

(R-91-623)

RESOLUTION NUMBER R-276491

ADOPTED ON SEPTEMBER 10, 1990

WHEREAS, on April 4, 1988, the Water Utilities Department submitted an application to the Planning Department for a Sensitive Coastal Resources Permit; and

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

WHEREAS, the issue was heard by the City Council on September 10, 1990; and

WHEREAS, the City Council of The City of San Diego considered the issues discussed in Environmental Impact Report No. 88-0495; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified, that Environmental Impact Report No. 88-0495 in connection with Sensitive Coastal Resource Permit No. 90-0151, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto, (California Administrative Code Section 15000 et seq.), and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by this Council.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code Section 21081 and Administrative Code Section

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15091, the City Council hereby adopts the Findings made with respect to the project, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code, Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: JOHN W. WITT, City Attorney

By


Rudolf Hradecky
Deputy City Attorney

RH:ps
11/14/90 COR.COPY
Or.Dept:Clerk
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FINDINGS

The California Environmental Quality Act (CEQA), Public Resources code Section 21081, and the State CEQA Guidelines, Section 15091, require that no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been completed which identifies one or more significant effects thereof unless such public agency makes one or more of the following findings:

1. Changes or alterations have been required in, or incorporated into, such project which mitigate or avoid the significant environmental effects thereto as identified in the Final EIR;
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency;
3. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

These findings have been submitted by the project applicant as candidate findings to be made by the decision-making body. The Development and Environmental Planning Division does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter.

CANDIDATE FINDINGS

FOR THE UTILITY IMPROVEMENTS PROJECT WHICH INVOLVES A SENSITIVE COASTAL RESOURCE PERMIT AND COUNCIL APPROVAL OF THE FOLLOWING CAPITAL IMPROVEMENT PROJECTS: 1) RECONSTRUCTION OF PUMP STATION NO. 65 AND CONSTRUCTION OF A NEW FORCE MAIN (CIP NO. 46-117); 2) ABANDONMENT OF THE EXISTING GRAVITY SEWER LINES AND CONSTRUCTION OF NEW SEWER LINES (CIP NO. 46-122); AND 3) ABANDONMENT OF AN EXISTING WATERLINE AND CONSTRUCTION OF A NEW WATERLINE (CIP NO. 70-910). (DEP NO. 88-0495), (SCH NO. 88113009).

The following Findings are made relative to conclusions contained in the Final EIR entitled, Sorrento Valley Road and Utilities Improvements Project in the City of San Diego, (DEP No. 88-0495). These Findings have been prepared pursuant to Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines.

FINDINGS

A. The City Council, having reviewed and considered the information contained in the Final EIR for the project and the public record, finds that, pursuant to CEQA and the Guidelines, the following changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR resulting from impacts to biological, archaeological, and paleontological resources.

Specifically:

1. Biology

Impact

The proposed project site is in the eastern portion of Los Peñasquitos Lagoon. Biological surveys were conducted by Affinis and Pacific Southwest Biological Services for this phase of the project and the results of those surveys are summarized on pages 4-23 through 4-50 of the final EIR. The complete biological resources technical report was prepared by Affinis, and is contained in Appendix B to the Final EIR.

Construction of Pump Station No. 65 would permanently impact approximately 0.98 acres of salt marsh vegetation. The northerly knoll, east of the existing Sorrento Valley Road, would be graded prior to construction. This area would be used as the construction staging area. A 50-foot wide corridor would be disturbed during construction of the utility lines. Construction of the new utility lines would require dewatering of the trench where the lines would be installed. Any discharge of pollutants into surface water would require an NPDES permit, issued by the Regional Water Quality Control Board (RWQCB).

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Finding

The potentially significant impacts listed above can be mitigated below levels of significance by implementing the following mitigation measures which shall be incorporated into the construction plans and specifications and the Mitigation Monitoring and Reporting Program: (1) the utilities within the road/"berm" will be abandoned in place and the berm will be revegetated; (2) the former pump station site and portions of the access road shall be vegetated; and (3) the old Carmel Valley Road remaining in the lagoon shall be removed and revegetated. These areas would provide 2.44 acres of revegetated salt marsh on site. This would result in a replacement ratio for the permanently impacted salt marsh vegetation of approximately 2.5:1. As a result, there would be a net gain of wetlands habitat. In addition, a detailed Wetlands Revegetation Plan for the impact area would be required as a mitigation measure. Revegetation shall occur concurrently with project implementation. Implementation shall be the responsibility of the Water Utilities Department. The Water Utilities Department shall provide verification that a qualified biologist has been retained to serve as the project biologist. The project biologist shall attend the pre-grading meeting to consult with the grading and excavating contractors. The project biologist's duties shall encompass three elements: (1) preparing a detailed Wetlands Mitigation Plan; (2) assisting a landscape architect in the preparation of landscape working drawings; and (3) monitoring, maintenance and reporting for a 5-year period. This Plan shall have specific performance standards, criteria, and contingencies. Neither CEQA nor the State CEQA Guidelines require the use of any specified ratios to mitigate potentially significant impacts to biological resources.

2. Archaeology

Impact

Archaeology resource surveys of the project were conducted by Affinis and ASM Affiliates Inc. The technical report analyzing the archaeology/cultural resources associated with this project is included as Appendix C to the Final EIR.

Project Implementation would impact one non-significant archaeological site, SDi-1103 (SDM-W-22). In addition, archaeological site SDi-4647 (SDM-W-316) appears to have been destroyed by prior development along Sorrento Valley Road; however, portions of that site may remain buried beneath the roadway. If portions of the archaeological site remain, then the site would be subject to direct impacts from the utility improvements.

Finding

Project implementation would impact one non-significant archaeological site, SDi-1103 (SDM-W-22). However, due to the high probability that subsurface cultural features may exist in association with SDi-1103, all ground disturbance activities to the archaeological site shall be

monitored by a qualified archaeologist. If buried cultural features are discovered, the archaeologist shall have the authority to temporarily halt, direct or divert any ground disturbance operation in the area of discovery only, while a modified data recovery program is carried out. Due to the possibility that portions of site SDi-4647 may also still exist beneath the existing Sorrento Valley Road, construction grading and trenching of the section of road in the southern portion of the right-of-way, where remnants of the site would most likely be present, shall be monitored to determine whether any portion of SDi-4647 exists under the road. If remnants of the site are found, grading shall be halted in that area and an evaluation of importance shall be conducted, following consultation with the City Planning Department. The loss of any important archaeological resources shall be mitigated by implementation of an approved research design and data recovery program. Implementation of these measures shall be the responsibility of the Water Utilities Department, in consultation with the Planning Department. Implementation of these mitigation measures will reduce the potential for significant project impacts to below a level of significance.

3. Paleontology

Impact

An assessment of the paleontological resources located within the project site was conducted by Tom Demere of Paleo Services. The paleontology report is contained in Appendix D to the Final EIR.

The proposed realignment for the utility improvements traverses an area underlain by geological formations with potential for containing fossil resources. Construction activities would cut into the small ridge midway along the proposed right-of-way. This area of the Bay Point formation could potentially contain paleontological resources. Realignment would also alter the existing road cuts at the southern end of the right-of-way where the Delmar Formation is exposed. Impacts would occur when earth moving activities cut into fossil-burying layers of the Delmar Formation, and therefore could result in significant impacts.

Finding

A qualified paleontologist shall be at any pre-construction meetings to consult with the grading and excavation contractors, and a paleontological monitor shall be on-site during cutting of the undisturbed Bay Point Formation and Delmar Formation. In the event that well-preserved fossils are discovered, the paleontologist or paleontological monitor shall be allowed to temporarily direct, divert or halt grading to allow recovery of fossil remains. Fossils collected shall be cleaned, sorted and catalogued and deposited in a scientific institution with paleontological collections.

4. Cumulative

Impact

Several other major public facility improvements have been proposed in the immediate project vicinity, including: 1) the I-5/805 widening project; 2) the realignment and widening of El Camino Real south of Carmel Valley Road and east of the I-5/805 freeways; 3) the future extension of the San Diego Trolley (east of the proposed widened right-of-way on I-5 through the Sorrento Hills community); 4) the conversion of a 1.8-mile section of Carmel Valley Road east of I-5 to a 6-lane freeway (State Route 56 West); and 5) the Carmel Valley Restoration and Enhancement Project (CVREP) east of I-5, proposed to provide restoration of Carmel Creek upstream of Los Penasquitos Lagoon. This project would result in permanent impacts to approximately 0.98 acres of wetlands vegetation for construction of Pump Station No. 65. When combined with wetlands impacts of the separate I-5/805 widening project, which involves a shading of 0.4 acres of wetlands, a total of approximately 1.38 acres of wetlands would be impacted along the eastern fringe of Los Penasquitos Lagoon. This overall impact on biological resources is considered to be a cumulative impact. Regarding archaeological resources, this project and the separate I-5/805 widening project would impact archaeological site, SDi-1103 (SDM-W-22). The final EIR for this project did not identify any cumulative hydrologic or water quality impacts. This is because all utility lines will be underground and construction of Pump Station No. 65 will not increase run-off or affect water quality. There are no other significant cumulative impacts associated with this project.

Finding

Mitigation of the wetlands impacts have been provided for this project (utilities improvements) as discussed under Section 1 of these findings. The wetlands impacts estimated to result from the other facility improvement projects (I-5/805 widening project, SR56 West, CVREP, etc.) will be mitigated in CVREP. Additional required enhancement, for these other projects associated with the North City Local Coast Program, will be off-site within the San Dieguito River Valley Regional Open Space Park. The wetlands impacts estimated to result from the Trolley alignment have been calculated and no mitigation credit for these areas are included in CVREP. Specific alignment for the Trolley and any required mitigation will be addressed in a separate environmental document which will be prepared by a separate agency. No mitigation areas needed for this project are included in any of the other projects in the area. Each of the other projects have separate lead agencies, environmental documents, mitigation requirements, and discretionary actions and permits. In addition, the I-5/805 widening and SR56 West/CVREP/Plan Amendments were acknowledged in the design and review of this project. CVREP, an upstream conservation/enhancement project east of I-5, was also recognized in the proposed design of the creek crossing for the relocated Sorrento Valley Road, west of I-5. Separate environmental documents have been prepared for the I-5/805 project, the SR56 West

project/CVREP/Plan Amendments projects and the El Camino Real project. These are all independent projects, in that each is proposed to be constructed independently of whether any of the other projects are approved. In response to comments on the draft EIR, the project applicants have further addressed the cumulative impacts of this project in a revised Cumulative Impacts discussion contained in Section IV of the Final EIR.

5. Project Alternatives

Impact

a. The "No Project" Alternative

Impacts to biological, archaeological and paleontological resources would be avoided. However, implementation of the "No Project" alternative would be a violation of the pending Cease and Desist Order of the Regional Water Quality Control Board and the Consent Decree (USA vs. City of San Diego, Case No. 88-1101-B Secondary Treatment Decree), requiring new water related facilities to be in place by December 1993. Leaving the existing pump station and utility lines within the Los Penasquitos Lagoon would not relieve the existing wet weather access problems to the pump station, would not provide for projected sewage flows, and would result in the continued potential for sewer spills into Los Penasquitos Lagoon.

b. Other Alternatives

Alternative 1: Construct Sewer Line and Relocate Pump Station No. 65 Only

This alternative would meet the requirements of the pending Cease and Desist Order of the Regional Water Quality Control Board and the above referenced Consent Decree. Approximately 0.98 acres of poor quality salt marsh habitat would be permanently impacted and approximately 2.44 acres of additional wetland habitat would be revegetated, consisting of the abandoned pump station, access road, and sewer "berms." Impacts to paleontological resources and archaeological site, SDi-1103 would also occur. However, implementation of this alternative only would not provide for an improved road design or accommodate existing or future traffic volumes.

Alternative 2: Alternative Pump Station Location and Capacities

Several alternative pump station locations were investigated but did not meet engineering or access requirements. Associated impacts to biological and cultural resources would also occur. Reduced capacities would not provide for the projected growth within the service area.

One of these alternatives included moving the pump station completely out of the lagoon by substantially grading into the hill on the southern end of the alignment. Although this alternative would

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eliminate permanent impacts to 0.98 acres of wetland habitat, other impacts to archaeological and visual resources would occur due to additional grading of the hill.

Furthermore, a substantial amount of time would be necessary to acquire the land necessary to perform the grading for this alternative. The RWQCB pending Cease and Desist Order and aforementioned Consent Decree to construct or rehabilitate Pump Station No. 65 by December 31, 1993, would not be met. Lastly, there would be an inordinate amount of fill produced which would require costly off-site disposal.

Alternative 3: Alternative Force Main Route

Two possible alignments were analyzed during the preliminary design stage. One was the proposed alignment and the other was an alignment which would parallel the existing lines within the Los Penasquitos Lagoon. The other would have resulted in additional wetland impacts and would be more costly. Other impacts to archaeological and paleontological resources would remain.

Alternative 4: Alternative Sewer Line Routes

Constructing a new sewer line through the lagoon would cause further degradation of the wetlands. Vehicles, excavation, and other construction activities within the Los Penasquitos Lagoon would cause the temporary loss of an additional seven acres of wetland habitat. A new "berm" and road would be required in order to maintain the facilities. Other impacts to archaeological and paleontological resources would remain.

Constructing the sewer line within the existing Sorrento Valley Road would result in a temporary 18-month road closure. This would further complicate known traffic congestion problems in the area. In addition, increased costs would be associated with constructing the pipeline around the road curves due to shorter pipe lengths required and would increase the risk of infiltration of groundwater.

Therefore, for various reasons, as discussed, each of these alternatives were considered to be infeasible. Other issues such as biological, visual and air quality impacts, operational problems, costs and safety hazards would be deemed significant. The impacts to archaeology and paleontology resources would remain the same.

In summary, while one impact to a particular resource could be reduced or avoided, other impacts to other resources were increased or there were engineering problems and substantial costs that would be incurred.

Further, the City Council finds that a good faith effort has been made to incorporate alternatives into the preparation for the Final EIR and all reasonable alternatives were considered in the review process.

B. The City Council, having reviewed and considered the information contained in the Final EIR for the project and public record, finds that there are no changes or alternations to the project which avoid or substantially lessen the significant environmental impacts that are within the jurisdiction and responsibility of other public agencies such as California Coastal Commission, U.S. Army Corps of Engineer, and the California Department of Fish and Game, and such changes or alterations have been adopted or can and should be adopted by such other agency.

C. The City Council, having reviewed and considered the information contained in the Final EIR for the project and the public record, finds there are specific economic, social, or other considerations which make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Revised: June 5, 1990
Revised: July 23, 1990
Revised: July 30, 1990
Revised: September 10, 1990

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SEP 10 1990

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Maureen O'Connor*, Deputy.

Office of the City Clerk, San Diego, California

Resolution **R-276491** SEP 10 1990
 Number Adopted.....