



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: February 20, 2013

REPORT NO. HO-13-012

ATTENTION: Hearing Officer

SUBJECT: **Pump Station 77 A/B Force Main**
PROJECT NO. 264948

APPLICANT: City Of San Diego-Public Utilities Department

SUMMARY

Issue(s): Should the Hearing Officer approve a permit for excavation pits over a wastewater main line for maintenance inspection purposes within the San Pasqual and Rancho Bernardo Community Plan areas?

Staff Recommendation(s):

1. **Certify** Mitigated Negative Declaration (MND) No. 264948/SCH No. 2000121032 and **Adopt** the Mitigation Monitoring and Reporting Program; and
2. **Approve** Site Development Permit No. 933023.

Community Planning Group Recommendation – On May 31, 2012 the San Pasqual/ Lake Hodges Community Planning Board voted unanimously to approve the project with out conditions. On April 19, 2012 the Rancho Bernardo Community Planning Board voted unanimously to approve the project without conditions (Attachment 7).

Environmental Review: A Mitigated Negative Declaration No. 264948/SCH No. 2000121032 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared and would be implemented which would reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

BACKGROUND

Pump Station 77A/B delivers wastewater from Pump Station 77A, south of Lake Hodges to a gravity sewer that connects to the City of Escondido Hale Avenue Wastewater Treatment Plant. Pump Station 77B is located approximately midway along a 5.2 mile alignment and used in conjunction with Pump Station 77A. The force main splits into two 16-inch pipes and passes under Lake Hodges. Lake Hodges is a reservoir located in the San Dieguito Watershed. The lake is owned by the City of San Diego Public Utilities Department.

The project proposes the excavation of nine exploratory test pits directly over the existing sewer force main in order to follow up on recommendations made in a 2001 inspection report. The test pits would be used to identify force main conditions that may lead to liner failure, pipe leakage, interruption of service, and force main failures (Attachment 1).

The project area is located west of Interstate 5 on the north and the south side of Lake Hodges, south of Citricado Parkway and north of West Bernardo Road in the AG-1-1 and AR-1-1 zones of the San Pasqual Valley Community. Most of the project is located within the City of San Diego's Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA). The northernmost 2 sites are located within the jurisdictional boundaries of the County of San Diego and will require excavation permits from the County; the remaining seven test pit sites are located within the City of San Diego and San Pasqual and Rancho Bernardo Community Planning areas (Attachment 2).

The force main was originally inspected for corrosion in 2001 by the City (Permit Number 40-0751), documented in a report entitled "Pump Station 77 Force Main Corrosion Investigation". A biological resources report was completed by Tierra Environmental Services in 2000. Mitigated Negative Declaration No. 40-01148 was prepared by the City Development Services Department for impacts associated with twelve excavation sites and twenty-two vacuum station sites (LDR- No. 40-0751, City 2001).

The proposed work requires a Site Development Permit (SDP) due to the location of several test pits within the MHPA and proximity to environmentally sensitive lands.

DISCUSSION

The project will repeat the efforts made in 2001 and would consist of excavating the pipe at nine locations and conducting B-Scan ultrasonic testing to determine wall thickness of the pipe. The external surface of the pipe would also be inspected to determine the presence of external pitting. Each site would then be backfilled, restored to original grade, and revegetated with native species. None of the activities require the force main to be out of service, so normal operational procedures would not be impacted. The project is expected to last 2-3 months.

Several of the sites can be accessed by existing paved/ unpaved roads and access paths, however, some areas require access through disturbed habitat. Impacts associated with the project include the excavation pit area, storage of excavated material, staging of equipment, and access. Erosion

control Best Management Practices (BMPs) based on the Water Pollution Control Plan that was developed for this project will be implemented at each site to ensure no sediment leaves the work areas during construction. The impacts to MHPA area would be temporary. Specific mitigation outlined in the MND is assigned for direct impacts associated with this project. In addition, at each site, all excavated material would be replaced over the pipe, and appropriate seeding/planting would be conducted as needed to promote re-growth of native plants and to protect soils and prevent future erosion (Attachment 6).

CONCLUSION

Staff has reviewed the request for a Site Development Permit for nine excavation pits over a wastewater main line for maintenance inspection purposes, backfill of nine test pits, and revegetation where excavation, staging, and access result in impacts to sensitive environmental resources, and has found it to be in conformance with the applicable sections of the San Diego Municipal Code, the MHPA Adjacency Guidelines and the California Environmental Quality Act Guidelines. Therefore, staff believes the findings can be made and recommends the Hearing Officer approve the project.

ALTERNATIVES:

1. **Certify** the Mitigated Negative Declaration (MND) No. 264948/SCH No. 2000121032 and **Approve** Site Development Permit No. 933023 and, with modifications or;
2. **Deny** Site Development Permit No. 933023 and the Mitigated Negative Declaration (MND) No. 264948/SCH No. 2000121032, if the required findings to approve the project, cannot be affirmed.

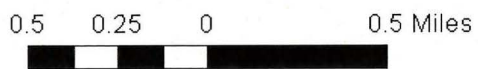
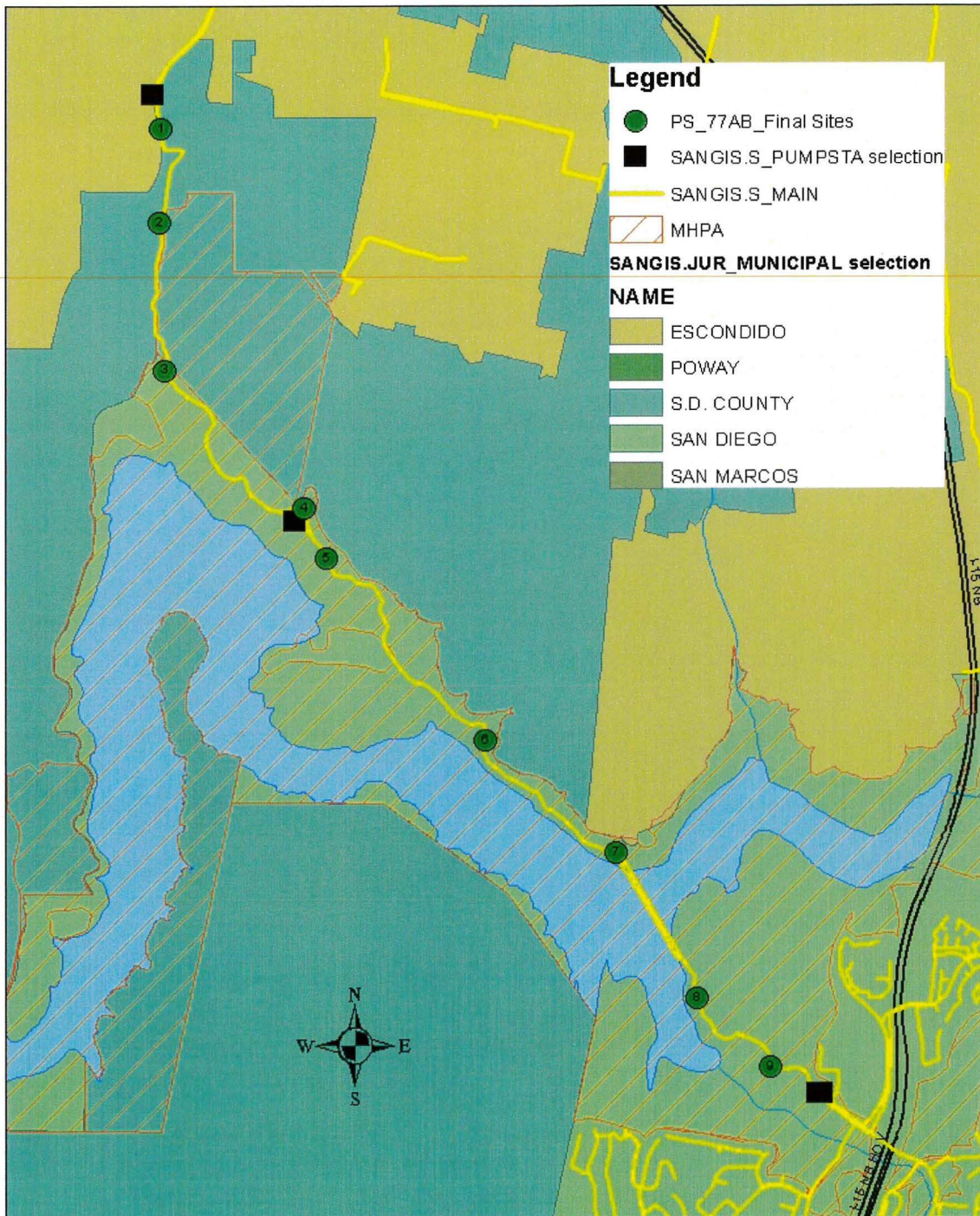
Respectfully submitted,



Helene Deisher, Development Project Manager

Attachments:

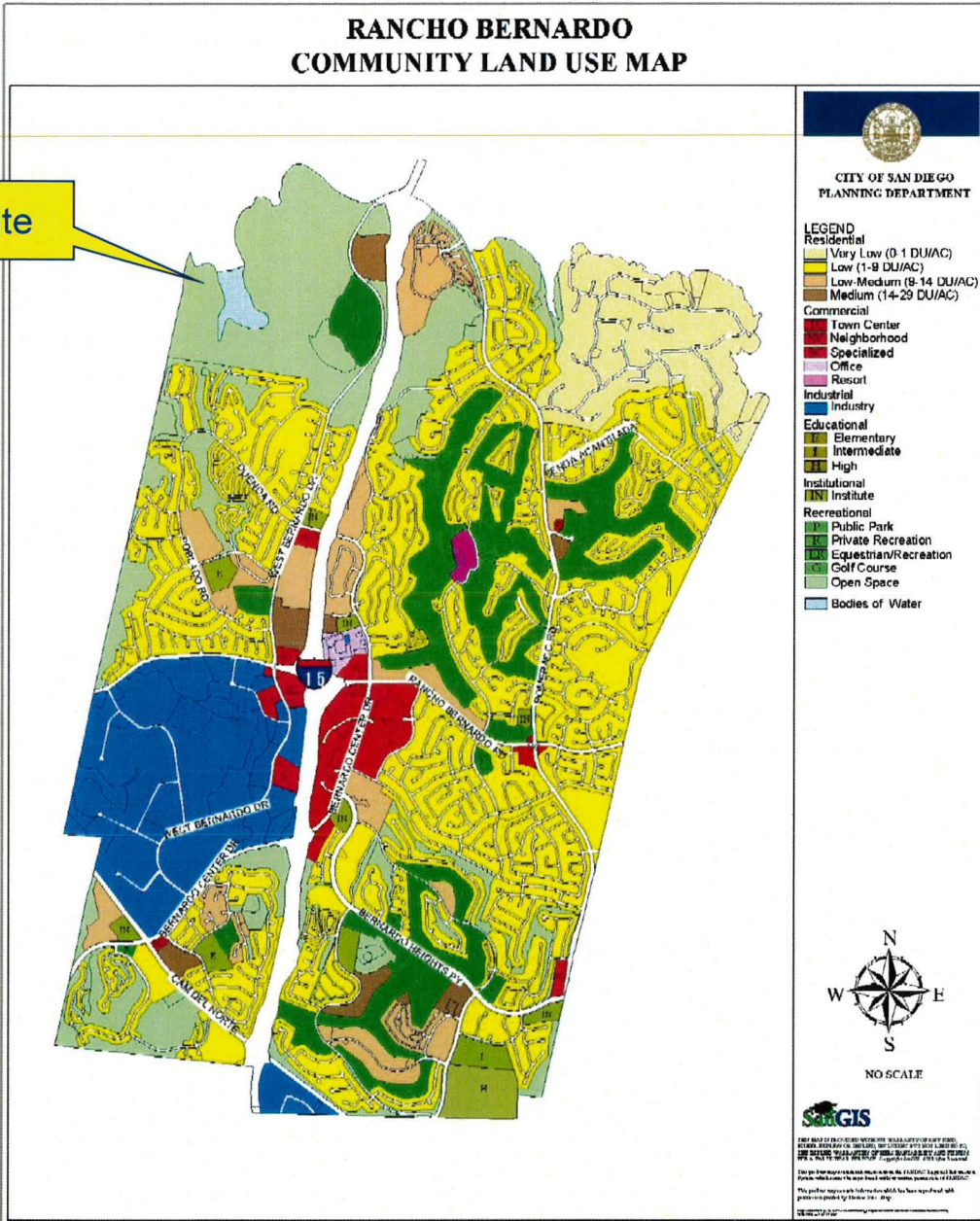
1. Aerial Photograph Location Map
2. Community Plan Land Use Map
3. Project Location Photos
4. Draft Permit Resolution with Findings
5. Draft Permit with Conditions
6. Draft Environmental Resolution with MMRP
7. Community Planning Group Recommendation



**Pump Station 77A/B
Force Main Condition Assessment
Figure 2 - Excavation Sites**

**RANCHO BERNARDO
COMMUNITY LAND USE MAP**

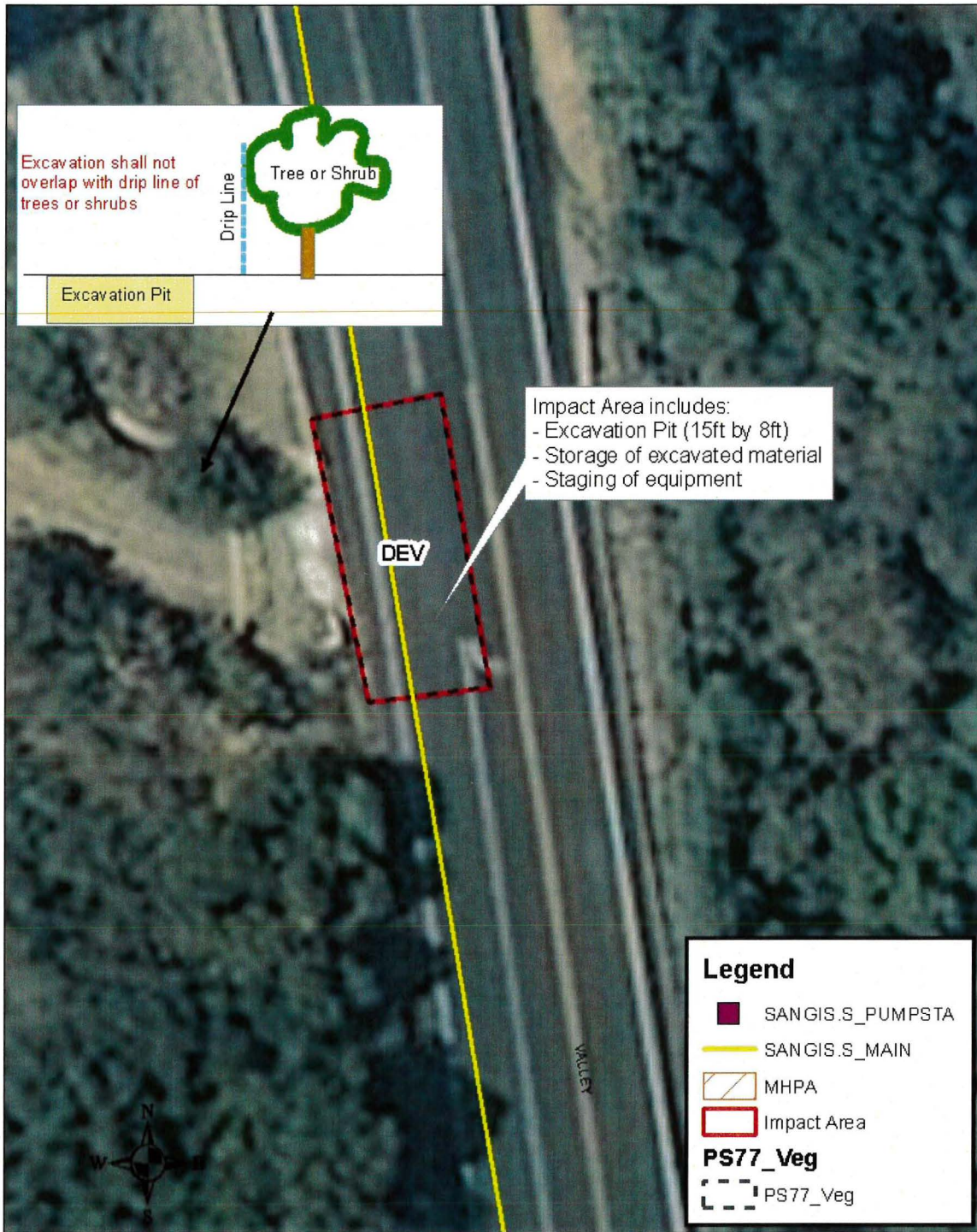
Project Site



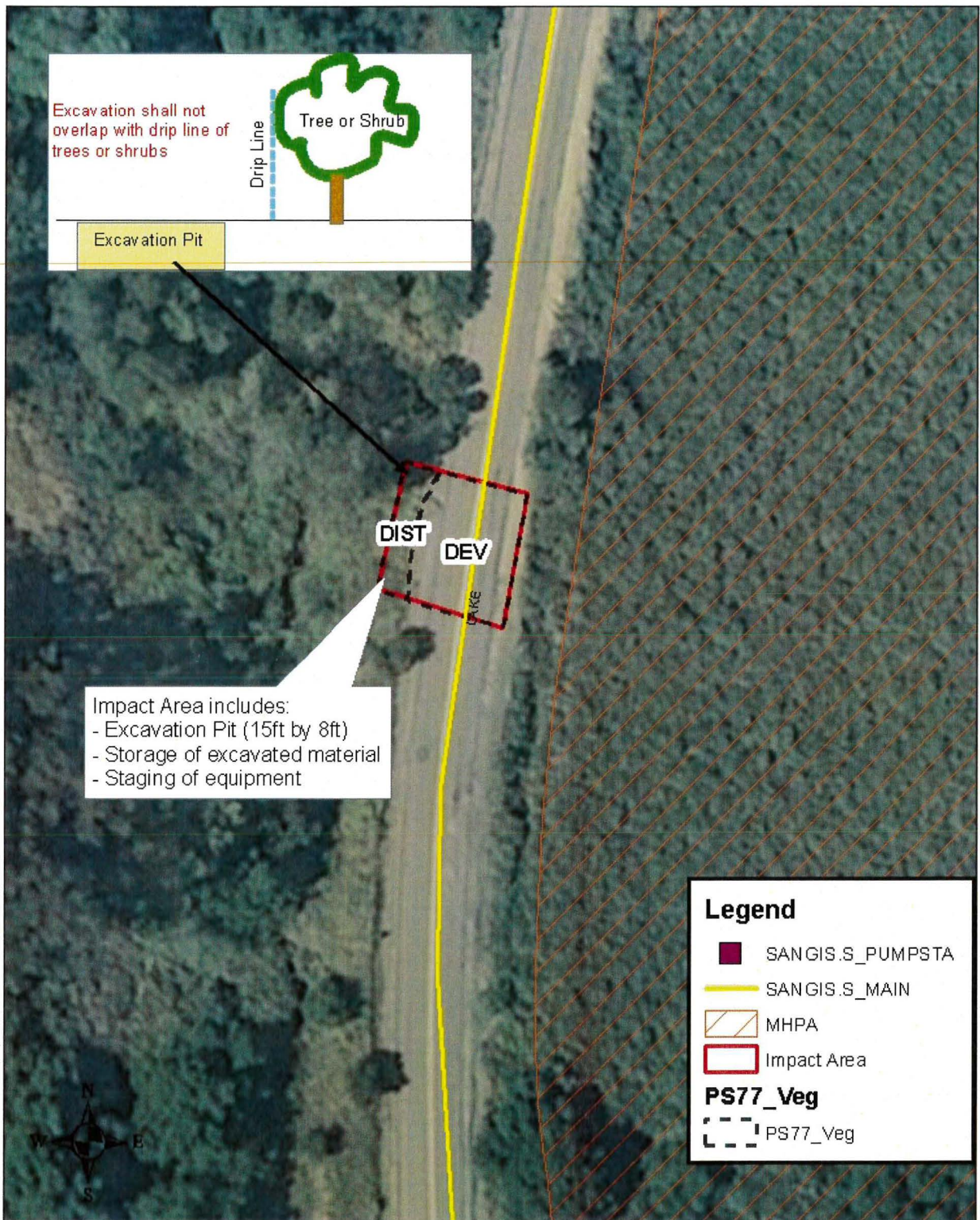
Land Use Map

PUMP STATION 77 A/B FORCE MAIN
PROJECT NO. 264948

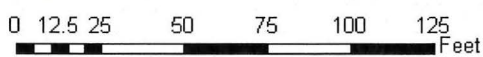




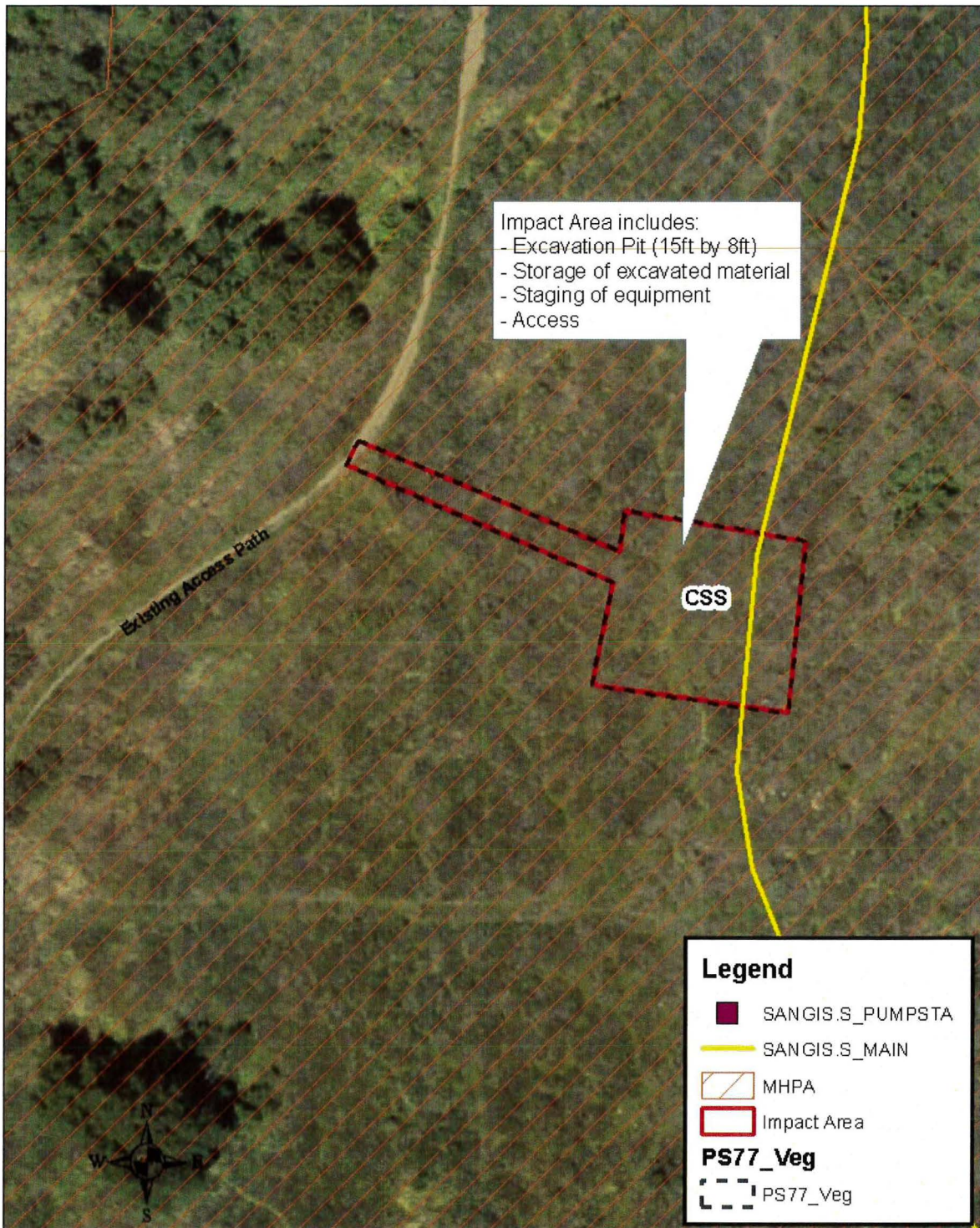
Pump Station 77A/B Force Main Condition Assessment
Figure 3 Site 1 Detail



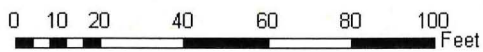
ArcGIS Online World Imagery



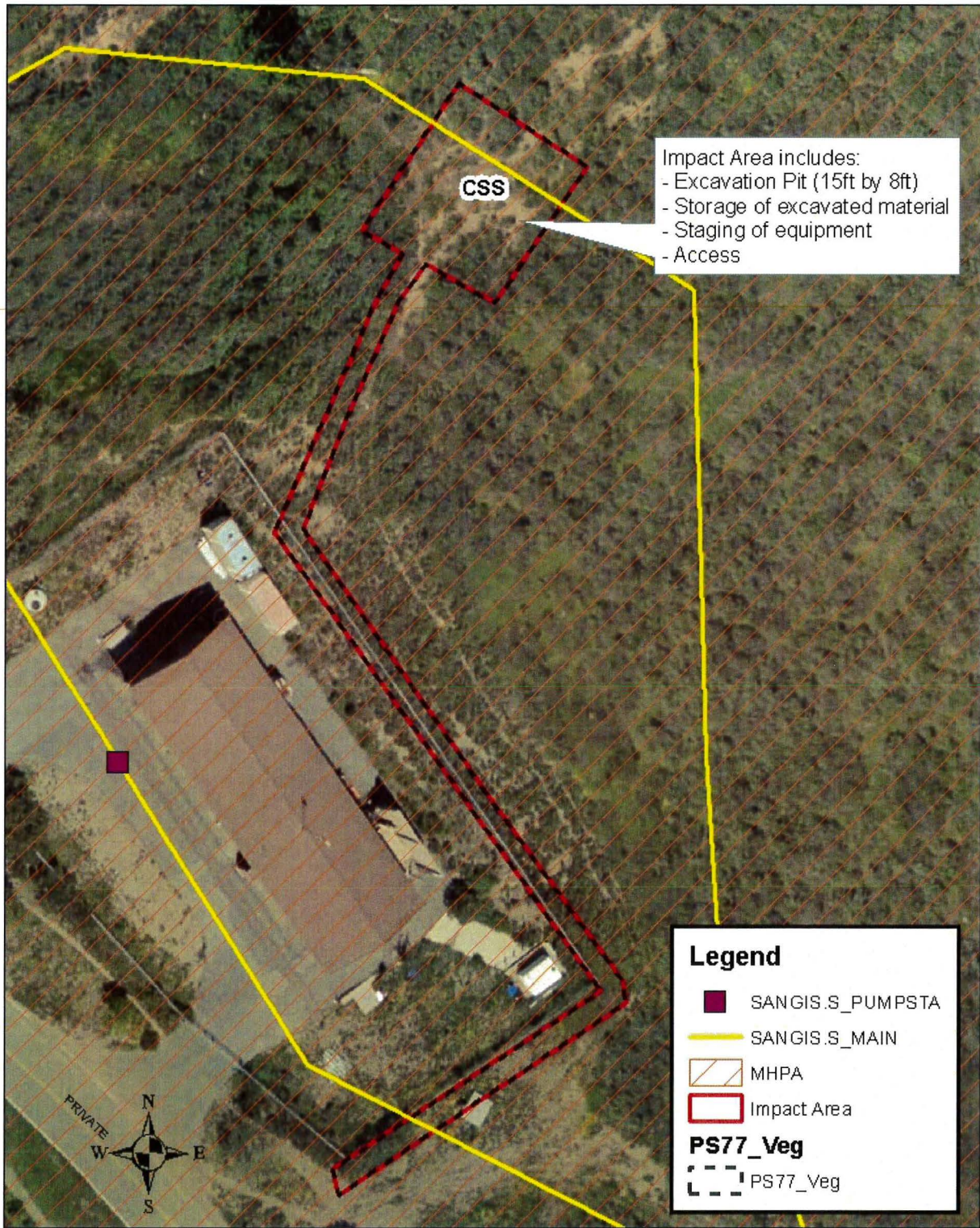
Pump Station 77A/B Force Main Condition Assessment
Figure 4 Site 2 Detail



SanGIS 2005 Imagery



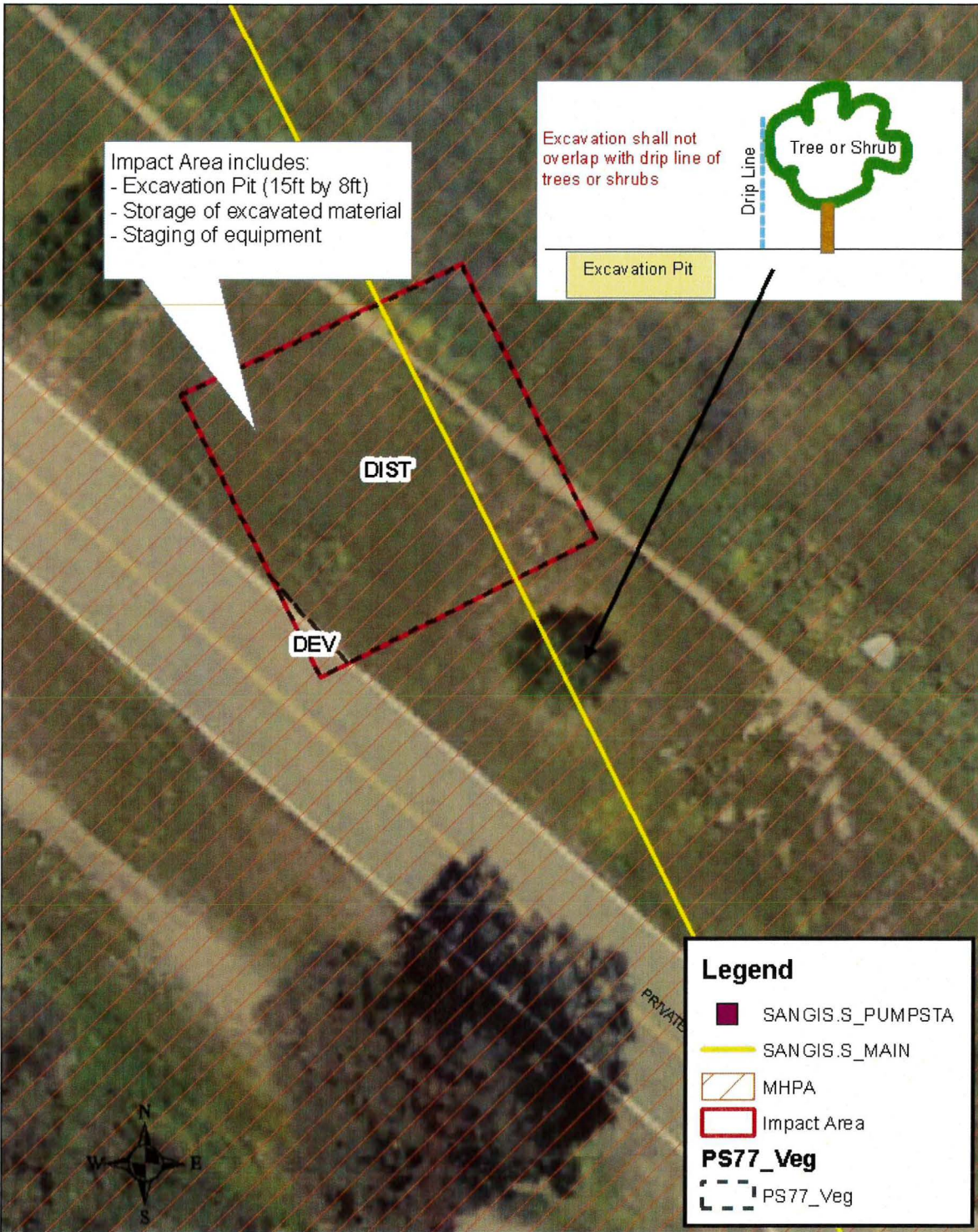
Pump Station 77A/B Force Main Condition Assessment
Figure 5 Site 3 Detail



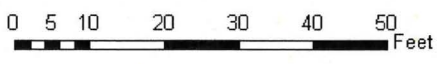
SanGIS 2005 Imagery



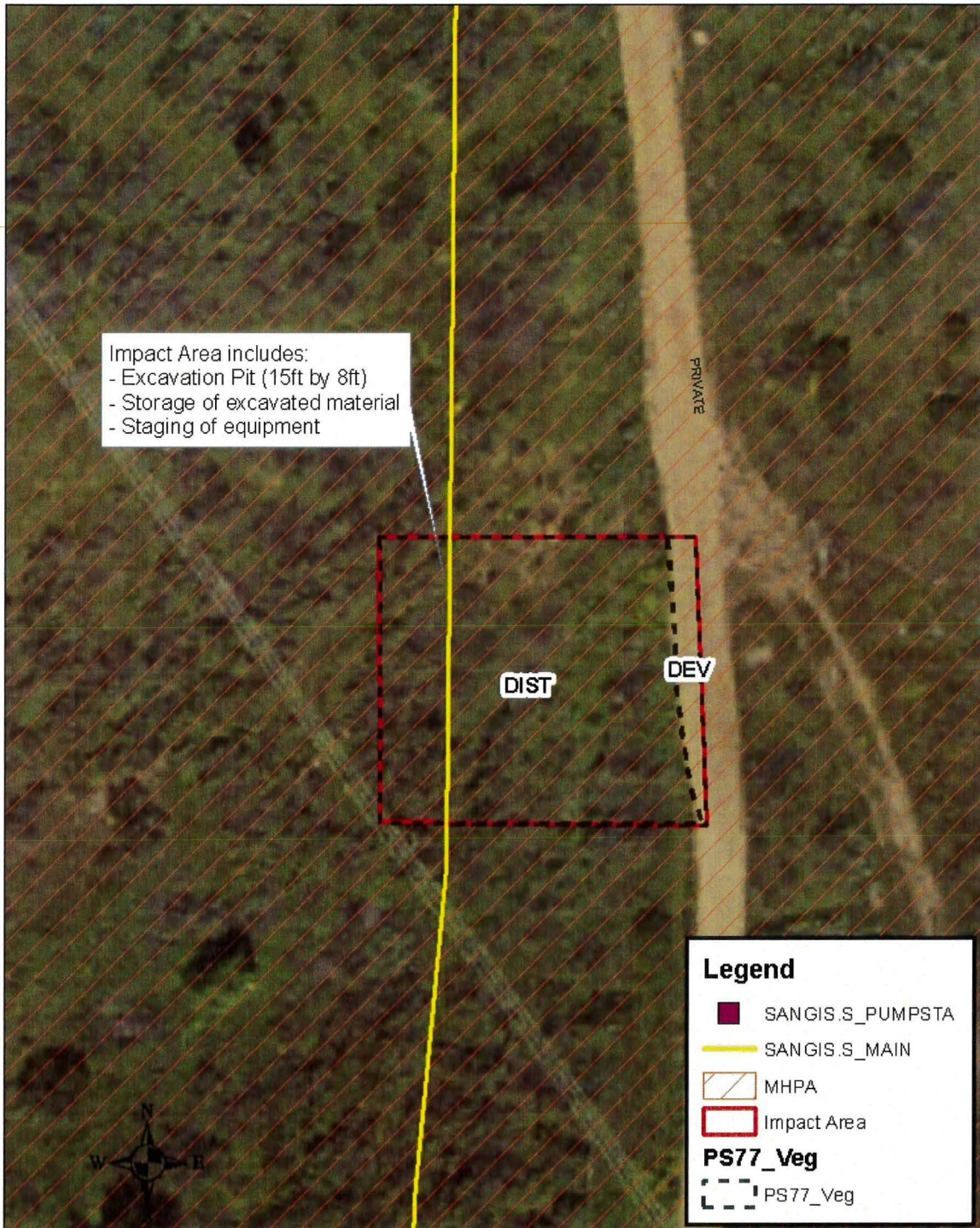
Pump Station 77A/B Force Main Condition Assessment
Figure 6 Site 4 Detail



SanGIS 2005 Imagery



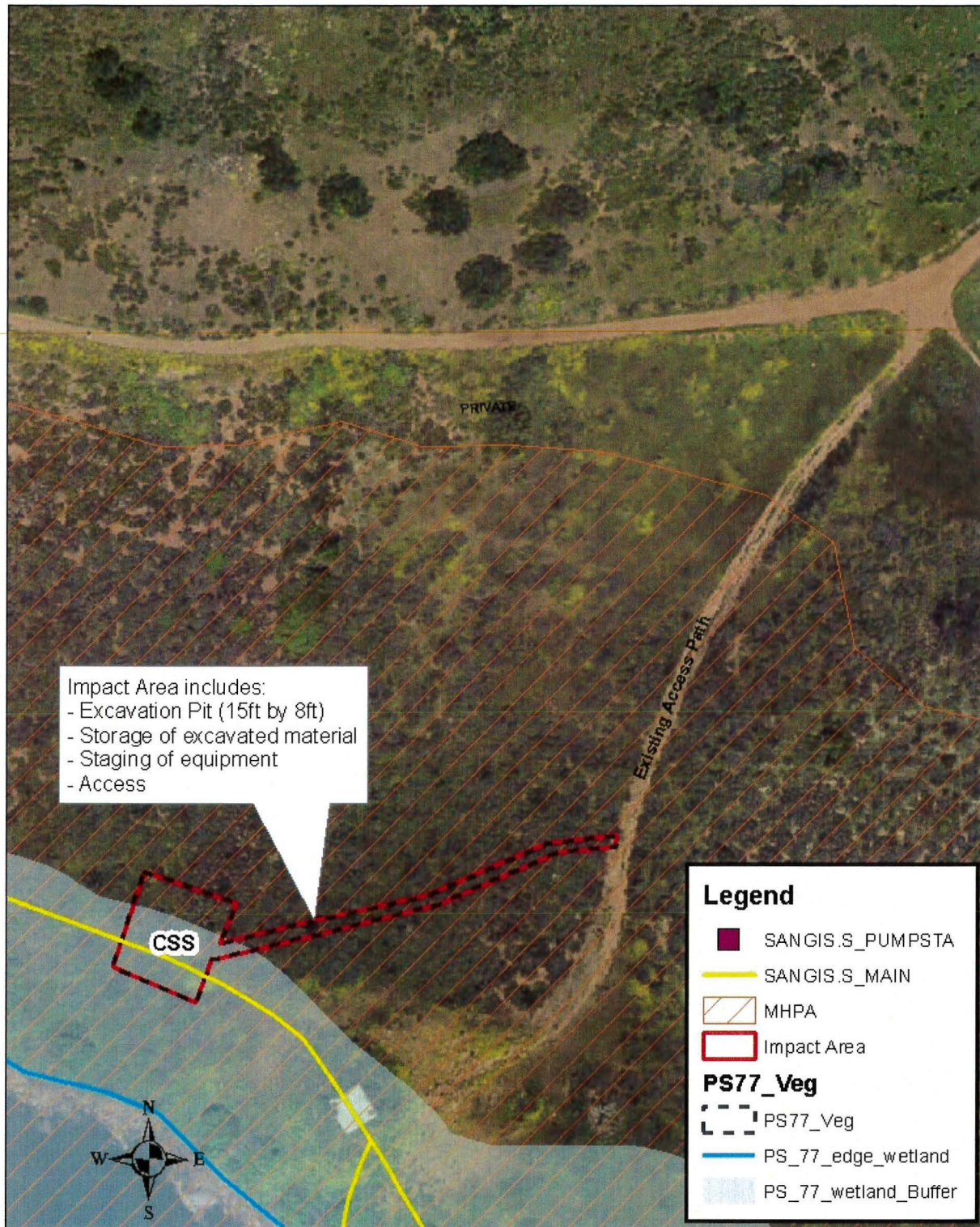
Pump Station 77A/B Force Main Condition Assessment
Figure 7 Site 5 Detail



SanGIS 2005 Imagery



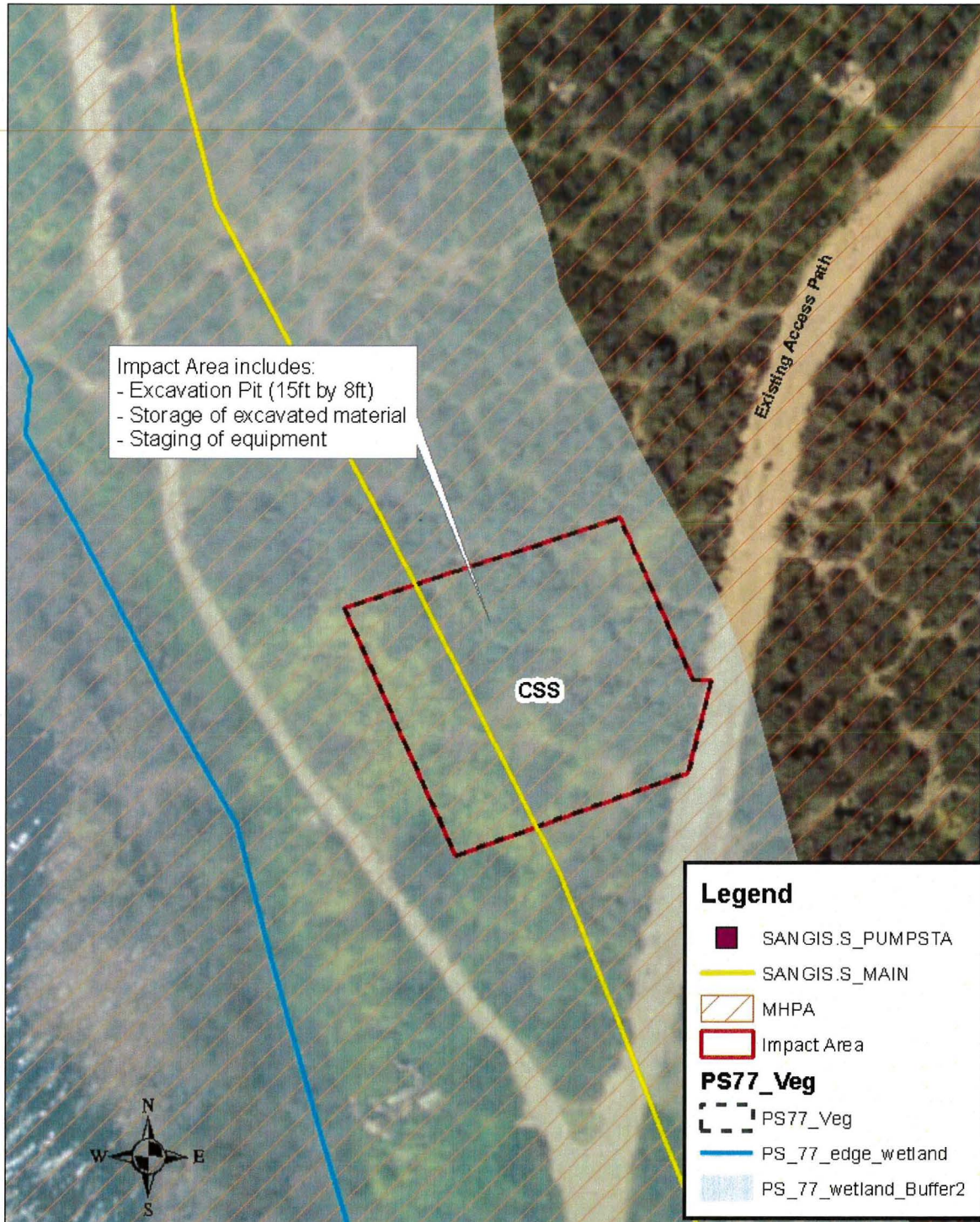
Pump Station 77A/B Force Main Condition Assessment
Figure 8 Site 6 Detail



SanGIS 2005 Imagery



Pump Station 77A/B Force Main Condition Assessment
Figure 9 Site 7 Detail



Pump Station 77A/B Force Main Condition Assessment
Figure 10 Site 8 Detail



SanGIS 2005 Imagery



Pump Station 77A/B Force Main Condition Assessment
Figure 11 Site 9 Detail

HEARING OFFICER, RESOLUTION NO. XXX
SITE DEVELOPMENT PERMIT NO. 933023
**PUMP STATION 77 A/B FORCE MAIN-
PROJECT NO. – 264948 [MMRP]**

WHEREAS, THE CITY OF SAN DIEGO PUBLIC UTILITIES DEPARTMENT, Owner/Permittee, filed an application with the City of San Diego for a permit for excavation pits over a wastewater main line for maintenance inspection purposes within the San Pasqual and Rancho Bernardo Community Plan areas (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 933023);

WHEREAS, the project site is located in nine locations within the paved public right of way and within unimproved easements within the AR-1-1 zone of the San Pasqual and Rancho Bernardo Community Plan areas;

WHEREAS, on February 20, 2013 the Hearing Officer of the City of San Diego considered Site Development Permit No. 933023 pursuant to the Land Development Code of the City of San Diego;

NOW, THEREFORE, BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated February 20, 2013:

FINDINGS:

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

- 1. The proposed development will not adversely affect the applicable land use plan.** The project proposes the excavation of nine exploratory test pits directly over an existing sewer force main for maintenance inspection purposes. The Project area is within both the San Pasqual and Rancho Bernardo Community Plan areas. The proposed project would implement the intent of the Community Facilities Element of both the San Pasqual and Rancho Bernardo Community Plans by monitoring the adequacy of the sewer service and by maintaining public facilities. Additionally, in accordance with Council Policy 400-13(Planning for Management of Sewer Facilities Located in Canyons and Other Environmentally Sensitive Lands), upon completion of the sewer line inspection the vegetated sites impacted by the excavation will be restored to pre-impact conditions. Therefore, the proposed project would not adversely affect the applicable land use plan.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The project proposes the excavation of nine exploratory test pits directly over an existing sewer force main for maintenance inspection purposes in order to follow up on recommendations made in a 2001 inspection report. The test pits would be used to and identify force main conditions that may lead to liner failure, pipe leakage, interruption of service, and force main failures. Failure to identify the condition of the force main in these areas could result in a higher risk of future sewer spills which would be detrimental to the public health, safety, and welfare. Identifying the condition of the force main and restoring the excavation pits according to the aforementioned regulations would help to avert future sewer spills and restore areas impacted by the inspection process. The project has been planned in accordance with the Council Policy 400-13, City Biology Guidelines, and the California Environmental Quality Act Guidelines. Therefore, the project as proposed will not be detrimental to public health, safety, and welfare.
3. **The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.** The project proposes the excavation of nine exploratory test pits directly over an existing sewer force main for maintenance inspection purposes. The project is consistent with Council Policy 400-13(Planning for Management of Sewer Facilities Located in Canyons and Other Environmentally Sensitive Lands). Upon completion of the sewer line inspection the vegetated sites impacted by the excavation will be restored to pre-impact conditions. The proposed project will also comply with all applicable regulations of the Land Development Code by ensuring that all impacted area will be revegetated per the revegetation plan in accordance with the City's Land Development Manual and Landscape Standards. The project is not proposing any deviations to the code requirements. Therefore, the development would comply with the Land Development Code.

B. Supplemental Findings--Environmentally Sensitive Lands

1. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The project proposes the excavation of nine exploratory test pits directly over an existing sewer force main for maintenance inspection purposes. The inspection and assessment of the sewer line condition would help minimize future impacts to the environment by maintaining the facilities and avoiding unplanned events such as line ruptures. The area is somewhat rural and the line is existing and a required part of public utility infrastructure. Pump Station 77A/B delivers wastewater from Pump Station 77A runs south of Lake Hodges to a gravity sewer that connects to the City of Escondido Hale Avenue Wastewater Treatment Plant. Pump Station 77B is located approximately midway along a 5.2 mile alignment and used in conjunction with Pump Station 77A. The force main splits into two 16-inch pipes and passes under Lake Hodges. Lake Hodges is a reservoir located in the San Dieguito Watershed. The lake is owned by the City of San Diego Public Utilities Department. Impacts will be temporary and the sites will be restored to pre-impact condition following excavation. Erosion control BMPs will be installed to prevent any undue risk related to the temporary excavation pits. Several of the sites can be accessed by existing paved/unpaved roads and access paths, however, some areas require access through disturbed habitat. Impacts associated with the project include the excavation pit area, storage of excavated material, staging of equipment, and access.

Erosion Control Best Management Practices (BMPs) based on the Water Pollution Control Plan that was developed for this project will be implemented at each site to ensure sure no sediment leaves the work areas during construction. The impacts to MHPA area are considered to be temporary. Specific mitigation outlined in the MND is assigned for direct impacts associated with this project. In addition, at each site, all excavated material would be replaced over the pipe, and appropriate seeding/planting would be conducted as needed to promote re-growth of native plants and to protect soils and prevent future erosion. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

2. **The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The project proposes the excavation of nine exploratory test pits directly over an existing sewer force main for maintenance inspection purposes. The test pit excavation areas would be restored to their previous condition. In addition, at each site, all excavated material would be replaced over the pipe, and appropriate seeding/planting would be conducted as needed to promote re-growth of native plants and to protect soils and prevent future erosion. The system is not made of flammable materials, so there is no fire hazard. Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.
3. **The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The project proposes the excavation of nine exploratory test pits directly over an existing sewer force main for maintenance inspection purposes. The test pit excavation areas would be restored to their previous condition. In addition, at each site, all excavated material would be replaced over the pipe, and appropriate seeding/planting would be conducted as needed to promote re-growth of native plants and to protect soils and prevent future erosion. The inspection and assessment of the sewer line condition would help minimize future impacts to the environment by maintaining the facilities and avoiding unplanned events such as line ruptures. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.
4. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The project lies within the boundaries of the of the City's MSCP Subarea and within and adjacent to the City's Multi-Habitat Planning Area (MHPA). The project will adhere to the MHPA Land Use Adjacency Guidelines of the City's MSCP Subarea Plan. No wetland vegetation would be impacted by the project. All impacted portions occurring as a result of the excavation for the inspection pits would be backfilled and revegetated per the approved revegetation plan prepared in accordance with the City's Landscape Standards. The revegetation plan would utilize an appropriate native, non-invasive species. Therefore, the proposed project will be consistent with the City of San Diego's MSCP Subarea Plan.

5. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed project is located approximately 14 miles from a public beach and or local shoreline and does not contain coastal beaches, sensitive coastal bluffs, or flood hazard areas. Therefore, the project will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** Section V. of the Mitigation, Monitoring, and Reporting Program (MMRP) within the Mitigated Negative Declaration (MND) prepared for this proposed project, identifies the impacts and created a mitigation plan which reduces those impacts to ESL to below a level of significance. Since all impacted vegetation will be revegetated per the approved Revegetation and Erosion Control Plan prepared in accordance with the City's Land Development Manual and Landscape Standards, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

BE IT FURTHER RESOLVED that based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 933023, is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 933023, a copy of which is attached hereto and made a part hereof.

Helene Deisher
Development Project Manager
Development Services

Adopted on: February 20, 2013

Internal Order No. 21002797

RECORDING REQUESTED BY
 CITY OF SAN DIEGO
 DEVELOPMENT SERVICES
 PERMIT INTAKE, MAIL STATION 501

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 21002797

SITE DEVELOPMENT PERMIT NO. 933023
PUMP STATION 77 A/B FORCE MAIN-PROJECT NO. – 264948 [MMRP]
 Hearing officer

This Site Development Permit No. 933023 is granted by the Hearing Officer of the City of San Diego to THE CITY OF SAN DIEGO PUBLIC UTILITIES DEPARTMENT, Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The project area is located in nine locations along a public sewer line within the paved public right of way and within unimproved easements within the AR-1-1 zone of the San Pasqual and Rancho Bernardo Community Plan areas. Two of the locations are located within the County of San Diego.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct excavation pits over a wastewater main line for maintenance inspection purposes described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 20, 2013, on file in the Development Services Department.

The project shall include:

- a. Excavation of nine exploratory test pits directly over an existing sewer force main for maintenance inspection purposes
- b. Landscaping (planting, irrigation and landscape related improvements);

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC

requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. Owner/Permittee shall obtain excavation permits, if required, from the County of San Diego for the pits located within the County of San Diego.
3. 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 Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
5. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
6. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
7. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/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. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENGINEERING

8. Prior to the commencement of construction, the City Engineer shall prepare a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

9. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

10. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 264948, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

11. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 264948, to the satisfaction of the Development Services Department and the City Engineer. Prior to the issuance of the "Notice to Proceed" with construction, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Biological Resources, Land Use (MHPA Adjacency)

LANDSCAPE REQUIREMENTS:

12. A Revegetation Plan is required to be reviewed by MSCP.

MULTIPLE SPECIES CONSERVATION PROGRAM:

13. Prior to final inspection, "Final Revegetation Plan" shall be routed to MSCP staff for review once a post construction report has been prepared.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on February 20, 2013 and Resolution No. XXX.

SITE DEVELOPMENT PERMIT NO. 933023

Date of Approval: February 20, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Helene Deisher
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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

THE CITY OF SAN DIEGO PUBLIC UTILITIES DEPARTMENT
Owner/Permittee

By _____
NAME
TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

RESOLUTION NUMBER R- XXXX

ADOPTED ON 2/20/2013

WHEREAS, on December 12, 2011, City of San Diego Public Utilities Department submitted an application to Development Services Department for a Site Development Permit for the :Pump Station 77 Force Main Inspection; and

WHEREAS, the matter was set for a public hearing to be conducted by the Hearing Officer of the City of San Diego; and

WHEREAS, the issue was heard by the Hearing Officer on February 20, 2013; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigation Negative Declaration No. 264948 SCH# 2000121032 prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Hearing Officer in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Hearing Officer finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Hearing Officer hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Hearing Officer in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the DEVELOPMENT SERVICES DEPARTMENT, 1222 FIRST AVENUE, SAN DIEGO, CA 92101

BE IT FURTHER RESOLVED, that DEVELOPMENT SERVICES STAFF is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: Helene Deisher

By: _____
Helene Deisher, Project Manager

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A
 Pump Station 77 A/B Force Main Inspection
 MITIGATION MONITORING AND REPORTING PROGRAM
 Site Development Permit

PROJECT NO. 264948 SCH# 2000121032

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 230429 shall be made conditions of Site Development Permit as may be further described below.

A. GENERAL REQUIREMENTS – PART I

1. Prior to construction, the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that Mitigation Measures in Section C have been included in entirety on the submitted biological site plan, "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on the biological site plan.
2. Prior to the commencement of work, a Preconstruction Meeting (Pre-con) shall be conducted and include the City of San Diego's Mitigation Monitoring Coordination (MMC) Section, Biologist, Applicant and other parties of interest.
3. Evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.
4. Pursuant to Section 1600 et seq. of the State of California Fish & Game Code, evidence of compliance with Section 1602 is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

B. GENERAL REQUIREMENTS – PART II

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

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The CITY PROJECT MANAGER (PM) of the Public Utilities Department is responsible to arrange and perform this meeting by contacting the and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the PM, MMC and the following monitors:

Qualified Biologist

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 PM at the Public Utilities Department (858) 292-6300

b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **the PM and MMC at 858-627-3360**

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) 264948, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's ED and MMC. 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:

The PM must alert MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence that any other agency requirements or permits have been obtained or are in process shall be submitted to the 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.

Not Applicable for this project.

4. **MONITORING EXHIBITS:** The Qualified Biologist shall submit, to MMC, a monitoring exhibit on a 11x17 reduction of the appropriate biological site plan, 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.
5. **OTHER SUBMITTALS AND INSPECTIONS:** The PM/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

<u>Issue Area</u>	<u>Document submittal</u>	<u>Associated Inspection/Approvals/Note</u>
General	Biological Monitor Qualification Letters Prior to Pre-construction meeting	
General	Monitor Const. Monitoring	Prior to or at the Pre-Construction meeting
Biology	bird nesting letter report	Prior to Pre-construction
Final MMRP		Final MMRP Inspection

SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS:

C. BIOLOGICAL RESOURCES

I. Prior to the start of construction, notice of which will be provided by the PM, the ADD Environmental Designee of the Advance Planning & Engineering Division shall verify that the following conditions have occurred to mitigate direct impacts to 0.544 acres of Diegan coastal sage scrub habitat:

A. The applicant shall purchase 0.544 acres of upland credits at the Marron Valley Cornerstone Lands Conservation Bank. The total purchase of 0.544 acres of upland credits would satisfy the required mitigation ratio of 1:1 for impacts to Diegan coastal sage scrub habitat.

I. Prior to Preconstruction meeting:

A. The PM shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) stating that a qualified biologist, as defined in the City of San Diego's Biological Review References, 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.

B. The Biologist shall submit required documentation to MMC verifying that any special reports, maps, plans, and timelines; such as but not limited to, revegetation plans, plant relocation requirements and timing, MSCP requirements, avian or other wildlife protocol surveys, impact avoidance areas, or other such information has been completed and updated.

II. Preconstruction Meeting:

A. The Project biologist shall attend the Preconstruction meeting and discuss the project's biological monitoring program.

B. The project biologist shall submit a biological construction monitoring exhibit (BCME) (site plan reduced to 11X17) describing the projects biological monitoring program and delineating

the location and method of installation of the orange construction fencing to be installed at the limits of disturbance adjacent to any sensitive biological resources as shown on the project's approved construction documents.

III. Prior to Construction:

A. The project biologist shall submit a construction schedule to MMC indicating when and where monitoring will occur.

B. The project biologist shall supervise the placement of orange construction fencing or flagging along the limits of disturbance adjacent to sensitive biological habitats as shown on the BCME and approved construction documents.

IV. During Construction:

A. The project biologist shall monitor construction activities as described on the BCME and approved construction documents to ensure that construction activities do not encroach into biologically sensitive areas beyond the approved limits of disturbance.

B. The project biologist shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the BCME and provide that information to MMC through the RE.

C. Monitor shall document field activity via the Consultant Site Visit Record (CSVR).

V. Post Construction:

A. The project biologist shall submit a final construction monitoring report to MMC within 30 days of construction completion. The report shall address all biological monitoring requirements described on the BCME and approved construction document

A. LAND USE [MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP) For ACTIVITIES WITHIN 100 FEET OF THE MHPA]

I. Prior to Permit Issuance

- A. Prior to the start of construction, the DSD Environmental Designee (ED) shall verify the Applicant has accurately represented the project's design in the Biology Site Plan that are in conformance with the associated discretionary permit conditions and Exhibit "A", and also the City's Multi-Species Conservation Program (MSCP) Land Use Adjacency Guidelines for the Multiple Habitat Planning Area (MHPA), including identifying adjacency as the potential for direct/indirect impacts where applicable. In addition, all graphics where applicable shall show the following:
- 1. Land Development / Grading / Boundaries** –MHPA boundaries on-site and adjacent properties shall be delineated on the Biology Site Plan. The ED shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA..

2. **Drainage / Toxins** –All new and proposed parking lots and developed area in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA, All developed and 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 permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
3. **Staging/storage, equipment maintenance, and trash** –All areas for staging, storage of equipment and materials, trash, equipment maintenance, and other construction related activities are within the development footprint. Provide a note on the Biology Site Plan that states: *“All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative to ensure there is no impact to the MHPA.”*
4. **Barriers** –All new development within or adjacent to the MHPA shall provide fencing or other City approved barriers along the MHPA boundaries to direct public access to appropriate locations, to reduce domestic animal predation, and to direct wildlife to appropriate corridor crossing. Permanent barriers may include, but are not limited to, fencing (6-foot black vinyl coated chain link or equivalent), walls, rocks/boulders, vegetated buffers, and signage for access, litter, and educational purposes.
5. **Lighting** – All building, site, and landscape lighting adjacent to the MHPA shall be directed away from the preserve using proper placement and adequate shielding to protect sensitive habitat. Where necessary, light from traffic or other incompatible uses, shall be shielded from the MHPA through the utilization of including, but not limited to, earth berms, fences, and/or plant material.
6. **Invasive Plants** – Plant species within 100 feet of the MHPA shall comply with the Landscape Regulations (LDC142.0400 and per table 142-04F, Revegetation and Irrigation Requirements) and be non invasive. Landscape plans shall include a note that states: *“The ongoing maintenance requirements of the property owner shall prohibit the use of any planting that are invasive, per City Regulations, Standards, guidelines, etc., within 100 feet of the MHPA.”*
7. **Brush Management** –All new development adjacent to the MHPA is set back from the MHPA to provide the required Brush Management Zone (BMZ) 1 area (LDC Sec. 142.0412) within the development area and outside of the MHPA. BMZ 2 may be located within the MHPA and the BMZ 2 management shall be the responsibility of a HOA or other private entity.
8. **Noise-** Due to the site's location adjacent to or within the MHPA, construction noise that exceeds the maximum levels allowed shall be avoided, during the breeding seasons for protected avian species such as: *California Gnatcatcher (3/1-8/15*. If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. When applicable, adequate noise reduction measures shall be incorporated. Upon project submittal EAS shall determine which of the following project specific avian protocol surveys shall be required.

COASTAL CALIFORNIA GNATCATCHER

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:

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

1. 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

2. 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:
 1. 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.

2. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

General Bird/Raptor Mitigation

- A. If project grading/brush management proposes to remove vegetation during the typical bird nesting season (i.e. Feb. 1-Sept. 15), the project biologist shall conduct a pre-construction survey for active nests in the development area. Pre-construction raptor surveys shall be conducted for areas within 300 feet of project limits. The Project Biologist shall submit a letter report to MMC prior to the preconstruction meeting.
- B. If active nests are detected, or considered likely (in absence of surveys), the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and all monitoring results shall be incorporated into the final biological construction monitoring report.
- C. If no nesting birds are detected per IV.a above, mitigation under IV A. is not required.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

Rancho Bernardo Community Planning Board
 PO Box 270831 San Diego, CA 92198
www.rbplanningboard.com

MINUTES
 Thursday April 19, 2012 @ 7:00 PM
 Oaks North Community Center

CALL TO ORDER – REGULAR MEETING

Meeting Called to Order at 7:05 PM

ITEM #1 ROLL CALL

2012 - 2013 RB PLANNING BOARD									
P = present		A = absent			ARC = arrived after roll call			* = left early	
Lou Dell'Angela	P	Richard House	P	Wolfie Pores	A				
Teri Denlinger	P	Dick Katz	P *	Peter Tereschuck	A				
Fred Gahm	P *	Robin Kaufman	P	Vicki Touchstone	A				
Bob Gretel	P	John Kowalski	P	Estelle Wolf	P				
Scott Hall	P	Alissa Messian	ARC	John Woods	P			Total Seated	11

ITEM #2 NON-AGENDA PUBLIC COMMENT

Complete and submit a speakers slip prior to the start of the meeting for issues not on the agenda but that are within the jurisdiction of the Rancho Bernardo Planning Board.. There can be no discussion or action, other than a referral. Three minutes per speaker.

Mike Nichols from Solana Beach introduced Dave Roberts.

Dave Roberts, running for County Supervisor, introduced himself and explained projects he's been working on.

Steve Danon, running for County Supervisor, introduced himself and explained his platform.

Harold Johnson, resident, encouraged the board to record minutes for public record.

Joe Dirks emphasized that bylaws are rules, not guidelines. Mr. Dirks also referred Article III, Section 3 that states positions held via elections are from April through March and therefore, those sitting in 2 year spots that were just elected are not sitting legally until all newly elected members are seated.

ITEM #3 MODIFICATIONS TO AGENDA / ADOPT DRAFT AGENDA

VOTING ITEM

Motion by John Woods, seconded by Bob Gretel to approve agenda. Unanimously passed.

[Alissa present – 12 members seated]

ITEM #4

Administrative MattersVOTING ITEM

- Review of February 2012 minutes. Robin commented we are required to list names of those who oppose and give reason for those who abstain. Motion made to approve minutes with corrections: John Woods/Robin Kaufman. Motion passed 11-0-1. Richard House abstained as he was absent.
- Review of March minutes. Robin commented she would provide her reason for abstention and that we are required to list names of those who oppose and give reasons for those who abstain. Motion made to approve minutes with corrections: Robin Kaufman/John Kowalski. Motion passed 11-0-1.
- Review and approve Treasurer's report
Treasurer's Report deferred to the May meeting as Board did not receive a bank statement prior to April meeting.

ITEM #5

NEXT-G PROJECT AT CANFIELD & ESCALAVOTING ITEMS

John Woods introduced Karen Adler who presented for NEXT-G. John commented Development Review approved the project unanimously at the committee's last meeting. It is an existing tower which NEXT-G requested be lowered by one-third for more power and aesthetic purposes. Motion made: John Woods/Dick Katz. Motion passed 13-0-0.

ITEM #6

PS 77 A/B FORCE MAIN PROJECT PUMP STATIONVOTING ITEM

John Woods introduced Monika Smoczynski and Kim Roeland from the Public Utilities/Development department. Monika and Kim explained the City is required to inspect the pipes for the pump station every 10 years. The process will occur in nine areas along the line by digging up an area around the pipe and using ultrasonic testing in each of the 15'x9' locations to see if the pipe is damaged - implementing erosion control. No areas will impact wetlands or breeding season, and where possible, everything is restored to its original condition. Lou D. asked why they were seeking Planning Group input – city requires public input and this is considered a public forum. John K. asked how long the project would take – two to three months. One day to open a site, one day to inspect, on day to backfill. Richard H. inquired as to what the pipe material is – ductal iron pipe. Motion made to approve environmental project as presented: John Woods/Estelle Wolf. Motion passed unanimously.

ITEM #7

CHAIR REMARKS

Thanked board for interesting year. In regard to attendance, Teri said bylaws do not state that committee Chair must be contacted if the member will be absent. Teri, however, reminded the Board that contacting the Chair is a policy the Board has observed for years, and one that is recognized by most legislative bodies. City only recognizes 'present' or 'absent', not 'excused' or 'unexcused' so future committee minutes should reflect this change. • Saturday is Hats Off to Volunteers. Dick Walker is being honored as a past member of the planning board. • A recent Brown Act addendum requires the Board to post all meeting notices on our website, as well as a public location.