurance requirements which must be met.
12. **REFERENCE STANDARDS:** Except as otherwise noted or specified, the Work shall be completed in accordance with the following standards:

Title	Edition	Document Number
Standard Specifications for Public Works Construction ("The GREENBOOK") http://www.greenbookspecs.org/	2021	ECPI010122-01
City of San Diego Standard Specifications for Public Works Construction ("The WHITEBOOK")* https://www.sandiego.gov/ecp/edocref/greenbook	2021	ECPI010122-02
City of San Diego Standard Drawings* https://www.sandiego.gov/ecp/edocref/standarddraw	2021	ECPI010122-03
Citywide Computer Aided Design and Drafting (CADD) Standards https://www.sandiego.gov/ecp/edocref/drawings	2018	PWPI010119-04

Title	Edition	Document Number
California Department of Transportation (CALTRANS) Standard Specifications – https://dot.ca.gov/programs/design/july-2023-ccs-standard-plans-and-standard-specifications	2023	ECPD092023-05
CALTRANS Standard Plans https://dot.ca.gov/programs/design/july-2023-ccs-standard-plans-and-standard-specifications	2023	ECPD092023-06
California Manual on Uniform Traffic Control Devices Revision 8 (CA MUTCD Rev 8) https://dot.ca.gov/programs/safety-programs/camutcd	2014	ECPD032324-07
NOTE: *Available online under Engineering Documents and References at: https://www.sandiego.gov/ecp/edocref/ *Electronic updates to the Standard Drawings may also be found in the link above		

- 13. CITY'S RIGHTS RESERVED:** The City reserves the right to reject submitted quotes at its sole discretion and without liability. Costs incurred by the Contractor as a result of preparing quotes shall be the sole responsibility of each Contractor. The Request for Quotes creates or imposes no obligation upon the City to enter a contract.

14. SUBCONTRACTOR INFORMATION:

14.1. LISTING OF SUBCONTRACTORS. In accordance with the requirements provided in the "Subletting and Subcontracting Fair Practices Act" of the California Public Contract Code, the Contractor shall provide the **NAME** and **ADDRESS** of each Subcontractor who will perform work, labor, render services or who specially fabricates and installs a portion [type] of the work or improvement, in an amount in excess of 0.5% of the Contractor's total Quote. The Contractor shall also state within the description, whether the subcontractor is a **CONSTRUCTOR**, **CONSULTANT** or **SUPPLIER**. The Contractor shall state the **DIR REGISTRATION NUMBER** for all subcontractors and shall further state within the description, the **PORTION** of the work which will be performed by each subcontractor under this Contract. The Contractor shall list only one Subcontractor for each portion of the Work. The **DOLLAR VALUE** of the total Quote to be performed shall be stated for all subcontractors listed. Failure to comply with this requirement may result in the Quote being rejected as **non-responsive** and ineligible for award. The Contractor's attention is directed to the Special Provisions - General; Paragraph 3-2, "Self-Performance", which stipulates the percent of the Work to be performed with the Contractors' own forces.

14.2. Additionally, pursuant to California Senate Bill 96 and in accordance with the requirements of Labor Code sections 1771.1 and 1725.5, by submitting a quote or proposal to the City, Contractor is certifying that he or she has verified that all

subcontractors used on this public work project are registered with the California Department of Industrial Relations (DIR). **The Contractor shall provide the name, address, license number, DIR registration number of any Subcontractor – regardless of tier** - who will perform work, labor, render services or specially fabricate and install the type of the work or improvement pursuant to the contract.

- 15. SAN DIEGO BUSINESS TAX CERTIFICATE:** The Contractor and Subcontractors, not already having a City of San Diego Business Tax Certificate for the work contemplated shall secure the appropriate certificate from the City Treasurer, Civic Center Plaza, First floor and submit to the Contract Specialist upon request or as specified in the Contract Documents. Tax Identification numbers for both the Contractor and the listed Subcontractors must be submitted on the City provided forms within these documents.
- 16. EXAMINATION OF PLANS, SPECIFICATIONS, AND SITE OF WORK:** The Contractor shall examine carefully the Project Site, the Plans and Specifications, other materials as described in the Special Provisions, Section 2-7, and the proposal forms (e.g., Bidding Documents). The submission of a Quote shall be conclusive evidence that the Contractor has investigated and is satisfied as to the conditions to be encountered, as to the character, quality, and scope of Work, the quantities of materials to be furnished, and as to the requirements of the Bidding Documents Proposal, Plans, and Specifications.
- 17. CITY STANDARD PROVISIONS:** This contract is subject to the following standard provisions. See The WHITEBOOK for details.
 - 17.1.** The City of San Diego Resolution No. R-277952 adopted on May 20, 1991 for a Drug-Free Workplace.
 - 17.2.** The City of San Diego Resolution No. R-282153 adopted on June 14, 1993 related to the Americans with Disabilities Act.
 - 17.3.** The City of San Diego Municipal Code §22.3004 for Contractor Standards.
 - 17.4.** The City of San Diego's Labor Compliance Program and the State of California Labor Code §§1771.5(b) and 1776.
 - 17.5.** Sections 1777.5, 1777.6, and 1777.7 of the State of California Labor Code concerning the employment of apprentices by contractors and subcontractors performing public works contracts.
 - 17.6.** The City's Equal Benefits Ordinance (EBO), Chapter 2, Article 2, Division 43 of The San Diego Municipal Code (SDMC).
 - 17.7.** The City's Information Security Policy (ISP) as defined in the City's Administrative Regulation 90.63.

PERFORMANCE BOND, LABOR AND MATERIALMEN'S BOND

FAITHFUL PERFORMANCE BOND AND LABOR AND MATERIALMEN'S BOND:

San Diego Mountain Biking Association, a corporation, as principal, and American Alternative Insurance Corporation, a corporation authorized to do business in the State of California, as Surety, hereby obligate themselves, their successors and assigns, jointly and severally, to The City of San Diego a municipal corporation in the sum of **One Hundred Nine Thousand Five Hundred Dollars and Zero Cents (\$109,500.00)** for the faithful performance of the annexed contract, and in the sum of **One Hundred Nine Thousand Five Hundred Dollars and Zero Cents (\$109,500.00)** for the benefit of laborers and materialmen designated below.

Conditions:

If the Principal shall faithfully perform the annexed contract with the City of San Diego, California, then the obligation herein with respect to a faithful performance shall be void; otherwise it shall remain in full force.

If the Principal shall promptly pay all persons, firms and corporations furnishing materials for or performing labor in the execution of this contract, and shall pay all amounts due under the California Unemployment Insurance Act then the obligation herein with respect to laborers and materialmen shall be void; otherwise it shall remain in full force.

The obligation herein with respect to laborers and materialmen shall inure to the benefit of all persons, firms and corporations entitled to file claims under the provisions of Article 2. Claimants, (iii) public works of improvement commencing with Civil Code Section 9100 of the Civil Code of the State of California.

Changes in the terms of the annexed contract or specifications accompanying same or referred to therein shall not affect the Surety's obligation on this bond, and the Surety hereby waives notice of same.

The Surety shall pay reasonable attorney's fees should suit be brought to enforce the provisions of this bond.

The Surety expressly agrees that the City of San Diego may reject any contractor or subcontractor which may be proposed by Surety in fulfillment of its obligations in the event of default by the Principal.

The Surety shall not utilize the Principal in completing the improvements and work specified in the Agreement in the event the City terminates the Principal for default.

PERFORMANCE BOND, LABOR AND MATERIALMEN'S BOND (continued)

THE CITY OF SAN DIEGO

APPROVED AS TO FORM

Heather Ferbert, City Attorney

By: 

By: 

Print Name: Stephen Samara
Principal Contract Specialist
Purchasing & Contracting Dept.

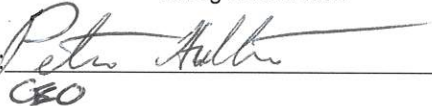
Print Name: Nicole Pedone
Deputy City Attorney

Date: 11-13-2025

Date: 11-13-25

CONTRACTOR San Diego Mountain
Biking Association

SURETY American Alternative Insurance Corporation

By: 
CEO

By: 
Attorney-In-Fact

Print Name: PETER HULBURT

Print Name: Rita Jorgenson

Date: 10/14/2025

Date: October 10, 2025

555 College Road East, Princeton, NJ 08543

Local Address of Surety

609-243-4200

Local Phone Number of Surety

\$2,738.00

Premium

S7A2SU0005884

Bond Number

Agent:
ACORA Surety & Insurance Services, LLC
PO Box 506
Montevideo, MN 56265
Ph: 320-269-8546

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of San Diego

On October 14, 2025, before me, Sienna Nicole Wells, Notary Public,
personally appeared Peter Hulburt

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 State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

SIGNATURE

A handwritten signature in dark ink, appearing to be 'Sienna Nicole Wells', written over a horizontal line.

PLACE NOTARY SEAL ABOVE

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: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other than Named Above: _____

CERTIFIED COPY**POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the AMERICAN ALTERNATIVE INSURANCE CORPORATION, a corporation organized and existing by virtue of the laws of the State of Delaware ("Corporation") with offices at 555 College Road East, Princeton, N.J. 08543, has made, constituted and appointed, and by these presents, does make, constitute and appoint:

Jack Anderson and Rita Jorgenson

its true and lawful Attorneys-in-Fact, at Princeton, in the State of New Jersey, each of them alone to have full power to act without the other or others, to make, execute and deliver on its behalf, as Surety or Co-surety, bonds and undertakings given for any and all purposes, also to execute and deliver on its behalf as aforesaid renewals, extensions, agreements, waivers, consents or stipulations relating to such bonds or undertakings provided, however, that no single bond or undertaking so made, executed and delivered shall obligate said Company for any portion of the penal sum thereof in excess of the sum of **One Hundred Million Dollars (\$100,000,000)**. Such bonds and undertakings for said purposes, when duly executed by said Attorney(s)-in-Fact, shall be binding upon said Company as fully and to the same extent as if signed by the President of said Company under its corporate seal attested by its Secretary. This appointment is made under and by authority of a certain Resolution adopted at a meeting of the Board of Directors of said Company duly held on the 27th day of August, 1975, a copy of which appears below.

IN WITNESS WHEREOF, the AMERICAN ALTERNATIVE INSURANCE CORPORATION has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officers this 24th day of September, 2021.



By:

Michael G. Kerner
Michael G. Kerner
President

Attest:

Ignacio Rivera
Ignacio Rivera
Deputy General Counsel & Secretary

STATE OF NEW JERSEY, COUNTY OF SOMERSET

The foregoing instrument was acknowledged before me by means of online notarization this 24th day of September, 2021, by Michael G. Kerner and Ignacio Rivera, who are personally known to me.



Jillian Sanfilippo
Jillian Sanfilippo, Notary Public
State of New Jersey
My Commission Expires February 8, 2026

SECRETARY'S CERTIFICATE

The undersigned, Ignacio Rivera, hereby certifies:

1. That the undersigned is Secretary of American Alternative Insurance Corporation, a corporation of the State of Delaware;
2. That the original power of attorney of which the foregoing is a copy was duly executed on behalf of said Corporation on the day of its date, and has not since been revoked, amended or modified; that the undersigned has compared the foregoing copy thereof with said original power of attorney, and that the same is a true and correct copy of said original power of attorney and of the whole thereof;
3. That the original resolution of which the following is a copy was duly adopted at, and recorded in the minutes of, a regular meeting of the Board of Directors of said Corporation duly held on August 4, 1998, and has not since been revoked, amended or modified.

RESOLVED, that each of the following officers of this Corporation, namely, the President, the Executive Vice President, the Senior Vice Presidents, and the Vice Presidents, be, and they hereby are, authorized, from time to time in their discretion, to appoint such agent or agents or attorney or attorneys-in-fact as deemed by them necessary or desirable for the purpose of carrying on this Corporation's business, and to empower such agent or agents or attorney or attorneys-in-fact to execute and deliver, in this Corporation's name and on its behalf, and under its seal or otherwise, surety bonds, surety undertakings or surety contracts made by this Corporation as surety thereon.

RESOLVED, that the signature of any authorized officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney and revocation of any power of attorney or certificate of either given for the execution of any surety bond, surety undertaking, or surety contract, such signature and seal, when so used being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed.

FURTHER RESOLVED, that any prior appointments by the Corporation of MGAs are, in all respects, hereby ratified, confirmed and approved.

FURTHER RESOLVED, that the Secretary or any Assistant Secretary of this Corporation is hereby authorized to certify and deliver to any person to whom such certification and delivery may be deemed necessary and desirable in the opinion of such Secretary or Assistant Secretary, a true copy of the foregoing resolution.

4. The undersigned has compared the foregoing copies of said original resolutions as so recorded, and they are the same true and correct copies of said original resolutions as so recorded and of the whole thereof.

Witness the hand of the undersigned and the seal of said Corporation this 10th day of October, 2025.



AMERICAN ALTERNATIVE INSURANCE CORPORATION

Ignacio Rivera
Ignacio Rivera (Sep 24, 2021 14:06 EDT)
Ignacio Rivera
Deputy General Counsel & Secretary

TRS-1001-1

ACKNOWLEDGEMENT OF SURETY

STATE OF MINNESOTA

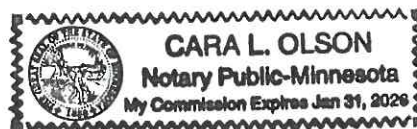
COUNTY OF CHIPPEWA



On this 10th day of October, 2025, before me, a Notary Public within and for said County, personally appeared **Rita Jorgenson** to me personally known, who being by me duly sworn he/she did say that he/she is the attorney-in-fact of **American Alternative Insurance Corporation**, the corporation named in the foregoing instrument, and the seal affixed to said instrument is the corporation seal of said corporation, and sealed on behalf of said corporation by authority of its Board of Directors and said **Rita Jorgenson** acknowledged said instrument to be the free act and deed of said corporation.

NOTARY PUBLIC

My Commission Expires 1/31/2026



ATTACHMENTS

ATTACHMENT A

SCOPE OF WORK

SCOPE OF WORK

1. **SCOPE OF WORK:** Trail Construction:

Trail Scope of Work: Trail construction per California State Parks Trail standards.

1100 ft of trail constructed by hand or with small equipment with a max impact of 4.5 ft width and a 3ft trail tread. All greenery and dirt from full bench construction must be exported offsite by dumpster. Estimate 125 yards of soil to be exported. See attached Ruffin Location and Trails Plan Map - To be completed.pdf, and Ruffin Trail Site Plan sheets 1&2.

Bridge Scope of Work: Construct a 24ft bridge crossing with 20ft unsupported utilizing California State Parks pre-engineered bridge construction specs. Materials to be purchased by contractor.

Stormwater Scope of Work: All soil must be exported offsite and cannot go downslope.

Constructed sections of trail must be compacted and be stabilized 24 hours before a rain event.

Any sections that cannot be sprayed with tackifier 24 hours before rain event must have straw wattles installed down slope to prevent runoff.

Contractor expected to work with biologist and cultural resources monitors daily and comply with terms of the project's MND.

1.1. The Work shall be performed in accordance with:

1.1.1. The Request for Quotes and additional documentation provided as part of the Contract Documents.

2. **LOCATION OF WORK:** The location of the Work is as follows: Ruffin Canyon Open Space – South end of Ruffin Canyon. Access through Escala HOA Community.
3. **CONTRACT TIME:** The Contract Time for completion of the Work, including the Plant Establishment Period, shall be 90 **Working Days**.

ATTACHMENT B

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ATTACHMENT C
EQUAL OPPORTUNITY CONTRACTING PROGRAM

EQUAL OPPORTUNITY CONTRACTING PROGRAM (EOCP)

SECTION A - GENERAL REQUIREMENTS

A. INTRODUCTION.

1. This document sets forth the following specifications:
 - a) The City's general EOCP requirements for all Construction Contracts.
 - b) Special Provisions for Contracts subject to SLBE and ELBE requirements only.
2. Additional requirements may apply for state or federally funded projects.
3. These requirements shall be included as Contract provisions for all Subcontracts.
4. The City specified forms, instructions, and guides are available for download from the EOCP's web site at: <http://www.sandiego.gov/eoc/forms/index.shtml>

B. GENERAL.

1. The City of San Diego promotes equal employment and subcontracting opportunities.
2. The City is committed to ensuring that taxpayer dollars spent on public Contracts are not paid to businesses that practice discrimination in employment or subcontracting.
3. The City encourages all companies seeking to do business with the City to share this commitment.

C. DEFINITIONS.

1. For the purpose of these requirements: Terms "Bid" and "Proposal", "Bidder" and "Proposer", "Subcontractor" and "Subconsultant", "Contractor" and "Consultant", "Contractor" and "Prime Contractor", "Consultant" and "Professional Service Provider", "Suppliers" and "Vendors", "Suppliers" and "Dealers", and "Suppliers" and "Manufacturers" may have been used interchangeably.
2. The following definitions apply:
 - a) **Emerging Business Enterprise (EBE)** - A for-profit business that is independently owned and operated; that is not a subsidiary or franchise of another business and whose gross annual receipts do not exceed the amount set by the City Manager and that meets all other criteria set forth in regulations implementing Municipal Code Chapter 2, Article 2, Division 36. The City Manager shall review the threshold amount for EBEs on an annual basis and adjust as necessary to reflect changes in the marketplace.
 - b) **Emerging Local Business Enterprise (ELBE)** - A Local Business

Enterprise that is also an Emerging Business Enterprise.

- c) **Minority Business Enterprise (MBE)** - A certified business that is at least fifty-one percent (51%) owned by one or more minority individuals, or, in the case of a publicly owned business at least fifty-one percent (51%) of the stock is owned by one or more minority individuals; and (2) whose daily business operations are managed and directed by one or more minorities owners. Minorities include the groups with the following ethnic origins: African, Asian Pacific, Asian Subcontinent, Hispanic, Native Alaskan, Native American, and Native Hawaiian.
- d) **Women Business Enterprise (WBE)** - A certified business that is at least fifty-one percent (51%) owned by a woman or women, or, in the case of a publicly owned business at least fifty-one percent (51%) of the stock is owned by one or more women; and (2) whose daily business operations are managed and directed by one or more women owners.
- e) **Disadvantaged Business Enterprise (DBE)** - a certified business that is at least fifty-one percent (51%) owned by socially and economically disadvantaged individuals, or, in the case of a publicly owned business at least fifty-one percent (51%) of the stock is owned by one or more socially and economically disadvantaged individuals; and (2) whose daily business operations are managed and directed by one or more socially and economically disadvantaged owners.
- f) **Disabled Veteran Business Enterprise (DVBE)** - A certified business that is at least fifty-one percent (51%) owned by one or more disabled veterans; and (2) business operations must be managed and controlled by one or more disabled veterans. Disabled Veteran is a veteran of the U.S. military, naval, or air service; the veteran must have a service-connected disability of at least 10% or more; and the veteran must reside in California.
- g) **Other Business Enterprise (OBE)** - Any business which does not otherwise qualify as a Minority, Woman, Disadvantaged, or Disabled Veteran Business Enterprise.
- h) **Small Business Enterprise (SBE)** - A for-profit business that is independently owned and operated; that is not a subsidiary or franchise of another business and whose gross annual receipts do not exceed the amount set by the City Manager and that meets all other criteria set forth in regulations implementing Municipal Code Chapter 2, Article 2, Division 36. The City Manager shall review the threshold amount for SBEs on an annual basis and adjust as necessary to reflect changes in the marketplace. A business certified as a Micro Business (MB) or a Disabled Veteran Business Enterprise (DVBE) by the State of California and that has provided proof of such certification to the City Manager shall be deemed to be an SBE.

- i) **Small Local Business Enterprise (SLBE)** - A Local Business Enterprise that is also a Small Business Enterprise.

D. CITY'S EQUAL OPPORTUNITY COMMITMENT.

1. Nondiscrimination in Contracting Ordinance.

- a) You, your Subcontractors, and Suppliers shall comply with the requirements of the City's Nondiscrimination in Contracting Ordinance, San Diego Municipal Code §§22.3501 through 22.3517.

You shall not discriminate on the basis of race, gender, gender expression, gender identity, religion, national origin, ethnicity, sexual orientation, age, or disability in the solicitation, selection, hiring, or treatment of subcontractors, vendors, or suppliers. You shall provide equal opportunity for Subcontractors to participate in subcontracting opportunities. You understand and agree that the violation of this clause shall be considered a material breach of the Contract and may result in Contract termination, debarment, or other sanctions.

You shall include the foregoing clause in all Contracts between you and your Subcontractors and Suppliers.

- b) **Disclosure of Discrimination Complaints.** As part of its Bid or Proposal, you shall provide to the City a list of all instances within the past 10 years where a complaint was filed or pending against you in a legal or administrative proceeding alleging that you discriminated against your employees, Subcontractors, vendors, or suppliers, and a description of the status or resolution of that complaint, including any remedial action taken.
- c) Upon the City's request, You agree to provide to the City, within 60 Calendar Days, a truthful and complete list of the names of all Subcontractors and Suppliers that you have used in the past 5 years on any of your Contracts that were undertaken within the San Diego County, including the total dollar amount paid by you for each Subcontract or supply Contract.
- d) You further agree to fully cooperate in any investigation conducted by the City pursuant to the City's Nondiscrimination in Contracting Ordinance, Municipal Code §§22.3501 through 22.3517. You understand and agree that violation of this clause shall be considered a material breach of the Contract and may result in remedies being ordered against you up to and including contract termination, debarment, and other sanctions for the violation of the provisions of the Nondiscrimination in Contracting Ordinance. You further understand and agree that the procedures, remedies, and sanctions provided for in the Nondiscrimination in Contracting Ordinance apply only to violations of the Ordinance.

E. EQUAL EMPLOYMENT OPPORTUNITY OUTREACH PROGRAM.

1. You, your Subcontractors, and Suppliers shall comply with the City's Equal Employment Opportunity Outreach Program, San Diego Municipal Code §§22.2701 through 22.2707.

You shall not discriminate against any employee or applicant for employment on any basis prohibited by law. You shall provide equal opportunity in all employment practices. You shall ensure that your Subcontractors comply with this program. Nothing in this section shall be interpreted to hold you liable for any discriminatory practices of your Subcontractors.

You shall include the foregoing clause in all Contracts between you and your Subcontractors and Suppliers.

2. If the Contract is competitively solicited, the selected Bidder shall submit a Work Force Report (Form BB05) within 10 Working Days after receipt by the Bidder to the City for approval as specified in the Notice of Intent to Award letter.
3. The selected Bidder shall submit an Equal Employment Opportunity Plan if a Work Force Report is submitted and if the City determines that there are under-representations when compared to County Labor Force Availability data.
4. If the selected Bidder submits an Equal Employment Opportunity Plan, it shall include the following assurances:
 - a) You shall maintain a working environment free of discrimination, harassment, intimidation, and coercion at all Sites and in all facilities at which your employees are assigned to Work.
 - b) You shall review your EEO Policy annually with all on-Site supervisors involved in employment decisions.
 - c) You shall disseminate and review your EEO Policy with all employees at least once a year, post the policy statement and EEO posters on all company bulletin boards and job sites, and document every dissemination, review, and posting with a written record to identify the time, place, employees present, subject matter, and disposition of meetings.
 - d) You shall review, at least annually, all supervisors' adherence to and performance under the EEO Policy and maintain written documentation of these reviews.
 - e) You shall discuss your EEO Policy Statement with Subcontractors with whom you anticipate doing business, including the EEO Policy Statement in your Subcontracts, and provide such documentation to the City upon request.

- f) You shall document and maintain a record of all Bid solicitations and outreach efforts to and from Subcontractors, contractor associations, and other business associations.
- g) You shall disseminate your EEO Policy externally through various media, including the media of people of color and women, in advertisements to recruit. Maintain files documenting these efforts and provide copies of these advertisements to the City upon request.
- h) You shall disseminate your EEO Policy to union and community organizations.
- i) You shall provide immediate written notification to the City when any union referral process has impeded your efforts to maintain your EEO Policy.
- j) You shall maintain a current list of recruitment sources, including those outreaching to people of color and women, and provide written notification of employment opportunities to these recruitment sources with a record of the organizations' responses.
- k) You shall maintain a current file of names, addresses and phone numbers of each walk-in applicant, including people of color and women, and referrals from unions, recruitment sources, or community organizations with a description of the employment action taken.
- l) You shall encourage all present employees, including people of color and women employees, to recruit others.
- m) You shall maintain all employment selection process information with records of all tests and other selection criteria.
- n) You shall develop and maintain documentation for on-the-job training opportunities, participate in training programs, or both for all of your employees, including people of color and women, and establish apprenticeship, trainee, and upgrade programs relevant to your employment needs.
- o) You shall conduct, at least annually, an inventory and evaluation of all employees for promotional opportunities and encourage all employees to seek and prepare appropriately for such opportunities.
- p) You shall ensure that the company's working environment and activities are non-segregated except for providing separate or single-user toilets and necessary changing facilities to assure privacy between the sexes.

F. SUBCONTRACTING.

1. The City encourages all eligible business enterprises to participate in City contracts as a Contractor, Subcontractor, and joint venture partner with you, your Subcontractors, or your Suppliers. You are encouraged to take positive

steps to diversify and expand your Subcontractor solicitation base and to offer subcontracting opportunities to all eligible business firms including SLBEs, ELBEs, MBEs, WBEs, DBEs, DVBES, and OBEs.

2. For Subcontractor participation level requirements, see the Contract Documents where applicable.
3. For the purposes of achieving the mandatory Subcontractor participation percentages, City percentage calculations will not account for the following:
 - a) "Field Orders" and "City Contingency" Bid items.
 - b) Alternate Bid items.
 - c) Allowance Bid items designated as "EOC Type II".
4. Allowance Bid items designated as "EOC Type I" will be considered as part of the Base Bid and will be included in the percentage calculation.
5. Each joint venture partner shall be responsible for a clearly defined Scope of Work. In addition, an agreement shall be submitted and signed by all parties identifying the extent to which each joint venture partner shares in ownership, control, management, risk, and profits of the joint venture.

G. LISTS OF SUBCONTRACTORS AND SUPPLIERS.

1. You shall comply with the Subletting and Subcontracting Fair Practices Act, Public Contract Code §§4100 through 4113, inclusive.
2. You shall list all Subcontractors who will receive more than 0.5% of the total Bid amount or \$10,000, whichever is greater on the form provided in the Contract Documents (Subcontractors list).
3. The Subcontractors list shall include the Subcontractor's name, telephone number including area code, physical address, Scope of Work, the dollar amount of the proposed Subcontract, the California contractor license number, the Public Works contractor registration number issued pursuant to Section 1725.5 of the Labor Code, and the Subcontractor's certification status with the name of the certifying agency.
4. The listed Subcontractor shall be appropriately licensed pursuant to Contractor License Laws.
5. For Design-Build Contracts, refer to the RFQ and RFP for each Project or Task Order.

H. SUBCONTRACTOR AND SUPPLIER SUBSTITUTIONS.

1. Listed Subcontractors and Suppliers shall not be substituted without the Express authorization of the City or its duly authorized agent.
2. Request for Subcontractor or Supplier substitution shall be made in writing to Purchasing & Contracting Department, Public Works Division, Attention Contract Specialist, 1200 3rd Ave., Suite 200, MS56P, San Diego, CA 92101 with

a copy to the Engineer.

3. The request shall include a thorough explanation of the reason(s) for the substitution, including dollar amounts and a letter from each substituted Subcontractor or Supplier stating that they (the Subcontractors or Suppliers) release all interest in working on the Project and written confirmation from the new Subcontractor or Supplier stating that they agree to work on the Project along with the dollar value of the Work to be performed.
4. Written approval of the substitution request shall be received by you or from the City or its authorized officer prior to any unlisted Subcontractor or Supplier performing Work on the Project.
5. Substitution of Subcontractors and Suppliers without authorization shall subject you to those penalties set forth in Public Contract Code §4110.
6. Requests for Supplier substitution shall be made in writing at least 10 Days prior to the provision of materials, supplies, or services by the proposed Supplier and shall include proof of written notice to the originally listed Supplier of the proposed substitution.
7. A Contractor whose Bid is accepted shall not:
 - a) Substitute a person as Subcontractor or Supplier in place of the Subcontractor or Supplier listed in the original bid, except that the City, or its duly authorized officer, may consent to the substitution of another person as a Subcontractor or Supplier in any of the following situations:
 - i. When the Subcontractor or Supplier listed in the Bid, after having a reasonable opportunity to do so, fails or refuses to execute a written Contract for the scope of work specified in the subcontractor's bid and at the price specified in the subcontractor's bid, when that written contract, based upon the general terms, conditions, plans, and specifications for the project involved or the terms of the subcontractor's written bid, is presented to the subcontractor by the prime contractor.
 - ii. When the listed Subcontractor or Supplier becomes insolvent or the subject of an order for relief in bankruptcy.
 - iii. When the listed Subcontractor or Supplier fails or refuses to perform his or her subcontract.
 - iv. When the listed Subcontractor fails or refuses to meet bond requirements as set forth in Public Contract Code §4108.
 - v. When you demonstrate to the City or its duly authorized officer, subject to the provisions set forth in Public Contract Code §4107.5, that the name of the Subcontractor was listed as the result of an inadvertent clerical error.
 - vi. When the listed Subcontractor is not licensed pursuant to Contractor License Law.

- vii. When the City, or its duly authorized officer, determines that the Work performed by the listed Subcontractor or that the materials or supplies provided by the listed Supplier are substantially unsatisfactory and not in substantial accordance with the Plans and specifications or that the Subcontractor or Supplier is substantially delaying or disrupting the progress of the Work.
 - viii. When the listed Subcontractor is ineligible to work on a public works project pursuant to §§1777.1 or 1777.7 of the Labor Code.
 - ix. When the City or its duly authorized agent determines that the listed Subcontractor is not a responsible contractor.
 - b) Permit a Contract to be voluntarily assigned or transferred or allow it to be performed by anyone other than the original Subcontractor, Supplier listed in the original Bid without the consent of the City, or its duly authorized officer.
 - c) Other than in the performance of "Change Orders" causing changes or deviations from the Contract, sublet or subcontract any portion of the Work, or contract for materials or supplies in excess of 0.5% of your total bid or \$10,000, whichever is greater, as to which his or her original Bid did not designate a Subcontractor or Supplier.
8. Following receipt of notice from you of the proposed substitution of a Subcontractor or Supplier, the listed Subcontractor or Supplier who has been so notified shall have 5 Working Days within which to submit written objections to the substitution to the Contract Specialist with a copy to the Engineer. Failure to file these written objections shall constitute the listed Subcontractor or Supplier's consent to the substitution. If written objections are filed, the City shall give notice in writing of at least 5 Working Days to the listed Subcontractor or Supplier of a hearing by the City on your request for substitution.

I. PROMPT PAYMENT.

- 1. You or your Subcontractors shall pay to any subcontractor, not later than 7 Calendar Days of receipt of each progress payment, unless otherwise agreed to in writing, the respective amounts allowed you on account of the Work performed by the Subcontractors, to the extent of each Subcontractor's interest therein. In cases of Subcontractor performance deficiencies, you shall make written notice of any withholding to the Subcontractor with a copy to the Contracts Specialist. Upon correction of the deficiency, you shall pay the Subcontractor the amount previously withheld within 14 Calendar Days after payment by the City.
- 2. Any violation of California Business and Professions Code, §7108.5 concerning prompt payment to Subcontractors shall subject the violating Contractor or Subcontractor to the penalties, sanctions, and other remedies of that section.

This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to you or your Subcontractor in the event of a dispute involving late payment or nonpayment by the Prime Contractor, deficient subcontract performance, or noncompliance by a Subcontractor.

J. PROMPT PAYMENT OF FUNDS WITHHELD TO SUBCONTRACTORS.

1. The City will hold retention from you and will make prompt and regular incremental acceptances of portions, as determined by the Engineer, of the Work and pay retention to you based on these acceptances.
2. You or your Subcontractors shall return all monies withheld in retention from a Subcontractor within 30 Calendar Days after receiving payment for Work satisfactorily completed and accepted including incremental acceptances of portions of the Work by the City.
3. Federal law (49CFR26.29) requires that any delay or postponement of payment over 30 Calendar Days may take place only for good cause and with the City's prior written approval. Any violation of this provision by you or your Subcontractor shall subject you or your Subcontractor to the penalties, sanctions, and other remedies specified in §7108.5 of the Business and Professions Code.
4. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to you or your Subcontractor in the event of a dispute involving late payment or nonpayment by you, deficient subcontract performance, or noncompliance by a Subcontractor.

K. CERTIFICATION.

1. The City accepts certifications of DBE, DVBE, MBE, SMBE, SWBE, or WBE by any of the following certifying agencies:
 - a) Current certification by the State of California Department of Transportation (CALTRANS) as DBE, SMBE, or SWBE.
 - b) Current MBE, WBE, or DVBE certification from the California Public Utilities Commission.
 - c) DVBE certification is received from the State of California's Department of General Services, Office of Small and Minority Business.
 - d) Current certification by the City of Los Angeles as DBE, WBE, or MBE.
 - e) Subcontractors' valid proof of certification status (copies of MBE, WBE, DBE, or DVBE certifications) shall be submitted as required.

L. CONTRACT RECORDS AND REPORTS.

1. You shall maintain records of all subcontracts and invoices from your

Subcontractors and Suppliers for work on this project. Records shall show name, telephone number including area code, and business address of each Subcontractor, Supplier, and joint venture partner, and the total amount actually paid to each firm. Project relevant records, regardless of tier, may be periodically reviewed by the City.

2. You shall retain all records, books, papers, and documents pertinent to the Contract for a period of not less than 5 years after Notice of Completion and allow access to said records by the City's authorized representatives.
3. You shall submit the following reports using the City's web-based contract compliance (Prism® portal):
 - a. **Monthly Payment.** You shall submit Monthly Payment Reporting by the 10th day of the subsequent month. Incomplete and/or delinquent reporting may cause payment delays, non-payment of invoices, or both.
3. You shall submit the following reports using the web-based contract compliance software, LCP Tracker Online Payroll Reporting:
 - a. **Monthly Payment.** You and your Subcontractors and Suppliers shall submit Monthly Payment Reporting by the 5th day of the subsequent month. Incomplete and/or delinquent reporting may cause payment delays, non-payment of invoices, or both.
4. The records maintained under item 1, described above, shall be consolidated into a Final Summary Report, certified as correct by an authorized representative of the Contractor. The Final Summary Report shall include all subcontracting activities and be sent to the EOCP Program Manager prior to Acceptance. Failure to comply may result in assessment of liquidated damages or withholding of retention. The City will review and verify 100% of subcontract participation reported in the Final Summary Report prior to approval and release of final retention to you. In the event your Subcontractors are owed money for completed Work, the City may authorize payment to subcontractor via a joint check from the withheld retention.

ATTACHMENT D
PREVAILING WAGES

PREVAILING WAGES

- 1. PREVAILING WAGE RATES:** Pursuant to San Diego Municipal Code section 22.3019, construction, alteration, demolition, repair and maintenance work performed under this Contract is subject to State prevailing wage laws. For construction work performed under this Contract cumulatively exceeding \$25,000 and for alteration, demolition, repair and maintenance work performed under this Contract cumulatively exceeding \$15,000, the Contractor and its subcontractors shall comply with State prevailing wage laws including, but not limited to, the requirements listed below.
 - 1.1. Compliance with Prevailing Wage Requirements.** Pursuant to sections 1720 through 1861 of the California Labor Code, the Contractor and its subcontractors shall ensure that all workers who perform work under this Contract are paid not less than the prevailing rate of per diem wages as determined by the Director of the California Department of Industrial Relations (DIR). This includes work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work.
 - 1.1.1.** Copies of such prevailing rate of per diem wages are on file at the City and are available for inspection to any interested party on request. Copies of the prevailing rate of per diem wages also may be found at <http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>. Contractor and its subcontractors shall post a copy of the prevailing rate of per diem wages determination at each job site and shall make them available to any interested party upon request.
 - 1.1.2.** The wage rates determined by the DIR refer to expiration dates. If the published wage rate does not refer to a predetermined wage rate to be paid after the expiration date, then the published rate of wage shall be in effect for the life of this Contract. If the published wage rate refers to a predetermined wage rate to become effective upon expiration of the published wage rate and the predetermined wage rate is on file with the DIR, such predetermined wage rate shall become effective on the date following the expiration date and shall apply to this Contract in the same manner as if it had been published in said publication. If the predetermined wage rate refers to one or more additional expiration dates with additional predetermined wage rates, which expiration dates occur during the life of this Contract, each successive predetermined wage rate shall apply to this Contract on the date following the expiration date of the previous wage rate. If the last of such predetermined wage rates expires during the life of this Contract, such wage rate shall apply to the balance of the Contract.
 - 1.2. Penalties for Violations.** Contractor and its subcontractors shall comply with California Labor Code section 1775 in the event a worker is paid less than the prevailing wage rate for the work or craft in which the worker is employed. This shall be in addition to any other applicable penalties allowed under Labor Code sections 1720 – 1861.
 - 1.3. Payroll Records.** Contractor and its subcontractors shall comply with California

Labor Code section 1776, which generally requires keeping accurate payroll records, verifying and certifying payroll records, and making them available for inspection. Contractor shall require its subcontractors to also comply with section 1776. Contractor and its subcontractors shall submit weekly certified payroll records online via the City's web-based Labor Compliance Program. Contractor is responsible for ensuring its subcontractors submit certified payroll records to the City.

1.3.1. Contractor and their subcontractors shall also furnish records specified in Labor Code section 1776 directly to the Labor Commissioner in the manner required by Labor Code section 1771.4.

1.4. Apprentices. Contractor and its subcontractors shall comply with California Labor Code sections 1777.5, 1777.6 and 1777.7 concerning the employment and wages of apprentices. Contractor is held responsible for the compliance of their subcontractors with sections 1777.5, 1777.6 and 1777.7.

1.5. Working Hours. Contractor and their subcontractors shall comply with California Labor Code sections 1810 through 1815, including but not limited to: (i) restrict working hours on public works contracts to eight hours a day and forty hours a week, unless all hours worked in excess of 8 hours per day are compensated at not less than 1½ times the basic rate of pay; and (ii) specify penalties to be imposed on contractors and subcontractors of \$25 per worker per day for each day the worker works more than 8 hours per day and 40 hours per week in violation of California Labor Code sections 1810 through 1815.

1.6. Required Provisions for Subcontracts. Contractor shall include at a minimum a copy of the following provisions in any contract they enter into with a subcontractor: California Labor Code sections 1771, 1771.1, 1775, 1776, 1777.5, 1810, 1813, 1815, 1860 and 1861.

1.7. Labor Code Section 1861 Certification. Contractor in accordance with California Labor Code section 3700 is required to secure the payment of compensation of its employees and by signing this Contract, Contractor certifies that "I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this Contract."

1.8. Labor Compliance Program. The City has its own Labor Compliance Program authorized in August 2011 by the DIR. The City will withhold contract payments when payroll records are delinquent or deemed inadequate by the City or other governmental entity, or it has been established after an investigation by the City or other governmental entity that underpayment(s) have occurred. For questions or assistance, please contact the City of San Diego's Prevailing Wage Unit at 858-627-3200.

1.9. Contractor and Subcontractor Registration Requirements. This project is subject to compliance monitoring and enforcement by the DIR. A contractor or

subcontractor shall not be qualified to quote on, be listed in a quote or proposal, subject to the requirements of section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, unless currently registered and qualified to perform public work pursuant to Labor Code section 1725.5. It is not a violation of this section for an unregistered contractor to submit a quote that is authorized by Section 7029.1 of the Business and Professions code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.

1.9.1. A Contractor's inadvertent error in listing a subcontractor who is not registered pursuant to Labor Code section 1725.5 in response to a solicitation shall not be grounds for filing a quote protest or grounds for considering the quote non-responsive provided that any of the following apply: (1) the subcontractor is registered prior to quote opening; (2) within twenty-four hours after the quote opening, the subcontractor is registered and has paid the penalty registration fee specified in Labor Code section 1725.5; or (3) the subcontractor is replaced by another registered subcontractor pursuant to Public Contract Code section 4107.

1.9.2. By submitting a quote or proposal to the City, Contractor is certifying that he or she has verified that all subcontractors used on this public work project are registered with the DIR in compliance with Labor Code sections 1771.1 and 1725.5, and Contractor shall provide proof of registration for themselves and all listed subcontractors to the City at the time of quote or proposal due date or upon request.

1.10. Stop Order. For Contractor or its subcontractors engaging in the performance of any public work contract without having been registered in violation of Labor Code sections 1725.5 or 1771.1, the Labor Commissioner shall issue and serve a stop order prohibiting the use of the unregistered contractors or unregistered subcontractor(s) on ALL public works until the unregistered contractor or unregistered subcontractor(s) is registered. Failure to observe a stop order is a misdemeanor.

1.11. List of all Subcontractors. The Contractor shall provide the list of subcontractors (regardless of tier), along with their DIR registration numbers, utilized on this Contract prior to any work being performed; and the Contractor shall provide a complete list of all subcontractors with each invoice. Additionally, Contractor shall provide the City with a complete list of all subcontractors (regardless of tier) utilized on this contract within ten working days of the completion of the contract, along with their DIR registration numbers. The City shall withhold final payment to Construction Management Professional until at least thirty (30) days after this information is provided to the City.

1.12. Exemptions for Small Projects. There are limited exemptions for installation, alteration, demolition, or repair work done on projects of \$25,000 or less. The Contractor shall still comply with Labor Code sections 1720 et. seq. The only recognized exemptions are listed below:

- 1.12.1.** Registration. The Contractor will not be required to register with the DIR for small projects. (Labor Code section 1771.1)
- 1.12.2.** Certified Payroll Records. The records required in Labor Code section 1776 shall be required to be kept and submitted to the City of San Diego, but will not be required to be submitted online with the DIR directly. The Contractor will need to keep those records for at least three years following the completion of the Contract. (Labor Code section 1771.4).
- 1.12.3.** List of all Subcontractors. The Contractor shall not be required to hire only registered subcontractors and is exempt from submitting the list of all subcontractors that is required in section 1.11 above. (Labor code section 1773.3).

ATTACHMENT E
SUPPLEMENTARY SPECIAL PROVISIONS

SUPPLEMENTARY SPECIAL PROVISIONS

The following Supplementary Special Provisions (SSP) modifies the following documents:

1. The **2021 Edition** of the Standard Specifications for Public Works Construction (The "GREENBOOK").
2. The **2021 Edition** of the City of San Diego Standard Specifications for Public Works Construction (The "WHITEBOOK"), including the following:
 - a) General Provisions (A) for all Construction Contracts.

SECTION 5 – LEGAL RELATIONS AND RESPONSIBILITIES

5-4 INSURANCE. To the "GREENBOOK", DELETE in its entirety and SUBSTITUTE with the following:

5-4 INSURANCE.

1. The insurance provisions herein shall not be construed to limit your indemnity obligations contained in the Contract.

5-4.1 Policies and Procedures.

1. You shall procure the insurance described below, at its sole cost and expense, to provide coverage against claims for loss including injuries to persons or damage to property, which may arise out of or in connection with the performance of the Work by you, your agents, representatives, officers, employees or Subcontractors.
2. Insurance coverage for property damage resulting from your operations is on a replacement cost valuation. The market value will not be accepted.
3. You shall maintain this insurance for the duration of this Contract and at all times thereafter when you are correcting, removing, or replacing Work in accordance with this Contract. Your liabilities under the Contract, e.g., your indemnity obligations, is not deemed limited to the insurance coverage required by this Contract.
4. The payment for insurance shall be included in the Contract Price as bid by you. Except as specifically agreed to by the City in writing, you are not entitled to any additional payment. Do not begin any Work under this Contract until you have provided and the City has approved all required insurance.
5. Policies of insurance shall provide that the City is entitled to 30 Days (10 Days for cancellation due to non-payment of premium) prior written notice of cancellation or non-renewal of the policy. Maintenance of specified insurance coverage is a material element of the Contract. Your failure to maintain or renew coverage or to provide evidence of renewal during the

term of the Contract may be treated by the City as a material breach of the Contract.

5-4.2 Types of Insurance.

5-4.2.1 Commercial General Liability Insurance.

1. Commercial General Liability Insurance shall be written on the current version of the ISO Occurrence form CG 00 01 07 98 or an equivalent form providing coverage at least as broad.
2. The policy shall cover liability arising from premises and operations, XCU (explosions, underground, and collapse), independent contractors, products/completed operations, personal injury and advertising injury, bodily injury, property damage, and liability assumed under an insured's contract (including the tort liability of another assumed in a business contract).
3. There shall be no endorsement or modification limiting the scope of coverage for either "insured vs. insured" claims or contractual liability. You shall maintain the same or equivalent insurance for at least 10 years following completion of the Work.
4. All costs of defense shall be outside the policy limits. Policy coverage shall be in liability limits of not less than the following:

<u>General Annual Aggregate Limit</u>	<u>Limits of Liability</u>
Other than Products/Completed Operations	\$4,000,000
Products/Completed Operations Aggregate Limit	\$4,000,000
Personal Injury Limit	\$2,000,000
Each Occurrence	\$2,000,000

5-4.2.2 Commercial Automobile Liability Insurance.

1. You shall provide a policy or policies of Commercial Automobile Liability Insurance written on the current version of the ISO form CA 00 01 12 90 or later version or equivalent form providing coverage at least as broad in the amount of \$1,000,000 combined single limit per accident, covering bodily injury and property damage for owned, non-owned, and hired automobiles ("Any Auto").
2. All costs of defense shall be outside the limits of the policy.

5-4.2.8 Architects and Engineers Professional Insurance (Errors and Omissions Insurance).

1. For Contracts with required engineering services, including Design-Build and preparation of engineered Traffic Control Plans (TCP) by you, you shall keep or require all of your employees and Subcontractors, who provide professional engineering services under Contract, to provide to the City proof of Professional Liability coverage with a limit of no less than \$1,000,000 per claim and \$2,000,000 aggregate per policy period of one year.

2. You shall ensure the following:
 - a. The policy retroactive date is on or before the date of commencement of the Project.
 - b. The policy will be maintained in force for a period of three years after completion of the Project or termination of the Contract, whichever occurs last. You agree that, for the time period specified above, there will be no changes or endorsements to the policy that affect the specified coverage.
3. If professional engineering services are to be provided solely by the Subcontractor, you shall:
 1. Certify this to the City in writing, and
 2. Agree in writing to require the Subcontractor to procure Professional Liability coverage in accordance with the requirements set forth here.

5-4.3 Rating Requirements. Except for the State Compensation Insurance Fund, all insurance required by this Contract as described herein shall be carried only by responsible insurance companies with a rating of, or equivalent to, at least "A-, VI" by A.M. Best Company, that are authorized by the California Insurance Commissioner to do business in the State, and that have been approved by the City.

5-4.3.1 Non-Admitted Carriers. The City will accept insurance provided by non-admitted, "surplus lines" carriers only if the carrier is authorized to do business in the State and is included on the List of Approved Surplus Lines Insurers (LASLI list).

All policies of insurance carried by non-admitted carriers shall be subject to all of the requirements for policies of insurance provided by admitted carriers described herein.

5-4.4 Evidence of Insurance. Furnish to the City documents e.g., certificates of insurance and endorsements evidencing the insurance required herein, and furnish renewal documentation prior to expiration of this insurance. Each required document shall be signed by the insurer or a person authorized by the insurer to bind coverage on its behalf. We reserve the right to require complete, certified copies of all insurance policies required herein.

5-4.5 Policy Endorsements.

5-4.5.1 Commercial General Liability Insurance.

5-4.5.1.1 Additional Insured.

1. You shall provide at your expense policy endorsement written on the current version of the ISO Occurrence form CG 20 10 11 85 or an equivalent form providing coverage at least as broad.
2. To the fullest extent allowed by law e.g., California Insurance Code §11580.04, the policy shall be endorsed to include the City and its

respective elected officials, officers, employees, agents, and representatives as additional insured.

3. The additional insured coverage for projects for which the Engineer's Estimate is \$1,000,000 or more shall include liability arising out of:
 - a) Ongoing operations performed by you or on your behalf,
 - b) your products,
 - c) your Work, e.g., your completed operations performed by you or on your behalf, or
 - d) premises owned, leased, controlled, or used by you.
4. The additional insured coverage for projects for which the Engineer's Estimate is less than \$1,000,000 shall include liability arising out of:
 - a) Ongoing operations performed by you or on your behalf,
 - b) your products, or
 - c) premises owned, leased, controlled, or used by you.

5-4.5.1.2 Primary and Non-Contributory Coverage. The policy shall be endorsed to provide that the coverage with respect to operations, including the completed operations, if appropriate, of the Named Insured is primary to any insurance or self-insurance of the City and its elected officials, officers, employees, agents and representatives. Further, it shall provide that any insurance maintained by the City and its elected officials, officers, employees, agents and representatives shall be in excess of your insurance and shall not contribute to it.

5-4.5.2 Commercial Automobile Liability Insurance.

5-4.5.2.1 Additional Insured. Unless the policy or policies of Commercial Auto Liability Insurance are written on an ISO form CA 00 01 12 90 or a later version of this form or equivalent form providing coverage at least as broad, the policy shall be endorsed to include the City and its respective elected officials, officers, employees, agents, and representatives as additional insured, with respect to liability arising out of automobiles owned, leased, hired or borrowed by you or on your behalf. This endorsement is limited to the obligations permitted by California Insurance Code §11580.04.

5-4.6 Deductibles and Self-Insured Retentions. You shall pay for all deductibles and self-insured retentions. You shall disclose deductibles and self-insured retentions to the City at the time the evidence of insurance is provided.

5-4.7 Reservation of Rights. The City reserves the right, from time to time, to review your insurance coverage, limits, deductibles and self-insured retentions to determine if they are acceptable to the City. The City will reimburse you, without overhead, profit, or any other markup, for the cost of additional premium for any coverage requested by the Engineer but not required by this Contract.

5-4.8 Notice of Changes to Insurance. You shall notify the City 30 Days prior to any material change to the policies of insurance provided under this Contract.

5-4.9 Excess Insurance. Policies providing excess coverage shall follow the form of the primary policy or policies e.g., all endorsements.

5-4.11 Workers' Compensation Insurance and Employers Liability Insurance.

1. In accordance with the provisions of §3700 of the California Labor Code, you shall provide at your expense Workers' Compensation Insurance and Employers Liability Insurance to protect you against all claims under applicable state workers compensation laws. The City, its elected officials, and employees will not be responsible for any claims in law or equity occasioned by your failure to comply with the requirements of this section.

2. Limits for this insurance shall be not less than the following:

<u>Workers' Compensation</u>	<u>Statutory Employers Liability</u>
Bodily Injury by Accident	\$1,000,000 each accident
Bodily Injury by Disease	\$1,000,000 each employee
Bodily Injury by Disease	\$1,000,000 policy limit

3. By signing and returning the Contract you certify that you are aware of the provisions of §3700 of the Labor Code which requires every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that code and you shall comply with such provisions before commencing the Work as required by §1861 of the California Labor Code.

5-4.11.1. Waiver of Subrogation. The policy or policies shall be endorsed to provide that the insurer will waive all rights of subrogation against the City and its respective elected officials, officers, employees, agents, and representatives for losses paid under the terms of the policy or policies and which arise from Work performed by the Named Insured for the City.

Commercial general liability insurance coverage may be provided through a combination of primary and excess or umbrella insurance policies.

ATTACHMENT F

IN-USE OFF-ROAD DIESEL FUELED FLEET REGULATION (OFF-ROAD REGULATION)
COMPLIANCE (CARB)

ATTACHMENT F

IN-USE OFF-ROAD DIESEL FUELED FLEET REGULATION (OFF-ROAD REGULATION) COMPLIANCE

The California Air Resources Board (CARB) approved amendments to the Off-Road Regulations which can be found at 13 California Code of Regulations (CCR) sections 2449, 2449.1, and 2449.2. These amendments apply to any person, business, or government agency who owns or operates within California any vehicles with a diesel-fueled or alternative diesel fueled off-road compression-ignition engine with maximum power (max hp) of 25 horsepower (hp) or greater provided that the vehicle cannot be registered and driven safely on-road or was not designed to be driven on-road, even if it has been modified so that it can be driven safely on-road. See 13 CCR section 2449 (b) for the full list of vehicles covered by these Off-Road Regulations.

Beginning January 1, 2024, Contractor shall be subject to the requirements below. No Contractor or public works awarding body, as applicable, shall enter into a contract with a fleet for which it does not have a valid Certificate of Reported Compliance for the fleet and its listed subcontractors, if applicable, prior to entering into a new or renewed contract with that fleet. Contractor shall comply with the following requirements:

- (1) For a project involving the use of vehicles subject to the Off-Road Regulation, Contractor must obtain copies of the valid Certificates of Reported Compliance, as described in 13 CCR section 2449(n), for the fleet selected for this Contract and their listed subcontractors, if applicable, prior to entering into a new or renewed contract with that fleet and provide copies of such Certificates of Reported Compliance to the City within 10 days of issuance of the Notice of Intent to Award letter. Contractor shall enter into a contract with a fleet for which it does not have a valid Certificates of Reported Compliance for the fleet and its listed subcontractors. City shall not enter into a contract with Contractor until all current Certificates of Reported Compliance for the fleet to be used on this Project are provided by Contractor.
- (2) The Certificates of Reported Compliance received by Contractor for this Project must be retained by Contractor for three years after the Project's completion. Upon request by CARB, these records must be provided to CARB within five business days of the request. Additionally, upon request by City, these records must be produced to City within five business days of the request.
- (3) For emergency contracts that meet the definition of "emergency operations" as defined in 13 CCR section 2449(c)(18), they are exempt from the requirements in 13 CCR section 2449(i)(1)-(3) and sections (1) and (2) above, but must still retain records verifying vehicles subject to the regulation that are operating on the "emergency operations" project are actually being operated on the project for "emergency operations" only. These records, as described in more detail below in section (B) must be retained by Contractor for three years after completion of the Project and upon request from either CARB or the City, Contractor shall provide those records to the requesting party within five business

days. All other emergency contracts that do not meet the definition of “emergency operations” must comply with the requirements above and 13 CCR section 2449(i)(1) – (3).

A. “Emergency Operations” is defined as:

1. Any activity for a project conducted during emergency, life threatening situations, where a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or an essential public service; or in conjunction with any officially declared disaster or state of emergency, as declared by an authorized health officer, agricultural commissioner, fire protection officer, or other authorized health officer;
2. Any activity for a project conducted by essential service utilities to provide electricity, natural gas, telephone, water, or sewer during periods of service outages and emergency; or
3. Operations including repairing or preventing damage to roads, buildings, terrain, and infrastructure as a result of an earthquake, flood, storm, fire, other infrequent act of nature, or terrorism. Routine maintenance or construction to prevent public health risks does not constitute emergency operations under the Off-Road Regulations.

B. The records retained by Contractor for “emergency operations” projects must include:

1. A description of the emergency;
2. The address or a description of the specific location of the emergency;
3. The dates on which the emergency operations were performed; and
4. An attestation by the fleet that the vehicles are operated on the Project for “emergency operations” only.

Beginning January 1, 2024, Contractor is also subject to the requirements described in 13 CCR section 2449(j).

(1) Between March 1 and June 1 of each year, Contractor must collect new valid Certificates of Reported Compliance for the current compliance year, as defined in 13 CCR section 2449(n), from all fleets that have an ongoing contract with Contractor as of March 1 of that year. Contractors shall not write contracts to evade this requirement.

(2) Contractor shall only allow fleets with valid Certificates of Reported Compliance on the Contractor's job sites.

(3) If Contractor discovers that any fleet intending to operate vehicles subject to this regulation for Contractor does not have a valid Certificate of Reported Compliance, as defined in 13 CCR section 2449(n), or if Contractor observes any noncompliant vehicles

subject to the regulation on Contractor's job site, then Contractor must report the that to CARB at <https://calepacomplaints.secure.force.com/complaints/Complaint>, or email dieselcomplaints@arb.ca.gov, for each fleet without a valid Certificate of Reported Compliance or each noncompliant vehicle, as applicable, within five business days of such discovery. See 13 CCR 2449(n) for the information required to be disclosed to CARB when reporting non-compliance.

(4) Upon request by CARB, Contractor must immediately disclose to CARB the name and contact information of each responsible party for all vehicles subject to this regulation operating at the job site or for Contractor.

(5) Contractor shall prominently display signage for any project where vehicles subject to this Off-Road Regulation will operate for 8 calendar days or more. The signage must be posted by the eighth calendar day from which the first vehicle operates. The signage will be in lettering larger than size 14-point type and displayed in a conspicuous place where notices to employees are customarily posted at the job site or where there is employee foot traffic. If one of the above locations is also viewable by the public, it should be posted at that location. An exemption to this posting requirement is permitted if the operational time of a project is 7 calendar days or less. The signage must include the following language, verbatim:

(A) "Who does the In-Use Off-Road Regulation Apply to?

The In-Use Off-Road Diesel-Fueled Fleets Regulation (Off-Road Regulation) applies to all self-propelled off-road diesel vehicles 25 horsepower or greater and most two-engine vehicles (except on-road two-engine sweepers) owned or operated in California. This includes vehicles that are rented or leased (rental or leased fleets)."

(B) "In-Use Off-Road Regulation Requirements

Idling Limit: Vehicles cannot idle longer than five minutes. There are exceptions for vehicles that need to idle to perform work.

Labeling: Vehicles must be labeled with a CARB assigned equipment identification number (EIN). The EIN shall be white on a red background, unless the vehicle is part of a captive attainment area fleet, in which case the EIN shall be white on a green background.

The EIN shall be located in clear view on both sides of the outside of the vehicle."

ATTACHMENT G

CONTRACT AGREEMENT

CONTRACT AGREEMENT

CONSTRUCTION CONTRACT

This contract is made and entered into between THE CITY OF SAN DIEGO, a municipal corporation, herein called "City", and San Diego Mountain Biking Association, herein called "Contractor" for construction of Ruffin Canyon South; Contract No. M-25-0108; in the amount of **One Hundred Nine Thousand Five Hundred Dollars and Zero Cents (\$109,500.00)**, which is comprised of the quote.

IN CONSIDERATION of the payments to be made hereunder and the mutual undertakings of the parties hereto, City and Contractor agree as follows:

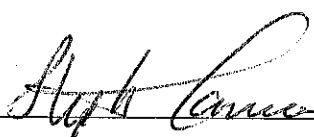
1. The following are incorporated into this contract as though fully set forth herein:
 - (a) Faithful Performance and Payment Bonds.
 - (b) Proposal included in the Quote documents by the Contractor.
 - (c) Reference Standards listed in the Instruction to Contractors and the Supplementary Special Provisions (SSP).
 - (d) That certain documents entitled Ruffin Canyon South on file in the office of the Purchasing & Contracting Department.
2. The Contractor shall perform and be bound by all the terms and conditions of this contract and in strict conformity therewith shall perform and complete in a good and workmanlike manner **[Ruffin Canyon South, M-25-0108]**, San Diego, California.
3. For such performances, the City shall pay to Contractor the amounts set forth at the times and in the manner and with such additions or deductions as are provided for in this contract, and the Contractor shall accept such payment in full satisfaction of all claims incident to such performances.
4. No claim or suit whatsoever shall be made or brought by Contractor against any officer, agent, or employee of the City for or on account of anything done or omitted to be done in connection with this contract, nor shall any such officer, agent, or employee be liable hereunder.
5. This contract is effective as of the date that the Mayor or designee and City Attorney signs the agreement.

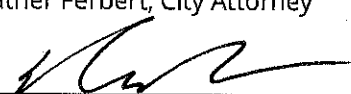
CONTRACT AGREEMENT (continued)

IN WITNESS WHEREOF, this Agreement is signed by the City of San Diego, acting by and through its Mayor or designee, pursuant to Municipal Code §22.3102 authorizing such execution.

THE CITY OF SAN DIEGO

APPROVED AS TO FORM

By 

Heather Ferbert, City Attorney
By 

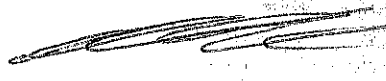
Print Name: Stephen Samara
Principal Contract Specialist
Purchasing & Contracting Dept.

Print Name: Nicole Pedone
Deputy City Attorney

Date: 11-13-2025

Date: 11-13-25

CONTRACTOR

By San Diego Mountain Biking Association 

Print Name: Ben Stone

Title: Trails Coordinator/RME

Date: 11/13/25

City of San Diego License No.: 82021010134

State Contractor's License No.: 1105574

DEPARTMENT OF INDUSTRIAL RELATIONS (DIR) REGISTRATION NUMBER: PW-LR-1000825232

CERTIFICATIONS AND FORMS

The Contractor, by submitting its electronic quote, agrees to and certifies under penalty of perjury under the laws of the State of California, that the certifications, forms and affidavits submitted as part of this quote are true and correct.

Contractor's General Information

To the City of San Diego:

Pursuant to "Notice Inviting Quotes", specifications, and requirements on file with the City Clerk, and subject to all provisions of the Charter and Ordinances of the City of San Diego and applicable laws and regulations of the United States and the State of California, the undersigned hereby proposes to furnish to the City of San Diego, complete at the prices stated herein, the items or services hereinafter mentioned. The undersigned further warrants that this quote is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the quote is genuine and not collusive or sham; that the Contractor has not directly or indirectly induced or solicited any other Contractor to put in a false or sham quote, and has not directly or indirectly colluded, conspired, connived, or agreed with any Contractor or anyone else to put in a sham quote, or that anyone shall refrain from bidding; that the Contractor has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the quote price of the Contractor or any other Contractor, or to fix any overhead, profit, or cost element of the quote price, or of that of any other Contractor, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the quote are true; and, further, that the Contractor has not, directly or indirectly, submitted his or her quote price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, quote depository, or to any member or agent thereof to effectuate a collusive or sham quote.

The undersigned Contractor(s) further warrants that Contractor(s) has thoroughly examined and understands the entire Contract Documents (plans and specifications) and the Bidding Documents therefore, and that by submitting said Bidding Documents as its quote proposal, Contractor(s) acknowledges and is bound by the entire Contract Documents, including any addenda issued thereto, as such Contract Documents incorporated by reference in the Bidding Documents.

**NON-COLLUSION AFFIDAVIT TO BE EXECUTED BY CONTRACTOR AND SUBMITTED WITH
QUOTE UNDER 23 UNITED STATES CODE 112 AND PUBLIC CONTRACT CODE 7106**

State of California

County of San Diego

The Contractor, being first duly sworn, deposes and says that he or she is authorized by the party making the foregoing quote that the quote is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the quote is genuine and not collusive or sham; that the Contractor has not directly or indirectly induced or solicited any other Contractor to put in a false or sham quote, and has not directly or indirectly colluded, conspired, connived, or agreed with any Contractor or anyone else to put in a sham quote, or that anyone shall refrain from bidding; that the Contractor has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the quote price of the Contractor or any other Contractor, or to fix any overhead, profit, or cost element of the quote price, or of that of any other Contractor, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the quote are true; and further, that the Contractor has not, directly or indirectly, submitted his or her quote price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, quote depository, or to any member or agent thereof to effectuate a collusive or sham quote.

CONTRACTOR CERTIFICATION

DRUG-FREE WORKPLACE

I hereby certify that I am familiar with the requirements of San Diego City Council Policy No. 100-17 regarding Drug-Free Workplace as outlined in the WHITEBOOK, Section 5-1.3, "Drug-Free Workplace", of the project specifications, and that;

This company has in place a drug-free workplace program that complies with said policy. I further certify that each subcontract agreement for this project contains language which indicates the subcontractor's agreement to abide by the provisions of subdivisions a) through c) of the policy as outlined.

CONTRACTOR CERTIFICATION

AMERICAN WITH DISABILITIES ACT (ADA) COMPLIANCE CERTIFICATION

I hereby certify that I am familiar with the requirements of San Diego City Council Policy No. 100-4 regarding the American With Disabilities Act (ADA) outlined in the WHITEBOOK, Section 5-1.2, "California Building Code, California Code of Regulations Title 24 and Americans with Disabilities Act", of the project specifications, and that:

This company has in place workplace program that complies with said policy. I further certify that each subcontract agreement for this project contains language which indicates the subcontractor's agreement to abide by the provisions of the policy as outlined.

CONTRACTOR CERTIFICATION

CONTRACTOR STANDARDS – PLEDGE OF COMPLIANCE

I declare under penalty of perjury that I am authorized to make this certification on behalf of the company submitting this quote, that as Contractor, I am familiar with the requirements of City of San Diego Municipal Code § 22.3004 regarding Contractor Standards as outlined in the WHITEBOOK, Section 5-1.4, ("Contractor Standards and Pledge of Compliance"), of the project specifications, and that Contractor has complied with those requirements.

I further certify that each of the Contractor's subcontractors has completed a Pledge of Compliance attesting under penalty of perjury of having complied with City of San Diego Municipal Code § 22.3004.

CONTRACTOR CERTIFICATION

Equal Benefits Ordinance Certification

I declare under penalty of perjury that I am familiar with the requirements of and in compliance with the City of San Diego Municipal Code § 22.4300 regarding Equal Benefits Ordinance.

CONTRACTOR CERTIFICATION

Equal Pay Ordinance Certification

Contractor shall comply with the Equal Pay Ordinance (EPO) codified in the San Diego Municipal Code (SDMC) at section 22.4801 through 22.4809, unless compliance is not required based on an exception listed in SDMC section 22.4804.

Contractor shall require all of its subcontractors to certify compliance with the EPO in their written subcontracts.

Contractor must post a notice informing its employees of their rights under the EPO in the workplace or job site.

By signing this Contract with the City of San Diego, Contractor acknowledges the EPO requirements and pledges ongoing compliance with the requirements of SDMC Division 48, section 22.4801 et seq., throughout the duration of this Contract.

CONTRACTOR CERTIFICATION

In-Use Off-Road Diesel Fueled Fleet Regulation (Off-Road Regulation) Compliance

I hereby certify that Contractor is familiar with the requirements 13 CCR 2449, 2449.1, and 2449.2, as well as Attachment F, In-Use Off-Road Diesel Fueled Fleet Regulation (Off-Road Regulation) Compliance (CARB), and that Contractor shall comply with these requirements.

I further certify that each of the Contractor's listed subcontractors is familiar with these requirements and shall also comply.

CONTRACTOR CERTIFICATION

PRODUCT ENDORSEMENT

I declare under penalty of perjury that I acknowledge and agree to comply with the provisions of City of San Diego Administrative Regulation 95.65, concerning product endorsement. Any advertisement identifying or referring to the City as the user of a product or service requires the prior written approval of the City.

AFFIDAVIT OF DISPOSAL

(To be submitted upon completion of Construction pursuant to the contracts Certificate of Completion)

WHEREAS, on the _____ DAY OF _____, 2____ the undersigned entered into and executed a contract with the City of San Diego, a municipal corporation, for:

Ruffin Canyon South
(Project Title)

as particularly described in said contract and identified as Bid No. M-25-0108; SAP No. (WBS/IO/CC) 12000545 and **WHEREAS**, the specification of said contract requires the Contractor to affirm that "all brush, trash, debris, and surplus materials resulting from this project have been disposed of in a legal manner"; and **WHEREAS**, said contract has been completed and all surplus materials disposed of:

NOW, THEREFORE, in consideration of the final payment by the City of San Diego to said Contractor under the terms of said contract, the undersigned Contractor, does hereby affirm that all surplus materials as described in said contract have been disposed of at the following location(s)

and that they have been disposed of according to all applicable laws and regulations.

Dated this _____ DAY OF _____, _____.

By: _____
Contractor

ATTEST:

State of _____ County of _____

On this _____ DAY OF _____, 2____, before the undersigned, a Notary Public in and for said County and State, duly commissioned and sworn, personally appeared _____ known to me to be the _____ Contractor named in the foregoing Release, and whose name is subscribed thereto, and acknowledged to me that said Contractor executed the said Release.

Notary Public in and for said County and State

ELECTRONICALLY SUBMITTED FORMS

THE FOLLOWING FORMS MUST BE SUBMITTED IN PDF FORMAT WITHIN 3 WORKING DAYS OF THE NOTICE OF INTENT TO AWARD (NOI)

The following forms are to be completed by the Contractor and submitted electronically.

- A. CONTRACTOR'S CERTIFICATION OF PENDING ACTIONS**
- B. MANDATORY DISCLOSURE OF BUSINESS INTERESTS FORM**
- C. LIST OF SUBCONTRACTORS (INCLUDING TIER)**
- D. DEBARMENT AND SUSPENSION CERTIFICATION FOR PRIME CONTRACTORS**
- E. DEBARMENT AND SUSPENSION CERTIFICATION FOR SUBCONTRACTORS, SUPPLIERS, AND MANUFACTURERS**

Quotes will not be accepted until ALL the above-named forms are submitted.

CONTRACTOR'S CERTIFICATION OF PENDING ACTIONS

As part of its quote, the Contractor shall provide to the City a list of all instances within the past 10 years where a complaint was filed or pending against the Contractor in a legal or administrative proceeding alleging that Contractor discriminated against its employees, subcontractors, vendors or suppliers, and a description of the status or resolution of that complaint, including any remedial action taken.

CHECK ONE BOX ONLY.



The undersigned certifies that within the past 10 years the Contractor has NOT been the subject of a complaint or pending action in a legal administrative proceeding alleging that Contractor discriminated against its employees, subcontractors, vendors or suppliers.



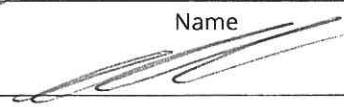
The undersigned certifies that within the past 10 years the Contractor has been the subject of a complaint or pending action in a legal administrative proceeding alleging that Contractor discriminated against its employees, subcontractors, vendors or suppliers. A description of the status or resolution of that complaint, including any remedial action taken and the applicable dates is as follows:

DATE OF CLAIM	LOCATION	DESCRIPTION OF CLAIM	LITIGATION (Y/N)	STATUS	RESOLUTION/REMEDIAL ACTION TAKEN

Contractor Name: Ben Stone/san Diego Mountain Biking Association

Certified By Ben Stone
Name

Title Trails coordinator/RME


Signature

Date 10/15/23

USE ADDITIONAL FORMS AS NECESSARY

Mandatory Disclosure of Business Interests Form

CONTRACTOR/PROPOSER INFORMATION

Legal Name		DBA	
San Diego Mountain Biking Association			
Street Address	City	State	Zip
PO Box 881491	San Diego	CA	92168
Contact Person, Title	Phone	Fax	
Ben Stone/Trails Coordinator/RME	619-504-5806		

Provide the name, identity, and precise nature of the interest* of all persons who are directly or indirectly involved** in this proposed transaction (SDMC § 21.0103).

* The precise nature of the interest includes:

- the percentage ownership interest in a party to the transaction,
- the percentage ownership interest in any firm, corporation, or partnership that will receive funds from the transaction,
- the value of any financial interest in the transaction,
- any contingent interest in the transaction and the value of such interest should the contingency be satisfied, and
- any philanthropic, scientific, artistic, or property interest in the transaction.

** Directly or indirectly involved means pursuing the transaction by:

- communicating or negotiating with City officers or employees,
- submitting or preparing applications, bids, proposals or other documents for purposes of contracting with the City, or
- directing or supervising the actions of persons engaged in the above activity.

Name	Title/Position
Ben Stone/RME	Trails Coordinator/RME
City and State of Residence	Employer (if different than Contractor/Proposer)
San Diego CA	SDMBA
Interest in the transaction	
Prepared bid, Submitted bid, and completed walk through.	

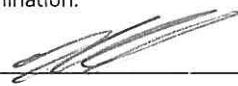
Name	Title/Position
City and State of Residence	Employer (if different than Contractor/Proposer)
Interest in the transaction	

* Use Additional Pages if Necessary *

Under penalty of perjury under the laws of the State of California, I certify that I am responsible for the completeness and accuracy of the responses contained herein, and that all information provided is true, full and complete to the best of my knowledge and belief. I agree to provide written notice to the Mayor or Designee within five (5) business days if, at any time, I learn that any portion of this Mandatory Disclosure of Business Interests Form requires an updated response. Failure to timely provide the Mayor or Designee with written notice is grounds for Contract termination.

Ben Stone Trails Coordinator/RME

Print Name, Title


Signature

10/15/23

Date

Failure to sign and submit this form with the bid/proposal shall make the bid/proposal non-responsive. In the case of an informal solicitation, the contract will not be awarded unless a signed and completed Mandatory Disclosure of Business Interests Form is submitted.

LIST OF SUBCONTRACTORS (INCLUDING TIER)

In accordance with the requirements of the "Subletting and Subcontracting Fair Practices Act", Section 4100, of the California Public Contract Code (PCC), the Contractor is to list below the name, address and license number of each Subcontractor who will perform work, labor, render services or specially fabricate and install a portion [type] of the work or improvement, in an amount of or in excess of 0.5% of the Contractor's total Bid. The Contractor is to list only one Subcontractor for each portion of the Work. The Contractor's attention is directed to the Special Provisions - General; Paragraph 2-3 Subcontracts, which stipulates the percentage of the Work to be performed with the Contractor's own forces. In addition, the Contractor is to list below the name address, license number, DIR registration of any known tiered subcontractors who will perform work, labor, render services or specially fabricate and install a portion [type] of the work or improvement pursuant to the contract. It is the responsibility of the Contractor to notify the City of any additional subcontractors, including tiered, that are utilized on the project as soon as it is known.

If no subcontractors are being utilized for this contract, please fill in form using "N/A" (not applicable) and submit accordingly. Use of "N/A" for work that exceeds 0.5%, or failure to list a subcontractor for work that exceeds 0.5% of the Contractor's total Bid indicates the Contractor will self-perform the work.

NAME, ADDRESS AND TELEPHONE NUMBER OF SUBCONTRACTOR	SUB TYPE (C or D*)	DIR REGISTRATION NUMBER	SUBCONTRACTOR LICENSE NUMBER	TYPE OF WORK	DOLLAR VALUE OF SUBCONTRACT	IDENTIFICATION OF SUB TIER LEVEL (1 ST , 2 ND , 3 RD , ETC.) **	NAME OF CONTRACTOR REPORTING TO
Name: <u>N/A</u> Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ Email: _____							
Name: <u>N/A</u> Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ Email: _____							
Name: <u>N/A</u> Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ Email: _____							

*C - Constructor (builder)

*D - Designer (Preparing or modifying designs for construction projects)

** 1st tier means subcontractor is reporting directly to the prime contractor. 2nd tier means the subcontractor is reporting to the 1st tier subcontractor, and so on.

**** USE ADDITIONAL FORMS AS NECESSARY ****

DEBARMENT AND SUSPENSION CERTIFICATION

EFFECT OF DEBARMENT OR SUSPENSION

To promote integrity in the City's contracting processes and to protect the public interest, the City shall only enter into contracts with responsible Contractors and contractors. In accordance with San Diego Municipal Code §22.0814 (a): Contractors and contractors who have been *debarred* or *suspended* are excluded from submitting bids, submitting responses to requests for proposal or qualifications, receiving *contract* awards, executing *contracts*, participating as a *subcontractor*, employee, agent or representative of another *person* contracting with the City.

As part of its bid or proposal (Non-Price Proposal in the case of Design-Build contracts), the Contractor shall provide to the City a list of Names of the Principal Individual owner(s).

The names of all persons interested in the foregoing proposal as Principals are as follows:

NAME	TITLE
Peter Hulbert	CEO
Gerry Krippner	CFO
Tim Ingersoll	Secretary
Matthew Bertelt	Chairperson of Board

IMPORTANT NOTICE: If Contractor or other interested person is a corporation, state secretary, treasurer, and manager thereof; if a co-partnership, state true name of firm, also names of all individual co-partners composing firm; if Contractor or other interested person is an individual, state first and last names in full.

The Contractor, under penalty of perjury, certifies that, except as noted below, he/she or any person associated therewith in the capacity of owner, partner, director, officer, manager:

- Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any Federal, State or local agency;
- has not been suspended, debarred, voluntarily excluded or determined ineligible by any Federal, State or local agency within the past 3 years;
- does not have a proposed debarment pending; and
- has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

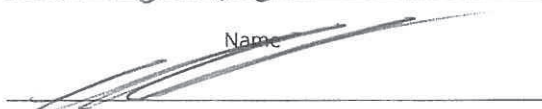
If there are any exceptions to this certification, insert the exceptions in the following space.

Exceptions will be considered in determining Contractor responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

Contractor Name: San Diego Mountain Biking Association

Certified By: Ben Stone

Title: Trails Coordinator/RME

Name


Date: 10/15/23

Signature

NOTE: Providing false information may result in criminal prosecution or administrative sanctions.

DEBARMENT AND SUSPENSION CERTIFICATION
SUBCONTRACTORS, SUPPLIERS AND MANUFACTURERS
TO BE COMPLETED BY CONTRACTOR
IF NONE PLACED N/A ON FORM

Names of the Principal individual owner(s)

As part of its bid or proposal (Non-Price Proposal in the case of Design-Build contracts), the Contractor shall provide to the City a list of Names of the Principal Individual owner(s) for their subcontractor/supplier/manufacturers.

Please indicate if principal owner is serving in the capacity of **subcontractor**, **supplier**, and/or **manufacturer**:

☐ SUBCONTRACTOR ☐ SUPPLIER ☐ MANUFACTURER

NAME	TITLE

☐ SUBCONTRACTOR ☐ SUPPLIER ☐ MANUFACTURER

NAME	TITLE

☐ SUBCONTRACTOR ☐ SUPPLIER ☐ MANUFACTURER

NAME	TITLE

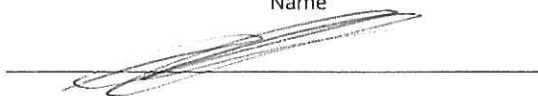
☐ SUBCONTRACTOR ☐ SUPPLIER ☐ MANUFACTURER

NAME	TITLE

Contractor Name: San Diego Mountain Biking Association

Certified By Ben Stone Title Trails Coordinator/RME

Name



Signature

Date 10/15/25

USE ADDITIONAL FORMS AS NECESSARY



***San Diego
Mountain Biking
Association***

Quote

City of San Diego
Parks and Recreation Department
Open Space Division
Ruffin Canyon
Project Officer II Laura Ball

Project: Ruffin Canyon OS Trail South
Project Term: 7/1/2025 - 6/30/2026
Project Amount: \$109,500
DIR Number: PW-LR-1000825232
CA Contractor License: 1105574

Scope of Work: Per Attached Scope of Work

Please contact:
Ben Stone Trails Coordinator
619-504-5806 | bens@sdmba.com



Figure 4. Ruffin Canyon Open Space Trails Plan

USDA, USGS, AeroGRID, IGN, and the GIS User Community

Scope of Work	Development Summary <ul style="list-style-type: none">Maintain existing trails and construct a new trail in Ruffin Canyon Open Space (2.2 miles total).<ul style="list-style-type: none">Existing to Remain – (8,839 feet) of existing trail in North Ruffin Canyon (including Taft and Shawn Finger Canyons) would be used as part of the Ruffin Canyon Open Space Trails Plan will not be altered (e.g. widened) through the proposed project; therefore, no impacts are associated with existing trails proposed to remain open.New Trail - Develop new/routed segment (2,630 feet) at the southern end of the canyon on the eastern canyon slope to avoid use of the cobble streambed/wetland habitats and provide a safe and sustainable trail. Final trail tread will be 2-4 feet wide.The maximum trail width for the new trail segment is four feet in compliance with Section 1.5.2 of the MSCP Subarea Plan. Although the final trail tread is expected to be two to three feet in width and vegetation may not be cleared to the full width of four feet in all areas, impacts were assessed using the width of five feet along the entire alignment to cover construction impacts and potential future trail maintenance activities.No new access or staging areas during construction are required. Construction staging will be located in existing disturbed, parking, and developed areas only.Project/proposed trail system includes acquisition of a recreational/public use easements at the southern end of the trail plan. A License Agreement with the San Diego Unified School District will be acquired for portions of the plan that are within SDUFS property.A revegetation plan for impacts outside of the new trail footprint primarily includes passive revegetation. Success criteria are included and additional revegetation measures will be implemented if cover criteria are not met.The proposed system includes 4 access points. The entrances are: Main stem at Gramercy Dr., at the north end of the canyon; Taft Middle School at 9191 Gramercy Dr. and Ruffin Rd. on the northeast; Shawn Ave on the east; and within the Escala development at the south end.
	Project Team Project Manager: Laura Ball, 619-685-1301 Project Biologist: Doug Allen, 619-685-8254 Senior Park Ranger: Carey Goldstein, 619-553-6211
	Legal Description APNs 42901109, 42901110, 42915002, 2948056, 42904035, 42832017, 42904031, 43324019
	Owner's Name and Address City of San Diego Parks and Recreation Department Open Space Division 202 C Street, MS 5D San Diego, CA 92101
	Occupancy Classification Zoning Designation Gross Site Area Existing and Proposed Uses N/A Open Space Parcels: OP-1-1, Taft Middle School Parcel: RM-1-1, Escala Parcel: RM-2-5 163 Acres (City of SD Open Space Parcels - 138 acres; SD Unified Schools District Taft Middle School - 19 acres; Escala Master Assn Open Space parcel – 6 acres) Open Space Preserve – Passive Recreation and Natural Resources Preservation
Geologic Hazard Category 23: SLIDE PRONE FORMATION: Friars-neutral or favorable geologic structure 32: LIQUEFACTION-Low Potential-fluctuating groundwater minor drainages, hydraulic fills 51: ALL OTHER CONDITIONS: Level mesas-underlain by terrace deposits and bedrock, nominal risk 52: ALL OTHER CONDITIONS: Other level areas; gently sloping to steep terrain, favorable geologic structure low risk Level or sloping terrain, unfavorable geologic structure, low to moderate risk	
Landscape Area square footage MSCP Subarea Plan General Management Directive Notes N/A *(i) denotes where MSCP General Management Directives are incorporated into the plans. *1 – Existing trail alignments retained to minimize habitat impacts. *2 – Trails are collocated with existing utility access roads and existing paths. *3 – Trail alignments moved to limit impacts to ecotones and riparian habitats. New trails 4 feet wide or less to minimize impacts and are unpaired. All trails: No equestrian staging areas are proposed. Uses limited to passive uses. Pets must remain on leash.	

MHPA LAND USE ADJACENCY REQUIREMENTS: Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall depict the following requirements on the construction documents and plans for Project Site.

- Grading/Land Development/MHPA Boundaries** - Within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
- Drainage** - All staging and developed/paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved temporary and permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
- Toxics/Project Staging Areas/Equipment Storage** - Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CD's that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."
- Lighting** - All lighting within or adjacent to the MHPA is directed away/shielded from the MHPA, or limited to the immediate area and is in compliance with City Outdoor Lighting Regulations per LDC Section 14.2.0740.
- Barriers** - Existing fences/walls; and/or signage along the MHPA boundaries shall remain and or be added to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.
- Invasives** - No invasive, non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- Brush Management** - Brush management zones will not be greater in size that is currently required by the City's regulations (this includes use of approved alternative compliance). Within Zone 2 the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a home-owner's association or other private party.
- Noise** - Construction noise that exceeds the maximum levels allowed (60 dB or greater at the beginning edge of the habitat) shall be avoided during the breeding seasons for the following: CA gnatcatcher (3/1-8/15). If construction is proposed during the breeding season for the species the following measures are required;

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened) Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

- NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION 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 CITY MANAGER:
- 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 BE SUBJECT TO CONSTRUCTION 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 CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:
- I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING 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
- II. BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION 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 CONSTRUCTION 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 CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR
- III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION 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 CONSTRUCTION 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 CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION 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 CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).
- * Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction 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 City Manager, 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 construction 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:
- I. 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.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

SITE DEVELOPMENT PLANS FOR:

RUFFIN CANYON

OPEN SPACE

TRAILS PLAN



SHEET INDEX

Description	Sheet
Title Sheet and Trails Plan.....	1
New Trail South Revegetation Plan and Trail Cross Sections.....	2

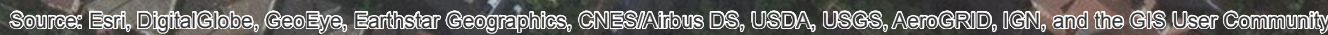
LEGEND

- Trail/Open Space Entrance
- Drainage crossing
- Trail Type**
 - New Trail
 - Existing Trail
 - Existing Trail and Utility Acces Path
 - Utility Access Path
 - 20 Ft Topo
 - MHPA
- Parcel Ownership**
 - City Open Space
 - Escala HOA
 - San Diego Unified School District

VICINITY MAP

NO SCALE

SITE PLANS FOR:				
RUFFIN CANYON OPEN SPACE TRAILS PLAN				
CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 2 SHEETS				WO NO. PTS NO.
				DRAWING NO.



*Percent covers for Success Criteria were established using an average of (5) 1-meter sample plots for each habitat type in areas directly adjacent to the proposed neutral trails. It was observed that the composition of previously burned test plot areas was similar to non-burn areas, but the cover was less, demonstrating that revegetation of these areas does occur naturally over time from the native seed bank and surrounding areas.

TRAIL CROSS SECTION: 0-5% SIDE SLOPE

SITE PLANS FOR: <div style="text-align: center;"> RUFFIN CANYON OPEN SPACE TRAILS PLAN </div>						WO NO. PTS NO.
CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 2 OF 2 SHEETS						
						DRAWING NO.



THE CITY OF SAN DIEGO

MITIGATED NEGATIVE DECLARATION

Project No. 658785
SCH No. 2021

SUBJECT: Ruffin Canyon Open Space Trail: The project is the adoption of the Ruffin Canyon Open Space Trails Plan which proposes the expansion of an existing trail system. The Plan would provide a cohesive trail plan for Ruffin Canyon Open Space and provide connection between the Serra Mesa and Mission Valley Communities. The Plan provides guidance for the present and future use and maintenance of the trails within the Plan Area. Trails in this plan are open to pedestrian and bicycle users. The proposed project would create a new alignment in the southern section of the canyon where individuals are currently using a sewer access path that -does not serve as a safe and sustainable trail for public use. In addition, the report addresses the permitting of three existing trails within Ruffin Canyon. The project consists of approximately 2,658 feet of new trail within Ruffin Canyon, heading south from the intersection of the existing Ruffin Canyon and Shawn Canyon trails. In addition to the new trail construction, the study area includes permitting of the existing trail located in the upper section of Ruffin Canyon, and closure of approximately 2150 feet of existing trail alignment.

UPDATE: June 17, 2021

Revisions to this document have been made when compared to the Draft Mitigated Negative Declaration (DMND). The project is now proposing the closure of approximately 2,150 feet of trail. The closure of this portion of the project would not result in any new impacts and is denoted by ~~strikeout~~ and underline in the Final Mitigated Negative Declaration.

In accordance with the California Environmental Quality Act, Section 15073.5 (c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is identification of new significant environmental impact or the addition of a new mitigation measure required to avoid a significant environmental impact. The addition of updated mitigation language within the environmental document does not affect the environmental analysis or conclusions of the MND.

APPLICANT: City of San Diego Parks and Recreation

I. PROJECT DESCRIPTION

See attached Initial Study.

II. ENVIRONMENTAL SETTING

The project area is located in southwestern portion San Diego County within the southern Serra Mesa area in the west-central portion of the City of San Diego. It is located east of Interstate 805 and west of Interstate 15, north of Friars Road and south of Gramercy Drive within Ruffin Canyon. The project is located in the unsectioned portion of the Mission San Diego lands within Township 16 South, Range 2 West. The project area is shown on the La Jolla USGS 7.5'

III. DETERMINATION

The City of San Diego conducted an Initial Study (IS) which determined that the proposed project could have a significant environmental effect with regard to **Biological Resources and Cultural Resources**. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration (MND). The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION MONITORING AND REPORTING PROGRAM:

A. GENERAL REQUIREMENTS

Plan Check Phase (prior to permit issuance)

1. Prior to Bid Opening/Bid Award or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD) (plans, specification, details, etc.) to ensure the MMRP requirements have been incorporated. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
2. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website: <http://www.sandiego.gov/developmentservices/industry/information/standtemp.shtml>.
3. The TITLE INDEX SHEET must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
4. SURETY AND COST RECOVERY. The DSD Director or City Manager may require appropriate surety instruments or bonds from private Permit. Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is

authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

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

5. PRE-CONSTRUCTION MEETING is required ten (10) working days prior to beginning any work on this project. The Permit Holder/Owner is responsible to arrange and perform this meeting by contacting the City Resident Engineer (RE) of the Field Engineering Division and City staff from Mitigation Monitoring Coordination (MMC). Attendees must also include the Permit Holder's Representative(s), Job Site Superintendent, and the following consultants:

- Qualified biologist
- Qualified archaeologist and Native American monitor

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

CONTACT INFORMATION:

- a. The primary point of contact is the RE at the Field Engineering Division – 858-627-3200.
 - b. For clarification of environmental requirements, applicant is also required to call RE and MMC at 858-627-3360.
6. MMRP COMPLIANCE. This Project, Project Tracking System (PTS) Number 658785 and/or Environmental Document Number 658785, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

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

7. OTHER AGENCY REQUIREMENTS: Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency: **None required.**
8. MONITORING EXHIBITS: All consultants are required to submit to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the LIMIT OF WORK, scope of that discipline's work, and notes indicating when in the construction schedule that

work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

Note: Surety and Cost Recovery- When deemed necessary by the DSD Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

9. OTHER SUBMITTALS AND INSPECTIONS: The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST

Issue Area	Document Submittal	Associated Inspection/ Approvals/Notes
General	Consultant qualification letters	Prior to preconstruction meeting
General	Consultant construction monitoring exhibits	Prior to preconstruction meeting
Biological Resources (construction noise)	Acoustical analysis (if construction commences during the avian breeding season and adjacent habitat is occupied by gnatcatcher)	Prior to construction
Biological Resources	Monitoring reports	Following construction monitoring
Cultural Resources	Monitoring Reports	Following construction monitoring

B. SPECIFIC MMRP ISSUE AREA CONDITIONS REQUIREMENTS

BIO-1 Biological Resources-Upland Habitat : Prior to Bid Opening/Bid Award or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD) (plans, specification, details, etc.) to ensure that the owner/permittee shall mitigate for direct impacts to Tier II and Tier IIIA vegetation communities, comprised of 0.15 acre of Diegan coastal sage scrub and 0.22 acre of southern mixed chaparral, would be mitigated at a 1:1 ratio would total a requirement of .37 acres. The .37 acres of impacts would be mitigated through payment into the City's Habitat Acquisition Fund (HAF), or through purchase of habitat through an approved mitigation bank such as the Cornerstone Lands Mitigation Bank.

BIO-2 Biological Resource Protection During Construction: Prior to Bid Opening/Bid Award or beginning any construction related activity on-site, the Environmental Designee shall verify that the following project requirements are shown on the construction plans:

- **Prior to Construction**

- **Biologist Verification** – The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- **Preconstruction Meeting** – The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- **Biological Documents** – The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- **Biological Construction Mitigation/Monitoring Exhibit** – The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. Prior to the issuance of grading permits, the BCME shall be approved by MMC and referenced in the construction documents.
- **Avian Protection Requirements** – To avoid any direct impacts to any species identified as a listed, candidate, sensitive, or special status species in the MSCP, removal of habitat that supports active nests in the proposed area of disturbance shall occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report in conformance with the City's Biology Guidelines (i.e., appropriate follow up surveys, monitoring schedules, construction and noise

barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

- **Resource Delineation** – Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- **Education** – Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).
- **During Construction**
 - **Monitoring** – All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be emailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.
 - **Subsequent Resource Identification** – The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state, or federal regulations have been determined and applied by the Qualified Biologist.

- **Post Construction Measures**

- In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state, and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

CUL-1 Historical Resources (Archaeology): Prior to Permit Issuance

- Entitlements Plan Check
 - Prior to Bid Opening/Bid Award or beginning any construction related activity on-site, but prior to the first preconstruction meeting, 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 construction documents through the plan check process.
- Submit Letters of Qualification to ADD
 - 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.
 - MMC shall 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.
 - Prior to the start of work, the applicant shall obtain written approval from MMC for any personnel changes associated with the monitoring program.

- **Prior to Start of Construction**

- Verification of Records Search
 - 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.
 - The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

- The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.
- Principal Investigator Shall Attend Preconstruction Meetings
 - Prior to beginning any work that requires monitoring; the Applicant shall arrange a Preconstruction Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) 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 Preconstruction Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - If the PI is unable to attend the Preconstruction Meeting, the Applicant shall schedule a focused Preconstruction Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
- 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 construction 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 existing known soil conditions (native or formation).
- When Monitoring Will Occur
 - Prior to the start of any work, the PI shall also submit a construction 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 construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

- **During Construction**

- Monitor(s) Shall be Present During Grading/Excavation/Trenching

- 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 Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction 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.
 - 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 Section III.B-C and IV.A-D shall commence.
 - The PI may submit a detailed letter to MMC during construction 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.
 - 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 CM 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.

- Discovery Notification Process

- 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.
 - 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.

- 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.
- o Determination of Significance
 - 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 IV 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) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated 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, 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.
 - 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.

- **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:

- o Notification
 - 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.
 - The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

- Isolate discovery site
 - 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 provenance of the remains.
 - The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
 - 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.
- If Human Remains are determined to be Native American
 - The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
 - NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
 - The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
 - 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.
 - 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 granted access to the site, 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, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN
- a. 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. The document shall be titled:

“Notice of Reinterment of Native American Remains” and shall include a legal description of the property, the name of the property owner, and the owner’s acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.

- **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 Preconstruction meeting.
 - 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 fax by 8AM of the next business day.
 - b. Discoveries: All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - 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 Section III - During Construction and IV-Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- If night and/or weekend work becomes necessary during the course of construction:
 - The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - The RE, or BI, as appropriate, shall notify MMC immediately.
 - All other procedures described above shall apply, as appropriate.

- **Post Construction**

- Preparation and Submittal of Draft Monitoring Report

- 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 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 resulting from 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 shall be included in the Draft Monitoring Report.

- b. Recording Sites with State of California Department of Parks and Recreation

1. 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 for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC 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.

- Handling of Artifacts

- The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.
- 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.

- The cost for curation is the responsibility of the property owner.
- Curation of artifacts: Accession Agreement and Acceptance Verification
 - 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.
 - The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
 - 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 IV – Discovery of Human Remains, Subsection 5.
- Final Monitoring Report(s)
 - 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 that the draft report has been approved.
 - The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

VI. PUBLIC REVIEW DISTRIBUTION

Draft copies or notice of this Mitigated Negative Declaration have been distributed to:

Federal Government

U.S. Army Corps of Engineers
U.S. Environmental Protection Agency
U.S. Fish & Wildlife Service

State of California

State Clearinghouse
California Department of Fish and Wildlife

City of San Diego
Mayor's Office (91)
Councilmember Campillo, District 7 (MS 10A)
Development Services Department
Jeff Szymanski, EAS
Phil Lizzi, LDR Planning Review
Hoss Florezahihi, LDR Engineering
Jacobe Washburn, Geology
Karen Bucey, DPM
Planning Department
Dan Monroe, MSCP
Fire and Life Safety Services (79)
Library Department - Government Documents (81)
City Attorney (93C)

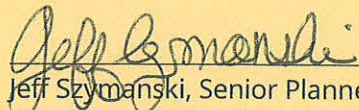
Other Organizations, Groups, and Interested Individuals

Serra Mesa Planning Group (263a)
Mary Johnson (263b)
Mission Valley Planning Group (331)
kevinjohnston1972@yahoo.com
clayton@sdcanyonlands.org
Carmen Lucas (206)
South Coastal Information Center (210)
San Diego Archaeological Center (212)
San Diego Natural History Museum (213)
Save Our Heritage Organization (214)
Ron Christman (215)
Clint Linton (215B)
Frank Brown, Inter-Tribal Cultural Resources Council (216)
Campo Band of Mission Indians (217)
San Diego County Archaeological Society, Inc. (218)
Native American Heritage Commission (222)
Kumeyaay Cultural Heritage Preservation (223)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution – Public Notice Map Only (225A-S)

VII. RESULTS OF PUBLIC REVIEW

- () No comments were received during the public input period.
- () Comments were received but did not address the accuracy or completeness of the draft environmental document. No response is necessary and the letters are incorporated herein.
- (x) Comments addressing the accuracy or completeness of the draft environmental document were received during the public input period. The letters and responses are incorporated herein.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Development Services Department for review, or for purchase at the cost of reproduction.



Jeff Szymanski, Senior Planner
Development Services Department

February 26, 2021

Date of Draft Report

June 17, 2021

Date of Final Report

Analyst: Jeff Szymanski

Attachments: Initial Study Checklist
Figure 1 – Regional Location
Figure 2 Site map



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services

Carlsbad Fish and Wildlife Office

2177 Salk Avenue, Suite 250

Carlsbad, California 92008



In Reply Refer To:
FWS-SD-21B0094 -21TA0799

March 29, 2021
Sent Electronically

Jeff Szymanski
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, California 92101

Subject: City of San Diego Ruffin Canyon Open Space Trail Project, Project No. 658785 Draft Mitigated Negative Declaration

Dear Jeff Szymanski:

- ① This letter provides U.S. Fish and Wildlife Service (Service) comments on the draft Mitigated Negative Declaration (DMND) for the City of San Diego's (City) Ruffin Canyon Open Space Trail Project (project). The comments provided in this letter are based on information provided in the DMND and our knowledge of sensitive and declining species and their habitats in the region, and our participation in the Multiple Species Conservation Program (MSCP) and the City's MSCP Subarea Plan (SAP).

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (FESA), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1) of the Act. The City participates in the HCP program by implementing its approved MSCP SAP.

The project consists of adoption of the Ruffin Canyon Open Space Trails Plan, which will expand an existing trail system for the Ruffin Canyon Open Space and provide connection between the Serra Mesa and Mission Valley Communities. The project will approve the existing trail segments and construct approximately 2,658 feet of new trail that will bypass a current sewer access path that does not provide a safe and sustainable trail for public use. The project is within the City's MSCP SAP boundary and within the City's MSCP Multiple Habitat Planning Area (MHPA or preserve).

The project site supports 11 vegetation communities, including freshwater marsh, alkali marsh, southern willow scrub, non-native riparian, mule fat scrub, Diegan coastal sage scrub (including disturbed), broom baccharis scrub, coastal sage-chaparral scrub, southern mixed chaparral, non-native grassland, ornamental vegetation, disturbed habitat, and developed land. Special status wildlife species identified on site include the federally listed and SAP covered coastal California

Response to Comments

UNITED STATES DEPARTMENT OF THE INTERIOR- US FISH AND WILDLIFE SERVICE (March 29, 2021)

1. The first statement in the letter is an introduction to the comments from the Service. No response is required.

gnatcatcher (*Poliophtila californica californica*; gnatcatcher). Sensitive plant species identified on site these include the SAP covered coast San Diego barrel cactus (*Ferocactus viridescens*).

The project proposes to permanently impact 0.15 acre of Diegan coastal sage scrub, and 0.22 acre of southern mixed chaparral. The City will mitigate project impacts through payment into the City's Habitat Acquisition Fund (HAF), or through purchase of habitat through an approved mitigation bank such as the Cornerstone Lands Mitigation Bank.

The Service offers the following comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources and to ensure that the project is consistent with, and does not adversely affect, ongoing regional habitat conservation planning efforts.

- ② Our primary concern is adoption of user created trails and constructing a new trail segment in the MHPA prior to completing a Natural Resources Management Plan (NRMP) consistent with section 1.5.7 Overall Management Policies and Directives of the City's SAP. The proposed trails plan only addresses one aspect of preserve management (trail use) and will allow potential impacts to sensitive resources from this activity before an NRMP can be developed to address these impacts. Unaddressed trail user impacts could undermine the management of the preserve and reduce the overall habitat value of the preserve to sensitive resources, including the gnatcatcher. Therefore, we do not concur with adoption of the trails plan prior to completion of NRMP for this part of the MHPA.

- ③ Our second concern is mitigating project impacts to the MHPA through use of the HAF or purchase of habitat through an approved mitigation bank such as the Cornerstone Lands Mitigation Bank. Per section III.B.1.c.(4) of the City's Land Development Code Biology Guidelines, the HAF "...is intended to be used only for the mitigation of impacts to small, isolated sites with lower long-term conservation value." Although the project impacts are small, the project site is not isolated and has high long-term conservation value. Therefore, we strongly recommend the City explore mitigating onsite by restoring other user created trails near the project site and/or adding to ongoing restoration/enhancement activities by San Diego Canyonlands within Ruffin and Sandrock Canyons.

We recognize that there is substantial public interest in accessing the trails identified in the DMND. We appreciate your coordination on this issue and look forward to working collaboratively with you to ensure consistency with the City's SAP in a timely and efficient manner. Thank you for the opportunity to comment on the DMND. If you have any questions, please contact Patrick Gower¹ of the Service.

Sincerely,
JONATHAN
SNYDER
Jonathan Snyder
Assistant Field Supervisor

Digitally signed by JONATHAN
SNYDER
Date: 2021.03.29 13:31:48 -07'00'

UNITED STATES DEPARTMENT OF THE INTERIOR- US FISH AND WILDLIFE SERVICE (March 29, 2021)
continued:

2. It is the goal and the intent of the City of San Diego to complete NRMPs for all areas it manages under the MSCP, and NRMPs are currently in-process for 5 areas within the MSCP Subarea Plan (SAP). A NRMP for the urban canyons, and Ruffin Canyon Open Space in particular, has not been initiated. However, because of the high importance of this trail connection to the communities of Serra Mesa and Mission Valley, the trail project is proposed at this time. The Trails Plan that has been developed and is proposed/evaluated in the MND and was written specifically to address NRMP management directives related to the trails in the canyon in order to allow for appropriate evaluation of the trail and impacts until an NRMP, incorporating the trails plan can be adopted. It is the position of the City of San Diego that the proposed trail plan, BTR, and MND adequately addresses the impacts of the proposed plan/project.
3. It is acknowledged that Ruffin Canyon Open Space is not isolated as it is mostly within the MHPA. The City of San Diego's intent to use the HAF or Cornerstone Lands Mitigation Bank is based on the small mitigation need from the project (0.37 acre). Onsite mitigation would require many years of onsite maintenance, monitoring, and reporting, so even if the project could be designed and installed with non-profit and volunteer support onsite mitigation would still be infeasible. Preparation of this plan and CEQA clearance has been provided by developer contribution funds and use of those funds are not available for the construction and mitigation of the project.

Although onsite mitigation is not proposed as part of the project, Ruffin Canyon is the site of a number of past and ongoing restoration projects, including extensive grant funding by the San Diego River Conservancy for work by San Diego Canyonlands under a Right of Entry Permit from the City to remove invasives and restore habitat within Ruffin and Sandrock Canyons.

Expenditure of HAF funding is essential to the City's ability to acquire lands targeted for conservation in the approved Core Habitat Areas in order to build out the MHPA preserve and achieve the City's overall conservation goals of the MSCP. For example, the process is currently underway to acquire high priority parcels in the East Elliott areas of Mission Trails Regional Park parcels using all of the currently available HAF funds for long term conservation. Similarly, use of the Cornerstone Lands Mitigation Bank contributes to the ongoing implementation of the MSCP and is allowable. The payment into the HAF would reduce impacts to below a level of significance.

¹ Patrick_Gower@fws.gov



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (April 2, 2021)

4. The first statement in the letter is an introduction to the comments from the California Department of Fish and Wildlife. No response is required.

April 2, 2021

Jeffrey Szymanski
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101
DSDEAS@sanidiego.gov

Subject: City of San Diego Ruffin Canyon Open Space Trail (PROJECT) Project No. 658785, Mitigated Negative Declaration (MND), SCH #2021020476

Dear Mr. Szymanski:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of San Diego (CITY) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW and the United States Fish and Wildlife Service (USFWS), collectively known as the Wildlife Agencies, conducted previous coordination with the City regarding the Project with a field visit on April 12, 2019, and email correspondence on June 03, 2019 and September 9, 2019. A discussion concerning the Project also occurred at the March 19, 2021 Boundary Line Adjustment (BLA) meeting attended by the Wildlife Agencies and City staff.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code (FGC).

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 *et seq.*) Likewise, to the extent implementation of the Project as proposed may result

¹ CEQA is codified in the California Public Resources Code in section 21000 *et seq.* The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Jeffrey Szymanski
City of San Diego
April 2, 2021
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CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (April 2, 2021) continued

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in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP). The Multi-Habitat Preserve Area (MHPA) is the area from which a final headline reserve becomes established in the City to adequately conserve covered species pursuant to the SAP.

PROJECT DESCRIPTION SUMMARY

Proponent: City of San Diego Parks and Recreation, Open Space Division

Objective: The Project includes the adoption of the Ruffin Canyon Open Space Trail Plan (Plan) which describes the expansion of an existing trail system. The adoption would provide a cohesive Plan for the Ruffin Canyon Open Space, provide connection between the Serra Mesa and Mission Valley communities, and provide guidance for the present/future use and maintenance of the trails within the Plan Area. Trails in this Plan are open to pedestrian and bicycle users. The Project will create a new alignment in the southern section of the canyon. Currently, local hikers use a sewer access path, as an existing City utility path occurs within the central portion of Ruffin Canyon and Shawn Canyon. According to the MND, this path does not serve as a safe and sustainable trail for public use due to erosion and flooding. In addition, the Project addresses the authorization of three existing trails within Ruffin Canyon. The Project consists of approximately 2,658 feet of new trail within Ruffin Canyon, heading south from the intersection of the existing Ruffin Canyon and Shawn Canyon trails. In addition to the new trail construction, the Project includes authorization of the existing trail located in the upper section of Ruffin Canyon.

Location: The Project is located in City of San Diego Open Space, in the Serra Mesa and Mission Valley communities of the City of San Diego, west of Interstate 15 (I-15), east of I-805, and north of I-8. It is loosely bounded by Gramercy Drive to the north, Friars Road to the south, Mission Village Drive to the east, and Murray Ridge Road to the west.

Biological Setting: The entire Project site is within the MHPA. The study area includes the trail alignment and existing trail plus 15 to 20 feet on each side of the trail, and supports 15 vegetation communities/habitats: freshwater marsh, alkali marsh, southern willow scrub, non-native riparian, mule fat scrub, Diegan coastal sage scrub (including disturbed), broom baccharis scrub, coastal sage-chaparral scrub, southern mixed chaparral, non-native grassland, non-vegetated channel, ornamental vegetation, disturbed habitat, and developed land. It also includes one ephemeral drainage that flows down the center of the canyon and is a tributary to the San Diego River.

Special status wildlife species identified on site include the Federal Endangered Species Act (FESA) threatened and MSCP covered coastal California gnatcatcher (*Polioptila californica californica*), California Species of Special Concern and MSCP covered orange-throated whiptail (*Aspidoscelis hyperythra*). Three sensitive plant species were identified on site. These include the MSCP covered San Diego barrel cactus (*Ferocactus viridescens*), southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*), California Native Plant Society (CNPS) rare plant rank 4.2), and San Diego viguiera (*Bahiopsis laciniata*, CNPS 4.3).

Jeffrey Szymanski
City of San Diego
April 2, 2021
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CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (April 2, 2021) continued

The Project will permanently impact the following MSCP identified vegetation types as a result of the trail realignment: Tier II Diegan coastal sage scrub (0.15 acre) and Tier III southern mixed chaparral (0.22 acre). Proposed mitigation includes payment into the City's Habitat Acquisition Fund (HAF) at a 1:1 ratio for permanent impacts within the MHPA. The Project does not propose compensatory mitigation for the northern section of the trail alignment, which the City has classified as a Category 1 existing trail.

Timeframe: A timeframe was not provided for the Project.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

I. Potential Impacts to MSCP Covered Species

5 COMMENT #1

Coastal California Gnatcatcher

Section: MND - Biological Resources IV (a), Ruffin Canyon Trail Biological Resources Letter Report (BRLR), Plan, **Pages:** 2 and 13, 9, and Figure 5, respectively.

Issue: The BRLR and Figure 5 of the Plan identify six Coastal California gnatcatcher (gnatcatcher) territories on site, as well as describe historic occupation of the site by gnatcatchers. The City SAP requires avoidance of impacts to occupied gnatcatcher habitat within the MHPA during the breeding season (March 1 to August 15); however, the MND does not specify a mitigation measure to impose this MSCP requirement.

Recommended Mitigation Measure # CDFW-BIO-1a:

To reduce impacts to less than significant:

1. Prior to the issuance of any grading permit (for Public Utility Projects: prior to the preconstruction meeting), the City Manager (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the gnatcatcher are shown on the construction plans.

No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the gnatcatcher, unless the following requirements have been met to the satisfaction of the City Manager:

- 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 be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the gnatcatcher. Surveys for the gnatcatcher shall be conducted

5. Acknowledged. This language is included on the site plans and will be included on any additional future construction documents.

Jeffrey Szymanski
City of San Diego
April 2, 2021
Page 4 of 13

pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If gnatcatchers are present, then the following conditions must be met:

- Between March 1 and August 15, no clearing, grubbing, or grading 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
- II. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied gnatcatcher habitat. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
- III. At least two weeks prior to the commencement of construction 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 construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher.

II. MSCP Consistency

COMMENT #2

Potentially Significant Direct and Indirect Impacts to Riparian Resources and Sensitive Habitats in the MHPA

Section: MND-IV Biological Resources, BRLR-MSCP General Management Directives, Tables 2 and 3, Plan-Figure 3, **Pages:** 13, 11 and 16-18, 2 and 12 respectively

Issue: Neither the MND nor the BRLR identify the location and extent of jurisdictional wetland resources on site, although they are noted as present. The Project documents appear to be inconsistent in the treatment of the hydrologic feature that traverses the MHPA through Ruffin Canyon. The feature that the Project calls "existing Category 1 trails" in the northern section is the same feature that is identified as an "unvegetated streambed" in the southern portion of the Project area, due to increased erosion of fine sediment in the southern portion. Figure 3 of the Plan shows a blue line ephemeral drainage in what appears to be in the same alignment as the "existing trail" and sewer access road. Historic aerials from 1953 show that the alignment of the "existing trail" was an unvegetated channel feature, presumably until it was impacted in 1957 by placement of the sewer pipe. A wetland delineation is necessary to determine where jurisdictional areas occur in order to subsequently make decisions concerning avoidance and/or mitigation for direct impacts from trail development, as well as the need for ongoing impacts such as possible trimming of riparian vegetation. Resolution of impacts and mitigation may ultimately depend on development of a CDFW 1600 agreement.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (April 2, 2021) continued

6. A wetland delineation was completed in 2013 for the San Diego River Conservancy San Diego River Tributary Canyons Project by Environmental Science Associates (ESA). This delineation report was reviewed and verified in April 2021 to ensure that wetland conditions and parameters present in the initial 2013 report were still present onsite in 2021. City Biology staff conducted a wetland verification in April 2021, during the verification it was determined that the conditions represented in the 2013 report are still existing, no changes to the wetland delineation report are needed as they accurately represent the existing condition of the Ruffin Canyon wetland complex. The wetland delineation sheets are attached to the Revised Biology Report for the project. Although existing, the trail in the North Ruffin Finger, north of where the Taft Finger enters the main stem of Ruffin Canyon and connecting to Gramercy Drive at the north end, is now proposed for closure as part of an update to the plan. This approximately 2,150 feet of trail is proposed to be closed in response to resource agency comments received on the draft Ruffin Trail plan and in response to recent hydrologic changes in this section of the canyon that has washed out portions of the existing trail. This trail will be closed as part of the Project. No formal restoration is proposed at this location, a passive native vegetation restoration effort (Invasive species will be controlled as part of existing SD Canyonlands grant to remove non-native vegetation) is currently underway in the canyon. The potential for active vegetation and hydrologic restoration exists in this area, but cannot be implemented as part of this Project due to limited funding availability. For the remainder of the trail north of the Shawn Canyon Finger, the pre-existing trail is proposed to remain as-is. Project features in the form of, as-needed closures, signage, and approved trail features (i.e. puncheon bridges) would be used to mitigate any potential impacts that would have any "significant impact on existing hydrology." Therefore, a 1600 agreement is not anticipated to be required.

Jeffrey Szymanski
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Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #CDFW-BIO-2a:

To reduce impacts to less than significant The MND and the Plan shall include a delineation of the jurisdictional features on site. Any direct impacts from future improvements to riparian resources, including unvegetated streambed, will be mitigated accordingly per the City's Biology Guidelines. A CDFW 1600 agreement may require additional mitigation measures.

Mitigation Measure #CDFW-BIO-2b:

In addition to mitigation of impacts consistent with the City's Biology Guidelines, CDFW recommends that a Notification be submitted to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code for any potential modification to the bed, bank, or channel of the streambed, which includes potential crossing structures and vegetation modification on the stream bank.

COMMENT #3

Potentially Significant Direct and Indirect Impacts to Covered Species in the MHPA

Section: BRLR-MSCP General Management Directives, Plan-Figure 5, Pages: 16-18

Issue: The Plan as described in the MND and BRLR do not fully consider the impacts of trail use on covered species.

Specific impacts: The BRLR makes the conclusion, "[u]se of the trails in the Plan is not anticipated to significantly alter noise levels in the canyon, which is in an urban environment, completely surrounded by development. Trail use is likely to be intermittent, and generally occurring at levels similar to the surrounding developed parcels." CDFW believes the official designation and improved quality of the trail system is likely to increase use by the public above current level of unauthorized use.

Why impact would occur: The Plan proposes to include bicycle use, and improvement of the trail is likely going to increase use by bicycles and hikers. Additionally, CDFW is concerned that bicycle speed on trails can be an issue for MSCP covered and/or sensitive species including the orange-throated whiptail. Research by Vandeman (2008) indicates that an increase in mortality of small vertebrates can be expected wherever mountain bikes are ridden. CDFW is concerned that increased bicycle use, and particularly bicycles traveling at moderate speeds, may impact sensitive species in Ruffin Canyon.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #CDFW-BIO-3a:

To reduce impacts to less than significant: CDFW recommends that the Plan address impacts from bicycle use by imposing and enforcing speed limits. In addition, the City is reminded of its responsibilities to monitor and prevent users from going off trail or creating new unauthorized trails.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (April 2, 2021) continued

- 7, The imposition and enforcement of speed limits for users on bicycles on the trails in the Plan is infeasible. The narrow width of the new section of trail to be constructed (2-4 feet wide) as well as the narrow and cobbly nature of the existing portions of the trail should serve to some extent to slow users on bicycles on the trails. In addition, signs will be placed along the trails consistent with signs that are posted at other City Open Space Parks (see examples below). Most bicycle users do not utilize speedometers. Adoption of speed limits on trails would require a change in the Municipal Code to include enforcement of such a measure, while enforcement of a speed limit would be impractical, given the periodic rather than permanent and the enforcement mechanisms (ability to issue citations) of Open Space personnel. Currently the canyon is used by bikers and hikers who produce some level of noise and additional noise introduced by the project would be temporary and transitory in nature and would not result in significant impacts.



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CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (April 2, 2021) response #7 continued

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #CDFW-BIO-2a:

To reduce impacts to less than significant The MND and the Plan shall include a delineation of the jurisdictional features on site. Any direct impacts from future improvements to riparian resources, including unvegetated streambed, will be mitigated accordingly per the City's Biology Guidelines. A CDFW 1600 agreement may require additional mitigation measures.

Mitigation Measure #CDFW-BIO-2b:

In addition to mitigation of impacts consistent with the City's Biology Guidelines, CDFW recommends that a Notification be submitted to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code for any potential modification to the bed, bank, or channel of the streambed, which includes potential crossing structures and vegetation modification on the stream bank.

COMMENT #3

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Section: BRLR-MSCP General Management Directives, Plan-Figure 5, **Pages:** 16-18

Issue: The Plan as described in the MND and BRLR do not fully consider the impacts of trail use on covered species.

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Why impact would occur: The Plan proposes to include bicycle use, and improvement of the trail is likely going to increase use by bicycles and hikers. Additionally, CDFW is concerned that bicycle speed on trails can be an issue for MSCP covered and/or sensitive species including the orange-throated whiptail. Research by Vandeman (2008) indicates that an increase in mortality of small vertebrates can be expected wherever mountain bikes are ridden. CDFW is concerned that increased bicycle use, and particularly bicycles traveling at moderate speeds, may impact sensitive species in Ruffin Canyon.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #CDFW-BIO-3a:

To reduce impacts to less than significant: CDFW recommends that the Plan address impacts from bicycle use by imposing and enforcing speed limits. In addition, the City is reminded of its responsibilities to monitor and prevent users from going off trail or creating new unauthorized trails.



Closure of the northwestern finger (from the Taft Finger north to Grammercy Drive is now included as part of the project. Although this will change a major use pattern that has existed in the canyon since the 1960s and 70s in some historic aerials (historicaerials.com – 1966, 1978; and google earth – 1994), recent hydrologic changes to this section of canyon have washed out major sections of the trail. Closure of this section will require signage, fencing, brushing in, and revegetation via passive and active means. Removal of existing wood structures (on the switchbacks down into the canyon and of puncheon bridges) will help deter continued use of this section. Planting of cuttings and continued invasive removal (that is ongoing as part of the River Conservancy-SD Canyonlands efforts) in the canyon bottom will be expanded to the trail tread itself and help restore the area. See revised Trail Plan Figure 4:

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Figure 4. Ruffin Canyon Open Space Trails Plan

0 0.05 0.1 0.2 Miles

DRAFT
April 2021

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Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #CDFW-BIO-2a:

To reduce impacts to less than significant The MND and the Plan shall include a delineation of the jurisdictional features on site. Any direct impacts from future improvements to riparian resources, including unvegetated streambed, will be mitigated accordingly per the City's Biology Guidelines. A CDFW 1600 agreement may require additional mitigation measures.

Mitigation Measure #CDFW-BIO-2b:

In addition to mitigation of impacts consistent with the City's Biology Guidelines, CDFW recommends that a Notification be submitted to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code for any potential modification to the bed, bank, or channel of the streambed, which includes potential crossing structures and vegetation modification on the stream bank.

7 COMMENT #3

Potentially Significant Direct and Indirect Impacts to Covered Species in the MHPA

Section: BRLR-MSCP General Management Directives, Plan-Figure 5, Pages: 16-18

Issue: The Plan as described in the MND and BRLR do not fully consider the impacts of trail use on covered species.

Specific impacts: The BRLR makes the conclusion, "[u]se of the trails in the Plan is not anticipated to significantly alter noise levels in the canyon, which is in an urban environment, completely surrounded by development. Trail use is likely to be intermittent, and generally occurring at levels similar to the surrounding developed parcels." CDFW believes the official designation and improved quality of the trail system is likely to increase use by the public above current level of unauthorized use.

Why impact would occur: The Plan proposes to include bicycle use, and improvement of the trail is likely going to increase use by bicycles and hikers. Additionally, CDFW is concerned that bicycle speed on trails can be an issue for MSCP covered and/or sensitive species including the orange-throated whiptail. Research by Vandeman (2008) indicates that an increase in mortality of small vertebrates can be expected wherever mountain bikes are ridden. CDFW is concerned that increased bicycle use, and particularly bicycles traveling at moderate speeds, may impact sensitive species in Ruffin Canyon.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #CDFW-BIO-3a:

To reduce impacts to less than significant: CDFW recommends that the Plan address impacts from bicycle use by imposing and enforcing speed limits. In addition, the City is reminded of its responsibilities to monitor and prevent users from going off trail or creating new unauthorized trails.

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Mitigation Measure #CDFW-REC-3b:

In addition, CDFW recommends closing the northwestern finger canyon of the proposed existing trail as part of approval of the Plan, due to the presence of sensitive wetlands including alkali and freshwater marsh, and riparian resources and the presence of a gnatcatcher territory directly on the trail.

COMMENT #4

Adoption of Trails Plan Prior to Establishment of a Natural Resource Management Plan (NRMP) or Area Specific Site Directives (ASMDs)

Section: Plan (B), Purpose, (3) Trails, Public Use and Recreation Guidelines (6) Implementation, **Pages:** 5, 16, and 28 respectively

Issue: The Final Multiple Species Conservation Plan Section 6.3.1, City's Implementing Agreement Section 10.6 A and B, and the City's SAP, call for the creation of a NRMP or ASMD for preserved lands. The Project will implement a Trail Plan prior to the implementation of a NRMP. Although the Plan identifies the natural resources adjacent to the trail and provides good baseline information for biological resources within Ruffin Canyon, a NRMP would provide a more comprehensive approach to addressing threats, stressors, and management of the sensitive plants, animals, and habitats within the canyon. CDFW appreciates that there is presently strong demand from the public to access more undeveloped areas due to Covid restrictions. However, from a process standpoint and to ensure that the MSCP objectives take priority over competing interests, CDFW strongly recommends that providing for trails and public access not be completed in advance of an area-wide analysis addressing all considerations as performed for a NRMP. As proposed, the City would be in a very difficult, if not impossible, position of withdrawing access opportunities after they have been approved through this trails plan. The creation of a designated public trail may preclude or substantially complicate future management options of a NRMP for Ruffin Canyon.

Specific impacts: A trail plan and a NRMP have different objectives in that the NRMP manages all the resources within a given preserve area, and monitoring is performed at a frequency to ensure adaptive management is performed to recognize and address threats in a timely manner. Including the trail aspects within a NRMP ensures the trail is evaluated, and managed for, as part of the larger landscape. Implementing a trails plan in Ruffin Canyon without a NRMP in effect allows both direct and indirect impacts before that section of MHPA becomes fully integrated into the City's MSCP preserve. Although the Project would provide mitigation for the direct impacts to habitats, a more vigilant management and oversight of this section of MHPA is needed to protect against deleterious edge effects from trail use over time. Additionally, a NRMP would include adaptive management thresholds for threats to covered and sensitive species and their habitats.

The Plan only commits to annual visits, which are not sufficient to inform management issues and perform adaptive management actions in order to protect biological values. In such urban areas, issues such flooding closures, invasive species, and particularly unauthorized trail use require more active management than can be provided through annual visits. The Plan states, "[s]pecific trail alignments have not been identified for major closure efforts at the time of the development of this plan." The Plan discusses closing Sandrock Canyon to trail use due to sustainability issues but does not provide any further direction for this outcome. Once trail segments have been opened, it should be expected that non-open sections will also receive

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (April 2, 2021) continued

8. See response number 2 regarding NRMP adoption prior to this trails plan. Monthly monitoring visits have been added to the Plan. See sections 2.A, 2.D.2, and 3.A.2 of the updated plan.

The Trail Plan already includes signage of paths that are not being designated by the Plan. Additional language has been added to Section 3.A.B to clarify:
"It should be noted that continued utility maintenance access (Public Utilities and SDGE) is still required within lower Ruffin Canyon and the Sandrock finger, so rehabilitation and revegetation of these alignments is not proposed. Rather, public use of these access paths will be discouraged through signs indicating the approved trail routes. Additional signage will also be installed for other unauthorized trails not designated by the plan."

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significant use and create a high level of expectation that sections will ultimately become open in the future. Monitoring and enforcement must be sufficient to protect these lands before they become officially added into the MSCP preserve. For this reason, CDFW again cautions against approving a trails plan in advance of an approved NRMP, and further requests a much higher level of commitment by the City to monitor resources and control against use of unauthorized areas.

Recommended Potentially Feasible Recommendations and Mitigation Measure(s)

Mitigation Measure # CDFW-REC-4a:

To reduce impacts: Prior to adopting a Trails Plan, CDFW recommends the City develop a NRMP or ASMDs for Ruffin and Sandrock canyons. Absent completion of a NRMP or ASMDs, CDFW further recommends that the City commit to a minimum of monthly monitoring visits throughout the Ruffin Canyon MHPA to protect against adverse effects from recreational uses along or peripheral to the newly authorized trails.

Mitigation Measure # CDFW-BIO-4b:

To reduce impacts: If a Natural Resources Management Plan (NRMP) is not developed per MSCP guidance, in lieu of a NRMP, the Plan shall describe appropriate procedures for trails closure, including signage for sections of unauthorized trails that are not being designated by the Plan.

III. Mitigation

COMMENT #5

Proposed Use of Habitat Acquisition Fund (HAF)

Section: MND Biological Resources, Page:13

Issue: The MND proposes to pay into the HAF to mitigate for impacts to sensitive habitats. Although the HAF provides a fast solution for the City to demonstrate mitigation for the Project impacts, CDFW believes that the impacts, especially the indirect impacts as discussed above, would be far better served by employing habitat restoration and enhancement within Ruffin Canyon. CDFW further notes that the City's Biology Guidelines (page 50) state that the HAF "is intended to be used only for the mitigation of impacts to small, isolated sites with lower long-term conservation value." CDFW believes Ruffin Canyon, as MHPA, is intended to provide long-term conservation value. Additionally, CDFW is concerned that the indirect effects of trail establishment and use without the offset of a NRMP and timely commitment by the City to manage the biological resources in Ruffin Canyon may easily lead to a reduction of the values in Ruffin Canyon. For this reason, rather than pay into the HAF, CDFW recommends mitigation be comprised of restoration and enhancement within the Ruffin Canyon MHPA. Such an effort would not only mitigate the direct impacts but would proactively provide much greater benefit to remaining resources which will be adversely affected by trail development and use.

Specific impacts: The MND proposes to mitigate direct impacts to Tier II Diegan coastal sage scrub (0.15 acre) and Tier IIIA southern mixed chaparral (0.22 acre) at a 1:1 ratio through payment into the City's HAF, or by purchase of habitat through an approved mitigation bank such as the Cornerstone Lands Mitigation Bank.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (April 2, 2021) continued

9. See response to USFWS letter Issue 2 regarding mitigation location and use of HAF or Cornerstone Lands. Invasive removal and restoration of the Sandrock Finger Canyon and large portions of the remainder of Ruffin Canyon is currently ongoing by San Diego Canyonlands with San Diego River Conservancy grant funding. Active trail closure and active and passive restoration of the trail footprint in the finger canyon is proposed, however the creation of a mitigation site is cost prohibitive, so HAF or Cornerstone lands purchase remains the feasible project mitigation alternative. Closure of the northwestern section will require signage, fencing, brushing in, and revegetation via passive and active means. Removal of existing wood structures (on the switchbacks down into the canyon and of puncheon bridges) will help deter continued use of this section. Planting of cuttings and continued invasive removal (that is ongoing as part of the River Conservancy-SD Canyonlands efforts) in the canyon bottom will be expanded to the trail head and would help restore the area.

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CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (April 2, 2021) continued

Recommendations and Mitigation Measures: CDFW recommends that the City mitigate through restoration of disturbed habitats within Ruffin Canyon. This would more directly offset the adverse direct and indirect effects of allowing recreational access within the limited confines of Ruffin Canyon. CDFW believes this approach is more appropriate, particularly in the absence of the City's proposal to not complete a NRMP prior to designation of the new trail plan. The Wildlife Agencies are committed to working with the City to find an on-site mitigation solution which could have less financial impact than use of the HAF.

Mitigation Measure # CDFW-BIO-5a:

CDFW recommends inclusion of the following mitigation measure: The City shall develop an on-site mitigation plan to add and restore disturbed areas within sensitive habitats within closed areas of the MHPA.

Mitigation Measure # CDFW-REC-5b:

Additionally, CDFW recommends to close and designate areas within the northwestern finger of Ruffin Canyon or Sandrock Canyon to serve as mitigation for impacts within the MHPA. This can further include invasive species removal and restoration of native habitats in areas that were previously disturbed, and can include additional funding directed to ongoing, on-site restoration.

12 Editorial Comments and Suggestions

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:
http://www.dfg.ca.gov/bioqecodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link:
http://www.dfg.ca.gov/bioqecodata/cnddb/plants_and_animals.asp.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on biological resources.

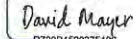
Questions regarding this letter or further coordination should be directed to Elyse Levy, Senior Environmental Scientist, at Elyse.Levy@wildlife.ca.gov.

10. Comments regarding suggestions, filing fees and the Conclusion have been duly noted.

Jeffrey Szymanski
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Sincerely,

DocuSigned by:


070084520375406

David Mayer
Environmental Program Manager |
South Coast Region

Attachments:

Attachment A: Recommended Mitigation Measures

cc: CDFW

Jennifer Turner, San Diego – Jennifer.Turner@wildlife.ca.gov
Jennifer Ludovissy, San Diego – Jennifer.Ludovissy@wildlife.ca.gov
Susan Howell, San Diego – Susan.Howell@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov

Jonathan Snyder, USFWS – Jonathan_d_Snyder@fws.gov
State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

REFERENCES

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Attachment A: Recommendations and Mitigation Measures

Biological Resources	Mitigation Measures	Timing	Responsible Party
CDFW-BIO-1	<p>1. Prior to the issuance of any grading permit (for Public Utility Projects: prior to the preconstruction meeting), the City Manager (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the gnatcatcher are shown on the construction plans.</p> <p>No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the gnatcatcher, unless the following requirements have been met to the satisfaction of the City Manager:</p> <p>A. A qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those habitat areas <u>within the MHPA</u> that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the gnatcatcher. Surveys for the gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If gnatcatchers are present, then the following conditions must be met:</p> <p>I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; <u>and</u></p> <p>III. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of</p>	Prior to, During Construction, and Implementation	City/Project Proponent

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	<p>occupied gnatcatcher habitat. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; <u>or</u></p> <p>iii. At least two weeks prior to the commencement of construction 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 construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher.</p>		
CDFW-BIO-2a	The MND and the Plan shall include a delineation of the jurisdictional features on site. Any direct impacts from future improvements to riparian resources, including unvegetated streambed, will be mitigated accordingly per the City's Biology Guidelines. A CDFW 1600 agreement may require additional mitigation measures.	Prior to, During Construction, and Implementation	City/Project Proponent
CDFW-BIO-2b	In addition to mitigation of impacts consistent with the City's Biology Guidelines, CDFW recommends that a Notification be submitted to CDFW pursuant to section 1600 et seq. of the Fish and Game Code for any potential modification to the bed, bank, or channel of the streambed, which includes potential crossing structures and vegetation modification on the stream bank.	Prior to, During Construction, and Implementation	City/Project Proponent
CDFW-BIO-3a	CDFW recommends that the Plan address impacts from bicycle use by imposing and enforcing speed limits. In addition, the City is reminded of its responsibilities to monitor and prevent users from going off trail or creating new unauthorized trails.	Prior to and During Implementation	City/ Project Proponent
CDFW-BIO-4a	Prior to adopting a Trails Plan, CDFW recommends the City develop a NRMP or ASMDs for Ruffin and Sandrock canyons. Absent completion of a NRMP or ASMDs, CDFW further recommends that the City commit to a minimum of monthly monitoring visits throughout the Ruffin Canyon MHPA to protect against adverse effects from	Prior to, During Construction, and Implementation	City/Project Proponent

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	recreational uses along or peripheral to the newly authorized trails.		
CDFW-BIO-4b	If a Natural Resources Management Plan (NRMP) is not developed per MSCP guidance, in lieu of a NMRP, the Plan shall describe appropriate procedures for trails closure, including signage for sections of unauthorized trails that are not being designated by the Plan.	Prior to, During Construction, and Implementation	City/Project Proponent
CDFW-BIO-5a	CDFW recommends inclusion of the following mitigation measure: The City shall develop an on-site mitigation plan to add and restore disturbed areas within sensitive habitats within closed areas of the MHPA.	Prior to, During Construction, and Implementation	City/Project Proponent
	Recommendations	Timing	Responsible Party
CDFW-REC-3b	In addition, CDFW recommends closing the northwestern finger canyon of the proposed existing trail as part of approval of the Plan, due to the presence of sensitive wetlands including alkali and freshwater marsh, and riparian resources and the presence of a gnatcatcher territory directly on the trail.	Prior to, During Construction, and Implementation	City/Project Proponent
CDFW-REC-5b	Additionally, CDFW recommends to close and designate areas within the northwestern finger of Ruffin Canyon or Sandrock Canyon to serve as mitigation for impacts within the MHPA. This can further include invasive species removal and restoration of native habitats in areas that were previously disturbed, and can include additional funding directed to ongoing, on-site restoration.	Prior to, During Construction, and Implementation	City/Project Proponent



San Diego County Archaeological Society, Inc.

Environmental Review Committee

6 March 2021

To: Mr. Jeffrey Szymanski
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration
Ruffin Canyon Open Space Trail
Project No. 658785

Dear Mr. Szymanski:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

- ⑪ Based on the information contained in the DMND and the LSA archaeological report, we agree with the proposed monitoring program defined in the DMND.

Thank you for affording SDCAS participation in the DMND's public review period.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: LSA
SDCAS President
File

SAN DIEGO COUNTY ARCHAEOLOGICAL SOCIETY, Inc. (March 6, 2021)

11. Comment noted. The letter from the San Diego County Archaeological Society expresses agreement with the impact analysis of the MND and with the mitigation measures. No additional response is required.



San Diego Canyonlands

♦ 5106 Federal Blvd. #205, San Diego, CA 92105 ♦ 619-546-7707 ♦
♦ www.sdcanyonlands.org ♦

March 23, 2021

Jeff Szymanski, Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101
DSDEAS@sanidiego.gov

Re: Ruffin Canyon Open Space Trail, Project No. 658785, Serra Mesa & Mission Valley Community Plan Area, Council District 7

Dear Mr. Szymanski,


12 San Diego Canyonlands (Canyonlands) has been conducting restoration work within the Ruffin Canyon Open Space for the last two years, removing invasive and flammable Mexican fan palms (*Washingtonia robusta*) and other invasive species that have degraded riparian habitat. In this work we are restoring both native tree and shrub cover in the riparian zone as well as restoring upland slopes that have been invaded by non-native grasses and other plants from nearby managed landscapes.

Our organization has also participated in developing the concept for the proposed new trail alignment in southern Ruffin canyon that is described in the public notice as crossing an unsafe sewer maintenance path. This unsafe sewer path is, in fact, the degraded streambed of south Ruffin canyon, denuded of soil and free of native shrubs. While this section needs to remain clear for sewer maintenance activities, it is difficult walking and biking terrain, and requires that pedestrians and bikers cross riparian habitat to reach the safer path network to the north.

Canyonlands understands that a Natural Resource Management Plan (NRMP) is required by the MSCP for this area and has not been completed due to City of San Diego (City) budget constraints. All trail plans, especially new alignments, should be subject to the full environmental review required by CEQA. It is Canyonlands' considered opinion that the new trail alignment will reduce impacts in the Ruffin riparian zone, as well as making access safer for existing traffic. The proposed alignment has gone through careful review of potential habitat and cultural impacts. We feel that the same scrutiny that would be given to considering local impacts of the proposed trail in a NRMP has been applied in this project proposal, and we recommend that the City endorse and approve this project.

Thank you for your consideration.

Sincerely,


Clayton Tschudy
Executive Director
clayton@sdcanyonlands.org

SAN DIEGO CANYONLANDS (March 23, 2021)

12. The letter from San Diego Canyonlands identifies that they have been conducting restoration work in Ruffin Canyon. The letter also endorses the approval of the project.

Szymanski, Jeffrey

From: Phil Ouellette <philosfo@gmail.com>
Sent: Friday, March 19, 2021 12:43 PM
To: DSD EAS
Cc: Christie Villarreal; Clayton Tschudy; Ball, Laura; Kevin Johnston
Subject: [EXTERNAL] (Serra Mesa and Mission Valley) Ruffin Canyon Open Space Trail / Project No. 658785 / Draft Mitigated Negative Declaration

****This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.****

I am writing to record my personal support for the (Serra Mesa and Mission Valley) Ruffin Canyon Open Space Trail / Project No. 658785 and to represent considerations for the project on behalf of the Escala Master Homeowners' Association.

3 As a resident of the Escala community in Mission Valley I have hiked Ruffin Canyon often and especially enjoy the easy access provided by the trail structure in the northern portion of the canyon. Navigating the creek bed and sewer access in the southern portion of the canyon has always been challenging and a concern both physically for the hikers and environmentally for the wellbeing of the creek and surrounding canyon area. I believe a well groomed, accessible trail through the canyon (from Serra Mesa in the north to Mission Valley in the south) will be a benefit to the communities on both ends of the canyon providing recreational access to open space as well as increasing the frequency of responsible traffic in the canyon (and keeping undesirable activity in the canyon in check). As an Escala resident I would like for there to be easy access to the Escala owned portion of the canyon allowing for more frequent and accessible patrol by City Open Space Rangers and other authorities.

14 As an officer of the Escala Master Homeowners Association I have a responsibility to ensure the concerns of some members of our association are noted for the record as well. There is a concern that improvements in the canyon will result in increased foot traffic through our community by non-residents of Escala. There are additional concerns that our close location to homeless encampments on the San Diego River bed could result in spillover activity into Ruffin Canyon by that population should the trail improvements continue. To address some of these concerns I worked with San Diego Canyonlands and the City's Open Spaces department to modify the directions used to describe access to Ruffin Canyon through the Escala Community. While the City maintains easement rights on both Northside Drive and Fenton Parkway, the Escala Community is better served routing hikers to and from the Canyon using Fenton Parkway, a larger thoroughfare with clear sidewalk access to the canyon. While these modifications appeared in early documents describing the overall project, this stretch of trail access did not (need to) appear in the CEQA study and was not included in support documentation open for public comment. As (and if) the project continues I would like to ensure that the Escala Community continues to be involved in any messaging around canyon access and be a partner with the City, San Diego Canyonlands and Friends of Ruffin Canyon in developing any final instructions that describe access to the canyon through our community.

Best regards
Phil Ouellette
President, Escala Master Homeowners' Association
858-205-6003

PHIL OUELLETTE (March 19, 2021)

13. This comment documents the author's support for the project.
14. This comment also describes concerns from some in the community in regards to the project and how the concerns were addressed. The comment does not address the adequacy of the Draft Mitigated Negative Declaration.

March 3, 2021

Jeff Szymanski
Environmental Planner
City of San Diego Development Services

Dear Mr. Szymanski,

I am commenting on the Draft Mitigated Negative Declaration for project number 658785, the Ruffin Canyon Open Space Trail. I have not found any issues with the adequacy of the environmental analysis. Therefore, I am not requesting a response to this comment letter.

I wanted to take this opportunity to provide information for the project record on the support for the project within the Serra Mesa and Mission Valley Communities and the extensive public outreach process for the proposal over the last 12+ years.

15 Here is a brief breakdown of the community outreach process:

2009-2010

The Friends of Normal Heights Canyons and the Friends of Ruffin Canyon collaborate with Foothill Associates and the San Diego River Conservancy (SDRC) on the Tributary Canyons Project. Support for connecting Normal Heights and Serra Mesa to the San Diego River via safe canyon trails is built through community meetings and one result is a feasibility report published by SDRC in 2010.

2014

Members of the Friends of Ruffin Canyon serve on a committee of the Serra Mesa Planning Group to establish community priorities for the use of Development Impact Fees (DIF) from the Broadstone multi-family residential development. This process results in the Serra Mesa Planning Group and the Serra Recreation Advisory Group voting to recommend devoting \$100,000 of the DIF funds toward permitting costs for a safe Ruffin Trail connection to Mission Valley.

2015

The City Council accepts the recommendations of the community and appropriates the \$100,000 in Serra Mesa DIF funds to the Ruffin Trail connection permitting.

2016-2017

San Diego Canyonlands (SDCLC non-profit) leads a Canyon Enhancement Planning Process for Ruffin Canyon. In addition to the resulting development of a full Canyon Action Plan for Ruffin, this process again demonstrates strong support for a safe trail connection to Mission Valley. This process also leads to the shift of the Escala HOA Board to support for the trail connection. This Board manages the property at

KEVIN JOHNSTON (March 3, 2021)

15. The comment describes the community outreach that project proponent undertook for the project.

the southern end of the proposed trail, where there is an existing public access easement leading to a tunnel under Friars Road.

2019

With the City's Open Space Division preparing for a permit application for the Ruffin Trail connection, the Serra Mesa Planning Group and Mission Valley Planning Group consider the project for up to date recommendations. Both Planning Groups recommend approval again.

2020

The City's Open Space Division submits the application for the trail connection to the Development Services Department.

This safe trail connection will be a wonderful asset to the city, and the communities of Serra Mesa and Mission Valley, in particular. In addition to the recreation and nature education opportunities it will provide, I anticipate the improved trail experience will inspire the dedication of more residents in protecting our urban canyon ecosystems.

I want to thank all the city staff involved in the efforts to get the project to this stage, and I look forward to project approval and implementation.

Kevin Johnston
Serra Mesa resident
Friends of Ruffin Canyon member
San Diego Canyonlands Board of Directors
Email: kevinjohnston1972@yahoo.com

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INITIAL STUDY CHECKLIST

1. Project title/Project number: Ruffin Canyon Open Space Trail / 658785
2. Lead agency name and address: City of San Diego, 1222 First Avenue, MS-501, San Diego, California, 92101
3. Contact person and phone number: Jeff Szymanski/ (619) 446-5324
4. Project location: The Ruffin Canyon Open Space Trails Plan area is comprised of City of San Diego Open Space located in the Serra Mesa and Mission Valley communities of the City of San Diego, west of Interstate (I) I-15, east of I-805, and north of I-8,. It is loosely bounded by Gramercy Drive to the north, Friars Road to the south, Mission Village Drive to the East, and Murray Ridge Road to the west. The area is located in un-sectioned land in the Mission San Diego land grant within Townships 15 and 16 South, Range 2 West on the San Bernardino Base and Meridian U.S. Geological Survey (USGS) 7.5-minute La Mesa and La Jolla quadrangle maps.
5. Project Applicant/Sponsor's name and address: Parks and Recreation Department, Open Space Division- 202 C Street MS 5D, San Diego, CA 92101
6. Community Plan designation: Open Space
7. Zoning: Open Space
8. Description of project (describe the whole action involved, including but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation): The project is the adoption of the Ruffin Canyon Open Space Trails Plan which proposes the expansion of an existing trail system. The Plan would provide a cohesive trail plan for the Ruffin Canyon Open Space and provide connection between the Serra Mesa and Mission Valley Communities. The Plan provides guidance for the present and future use and maintenance of the trails within the Plan Area. Trails in this plan are open to pedestrian and bicycle users. The proposed project would create a new alignment in the southern section of the canyon where individuals are currently using a sewer access path which does not serve as a safe and sustainable trail for public use. In addition, the report addresses the permitting of three existing trails within Ruffin Canyon. The project consists of approximately 2,658 feet of new trail within Ruffin Canyon, heading south from the intersection of the existing Ruffin Canyon and Shawn Canyon trails. In addition to the new trail construction, the study area includes permitting of the existing trial located in the upper section of Ruffin Canyon. An existing City utility path occurs within the central portion of Ruffin Canyon and Shawn Canyon and is used for access/maintenance of the sewer lines. Currently, this path is also being used as a hiking/biking trail. Approximately 2150 feet of existing path would be closed.
9. Surrounding land uses and setting: The Plan area consists of an undeveloped open space area north of Mission Valley and west of Murphy Canyon. It includes City-owned open space parcels and an easement across undeveloped privately-owned homeowner's association (HOA) property

on the south end of the project. The north end of the project is bounded by a school site and residential development is located to the west, east and south.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

The City is the project Lead Agency under CEQA. In its role as Lead Agency, the City is responsible for ensuring the adequacy of this IS/MND. Implementation of the proposed project does not require that the City obtain any discretionary approvals, permits, licenses, certifications, or other entitlements from various state and local agencies.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun? The Lipay Nation of Santa Ysabel, Jamul Indian Village and the San Pasqual Band of Mission Indians all requested consultation pursuant to Public Resources Code Section 21080.3.1. The City of San Diego sent notification to these three Native American Tribes on December 1, 2020. No responses were received within the 30-day period to request consultation and additional information. Please see Section XVII of the Initial Study for more information regarding the consultation.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	
<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards and Hazardous Materials
<input type="checkbox"/> Hydrology and Water Quality	<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Noise	<input type="checkbox"/> Population and Housing	<input type="checkbox"/> Public Services
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Utilities and Service Systems		<input checked="" type="checkbox"/> Mandatory Findings of Significance

DETERMINATION

(To be completed by Lead Agency)

On the basis of this initial evaluation:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or (MITIGATED) NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or (mitigated) negative declaration. *Section 15063(c)(3)(D)*. In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are “Less Than Significant With Mitigation Measures Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question;
 - b. Where applicable, the City of San Diego's CEQA Significance Determination Thresholds (Thresholds) (City 2016) are identified and used to evaluate project impacts; and
 - c. The mitigation measure identified, if any, to reduce the impact to less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. AESTHETICS

– Except as provided in Public Resources Code Section 21099, would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Pursuant to the City's Thresholds, projects that block public views from designated open space areas, roads, or scenic vistas to significant visual landmarks may result in significant impacts. A scenic vista is generally defined as a public viewpoint that provides expansive or notable views of a highly valued landscape and are typically identified in planning documents, such as a community plan, but can also include locally known areas or locations where high-quality public views are available.

Ruffin Canyon does contain natural visual resources and is located within Open Space but the project would not substantially change the existing visual character of the area. The majority of the trail project would utilize the existing informal foot paths and utility road and would not require substantial grading or vegetation removal. The trail project is not proposing to construct any above ground structures that would substantially affect a scenic vista or visual corridor. The proposed trail project would not have a substantial adverse effect on a scenic vista and impacts would not occur.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

As noted above pursuant to the City's Thresholds, projects that block public views from designated open space areas, roads, or scenic vistas to significant visual landmarks may result in significant impacts. State Scenic Highways are considered scenic vistas due to the visual attributes and resources that comprise their designation.

There are no designated State Scenic Highways within Ruffin Canyon. Therefore, the project would not substantially damage or block views of scenic resources, including those along a State Scenic Highway. No impacts would occur.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

According to the City's Thresholds projects that severely contrast with the surrounding neighborhood character may result in a significant impact. To meet this threshold one or more of the following conditions must apply: the project would have to exceed the allowable height or bulk regulations and the height and bulk of the existing patterns of development in the vicinity of the project by a substantial margin; have an architectural style or use building materials in stark contrast to adjacent development where the adjacent development follows a single or common architectural theme (e.g., Gaslamp Quarter, Old Town); result in the physical loss, isolation or degradation of a community identification symbol or landmark (e.g., a stand of trees, coastal bluff, historic landmark) which is identified in the General Plan, applicable community plan or local coastal program; be located in a highly visible area (e.g., on a canyon edge, hilltop or adjacent to an interstate highway)

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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and would strongly contrast with the surrounding development or natural topography through excessive height, bulk signage or architectural projections; and/or the project would have a cumulative effect by opening up a new area for development or changing the overall character of the area.

Implementation of the project involves the permitting of a new trail system and is consistent with open space requirements. Some vegetation removal would be required along the trail alignment but the removal would not substantially alter the visual character of the canyon. The trail project would be visually compatible with the existing character and would not substantially degrade the visual character and quality of the site or the surrounding area.

- | | | | | |
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| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

According to the City's Thresholds, a project may have a significant light and glare impact if a project would be moderate to large in scale with more than 50 percent of any single elevation of a building's exterior built with a material with a light reflectivity greater than 30 percent (see Land Development Code Section 142.0730(a)), and the project is adjacent to a major public roadway or public area; or the project would shed substantial light onto adjacent, light-sensitive property or land use, or would emit a substantial amount of ambient light into the nighttime sky.

The project is not proposing any lighting and as such the project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area; impacts would not occur.

II. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. Unique farmland is land, other than prime farmland, that has combined conditions to produce sustained high quality and high yields of specialty crops. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by State law. In some areas that are not identified as having national or statewide importance, land is considered to be Farmland of Local Importance. The Farmland Mapping and Monitoring Program (FMMP)

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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maintained by the California Department of Conservation (CDC) is the responsible state agency for overseeing the farmland classification. In addition, the City's Thresholds state that in relation to converting designated farmland, a determination of substantial amount cannot be based on any one numerical criterion (i.e., one acre), but rather on the economic viability of the area proposed to be converted. Another factor to be considered is the location of the area proposed for conversion.

According to the CDC's California Important Farmland Finder (CDC 2016), the project does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Agricultural land is not present on the site or in the general vicinity. As a result, the project would not result in the conversion of such lands to non-agricultural use. No impacts would occur.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The Williamson Act, also known as the California Land Conservation Act of 1965, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use; in return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The Williamson Act is only applicable to parcels within an established agricultural preserve consisting of at least 20 acres of Prime Farmland, or at least 40 acres of land not designated as Prime Farmland. The Williamson Act is designed to prevent the premature and unnecessary conversion of open space lands and agricultural areas to urban uses.

As stated in item II(a), the project site is located in an area where neither farmland nor agricultural resources are present. Additionally, the project site is not encumbered by a Williamson Act Contract and would not affect any properties zoned for agricultural use or affected by a Williamson Act Contract, as there are none within the project vicinity. No impacts would occur.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 1220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Public Resources Code Section 12220(g) defines "forest land" as land that can support 10 percent native cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Based on this definition, no forest land occurs within or adjacent to the project site. Moreover, there is no land zoned as forest land or timberland that exists within the project site or within its vicinity. There are scattered trees throughout the site; however, there are no concentration of trees within the site that would constitute a forest. Therefore, the project would not conflict with existing zoning for or cause a rezoning of forest land, timberland, or timberland zoned Timberland Production. No impacts would occur.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As stated in II(c), there is no forest land present on the site or vicinity. The site has not been historically and is not currently used or planned to be used for forest land. As such, implementation of the proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Refer to II(a) through II(d), above. No existing agricultural or forest land uses are located in the proximity of the project site. Therefore, the project would not involve changes in the existing environment that could result in the conversion of farmland or forest land into non-agricultural or non-forest use. No impacts would occur.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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According to the City's Thresholds, a project may have a significant air quality impact if it could conflict with or obstruct implementation of the applicable air quality plan. The construction of the trail project would only require the use of hand tools with no heavy machinery. The project does not have the scope which would potential conflict with air quality plans.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The City's Thresholds state that a significant impact may occur if a project violates any air quality standard or contribute substantially to an existing or projected air quality violation. Please see response III (a), no impacts would occur.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The City's Thresholds state that a project may have a potentially significant air quality impact if it could result in a cumulatively considerable net increase of any criteria pollutant for which the

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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project region is non-attainment under an applicable federal or state ambient air quality standard (including release of emissions which exceed quantitative thresholds for ozone precursors). Please see response III (a), no impacts would occur.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The City's Thresholds state that for a project proposing placement of sensitive receptors near an existing odor source, a significant odor impact will be identified if the project site is closer to the odor source than any existing sensitive receptor where there has been more than one confirmed or three confirmed complaints per year (averaged over a three- week period) about the odor source. Moreover, for projects proposing placement of sensitive receptors near a source of odors where there are currently no nearby existing receptors, the determination of significance should be based on the distance and frequency at which odor complaints from the public have occurred in the vicinity of a similar odor source at another location. Please see response III (a), no impacts would occur.

IV. BIOLOGICAL RESOURCES

– Would the project:

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| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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The City's Thresholds state that significance of impacts to biological resources are assessed by City staff through the CEQA review process and through review of the project's consistency with the Environmentally Sensitive Lands (ESL) regulations, the Biology Guidelines (2018) and with the City's MSCP Subarea Plan (1997). Before a determination of the significance of an impact can be made, the presence and nature of the biological resources must be established. The City has established a two-step process that: (1) provides guidance to determine the extent of biological resources and values present on the site; and (2) based on the findings of Step 1, if significant biological resources are present, then a survey to determine the nature and extent of the biological resources on the site is warranted.

A biological letter report was prepared (City of San Diego, Parks and Recreation, Doug Allen Biologist III June 2019, updated April 2021), which presented the results of biological surveys conducted by the City of San Diego, Parks and Recreation Department for the proposed Ruffin Canyon Trail Realignment Project. The surveys were conducted to assess existing biological conditions, potential impacts, and identify the need for mitigation measures associated with the proposed public trail realignment within the Ruffin Canyon Open Space area to create a complete trail.

Prior to conducting biological field surveys, searches of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB), U.S. Fish and Wildlife Service (USFWS) sensitive species database, California Native Plant Society (CNPS) online database for the La Jolla

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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USGS topographic quadrangle, the San Diego River Tributary Canyons Project (ESA 2013), and the City's MSCP Subarea Plan for information regarding sensitive species known to occur within the vicinity of the project area were performed. A review of vegetation maps created by ESA (ESA 2013) was also performed and confirmed or updated during the 2018 and 2019 field surveys.

The study area (the trail alignment and existing trail plus 15 to 20 feet on each side of the trail) supports 14 vegetation communities/habitats: freshwater marsh, alkali marsh, southern willow scrub, non-native riparian, mule fat scrub, Diegan coastal sage scrub (including disturbed), broom baccharis scrub, coastal sage-chaparral scrub, southern mixed chaparral, non-native grassland, ornamental vegetation, disturbed habitat, and developed land. There is also non-vegetated wash habitat occurring in the southern portion of the canyon.

The project would result in direct impacts to the following sensitive vegetation communities: 0.15 acre of Diegan coastal sage scrub, and 0.22 acre of southern mixed chaparral. These impacts would be considered significant.

Impacts from the proposed project would also occur to ornamental (0.03 acre) and developed land (0.01 acre). Impacts to ornamental and developed land vegetation communities are determined to be not significant, these habitats are not considered sensitive. The North Ruffin Canyon trail, which includes portions of the City's Public Utilities Department access and maintenance road, passes through freshwater marsh, alkali marsh, southern willow scrub, non-native riparian, mulefat scrub, broom baccharis scrub, Diegan coastal sage scrub, Diegan coastal sage scrub/southern mixed chaparral, southern mixed chaparral, and non-native grassland. North Ruffin Canyon trail is a Category 1 Trail; therefore, no impact analysis or mitigation is required for permitting this trail.

South Ruffin Trail is a new trail alignment and is a Category 2 Trail. Southern Ruffin Trail starts at the intersection of North Ruffin Trail and Shawn Canyon Trail and heads south to the Escala Development.

Three sensitive plant species were observed in the study area during City's biological surveys in 2018 and 2019: San Diego barrel cactus, southwestern spiny rush, and San Diego County viguiera. No sensitive plant species will be impacted by the project as proposed. The proposed South Ruffin Canyon trail impacts will be designed and constructed to avoid any impacts to the sensitive plant species. The single San Diego barrel cactus and populations of San Diego viguiera that were located during the 2019 surveys would be avoided in the field by flagging by project biologist prior to construction and routing of the alignment in the field downslope of the plants. No Southwestern spiny rush are located in the vicinity of the new trail alignment.

Coastal California gnatcatcher was observed or detected during the general biological surveys. Most of the observations occurred on the western side of Ruffin Canyon during the 2017 protocol gnatcatcher surveys conducted by the City in 2017 (City 2017) and 2019. Approximately 0.15 acre of Diegan coastal sage scrub will be impacted by the construction of South Ruffin Canyon trail and no further vegetation impacts will occur from the existing trails. Impacts to coastal California gnatcatcher would be considered significant. Mitigation would be required to offset the impacts to 0.15 acre of Diegan coastal sage scrub. Orange throated whiptail was observed within the area of

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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the new South Ruffin Canyon trail alignment during the 2019 sensitive species surveys. This species is highly mobile, and it is anticipated that they will move out of the construction activity area, therefore no impacts are anticipated to this species as designed. No mitigation is required.

San Diego barrel cactus is the only MSCP-covered plant species observed within the study area. Routing of the trail in the field will avoid direct and indirect impact to this species by flagging and routing of the trail downslope of the single individual. This species will not be impacted by the project as designed. Coastal California gnatcatcher and orange throated whiptail were the only MSCP-covered animal species observed or detected in the study area. The project will implement area-specific management directives for the coastal California gnatcatcher by restricting clearing of vegetation to outside of the nesting period (i.e., no clearing between March 1 and August 15) or conducting protocol surveys to establish species absence if work is proposed in the nesting period. Orange throated whiptail is highly mobile, and it is anticipated that they will move out of the construction activity area, therefore no impacts are anticipated to this species as designed. No mitigation is required.

Direct impacts to Tier II and Tier IIIA vegetation communities, comprised of 0.15 acre of Diegan coastal sage scrub 0.22 acre of southern mixed chaparral, would be mitigated at a 1:1 ratio through payment into the City's Habitat Acquisition Fund (HAF), purchase of habitat through an approved mitigation bank such as the Cornerstone Lands Mitigation Bank. All mitigation is anticipated to occur within the MHPA. Impacts to other vegetation communities would not be significant and therefore would not require mitigation.

In addition to the payment into the HAF the project would also be required to implement a biological monitoring program to ensure that impacts to sensitive resources do not occur beyond those identified in this report.

- b) Have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

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The proposed new trail alignment for South Ruffin Trail would cross USACE non-wetland WUS and CDFW stream channel (Figure 2). The crossing is a small portion of unvegetated channel consisting of cobble stones. This crossing will be left in its natural state with no improvements. No impacts to jurisdictional wetlands will occur from the project as designed. However, the existing trails crosses jurisdictional waters (stream channels) of North Ruffin Canyon Trail and Shawn Canyon Trail. Approximately 2150 feet of existing trail in North Ruffin Canyon, north and west of the Taft Canyon Finger, is proposed to be closed as part of the project. The existing puncheon bridges and other trail improvements in the section will be removed and revegetation allowed to occur. The North Ruffin Canyon trail south of the Taft finger will remain. These existing crossings occur on Category 1 trails; therefore, no mitigation is required. No improvements are proposed for these crossings but may require repair as part of regular trail maintenance.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The study area contains waterways, wetlands, and riparian habitat that would be subject to U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and/or California Department of Fish and Wildlife (CDFW) jurisdiction. The project would avoid all impacts to these areas; therefore, no impact would occur to jurisdictional wetlands and waterways and no mitigation is required.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Although the project would occur within the MHPA, project implementation would not result in substantial interference with wildlife movement through the MHPA or impede linkages or the use of wildlife nursery sites. The proposed trail and existing trails would continue to allow for wildlife movement through the canyon and would not impede linkages; thus, no significant impacts to wildlife corridors would occur.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project is consistent with the City's Biology Guidelines (2018) and ESL Regulations; no conflict with local policies or ordinances protecting biological resources would occur.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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The project would conform with the adopted City MSCP Subarea Plan (1997). The City's MSCP Subarea Plan addresses the impacts to preserve areas from adjacent development in Section 1.4.3, Land Use Adjacency Guidelines (LUAGs). The LUAGs provide requirements for land uses adjacent to the habitat preserve in order to minimize indirect impacts from drainage, toxics, lighting, noise, barriers, invasive species, brush management, and grading to the sensitive resources contained therein. The project's consistency with the City's LUAGs is summarized below:

Drainage

- *All new and proposed parking lots and developed areas in and adjacent to the preserve must not drain directly into the MHPA.*

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- *All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials, and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA.*

Toxins

- *Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA.*

Lighting

- *Lighting of all developed adjacent areas should be directed away from the MHPA. Where necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting.*

Noise

- *Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife use of the MHPA.*
- *Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species.*

Barriers

- *New development adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.*

Invasive Plant Species

- *No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.*

Brush Management

- *New residential development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate Zone 1 brush management areas on the development pad and outside of the MHPA. Zones 2 and 3 will be combined into one zone (Zone 2) and may be located in the MHPA upon granting of an easement to the City (or other acceptable agency) except where narrow wildlife corridors require it to be located outside of the MHPA.*

Grading/Land Development

- *Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.*

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- *Impacts from fugitive dust would be avoided and minimized through watering and other appropriate measures.*
- *All activities, vehicles, equipment, and construction materials shall be strictly limited to the fenced project footprint and the project shall be kept clean of trash and debris.*
- *Equipment maintenance, staging, and disposal of fuel, oil coolant shall occur outside of wetlands, and within designated areas in the fenced project impact limits only.*

As stated in item IV(a) above, the project may result in potential significant impacts to sensitive vegetation communities, and City ESL areas. Implementation of mitigation measures within the MMRP would ensure project consistency with the adopted City MSCP Subarea Plan (1997) and Land Development Manual Biology Guidelines (2018).

V. CULTURAL RESOURCES

– Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? ☐ ☒ ☐ ☐

According to the City's Thresholds, for the purposes of CEQA, a significant historic resource is one which qualifies for the California Register of Historical Resources or is listed in a local historic register or deemed significant in a historical resource survey, as provided under Section 5024.1(g) of the Public Resources Code. A resource that is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historic resources, or not deemed significant in a historical resource survey may nonetheless be historically significant for purposes of CEQA.

The City's determination of significance of impacts on historical resources is based on the criteria found in Section 15064.5 of the State CEQA Guidelines. For additional information, see the City's Historical Resources Guidelines. The determination of significance for historic buildings, structures, objects, and landscapes is based on age, location, context, association with an important person or event, uniqueness, and integrity.

The project site is in an area known to contain sensitive archaeological resources and is located on the City's Historical Sensitivity map. Therefore, a record search of the California Historic Resources Information System (CHRIS) digital database was reviewed by qualified archaeological City staff to determine presence or absence of potential resources within the project site. The CHRIS search did not identify any archaeological resources within or adjacent to the site. However, because the project is located in a generally sensitive area where prior development has not occurred, an archaeological resources survey was performed (LSA, February 2019). LSA completed a field reconnaissance survey on February 11, 2019 of the portion of the project that includes the trail realignment. Some of the area designated for trail realignment was not accessible due to heavy vegetation. Vegetation consisted of native coastal sage scrub, and some sparse riparian species. In areas where the surface was visible, no cultural material was observed.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Although no cultural resources were observed within the trail realignment, access to the trail was limited by dense vegetation. The area has not been previously surveyed, and areas along natural drainage features should be treated as having a high potential for cultural resources.

Additionally, the trail will be located along the base of the mesa and above the main channel of the drainage, which suggests the potential for buried resources. Archaeological and Native American monitoring is recommended during initial ground disturbance and vegetation clearing for the new trail alignment.

All potential impacts related to the presence of archeological resources at the site would be reduced and addressed through the purview of the qualified monitors. Monitoring would occur at all stages of ground-disturbing activities at the site. Furthermore, the Mitigation, Monitoring, and Reporting Program (MMRP), as detailed within Section V of the Mitigated Negative Declaration (MND), require the archaeological and Native American monitoring. With implementation of the cultural resources monitoring program, potential impacts on historical resources would be reduced to less than significant.

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| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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Refer to response V (a) above.

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| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project is only proposing minor grading and would not result in impacts to paleontological resources.

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| d) Disturb any human remains, including those interred outside of dedicated cemeteries? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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The project site is not located within or near a formal cemetery and is not known to be located on a burial ground. However, Section IV of the MMRP contains provisions for the 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. Based upon the required mitigation measure impacts would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS

– Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

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| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project site is not located within an Alquist-Priolo Fault Zone and it is not located in proximity to any faults. The project is not proposing to construct structures and is proposing to connect into an existing hiking trail. A substantial amount of people would not be exposed to geologic hazards as a result of the project

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| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project site, like most of southern California, is within a seismically active area and, therefore, can be subject to strong seismic ground motion. However, the project is not proposing to construct structures and is proposing to connect into an existing hiking trail which would not have the potential to induce ground shaking.

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| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Liquefaction is a soil phenomenon in which water-saturated soils lose strength when subject to the forces of intense and prolonged ground shaking. Liquefaction generally occurs in areas where four criteria are met: (1) the site is subject to seismic activity, (2) on-site soil consists of cohesionless soil or silt and clay with low plasticity, (3) groundwater is encountered within 50 feet of the surface, and (4) soil relative densities are less than 70 percent. Within the project site, the potential for liquefaction or other seismic-related ground failure is considered to be low as the potential for susceptibility for liquefaction has not been identified on the City Seismic Safety Study Geologic Hazard Maps. No impacts are anticipated.

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| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project would not expose people or structures to the risk of loss, injury, or death involving landslides. See response V. a) i) There would be no impacts in this category.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project would be required to remove some vegetation. However, the trail would be constructed along contours using trail Best Management Practices that would minimize future erosion and trail maintenance.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The proposed project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project. As discussed in VI(a)(iii) and VI(a)(iv), the project site is not likely to be subject to landslides, and the potential for liquefaction is low. The project would be constructed consistent with proper engineering design, in accordance with the CBC. Integration of appropriate engineering design measures and standard construction practices are verified prior to the issuance of building permits. Through this process, project design is required to demonstrate that potential impacts from geologic hazards would be reduced to an acceptable level of risk. As such impacts would be less than significant.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Please see VI a ii and iii.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project does not propose the use of septic tanks or alternative wastewater disposal systems; the project site would be served by the existing public sewer system. Therefore, no impacts with regard to the capability of soils to adequately support the use of septic tanks or alternative wastewater disposal systems would occur.

VII. GREENHOUSE GAS EMISSIONS

– Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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On July 12, 2016, the City of San Diego adopted the Climate Action Plan (CAP) Consistency Checklist, which requires all projects subject to discretionary review to demonstrate consistency with the

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Climate Action Plan. For project-level environmental documents, significance of greenhouse gas emissions is determined through the CAP Consistency Checklist.

The City's CAP outlines the actions that the City will undertake to achieve its proportional share of State greenhouse gas (GHG) emission reductions. A CAP Consistency Checklist (Checklist) is part of the CAP and contains measures that are required to be implemented on a project-by-project basis to ensure that the specified emission targets identified in the CAP are achieved. Projects that are consistent with the CAP as determined through the use of this Checklist may rely on the CAP for the cumulative impacts of GHG emissions.

The project is consistent with the existing General Plan and Community Plan land use and zoning designations. Furthermore, based upon review and evaluation of the completed CAP Consistency Check List and the project is consistent with the applicable strategies and actions of the CAP. Therefore, the project is consistent with the assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets, and impacts from greenhouse gas emissions are considered less than significant. No mitigation is required.

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| b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project would not conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases. The project is consistent with the existing General Plan and Community Plan land use and zoning designations. Further based upon review And evaluation of the completed CAP Consistency Checklist for the project, the project is consistent with the applicable strategies and actions of the CAP. Therefore, the project is consistent with the assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets. Impacts would not occur and mitigation is not required.

VIII. HAZARDS AND HAZARDOUS MATERIALS

– Would the project:

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| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The City's Thresholds states that significant impacts may occur if a project proposes the handling, storage, and treatment of hazardous materials. Construction of the project would not require the use of hazardous materials and would not routinely transport, use or dispose of hazardous materials. Therefore, the trail would not create a significant hazard to the public or environment.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

See VIII a) no public health hazards have been associated with this project.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The City's Thresholds states that significant impacts may occur if a project proposes the handling, storage, and treatment of hazardous materials.

See VIII a) no public health hazards have been associated with this project.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See VIII(b) above for applicable City Threshold related to listed hazardous materials sites. Government Code 65962.5 stipulates that the Department of Toxic Substances Control (DTSC), the Department of Health Services (DHS), the State Water Resources Control Board (SWRCB), and any local enforcement agency, as designated by Section 18051, Title 14 of the California Code of Regulations (CCR), identify and update annually a list of sites that have been reported to have certain types of contamination. The SWRCB GeoTracker database and the DTSC EnviroStor database provide information on hazardous materials sites. GeoTracker is a database and geographic information system (GIS) that provides online access to environmental data. It tracks regulatory data about leaking underground storage tanks (LUSTs), Department of Defense, Spills-Leaks-Investigations-Cleanups, and landfill sites. EnviroStor is an online database search and GIS tool for identifying sites that have known contamination or sites where there may be reasons to investigate further. It also identifies facilities that are authorized to treat, store, dispose, or transfer hazardous waste.

There are no past uses that caused contamination or potential contaminants of concern listed for the site.

There would not be a significant hazard to the public or the environment related to listings on hazardous materials sites because the project site does not have any listings, and the listings within 1,000 feet of the site do not include active spills. The project site is not listed on any database compiled pursuant to Government Code Section 65962.5 and thus, no impact would occur.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The City's Thresholds state that a project may result in a significant impact if it is located in a designated airport influence area and where the FAA has reached a determination of "hazard" through FAA Form 7460-1, "Notice of Proposed Construction or Alteration", inconsistent with an ALUCP, within the boundaries of an ALP, or two nautical miles of a public or public use airport.

The project site is not located within the boundaries of an airport land use plan. The project is not located within the flight path or within airport overlay zones and therefore would not introduce any new features that would create a flight hazard.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project is not within the vicinity of a private airstrip. No impacts would occur.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The trail project is connecting into an existing trail system and would not interfere with any adopted emergency plans.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Since the project is not introducing habitable structures to the area the project would not have the potential to expose people and structures to a significant loss, injury or death from a wildland fire.

IX. HYDROLOGY AND WATER QUALITY

– Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would be required to remove some vegetation. However, the trail would be constructed along contours using trail Best Management Practices (BMPs) that would minimize future erosion

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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and trail maintenance. Standard BMPs would ensure that the project would not violate water quality standards or adversely affect any downstream resources within Ruffin Canyon.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The City's Thresholds state there may be significant impacts on hydrologic conditions and well-water supplies if a project would result in decreased aquifer recharge because the area available for aquifer recharge is reduced. In addition, if a project would result in extraction of water from an aquifer, impacts on hydrologic conditions would be significant if there would be a net deficit in the aquifer volume or a reduction in the local groundwater table. Lastly, projects which would create over 1.0 acres of impermeable hardscape in areas utilizing well-water and projects which would install groundwater extraction wells may result in significant impacts.

The project does not propose the use of groundwater. Furthermore, the project would not introduce a substantially large amount of new impervious surfaces over ground that could interfere with groundwater recharge. Therefore, the trail project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The City's Thresholds state that projects that would result in substantial changes to stream-flow velocities or quantities may result in a significant impact. Significant impacts may also occur to downstream properties and/or environmental resources if drainage patterns are changed.

The trail project is designed to augment and use the existing drainage features of the land. The overall drainage pattern would not be altered.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The City's Thresholds state that Significant impacts may occur to downstream properties and/or environmental resources if drainage patterns are changed and that if a project would result in increased flooding on- or off-site, there may be significant impacts on upstream or downstream properties and to environmental resources.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Please see IX.c. Since the project would not substantially alter the existing drainage patterns and would not introduce a large quantity of impermeable surfaces the rate of surface runoff would not be substantially increased.

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| e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Trail BMP's, and compliance with the City Stormwater Regulations would prevent or effectively minimize short-term construction and long-term runoff operational impacts. Therefore, the trail project would not contribute runoff water that would exceed the capacity of existing storm water systems.

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| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Conformance to BMPs for the project and compliance with the City's Stormwater Regulations would prevent or effectively minimize and preclude impacts to water quality.

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| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The City's Thresholds state that a project may have significant impacts if the project would impose flood hazards on other properties or if a project proposes to develop wholly or partially within the 100-year floodplain identified in the Federal Emergency Management Agency (FEMA) maps.

The project would construct a trail and no housing is being proposed.

No impacts would occur.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The City's Thresholds state that a project may have significant impacts if the project would impose flood hazards on other properties or if a project proposes to develop wholly or partially within the 100-year floodplain identified in the Federal Emergency Management Agency (FEMA) maps.

No structures are being proposed in a 100 year-flood hazard area and the trail project would not impede or redirect flood flows. No impacts would occur.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING

– Would the project:

- a) Physically divide an established community? ☐ ☐ ☐ ☒

The physical division of an established community typically refers to the construction of a linear feature, such as an interstate highway or railroad tracks, or removal of a means of access, such as a local road or bridge that would impact mobility within an existing community or between a community and outlying area. Implementation of the project would involve the development of trails within City owned open space. The trail is connecting into an existing trail system and could potentially connect divided communities. Therefore, the project would not physically divide an established community and no impacts would occur.

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? ☐ ☐ ☐ ☒

The City's Thresholds state that land use impacts would occur if a project would be inconsistent or conflict with the environmental goals, objectives, or guidelines of a community or general plan, an adopted land use designation or intensity. The trail plan project has been reviewed for consistency with applicable land use plans and was found to be consistent with both the Serra Mesa and Mission Valley community plans.

Furthermore, the trail plan has been prepared in response to Community interest in a trails plan that would connect the communities of Serra Mesa and Mission Valley. The Plan provides upland neighborhood connections for Serra Mesa and Mission Valley residents, connecting on the south end to an Urban Walk that would connect to the San Diego River, and provide improved connections to and within Ruffin Canyon Open Space. The existing Community Plans for Serra Mesa and Mission Valley date to 1977 and 1985, respectively. The Serra Mesa Community Plan Bikeway and Pedestrian Pathways map did not specifically identify trails the Open Space Area, however language does allow for hiking within open space. The Mission Valley Community Plan Pedestrian Circulation System map includes a northern connection to Ruffin Canyon as a "Major Pedestrian Path." In 2013 the San Diego River Conservancy and State Coastal Conservancy, in cooperation with the City of San Diego and local community groups conducted an Initial Study and MND for a trail alignment. Early in the environmental analysis and design process at that time, the proposed trail system consisted of two trails: the Ruffin Canyon Trail and the Sandroock Canyon Trail (the finger canyon west of the main Ruffin Canyon Trunk).

The two trails would have met at the junction of the two canyon drainages. Severe constraints were identified with the Sandroock Canyon Trails, including steep slopes, and property issues. The Sandroock Canyon finger is still not considered feasible at this time, and so not included in the Plan. The alignment considered at that time would have also rerouted a significant section of the upper Ruffin trail onto the western side slopes of the Open Space. Instead, this plan uses existing trail alignments and utility access paths in northern Ruffin, Taft, and Shawn finger.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project is consistent with land use plans and is being designed to address community concerns and goals. No impacts under this category would occur.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Refer to IV(e) and (f). The City is a participant in the MSCP, a comprehensive, long-term habitat conservation program designed to provide permit issuance authority for take of covered species to the local regulatory agencies. The MSCP is implemented in the City through the City's MSCP Subarea Plan (1997). Additionally, the project would conform to the City's MSCP Subarea Plan as discussed under Biological Resources section.

The majority of the proposed trail is located within the City of San Diego's Multiple Habitat Planning Area (MHPA). Pursuant to Section 1.4 of the City of San Diego MSCP Subarea Plan, passive recreation is considered 'conditionally compatible with the biological objectives of the MSCP' and therefore trails may be allowed within the MHPA. The proposed project would be in conformance with the City of San Diego MSCP Subarea Plan Land Use Adjacency Guidelines (Section 1.4.3) and General Management Directives (Section 1.5.2) for public access, trails and recreation, which are designed to minimize the effects of the proposed trail within the MHPA. The proposed project does not include plantings, lighting, drainage or toxic chemical sources, or brush management requirements; and allowed trail uses will not be excessively noisy. Public access will be directed to the trailhead through use of signs, and barriers will be installed along adjacent private properties to prohibit access. Considerable introduction of noise would be limited to the construction/widening phase: Habitat clearing shall occur outside of the California gnatcatcher breeding season (March 1-August 15). Nesting bird surveys would be conducted prior to any non-mechanized construction during the breeding season; if nests were observed, work would be rescheduled or redirected to other areas. The project would also implement the MSCP Land Use Adjacency Guidelines (LUAGs) and avoidance and minimization measures as a feature of the project. Adherence to the LUAGs would preclude impacts the MSCP.

XI. MINERAL RESOURCES

- Would the project:

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The area surrounding the project is not being used for the recovery of mineral resources. Similarly, the area surrounding the project site is not designated for the recovery of mineral resources on the City of San Diego General Plan Land Use Map. Therefore, the park project would not result in the loss of availability of a known mineral resource.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Refer to XI(a), above. The project area is not used for mineral extraction and is not known as a locally important mineral resource recovery site. Further, the project area is not delineated on any plan for mineral resource recovery uses. As such, no impacts would occur.

XII. NOISE

– Would the project result in:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The trail project does not have the capability of generating excessive amounts of noise. No noise ordinances would be exceeded.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Generation of excessive ground borne vibration or ground borne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Please see XII a.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Refer to response XI(a). The project would not result in a significant permanent noise increase. Impacts would not occur.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Refer to response XI(a). The project would not result in a significant temporary or periodic noise increase. Impacts would be less than significant.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The proposed project is not located within the boundaries of an existing airport land use plan and therefore the project could not expose people residing or working in the project area to excessive noise levels beyond those associated with the existing conditions.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project is not located within the vicinity of a private airstrip. No impacts would occur.

XIII. POPULATION AND HOUSING

– Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would construct a hiking trail on City-owned open space. The project would not extend any existing roadways into an undeveloped area or introduce any new roadways that could induce growth. Therefore, the project would not induce substantial population growth.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project would develop a trail plan and would not remove and would not result in the displacement of any existing housing, or otherwise affect existing housing in any way that would necessitate the construction of replacement housing.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Refer to XII(a) above. No impacts would occur.

XIV. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

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|--------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Fire protection | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Since the trail project would not result in population growth the project would not trigger the need to construct or alter governmental facilities including fire protection facilities

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|-----------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| ii) Police protection | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project would not physically alter any police protection facilities. The construction of a trail would not trigger the need to construct or alter police protection facilities.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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iii) Schools	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not trigger the need to physically alter any schools. Additionally, the project would not include construction of future housing or induce growth that could increase demand for schools in the area.

iv) Parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project involves the construction of a trail and would not require the construction of new parks.

v) Other public facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The trail would not increase the demand for electricity, gas, or other public facilities.

XV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The trail project would connect into an existing trail system which would provide connection to two different communities. No deterioration of recreation facilities would occur.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See XV(a). The proposed project does not involve or require the construction or expansion of recreational facilities. Therefore, no impacts would occur.

XVI. TRANSPORTATION/TRAFFIC

– Would the project or plan/policy:

a) Conflict with an adopted program, plan, ordinance, or policy addressing the transportation system, including transit, roadways, bicycle and pedestrian facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not have the scope or scale that would introduce a substantial amount of vehicle trips into the area. Therefore, no conflicts with circulation systems would occur.

b) Would the project or plan/policy result in VMT exceeding thresholds identified in the City of San Diego Transportation Study Manual.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The proposed project is the development of a trail plan and would not result in VMT exceeding thresholds identified in the City of San Diego Transportation Study Manual.

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| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The trail project was designed to meet City design standards and, therefore, would meet existing levels of safety.

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| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project does not have the scope or scale that would affect any emergency access areas.

XVII. TRIBAL CULTURAL RESOURCES

– Would the project a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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As detailed in Section V(b) of this IS/MND, the project region is known to have cultural significance for the Kumeyaay and Mission people. An archaeological survey was conducted, and no cultural resources were identified within the project area during the field investigation of the site.

The Lipay Nation of Santa Ysabel, Jamul Indian Village and the San Pasqual Band of Mission Indians all requested consultation pursuant to Public Resources Code Section 21080.3.1. The City of San Diego sent notification to these three Native American Tribes on December 1, 2020. No responses were received within the 30-day period to request consultation and additional information.

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| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Refer to XVIII(a) above. Tribal Cultural Resources were not identified through the consultation process and the City and impacts to significant resource would not occur.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVIII. UTILITIES AND SERVICE SYSTEMS

– Would the project:

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| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The trail project is expected to result in very little wastewater and would not exceed the requirements of the Regional Water Quality Control Board.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Require or result in the construction of new water or wastewater treatment or storm water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Adequate services are available to serve the project. Impacts would not occur.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not result in a substantial increase in impervious surface area and would not result in substantial quantities of runoff which would require new or expanded treatment facilities. Therefore, the proposed project would not require the construction of new storm water drainage facilities or expansion of existing facilities.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not require a substantial need for water resources and consumption would be minimal therefore the trail would not impact existing water supplies.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not generate wastewater and, therefore, would not impact existing wastewater treatment provider.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Construction of the project would likely generate minimal waste associated with construction activities. Operation of the project would generate minimal solid waste associated with this category and, therefore, would not affect the permitted capacity of the landfill serve the project area

g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Refer to XVIII(f), above. By incorporating the waste reduction, recycling, and diversion measures outlined in the project's WMP, the project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, including but not limited to the State of California Integrated Waste management Act, the City of San Diego's CEQA Significance Determination Thresholds, and the City of San Diego's Refuse and Recyclable Materials Storage Ordinance. Impacts would be less than significant.

XX. WILDFIRE – Would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The City of San Diego participates in the San Diego County Multi-Jurisdictional Hazard Mitigation Plan. The project complies with the General Plan and is consistent with the La Jolla Community Plan's land use and the Land Development Code's zoning designation. The project is within a natural canyon system but surrounded by an urbanized area of San Diego and construction of trail to an existing trail would not disrupt any emergency evacuation routes as identified in the Hazard Mitigation Plan. Therefore, the project would have a less-than-significant impact on an emergency response and evacuation plan during construction and operation.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The proposed trail project is within a naturalized area. Due to the location of the project, there would be limited potential to expose occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. Therefore, impacts would remain below a level of significance.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project would install a trail system and no new construction of roads, fuel breaks, emergency water sources, power lines, or other utilities would be constructed that would exacerbate fire risk, therefore impacts would be less-than significant.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Refer to response XX (b) above. Additionally, the project would comply with the City's appropriate Best Management Practices (BMP) for drainage and would not expose people or structures to significant risks as a result of run-off, post-fire slope instability, or drainage changes. Therefore, less than-significant impact would result.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIX. MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

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Potentially significant impacts to the environment resulting from the proposed project have been identified for the areas of biological resources and cultural resources. The project would not substantially degrade the quality of the environment, cause fish or wildlife populations to drop below self-sustaining levels or threaten to eliminate a plant or animal community. The project has the potential to cause direct and indirect impacts to sensitive vegetation communities, including to on-site sensitive vegetation and adjacent sensitive wetland and upland habitat. Impacts would be reduced to below a level of significance through the implementation of mitigation measures.

The project is not expected to impact resources related to major periods of California history or prehistory. Based on the cultural sensitivity of the project region, however, the project would have the potential to impact unknown subsurface cultural and tribal cultural resources if the undeveloped portion of the project site would be disturbed. However, with implementation of mitigation measure CUL-1, impacts to cultural resources and tribal cultural resources would be less than significant.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

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Cumulative environmental impacts are those impacts that by themselves are not significant, but when considered with impacts occurring from other projects in the vicinity would result in a cumulative impact. Related projects considered to have the potential of creating cumulative impacts in association with the project consist of projects that are reasonably foreseeable and that would be constructed or operated during the life of the project. The project would be in a developed area that is largely built out. No other construction projects are anticipated in the immediate area of the project.

and emissions of criteria pollutants and precursors related to implementation of the project would not be cumulatively considerable. Similarly, the project would have a less than significant impact in

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The Archeological Report prepared for the project did not identify any known resources). However, impacts related to cultural resources were conservatively determined to be potentially significant if, yet unknown and unanticipated resources are unearthed during clearing and grading activities. With implementation of CUL-1, impacts related to cultural resources would be less than significant, and the project would not result in a cumulatively considerable impact to cultural resources.

Other future projects within the surrounding area would be required to comply with applicable local, state, and federal regulations to reduce potential impacts to less than significant, or to the extent possible. As such, the project is not anticipated to contribute to potentially significant cumulative environmental impacts. Project cumulative impacts would be less than significant.

- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

The air quality analysis summarized in Section III, Air Quality of this IS/MND identified that the Project would not have significant impacts in relation to toxic air contaminants and other air quality health concerns. Other issue areas that could potentially create substantial adverse effects on human beings such as hazardous materials or waste, risk of fire or floods, and construction and operational noise were also determined to be less than significant. Thus, as evidenced by the Initial Study Checklist, no other substantial adverse effects on human beings, either indirectly or directly, would occur because of project implementation.

INITIAL STUDY CHECKLIST REFERENCES

I. Aesthetics / Neighborhood Character

- ☒ City of San Diego General Plan
- ☒ Community Plan: Kearny Mesa Community Plan
- ☒ Other: California State Scenic Highway Mapping System

II. Agricultural Resources & Forest Resources

- ☐ City of San Diego General Plan
- ☐ U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973
- ☐ California Agricultural Land Evaluation and Site Assessment Model (1997)
- ☐ Site Specific Report:
- ☒ Other:
 - California Department of Conservation. 2016. California Important Farmland Finder.

III. Air Quality

- ☐ California Clean Air Act Guidelines (Indirect Source Control Programs) 1990
- ☒ Regional Air Quality Strategies (RAQS) - APCD
- ☐ Site Specific Report:
- ☐ Other:

IV. Biology

- ☒ City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997
- ☐ City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" Maps, 1996
- ☒ City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997
- ☐ Community Plan – Kearny Mesa Community Plan
- ☐ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001
- ☐ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001
- ☐ City of San Diego Land Development Code Biology Guidelines
- ☒ Site Specific Report: biological letter report (City of San Diego, Parks and Recreation, Doug Allen Biologist III June 2019, revised May 2021)

V. Cultural Resources (includes Historical Resources)

- ☐ City of San Diego Historical Resources Guidelines
- ☐ City of San Diego Archaeology Library
- ☐ Historical Resources Board List
- ☐ Community Historical Survey
- ☒ Site Specific Report:
- ☒ Other: (LSA, February 2019)

VI. Geology/Soils

- ☒ City of San Diego Seismic Safety Study
- ☐ U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975
- ☐ Site Specific Report:
- ☒ Other: City of San Diego General Plan

VII. Greenhouse Gas Emissions

- ☒ Site Specific Report: Climate Action Plan Consistency Checklist.

VIII. Hazards and Hazardous Materials

- ☐ San Diego County Hazardous Materials Environmental Assessment Listing
- ☐ San Diego County Hazardous Materials Management Division
- ☐ FAA Determination
- ☐ State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized
- ☐ Airport Land Use Compatibility Plan – MCAS Miramar; Montgomery Field
- ☐ Site Specific Report:
- ☒ Other: City of San Diego Fire-Rescue Department. 2009. Official Very High Fire Hazard Severity Zone Map. Grid Tile: 28. February 24.

IX. Hydrology/Drainage

- ☒ Flood Insurance Rate Map (FIRM)
- ☐ Federal Emergency Management Agency (FEMA), National Flood Insurance Program-Flood Boundary and Floodway Map
- ☐ Clean Water Act Section 303(b) list, http://www.swrcb.ca.gov/tmdl/303d_lists.html
- ☐ Site Specific Report:

X. Land Use and Planning

- ☐ City of San Diego General Plan
- ☒ Community Plan: Serra Mesa and Mission Valley
- ☐ Airport Land Use Compatibility Plan
- ☒ City of San Diego Zoning Maps
- ☐ FAA Determination:
- ☐ Other Plans:

XI. Mineral Resources

- ☐ California Department of Conservation - Division of Mines and Geology, Mineral Land Classification
- ☐ Division of Mines and Geology, Special Report 153 - Significant Resources Maps
- ☒ City of San Diego General Plan: Conservation Element
- ☐ Site Specific Report:

XII. Noise

- ☒ City of San Diego General Plan
- ☒ Community Plan: Uptown
- ☐ San Diego International Airport - Lindbergh Field CNEL Maps
- ☐ Brown Field Airport Master Plan CNEL Maps
- ☐ Montgomery Field CNEL Maps
- ☐ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes
- ☐ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG
- ☐ Site Specific Reports:

XIII. Paleontological Resources

- ☒ City of San Diego Paleontological Guidelines
- ☐ Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996
- ☐ Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," *California Division of Mines and Geology Bulletin* 200, Sacramento, 1975
- ☐ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977
- ☐ Site Specific Report:

XIV. Population / Housing

- ☐ City of San Diego General Plan
- ☐ Community Plan
- ☐ Series 11/Series 12 Population Forecasts, SANDAG
- ☐ Other:

XV. Public Services

- ☐ City of San Diego General Plan
- ☐ Community Plan

XVI. Recreational Resources

- ☐ City of San Diego General Plan
- ☐ Community Plan
- ☐ Department of Park and Recreation
- ☐ City of San Diego - San Diego Regional Bicycling Map
- ☐ Additional Resources:

XVII. Transportation / Circulation

- ☒ City of San Diego General Plan
- ☒ Community Plan: Mission Valley and Serra Mesa
- ☐ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG
- ☐ San Diego Region Weekday Traffic Volumes, SANDAG
- ☐ Site Specific Report:
- ☐ Other:

XVIII. Utilities

- ☐ Site Specific Report:

XIX. Water Conservation

- ☐ Sunset Magazine, *New Western Garden Book*, Rev. ed. Menlo Park, CA: Sunset Magazine

XX. Water Quality

- ☐ Clean Water Act Section 303(b) list, http://www.swrcb.ca.gov/tmdl/303d_lists.html.
- ☐ Site Specific Report:

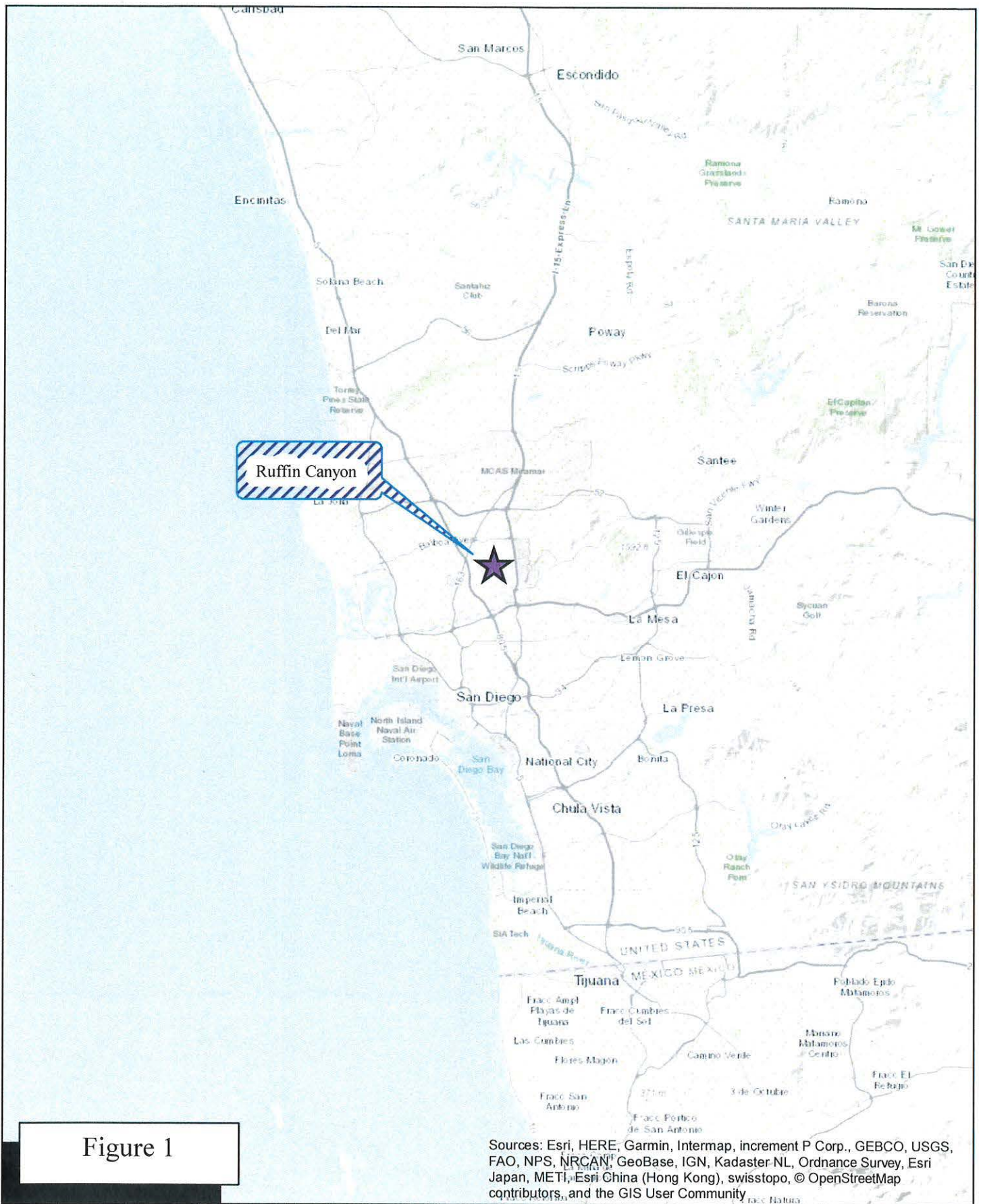




Figure 2 – Trails Plan (Project)

0 250 500 1,000 Feet

The City of
SAN DIEGO

- Drainage crossing
- Existing Trail (Category 1)
- New Trail Alignment (Category 2)
- - Both Existing Trail Cat 1 and Utility Access Path
- Utility Access Road

- MHPA
- City Open Space
- Escala HOA
- San Diego Unified School District

