

RESOLUTION NUMBER R- 286958

ADOPTED ON FEB 20 1996

A RESOLUTION OF THE CITY OF SAN DIEGO GRANTING  
RESOURCE PROTECTION ORDINANCE PERMIT NO. 94-0077.

WHEREAS, the City of San Diego Engineering & Capital Projects Department, owner/permittee, filed an application for a Resource Protection Ordinance Permit to rehabilitate the existing East Mission Gorge Trunk Sewer System, located parallel to the San Diego River in a northeasterly direction from San Diego Mission Road at Twain Avenue, to the San Diego city limits at Mission Gorge Road west of Fanita Drive, within the Navajo, Tierrasanta, and East Elliott Community Plan Areas, legally described as Rancho Mission of San Diego Map 330, and Fanita Ranchos; and

WHEREAS, on FEB 20 1996, 1996, the Council of the City of San Diego considered Resource Protection Ordinance Permit No. 94-0077 pursuant to San Diego Municipal Code section 101.0462; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Council hereby adopts the following written Findings, dated FEB 20 1996, 1996:

- A. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE CITY OF SAN DIEGO'S PROGRESS GUIDE AND GENERAL PLAN.

This project consists of the rehabilitation of an existing sewer pipe which is approximately 30 years old, and as such, will not have any negative effect on the City's Progress Guide and General Plan.

- B. THE PROPOSED DEVELOPMENT WILL CONFORM TO THE COMMUNITY PLAN FOR THE AREA AND ANY OTHER APPLICABLE PLANS, POLICIES, AND ORDINANCES.

This project and method of implementation are consistent with the adopted community plans of the affected areas.

- C. THE PROPOSED DEVELOPMENT WILL BE SITED, DESIGNED, CONSTRUCTED AND MAINTAINED TO MINIMIZE, IF NOT PRECLUDE, ADVERSE IMPACTS ON ENVIRONMENTALLY SENSITIVE LANDS.

The project alignment is located in an existing easement that extends through Fairmount Avenue at Twain Avenue, the U.S. Navy's Admiral Baker Golf Course, the San Diego River and Mission Trails Regional Park. The creation of temporary access corridors and construction work proposed at the manholes, while considered adverse to existing land uses, would not pose a significant conflict with existing land uses due to the proposed revegetation of the temporary access corridors and the limited duration of the rehabilitation activities. A signage plan and free-standing interpretive display at Mission Trails Regional Park would provide visitors with information regarding any restrictions of use.

The creation of temporary access corridors and construction activities around manholes within Mission Trails Regional Park, predominantly along the banks of and through the San Diego River, would pose significant impacts to biological resources. Impacts to 2.56 acres of riparian forest, 0.3-acre of coastal sage scrub, and 0.02 acre of baccharia scrub were identified. The temporary loss of riparian forest habitat would result in significant impacts to breeding habitat for the least Bell's vireo, as well as to patches of San Diego ambrosia. No individual least Bell's vireos would be directly affected because construction would occur outside of the breeding season. Potentially significant direct impacts to the orange-throated whiptail and indirect impacts to the coastal California gnatcatcher were also identified due to the temporary loss of 0.3-acre of coastal sage scrub.

Mitigation is proposed and incorporated into the project to reduce impacts below a level of significance. A protective elevated plywood skirt would be placed over the San Diego ambrosia to avoid disturbing the plant. Implementation of a restoration/ enhancement program at a 3:1 ratio for wetlands and a 2:1 ratio for coastal sage scrub would mitigate the temporary loss of habitat associated with construction of access corridors and disturbance around manholes. The restoration/enhancement of these sensitive habitats would also mitigate potential impacts to the least Bell's vireo and coast California gnatcatcher.

Three cultural resource studies have been completed for the proposed rehabilitation of the EMGTS pipeline. The first study included a literature review, map review and record search identifying 22 cultural resources within the study area and 44 cultural resources within a one mile radius of the study area. The second study identified the location of recorded portions of the Mission Flume within the study area and included map and record searches, as well as field surveys. The third study consisted of a field survey during which a number of resources were identified, including several shell scatters, a historic trash deposit, a habitation site and three isolate artifacts. Two cultural resource sites are located within the area of potential effect. Areas of disturbance are limited to approximately one mile of temporary access corridors, surface disturbance of approximately 500 square feet around each manhole and three previously disturbed staging areas. No excavation is proposed to disturb either of the two sites. Mitigation includes flagging and monitoring of the sites to avoid disturbing the cultural resources. Clearing of new access corridors would also be monitored. Newly discovered sites in areas of potential impact would be avoided or tested. Significant sites would be subject to a research design and data recovery program. The local Native American community would be invited to participate in all monitoring, testing, and data recovery activities.

Construction equipment which would generate noise levels in the project vicinity during rehabilitation activities include high velocity water jet scouring equipment, generators, air compressors, concrete mixers, small helicopters and bulldozers. Due to the temporary use of the equipment generating the noise and the distances to sensitive noise receptors, potentially significant noise impacts would be limited to residences along Simeon Drive, south of manhole numbers 95 and 96. The use of a noise barrier or enclosure around water jet scouring equipment in use at manholes 93 through 98 would reduce noise impacts at Simeon Drive residences to below a level of significance.

The project would generate air emissions during rehabilitation activities from the following sources: construction personnel's vehicles traveling to and from the project site; the use of generators, bulldozers, trucks and other equipment; and the clearing and grading of temporary access corridors. Air emissions from this equipment would include carbon monoxide, nitrogen dioxide, ozone, sulfur dioxide, suspended particulate matter and lead. Calculations of the intensity and duration of equipment usage for this project indicate that emissions would be adverse but not significant due to the temporary nature of the rehabilitation activities.

The EMGTS alignment extends through the highly scenic Mission Trails Regional Park and portions of the San Diego River. The project is not considered to pose any significant impacts to visual quality since the project would be temporary (extending through several winter seasons) and would not result in the substantial blockages of any of the designated or proposed Mission Trails Regional park public view corridors in the project vicinity. No alterations to landforms are proposed and the temporary access corridors would not be paved, but rather revegetated upon project completion.

- D. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS ON ANY ENVIRONMENTALLY SENSITIVE LANDS AND RESOURCES LOCATED IN ADJACENT PARKS AND PUBLIC OPEN-SPACE AREAS AND WILL PROVIDE ADEQUATE BUFFER AREAS TO PROTECT SUCH RESOURCES.

Refer to Finding 'C'.

- E. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGICAL AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.

Refer to Finding 'C'.

- F. FEASIBLE MEASURES, AS DEFINED IN THIS SECTION, TO PROTECT AND PRESERVE THE SPECIAL CHARACTER OR THE SPECIAL HISTORICAL, ARCHITECTURAL, ARCHAEOLOGICAL OR CULTURAL VALUE OF THE AFFECTED SIGNIFICANT PREHISTORIC OR HISTORIC SITE OR RESOURCE HAVE BEEN PROVIDED BY THE APPLICANT.

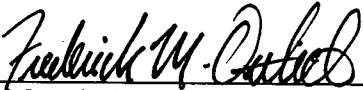
Refer to Finding 'C'. In addition, a Mitigation, Monitoring and Reporting Program containing mitigation measures has been incorporated into the project.

2. That said Findings are supported by maps and exhibits, referenced in City Manager's Report No. P-96-024, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the findings hereinbefore adopted by the City Council, Resource Protection Ordinance Permit No. 94-0077 is hereby GRANTED to THE CITY OF SAN DIEGO, ENGINEERING AND CAPITAL PROJECTS DEPARTMENT, Owner/Permittee,

in the form and with the terms and conditions as set forth in Resource Protection Ordinance Permit No. 94-0077, a copy of which is incorporated herein and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By   
Frédéric M. Ortlieb  
Deputy City Attorney

FMO:mb  
01/22/96  
Or.Dept:MWWD  
R-96-836  
Form=r+t

RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO  
PERMIT INTAKE  
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOURCE PROTECTION ORDINANCE PERMIT NO. 94-0077  
CITY COUNCIL

This Resource Protection Ordinance Permit is granted by the City Council of the City of San Diego to THE CITY OF SAN DIEGO, ENGINEERING AND CAPITAL PROJECTS DEPARTMENT, a California Corporation, Owner/Permittee, pursuant to conditions in Section 101.0462 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to rehabilitate by pipe lining approximately 37,000 linear feet of the existing East Mission Gorge Trunk Sewer (EMGTS). The project includes provisions for pipeline access, cleaning and rehabilitation, manhole rehabilitation and pipeline protection as part of a Capital Improvements Project. The project parallels the San Diego River in a northeasterly direction from San Diego Mission Road at Twain Avenue to the San Diego City limits at Mission Gorge Road west of Fanita Drive, within the Navajo, Tierrasanta and East Elliott Community Plan Areas. The property is legally described as Rancho Mission of San Diego Map 330, and Fanita Ranchos.

2. The Resource Protection Ordinance Permit shall allow the following:

- a. The cleaning, rehabilitation and protection, by pipe lining, of approximately 37,000 linear feet of existing sewer piping as described within the Environmental Impact Report No. 94-0077;
- b. Necessary grading and associated construction activities necessary for the provision of vehicular access to selected locations along the existing pipeline;
- c. The rehabilitation of existing manholes along the pipeline;
- d. Revegetation of all areas disturbed during construction with indigenous plants.

3. Environmental Impact Report No. 94-0077 shall be included herein by reference.

4. Mitigation, Monitoring and Reporting Program Incorporated into the project:

The following measures comprise the Mitigation, Monitoring and Reporting Program, and shall be incorporated into the construction plans and specifications.

a. BIOLOGICAL RESOURCES

Habitat:

The development of the access routes to allow pipe lining equipment and work crews to reach the sewer main and vegetation clearing around selected manholes would temporarily impact 2.56 acres of riparian forest. Mitigation measures include flagging or staking of sensitive resources and monitoring of construction; and implementation of a habitat replacement and enhancement program at a 3:1 ratio.

The construction activities described above would also temporarily impact 0.3 acres of coastal sage scrub that is not known to be occupied by an California gnatcatchers (*Polioptila californica*). Mitigation for this impact is flagging or staking of sensitive resources; monitoring of construction; and habitat replacement at a 2:1 ratio.

Animals:

The temporary removal of the 2.56 acres of riparian vegetation would constitute a loss of approximately 2,640 square feet of habitat for one male least Bell's vireo (*Vireo bellii pusillus*) and 1,900 square feet of habitat for another male individual. Mitigation measures include restricting construction activities to the non-breeding season, when the migratory least Bell's vireo is not present; and the habitat replacement and enhancement program mentioned above.

Removal of the 0.3 acres of coastal sage scrub is potentially a direct impact on the orange-throated whiptail lizard (*Chemidophorus hyperythrus*), which has a high probability of occurring in this area. The mitigation for this impact is coastal sage scrub restoration as mentioned above.

Indirect noise impacts to two pairs of California gnatcatchers whose territories are located within 300 feet of access routes and manholes shall be mitigated through prohibition of construction during gnatcatcher breeding season and the use of sound-attenuating enclosures and acoustic covers on construction equipment.

**Plants:**

Impacts to Campo clarkia (*Clarkia delicata*) shall be avoided by flagging of the plant locations to prevent damage by crews and equipment.

Impacts to San Diego ambrosia (*Ambrosia pumila*) shall be avoided by limiting the method of vegetation clearing around manhole 102 to weed-whipping; prohibition of individual plant removal; placing a tarp or elevated (3-4 inches) plywood "skirt" over the plants (the "skirt" to be removed daily at the end of that day's work); and limitation of construction to outside of the blooming season of this plant.

**b. CULTURAL RESOURCES**

Impacts to potentially significant archaeological sites CA-SDI-14015 and CA-SDI-12088 shall be avoided through flagging of the sites and monitoring of construction to ensure that crews and equipment do not encroach on these resources.

The clearing of the new access routes shall be monitored. Any newly discovered sites shall be evaluated for significance under state (California Environmental Quality Act) and local (Resource Protection Ordinance) criteria. Any resources that are determined to be important shall also be evaluated for eligibility to the National Register of Historic Places.

Unavoidable impacts to sites that have been determined to be significant under federal, state or local criteria shall be mitigated by implementation of a research design and data recovery program, which shall be subject to review and concurrence by the State Historic Preservation Office pursuant to Section 106 of the National Historic Preservation Act.

The local Native American community shall be invited to participate in all cultural resources monitoring, testing, and data recovery activities.



c. NOISE

Potentially significant noise impacts to City of Santee residents living on Simeon Drive south of manholes 95 and 96 shall be avoided by the use of a noise barrier or enclosure for the high velocity water jet scouring equipment between manholes 93 and 98. Sound absorbing material such as foam or fiberglass shall be placed on the interior surface of the barrier or enclosure. If a barrier is used, it shall extend a minimum of three feet above the top of the equipment.

The effectiveness of the sound attenuating devices shall be monitored, and corrective action taken as needed.

5. No permit for grading shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
  - a. The Permittee signs and returns the permit to the Development Services Department.
  - b. The Resource Protection Ordinance Permit is recorded in the Office of the County Recorder.
6. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
7. This Resource Protection Ordinance Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.
8. This Resource Protection Ordinance Permit is a covenant running with subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.
9. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

Passed and adopted by the City Council of the City of San Diego on February 20, 1996.

[LCW]PERMITS.1511

CITY COUNCIL RESOLUTION NO. \_\_\_\_\_  
GRANTING RESOURCE PROTECTION ORDINANCE PERMIT NO. 94-0077

WHEREAS, THE CITY OF SAN DIEGO, ENGINEERING AND CAPITAL PROJECTS DEPARTMENT, a California Corporation, Owner/Permittee, filed an application for a Resource Protection Ordinance Permit to rehabilitate the existing East Mission Gorge Trunk Sewer System, located parallel to the San Diego River in a northeasterly direction from San Diego Mission Road at Twain Avenue, to the San Diego City limits at Mission Gorge Road west of Fanita Drive, within the Navajo, Tierrasanta and East Elliott Community Plan Areas, legally described as Rancho Mission of San Diego Map 330, and Fanita Ranchos;

WHEREAS, on February 20, 1996, the City Council of the City of San Diego considered Resource Protection Ordinance No. 94-0077 pursuant to Section 101.0462 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego as follows:

1. That the City Council adopts the following written Findings, dated February 20, 1996:

**A. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE CITY OF SAN DIEGO'S PROGRESS GUIDE AND GENERAL PLAN.**

This project consists of the rehabilitation of an existing sewer pipe which is approximately 30 years old, and as such, will not have any negative affect on the City's Progress Guide and General Plan.

The rehabilitation is designed to extend the lifetime of the existing piping, and to accommodate anticipated increases in sewer flow, due to growth in our City.

**B. THE PROPOSED DEVELOPMENT WILL CONFORM TO THE COMMUNITY PLAN FOR THE AREA AND ANY OTHER APPLICABLE PLANS, POLICIES AND ORDINANCES.**

This project and method of implementation are consistent with the adopted community plans of the affected areas.

**C. THE PROPOSED DEVELOPMENT WILL BE SITED, DESIGNED, CONSTRUCTED AND MAINTAINED TO MINIMIZE, IF NOT PRECLUDE, ADVERSE IMPACTS ON ENVIRONMENTALLY SENSITIVE LANDS.**

The project alignment is located in an existing easement that extends through Fairmount Avenue at Twain Avenue, the U.S. Navy's Admiral Baker Golf Course, the San Diego River and Mission Trails Regional Park. The creation of temporary access corridors and construction work proposed at the manholes, while considered adverse to existing land uses, would not pose a significant conflict with existing land uses due to the proposed revegetation of the temporary access corridors and the limited duration of the rehabilitation activities. A signage plan and free-standing interpretive display at Mission Trails Regional Park would provide visitors with information regarding any restrictions of use.

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Refer to response in Finding 'C'.

- E. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGICAL AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.

Refer to response in Finding 'C'.

- F. FEASIBLE MEASURES, AS DEFINED IN THIS SECTION, TO PROTECT AND PRESERVE THE SPECIAL CHARACTER OR THE SPECIAL HISTORICAL, ARCHITECTURAL, ARCHAEOLOGICAL OR CULTURAL VALUE OF THE AFFECTED SIGNIFICANT PREHISTORIC OR HISTORIC SITE OR RESOURCE HAVE BEEN PROVIDED BY THE APPLICANT.

Refer to response in Finding 'C'. In addition, a Mitigation, Monitoring and Reporting Program containing mitigation measures has been incorporated into the project.

2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council, Resource Protection Ordinance Permit No. 94-0077 is hereby GRANTED to THE CITY OF SAN DIEGO, ENGINEERING AND CAPITAL PROJECTS DEPARTMENT, a California

Corporation, Owner/Permittee in the form and with the terms and conditions as set forth in Resource Protection Ordinance Permit No. 94-0077, a copy of which is attached hereto and made a part hereof.

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Robert Korch  
Senior Planner

Adopted on: February 20, 1996