

(R-91-624)

RESOLUTION NUMBER R-276492

ADOPTED ON SEPTEMBER 10, 1990

WHEREAS, The City of San Diego Water Utilities Department appealed the decision of the Planning Commission in denying Sensitive Coastal Resource Permit No. 90-0151 (Sorrento Valley Utility Improvement) for Capital Improvement Projects located along the eastern edge of Los Penasquitos Lagoon within the Torrey Pines Community Planning area and the North City Local Coastal Program; and

WHEREAS, the matter was set for public hearing on September 10, 1990, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Sensitive Coastal Resource Permit 90-0151:

1. The existing pump station and utility lines are located such that continuous maintenance and disturbance of the wetland habitat in Los Penasquitos Lagoon is required. The proposed project will relocate the pump station and utility lines along the westerly boundary of the existing Sorrento Valley Road such that access to the pump station and maintenance of the facility will not require disturbance of the wetland. The proposal also includes abandonment of existing facilities which will provide

RECEIVED  
CITY CLERK'S OFFICE  
92 JAN 28 AM 8:56  
SAN DIEGO, CALIF.

*ck*

enhanced and additional areas of wetland habitat. Therefore, the proposed development is sited, designed and will be constructed to minimize adverse impacts to sensitive coastal resources and environmentally sensitive areas.

2. The project proposes to relocate an existing pump station, force main and sewer and water lines located in the Los Penasquitos Lagoon. The proposed project will not affect nor encroach upon any existing physical accessway or obstruct views to or along the ocean or other scenic coastal area from any public vantage point.

3. The proposed project will relocate an existing pump station and construct a force main, sewer and water lines adjacent to the existing Sorrento Valley Road. No significant alteration of natural landform, geologic, erosional, flood or fire hazard will result from this project.

4. The proposed project will relocate an existing utility system and will not contribute to erosion of public beaches or adversely impact local shoreline sand supply.

5. The proposed project will relocate and upgrade an existing utility system which is inadequate to serve the planned development in the area. The existing facility has contributed to environmentally damaging conditions in the Los Penasquitos Lagoon due to deteriorated equipment and an inability to service the facility. The proposed project will upgrade the facility and provide the needed capacity to service the planned development in the area. The project will remove deteriorated pump station and abandon existing water and sewer pipelines in the middle of the lagoon and locate the new facilities adjacent to the existing

Sorrento Valley Road to minimize the impacts to the Los Penasquitos Lagoon. Therefore, the proposed development will not adversely affect the General Plan, the North City Local Coastal Plan, the Torrey Pines Community Plan, or the Los Penasquitos Lagoon Enhancement Plan.

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

BE IT FURTHER RESOLVED, that the appeal of The City of San Diego Water Utilities Department is granted, the decision of the Planning Commission is overruled, and Sensitive Coastal Resource Permit 90-0151 is hereby granted to The City of San Diego Water Utilities Department under the terms and conditions set forth in the permit attached hereto and made a part hereof, with the following provisos:

A. the pump station site will be moved 300 feet south of the originally proposed location and the length of the access route reduced 80 feet;

B. the disturbed areas of the lagoon adjacent to the pump station will be restored and revegetated;

C. the alignment of the trunk sewer shall lie west of the existing Sorrento Valley Road from the intersection of Carmel Valley Road to the proposed bridge on Sorrento Valley Road. The two proposed manholes on the trunk sewer will be constructed adjacent to the east side of the existing Sorrento Valley Road;

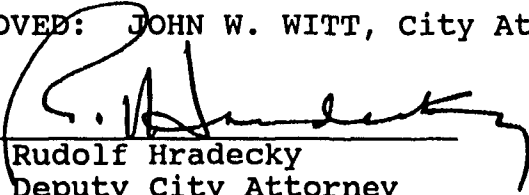
D. the Water Utilities Department will remove, restore, and revegetate the Old Carmel Valley Road that remains in the Carmel Valley area; and

E. all abandoned manholes shall be removed from the lagoon and the area be restored and revegetated.

BE IT FURTHER RESOLVED, that the City Manager and the City Planning Director are hereby directed to implement a reporting and monitoring program pursuant to Public Resources Code Section 21081.6 for the changes to the project which have been adopted or made a condition of project approval in order to mitigate or avoid any significant effects on the environment.

APPROVED: JOHN W. WITT, City Attorney

By

  
Rudolf Hradecky  
Deputy City Attorney

RH:ps  
10/10/90  
01/27/92 COR.COPY  
Or.Dept:Clerk  
R-91-624  
Form=r-t

SENSITIVE COASTAL RESOURCE NO. 90-0151  
SORRENTO VALLEY UTILITY IMPROVEMENT

CITY COUNCIL

This Sensitive Coastal Resource Permit is granted by the City Council of the City of San Diego to THE CITY OF SAN DIEGO, WATER UTILITIES DEPARTMENT, Permittee, pursuant to Section 105.0200 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Permittee to construct and relocate Pump Station No. 65, construct a new force main, construct new and abandon old sewer and water lines.
2. Prior to the approval of construction plans and specifications by the City Council the following shall occur:
  - a. The Permittee signs and returns the permit to the Planning Department; and
  - b. The Sensitive Coastal Resource Permit is recorded in the office of the County Recorder.
3. Prior to approval of construction plans and specifications by City Council, these plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated September 10, 1990, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit has have been granted.
4. Prior to approval of construction plans and specifications, complete landscape plans, including a permanent (supplemental) and/or temporary (25 month minimum) irrigation system, (a separate drip or micro irrigation system shall be provided for container stock) shall be submitted to the Planning Director for approval. The Plans shall be in substantial conformity to Exhibit "A," dated September 10, 1990, on file in the office of the Planning Department. In addition, the following condition shall be included in the approved construction plans and specifications:
  - a. Prior to project completion, the Planning Department shall perform field inspection and monitoring to assure substantial conformance to Exhibit "A," and the Landscape Technical Manual; and
  - b. All Landscape and Irrigation shall conform to the City of San Diego Landscape Technical Manual and all other applicable City and Regional standards for landscape installation and maintenance.

R- 276492

5. Prior to approval of construction plans and specifications by City Council, the following approvals shall be obtained:

- a. Coastal Development Permit from the California State Coastal Commission;
- b. Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers;
- c. Streambed Alteration/"Section 1601 Permit from the California Department of Fish and Game; and
- d. Dewatering Permit from the Regional Water Quality Control Board.

A copy of the approved permit and plans for each approval listed, shall be submitted to the Planning Director for review. The Planning Director shall determine if the approvals are in substantial conformance with this Sensitive Resource Permit No. 90-0151.

6. The construction plans and specifications shall provide a note on the grading sheet which provides for the following erosion control measures:

- a. Grading plans shall be designed to assure that there will be no increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years (the "six-hour, ten-year design storm). Runoff control shall be accomplished[ by establishing either on-site or on suitable nearby locations, catchment basins, detention basins, and siltation traps along with energy dissipating measures at the terminus of storm drains, or other similar means of equal or greater effectiveness.
- b. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed in conjunction with the initial grading operations and maintained through the development process as necessary to remove sediment from runoff waters draining from the land undergoing development. Areas disturbed but not competed prior to November 15 including graded pads such as construction staging areas and stockpiles, shall be suitably prepared to prevent excessive soil loss during the late fall and winter seasons. All graded slopes shall be stabilized prior to November 15, by

means of native vegetation, if feasible, or by other suitable means. The use of vegetation as a means to control site erosion shall be accomplished pursuant to plans and specifications prepared by a licensed landscape architect or other qualified professional. Erosion control utilizing vegetation may include but is not limited to, seeding, mulching, fertilization, and irrigation within sufficient time prior to November 15 to provide landscape coverage that is adequate to achieve the provisions of this policy. Temporary erosion control measures shall include the use of berms, interceptor ditches, sandbagging, hay bales, filtered inlets, debris basins, silt traps, or other similar means of equal or greater effectiveness. From November 15 to March 31, grading may be permitted provided the applicant conforms to the requirements of subsection C and submits monthly documentation within two weeks following the end of the preceding month to the City Engineer of the condition of the erosion control procedures for graded pads, slopes and stockpiles whenever precipitation during the month exceeds two (2) inches.

- c. From November 15 to March 31, grading may occur in phased increments as determined by the City Engineer provided all of the following requirements have been met:
- 1) The increments shall be limited to those areas that have been prepared to control the effects of soil erosion. Control measures, such as sedimentation basins, detention basins and other facilities, shall be scheduled and placed in a sequence that shall minimize and control the off-site transportation of sediments. Such erosion control measures shall be installed for such increments prior to commencing any grading that would be performed during the period between November 15 and March 31.
  - 2) Detention basins and other control measures employed shall be designed to assure that there will be no increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years (the "six-hour, ten-year" design storm).

R- 276492



7. The property included within this Sensitive Coastal Resource shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by the City of San Diego.

8. This Sensitive Coastal Resource Permit may be cancelled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City of San Diego or Permittee.

9. Unless appealed this Sensitive Coastal Resource shall become effective on the tenth working day following receipt by the Coastal Commission of the Notice of Final Action.

10. This Sensitive Coastal Resource Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors and the interest of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

11. This Sensitive Coastal Resource Permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted as set forth in Section 105.0216 of the Municipal Code.

12. The construction plans and specifications must be reviewed for conformance by the Planning Department prior to approval by the City Council. No construction plans or specifications shall be approved by the City Engineer until the proper authorization has been received in writing, from the Planning Director or his designee. All applicable environmental mitigation requirements shall be shown on the construction plans and specifications and shall be highlighted as "Environmental Requirements".

13. Final construction plans and specifications shall include the following provisos as adopted by City Council on September 10, 1990:

- a. The pump station site will be moved 300 feet south of the originally proposed location and the length of the access route reduced 80 feet;
- b. The disturbed areas of the lagoon adjacent to the pump station will be restored and revegetated;

R- 276492

- c. The alignment of the trunk sewer shall lie within the existing Sorrento Valley Road from the intersection of Carmel Valley Road to the proposed bridge on Sorrento Valley Road. The two proposed manholes on the trunk sewer will be constructed adjacent to the east side of the existing Sorrento Valley Road;
- d. The Water Utilities Department will remove, restore, and revegetate the Old Carmel Valley Road the remains in the Carmel Valley area; and
- e. All abandoned manholes shall be removed from the lagoon and the area be restored and revegetated.

14. ENVIRONMENTAL MITIGATION REQUIREMENTS

Biology

- a. The permittee shall provide verification that a qualified biologist has been retained to serve as project biologist for the purpose of implementing the biological mitigation measures listed below and in Environmental Impact Report No. 89-0495. The project biologist shall attend the pregrading meeting with the grading and excavating contractors to discuss and clarify the biological mitigation requirements.
- b. A detailed Wetland Revegetation Plan shall be prepared by a qualified biologist in cooperation with the landscape architect, contractor and project engineer. This plan shall be prepared prior to approval of construction funding and/or construction plans and specifications for this project.
  - 1) General procedures and specific habitat requirements shall be incorporated as follows:
    - a) The species, number, and size of the container plants to be used, and a species list including pounds per acre of seed material.
    - b) A schematic layout of how the plants will be arranged within the mitigation site.
    - c) Initial plantings shall be done after the time of impact and shall be thoroughly watered at the time of planting and thereafter as necessary by irrigation.

- d) Seeds shall be applied during the winter months after the first substantial rains by hydroseeding or suitable hand seeding methods. If substantial rains do not occur by the end of February, the seed shall be supplied with temporary irrigation.
  - e) All exotic species on the right-of-way shall be removed prior to construction. This work shall be performed at the time of year and manner specified by the project biologist.
  - f) All plant materials shall be scheduled for acquisition at least six months in advance of projected planting dates and inspected for healthiness prior to installation. Planting and irrigation shall be accomplished in conjunction with a native plant horticulturalist.
  - g) A survey of flora and fauna shall be conducted and results included in the monitoring program with special emphasis upon federal and state species or other species of special concern prior to preparation of detailed landscape/revegetation plans.
  - h) Prior to grading, the project biologist shall stake the right-of-way to demarcate each of the four impacted habitat types listed below to allow corresponding habitat revegetation.
- c. The following measures shall be incorporated into the mitigation program for the following habitat types:
- 1) Mulefat Shrubland
    - a) Planning material shall consist, but not be limited to, mulefat (Baccharis glutinosa), mugwort (Artemisia douglasiana), western ragweed (Ambrosia psilostachya), yerba mansa (Anemopsis californica), and marsh fleabane (Pluchea purpurascens).
  - 2) Willow Woodland
    - a) Plant cuttings shall be placed in holes slightly larger than the plant, and at a depth particular to the species. One-,

R- 276492

five-, and 15-gallon size container stock shall be planted in a hole twice the size of the container, backfilled with indigenous soil, tamped firmly, and watered in at the time of planting.

- b) Large willows which will be affected by grading shall be temporarily relocated and maintained during the construction period. This mature vegetation will be replanted in the same area following trench completion.
- c) Trees shall be boxed or transplanted by area space to a temporary holding site and stored for not longer than two months.
- d) Plantings for the mitigation site shall include, but not be limited to, arroyo willow (Salix lasiolepis), lance-leaf Pacific willow (Salix lasiandra), sandbar willow (Salix hindsiana), elderberry (Sambucus mexicana), and mulefat (Baccharis glutinosa). The seed mixture to establish a herbaceous understory shall include, but not be limited to mugwort, western ragweed, marsh fleabane, and nightshade (Solanum xantii).
- e) Sagewort (Artemisia palmeri) and San Diego marsh elder (Iva hayesiana) shall be included in the seed mix.

3) Freshwater Marsh

- a) Freshwater marsh species are rapid colonizers. In light of the narrowness of the utility right-of-way (maximum of 50 feet) and the degree of physical damage resulting from human intrusion, the segment of freshwater marsh shall be allowed to revegetate on its own.

4) Salt Marsh

- a) Areas of salt marsh are dominated by pickleweed (Salicornia sp.) or are barren salt pan. No salt pan shall be revegetated. Monitoring shall record the relative areas of both revegetation and salt pan following revegetation.

R- 276492

- b) The top four to 12 inches of the right-of-way and of the new Pump Station No. 65 shall be removed. This shall include plants, crowns, roots and seeds. The soil/plant material shall be stockpiled.
  - c) Upon completion of the utilities lines, the above stockpiled material shall be spread over the right-of-way sections originally salt marsh. The materials shall be tilled to a depth of four to six inches.
  - d) Upon removal of the present Pump Station No. 65 surface facilities, the areas surface shall be cultivated to an approximate depth of 12 inches. Stockpiled material shall be spread over the area and shall be tilled to a depth of four to six inches.
  - e) Upon scarification of the approximately 900-foot access road the area shall be revegetated. Stockpiled material shall be spread over the area and shall be tilled to a depth of four to six inches.
  - f) The present sewer road/berm shall be cultivated to an approximate depth of 12 inches, between the southern bank of Carmel Valley Creek and the dirt road perpendicular to the sewer road/berm, and leading to the railroad tracks. Stockpiled material shall be spread over the area, and tilled to a depth of four to six inches. However, some areas may be sanded to allow for nesting of the California least tern. This shall be determined upon consultation with experts and resource agencies in this matter.
- d. Landscaping working drawings shall be prepared by the landscape architect with assistance of the project biologist to assure species compatibility, review planting requirements, and revegetation techniques.
  - e. The following requirements shall be included in the construction and landscape plans and specifications:

R- 276492

- 1) The biologist and/or landscape architect shall monitor the temporary salvage and stockpiling of specified plant materials to assure that plant materials has been property removed, stored, and then replaced.
- 2) The biologist and/or landscape architect shall:
  - a) Monitor the project corridor during and following revegetation once every two weeks for two months and then once a month for the remainder of the first six months and then three, four and five;
  - b) Submit reports to the Development and Environmental Planning Division of the Planning Department of the City of San Diego, U.S. Fish and Wildlife Service, the California Department of Fish and Game, and others as deemed appropriate. These reports will describe the status of the revegetation effort (i.e., plant height, plant recruitment, regrowth, establishment, vegetative cover, density) and discuss steps, if necessary, to remedy any identified problem areas. Such measures may include a contingency plan but not limited to replacement of failed vegetation, additional planting, fertilization, pest species removal, irrigation modification, and erosion control.
- 3) Underbrush need not be cleared in revegetated areas and pruning will not be required.
- 4) Survival parameters and criteria for replacement plantings such as percent coverage, height, etc. shall be included in the landscape and revegetation specifications. These parameters and criteria shall be specified for each year and at the end of the five-year monitoring period.
- 5) All non-native weedy species shall be removed during the five-year maintenance period, especially such species as giant reed, castor bean, pampas grass, and salt-cedar. Manual weed control shall be done at lest three time a year thereafter, until adequate vegetative cover has been established. In no case shall weeds exceed

R- 276492

12 inches in height. Weeds and their root systems shall be completely removed for vegetatively-propagated species such as, but not limited to giant reed.

f. Archaeology

The permittee shall provide a SOPA Certified archaeologist to monitor grading activities in association with SDI-1103 (SDM-W-22). 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. In consultation with the City Planning Department, a modified data recovery program shall be conducted which will document the size, shape and type of features, as well as associated artifacts, and provide a radiocarbon data. A monitoring results report (with map showing feature locations) shall be prepared and submitted to the City within three months following termination of the archaeological monitoring program summarizing the results of the program. Also, any cultural features encountered shall be recorded with the South Coastal Information Center at San Diego State University and the San Diego Museum of Man.

- g. The permittee shall provide a SOPA Certified archaeologist to monitor construction grading and trenching of the section of road in the southern portion of the right-of-way, where remnants of site SDI-4647 (SDM-W-316) would most likely be present. 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 through implementation of an approved research design and data recovery program.

h. Paleontology

The following shall be a part of the construction plans and specifications:

- 1) The construction plans and specifications will include a requirement that the permittee shall provide verification that a qualified

R - 276432

paleontologist be retained to implement the paleontological mitigation program. The qualified paleontologist shall attend the pre-grading meeting to consult with the grading and excavation contractors.

2) The paleontologist's duties shall encompass three elements: 1) monitoring; 2) salvaging; and 3) preparing collected materials for deposit at a scientific institution with paleontological collections. These elements are as follows.

a) Monitoring Program: A paleontological monitor shall be on-site during initial grading of the small ridge and during the original cutting of previously undisturbed segments of the Delmar, Bay Point and Ardath Shale Formations to inspect for contained fossils. This is necessary to determine the nature of the material and to determine the extent of fossils present. The material also shall be screened for any vertebrate remains. The monitoring shall be at least half-time at the beginning of grading the time either increased or decreased, depending on the initial results.

(A paleontological monitor is defined as an individual who has experience in the collection of salvage or fossil materials. The paleontological monitor shall work under the direction of the qualified paleontologist.)

b) Salvaging Program: In the event that well preserved fossils are discovered, the paleontologist (or paleontological monitor) shall be given the authority to temporarily direct, divert, or halt construction activities in the area of discovery to allow recovery of fossil remains in a timely fashion. This is anticipated to be a minimum of one hour to a maximum of two days.

c) Preparation Program: Fossil remains shall be cleaned, sorted, and catalogued, and then shall be deposited in a scientific institution, such as the San Diego Natural History Museum, with paleontological collections.

R- 276492



- d) A brief letter report (with map showing site locations) shall be prepared and submitted to the Development and Environmental Planning Division summarizing the above program within three months following termination of the archaeological monitoring program.

15. In the event that any condition of this permit, on a legal challenge by the Permittee of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.

APPROVED by the City Council of the City of San Diego on September 10, 1990.

R- 276432

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor  
The City of San Diego

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

STATE OF CALIFORNIA    )  
                                  ) ss.  
COUNTY OF SAN DIEGO    )

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public in and for the County  
of San Diego, State of California

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

THE CITY OF SAN DIEGO  
WATER UTILITIES DEPARTMENT

By \_\_\_\_\_

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
Form=p.ack

R- 276492

RECEIVED  
OFFICE  
90 DEC -5 12:10:41  
SAN DIEGO, CALIF.

**CORRECTED COPY**

2196

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 *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution **R- 276492** SEP 10 1990  
Number ..... Adopted.....