

RESOLUTION NUMBER R-289899

ADOPTED ON MARCH 31, 1998

WHEREAS, the City of San Diego Waste Water Department, Permittee, filed an application for a Resource Protection Ordinance Permit to construct a new alignment for the Adobe Falls segment of the Alvarado Truck Sewer. The new alignment will connect to the existing trunkline within the San Diego State University (SDSU) parking Lot A (located southwest of the intersection of I-8 and College Avenue); tunnel westerly under Canyon Crest Drive (south of I-8 on the SDSU campus); then northerly under the I-8 Freeway; finally connecting to existing manhole 21 of the Alvarado Truck Sewer. The project is located in the Navajo and College Community Planning areas; and

WHEREAS, on March 31, 1998, the City Council of the City of San Diego considered Resource Protection Ordinance Permit No. 93-0619 pursuant to Section 101.0462 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Resource Protection Ordinance ("RPO") Permit No. 93-0619:

FINDINGS

1. **The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan.**

The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan. The project will replace a section of sewer line that was damaged by winter flooding in 1991.

2. The proposed development will conform to the community plan for the area and any other applicable plans, policies and ordinances.

The proposed development will conform to the community plans for the area and any other applicable plans, policies and ordinances. The realigned sewer line replaces a damaged section of sewer line that services existing development that is in conformance with the community plans for the area. The impacts to sensitive habitat are being mitigated by a contribution to the Habitat Acquisition Fund and other measures contained in conditions of the Resource Protection Ordinance Permit.

3. The proposed development will be sited, designed, and constructed and maintained to minimize, if not preclude adverse impacts on environmentally sensitive lands.

The proposed development has been designed to minimize adverse impacts on environmentally sensitive lands. The section of damaged pipeline traverses the Alvarado Creek in the vicinity of Adobe Falls, an environmentally sensitive area (cultural, sensitive biology and steep slopes). The realignment and tunneling under San Diego State University, the I-8 Freeway and Adobe Falls Park has significantly reduced adverse environmental impacts associated with the initially planned rehabilitation of the original alignment. Conditions for mitigating the remaining potentially adverse environmental impacts have been included in the Resource Protection Ordinance Permit.

4. 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 area and will provide adequate buffer areas to protect such resources.

The proposed development has been sited and designed to prevent adverse impacts on environmentally sensitive land and resources located in Adobe Falls Open Space Park. The encroachment into sensitive habitat has been reduced to 0.28 acres by realigning the sewer line rather than repairing the sewer line in place. The Permit has also been conditioned to prevent construction during coastal California gnatcatcher breeding season.

5. The proposed development will minimize the alteration of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards.

The proposed development will minimize alteration of natural landforms and will not result in undue risk from natural hazards. By tunneling rather than trenching to replace pipe, landform alteration has been eliminated. Potential erosion will be reduced through a program of reseeding with native vegetation.

6. 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.

The area traversed by tunneling does not contain any cultural resources. Other areas impacted by the project have been previously disturbed and do not indicate the presence any cultural resource.


The above findings are supported by the minutes, 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. 93-0619 is hereby GRANTED to

Permittee in the form and with the terms and conditions as set forth in the RPO Permit No.

93-0619, a copy of which is attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Jacqueline Mittelstadt
Deputy City Attorney

JM:mr:pev
4/1/98
Or.Dept:Clerk
R-98-1070
Form=permitr.frm

**RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES**

**AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**RESOURCE PROTECTION ORDINANCE PERMIT 93-0619
ALVARADO TRUNK SEWER REALIGNMENT**

CITY COUNCIL

This Permit is granted by the Council of the City of San Diego to the CITY OF SAN DIEGO METROPOLITAN WASTE WATER DEPARTMENT, Permittee, pursuant to Section 101.0462 of the Municipal Code of the City of San Diego. The project site is zoned Residential (R1-40000) and Commercial Visitor (CV) south of I-8 and is zoned (R1-40000) and Hillside Review (HR) north of I-8.

Subject to the terms and conditions set forth in this permit, permission is granted to Permittee to construct the realignment of the Alvarado Trunk Sewer. The project is described as, and identified by, size, dimension, quantity, type and location on the approved Exhibits "A," dated March 31, 1998, on file in the Office of Development Services. The facility shall include:

- a. Installation of approximately 1,540 linear feet of sewer pipeline. The pipeline will be a tunneled gravity main, a majority of which would be a 48-inch diameter encasement pipe with a 30-inch diameter carrier pipe.
- b. Construction of a low, erosion prevention berm (rip-rap over an earthen berm) approximately 50 feet south of existing manhole No. 21.
- c. Replacement of three manholes and installation of six new manholes.
- d. Acquisition of an access easement from Smoke Tree Adobe Falls Condominium Association.
- e. Interim widening of an existing dirt maintenance road within and adjacent to Adobe Falls Park, and
- f. Mitigation for impacts to sensitive biological resources.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City. Failure to utilize this Permit within 36 months will automatically void the Permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decisionmaker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein 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 Development Services; and
- b. The Permit is recorded by Development Services in the office of the San Diego County Recorder.

3. This Permit is a covenant running with the 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 in this Permit and all referenced documents.

4. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agencies.

5. 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.)

6. Prior to the City approval of Improvement Plans, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated March 31, 1998, on file in the Office of Development Services. No change, modifications or alterations shall be made unless substantial conformance or amendment of this Permit shall have been granted.

The Improvement Plans shall contain the following notes:

- a. Prior to the preconstruction meeting, the applicant shall provide verification that a qualified biologist has been retained to serve as project biologist and implement the biological Mitigation, Monitoring and Reporting program (MMRP).
- b. The project biologist shall flag and monitor vegetation clearing activities to ensure that construction does not occur outside the grading limits. The biologist shall verify that all San Diego sunflower is protected in place.

- c. All construction activities shall occur during the non-breeding season of the coastal California gnatcatcher, August 15 to March 1. If this prohibition cannot be achieved, the Permittee shall conduct noise measures on-site to determine existing noise levels. The results of the noise measurements will be reviewed by Environmental Analysis Section of Development Services. If construction noise increases the ambient level to above 60 dB(A) Leq (hourly) at the edge of the gnatcatcher-occupied habitat, the Permittee shall alter or terminate construction or shall erect noise walls so as to maintain noise levels at or below 60 dB(A) Leq within the occupied habitat. If noise levels exceed 60 dB(A) Leq without construction noise, the Permittee shall use the actual level as a baseline and construction noise shall not exceed that noise level within the occupied habitat. No noise abatement structures will be required if this seasonal prohibition is achieved.

The manufacture and installation of noise abatement structures shall be included as part of liquidated damages in the construction contract. Sound walls shall be installed at the contractor's expense only if the contractor unduly delays the contract into the gnatcatcher breeding season of March 1 to August 15.

7. Prior to City approval of project Improvement Plans, the Environmental Analysis Section of Development Services shall approve a plan for erosion control, revegetation and arundo donax (Giant Reed) control prepared by the project biologist. The Plan shall provide information on staffing and reporting activities as follows:

- a. All areas of soil that are disturbed by construction activity shall be seeded with a native seed mix to establish a vegetation cover for erosion control. A nurse crop shall be included to establish quick cover and shrub species for long term slope stability. Seeded areas shall be non-irrigated.
- b. The seeded areas shall be maintained and monitored for a period of 25-months per the City's Technical Landscape Manual to ensure that no significant erosion occurs onsite. Monitoring may be conducted by the City's resident engineer or other appropriate City staff. Areas that do not exhibit seed germination six months after seeding shall be reseeded.
- c. Giant reed (arundo donas) that occurs within 30 feet of both sides of the unpaved access road located between Adobe Falls Road (cul-de-sac) and Alvarado Creek (edge of water at access road stream crossing) shall be removed. The eradication area shall be measured from the edge of the access road, assuming a 15-foot road width. Initial removal shall be followed-up with chemical herbicide treatments on a monthly basis for a maximum of 25 months or until no resprouts are detected for a continuous 12-month period.

8. Prior to City approval of project Improvement plans, the Permittee shall make a monetary contribution to the City's Habitat Acquisition Fund in the amount of \$4,620.00 or transfer appropriate credits from an approved mitigation bank. This monetary contribution will mitigate for the 0.28 acre of broom baccharis scrub and annual grassland impacted by project construction

9. The CIP project manager shall obtain FEMA approval for any area of this project which may be in the Alvarado Creek floodway and requires FEMA clearance.

This Resource Protection Ordinance Permit was adopted by Resolution No. R-289899 on March 31, 1998.

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

CITY OF SAN DIEGO METROPOLITAN
WASTE WATER DEPARTMENT
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**