

# THE CITY OF SAN DIEGO

# REPORT TO THE PLANNING COMMISSION

DATE ISSUED:

August 27, 2009

**REPORT NO. PC-09-068** 

ATTENTION:

Planning Commission, Agenda of September 3, 2009

SUBJECT:

MANHOLE 88 REPAIR AT ENCANTO CREEK

PROJECT NO. 171516. PROCESS FOUR

OWNER/

APPLICANT:

City of San Diego Metropolitan Wastewater Department

# **SUMMARY**

<u>Issue:</u> Should the Planning Commission approve a Site Development Permit to raise buried Manhole 88 at Encanto Creek and associated improvements? The project is located within the Southeastern San Diego (Encanto Neighborhood) Community Plan area.

**Staff Recommendation:** Approve Site Development Permit No. 659013.

# Community Planning Group Recommendation:

On August 5, 2009, the Encanto Community Planning Group voted 12:0:0 to approve the project as proposed with no conditions.

Environmental Review: The project activity is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) (Attachment 7).

**<u>Fiscal Impact Statement</u>**: The project is being funded by the Metropolitan Wastewater Department Sewer Operating Fund; Fund No. 41506, Department No. 773; Manhole 88 Repair at Encanto Creek Project.

Code Enforcement Impact: None.

Housing Impact Statement: None.



## **BACKGROUND**

The project site is situated south of State Route 94 and east of Interstate 805 within Encanto Creek which is approximately 500 feet west to where the stream connects to the South Chollas minor river (Attachment 1). The site is zoned CT-2 of the Southeastern San Diego Planned District and is within the Southeastern San Diego (Encanto Neighborhood) Community Plan area (Attachments 2 and 3). The site contains Environmentally Sensitive Land (ESL) located within the City of San Diego Multiple Species Conservation Plan Subarea but not in the Multi-Habitat Planning Area.

The project area can be characterized by thick vegetation on the streambottom and concrete banks (Attachment 4). Encanto Creek is a constricted urban stream constrained by concrete sidewalls and completely surrounded by development. The Creek is mostly cobble bottomed east of Euclid Avenue and supports southern willow scrub west of Euclid Avenue. Southern willow scrub vegetation is a wetland community composed of mostly willows and other wetland species such as mulefat and primrose. At the project site is Manhole 88 which is currently buried and not visible from the surface. As such, it is suspected that seasonal rain flows infiltrate the sewer line through this manhole.

## **DISCUSSION**

### **Project Description:**

The project consists of raising the existing buried Manhole 88 to above the surface to limit water infiltration into the sewer system and allow for regular maintenance and cleaning of the line. In addition, the project proposes clearing of vegetation to allow for equipment access, excavation, installing concrete manhole risers and backfilling of the work area (Attachment 3).

Equipment used would be canyon proficient to reduce the footprint of work activities. Crews would begin by trimming back vegetation in the work area and equipment would be lowered down into the creek area from the road or pedestrian walkway located above the work area. There is no access in the creek bed to the work area. The equipment would excavate down to expose the existing manhole. Stockpiled dirt would be placed adjacent to the hole and not within ponded or flowing water. The old manhole lid would be removed and replaced by a series of concrete risers and a new lid. Stockpiled dirt would be backfilled around the manhole and any excess material would be removed from the site. After the work is complete the equipment would be lifted back out of the creek onto the roadway.

### **Discretionary Action:**

Although the project is within ESL and would impact less than 0.01 acre of wetland area, staff has determined it can be exempt from CEQA. However, according to San Diego Municipal Code

Section 143.0141(b) any impacts to wetlands must be avoided. Since an impact to the wetland area would occur, a Site Development Permit for a deviation to ESL is required.

## **Community Plan Analysis:**

The Sewer Department's Manhole 88 project is in the Southeast San Diego Community Plan. The Plan encourages the systemic improvement of water and sewer lines throughout the community. The subject sewer improvements are proposed in a concrete channelized section of the Chollas Creek flow way directly north of the trolley tracks at the Euclid Street Station.

According to the Plan, the Utilities Department has an ongoing program to replace and upgrade old mains in the Southeast San Diego community. The Water Utilities Department should continue the routine maintenance and replacement of water and sewer facilities within the community. Recommendations embodied in the Plan also recommend that no further concrete channelization should be permitted within the creek bed. Typically, any graded areas of the creek bed should be re-vegetated with a native vegetation mix to minimize erosion and soil instability, but due to the limited size of the impact (less than 400 square feet), flow rates in this portion of the creek, and the Sewer Department's standards that no vegetation shall be planted over a sewer or water main that exceeds three feet in height, the impacted site shall be in-filled with river rock and not be vegetated.

As part of the sewer manhole height extension effort, mitigation measures would include onsite biologist monitoring to protect native species in place to the extent feasible and placement of river rock in the impacted area consistent with both upstream and downstream improved creek conditions. Therefore, the proposed improvements would not adversely affect the policies embodied in the Southeast San Diego Community Plan or the Chollas Creek South Branch plan.

### **Environmental Analysis:**

The proposed work area just west of Euclid Avenue would disturb wetlands by temporarily displacing approximately 400 square feet of southern willow scrub habitat. The proposed work area is anticipated to be about 20 feet wide by 20 feet long. This area would allow for the equipment to maneuver, excavate, stockpile, and clean up the work area after raising the manhole. Species that will be displaced include arroyo willow, black willow, and cattail.

The southern willow scrub habitat and streambed are regulated wetlands. Wetlands are regulated by the City of San Diego, California Department of Fish and Game and the Army Corps of Engineers. Jurisdictional impacts are anticipated to be between 400-500 square feet.

#### Conclusion:

Manhole 88 is currently buried below the surface, and this situation allows water infiltration to flow into the sewer system. Unless repaired, this situation will result in a higher risk of future sewer spills. A sewer spill could become a public health and safety issue because the untreated

sewage spill would ultimately end up in San Diego's Mission Bay. The project as proposed would help maintain the integrity of the entire sewer pipeline which would be a benefit to the City of San Diego. Therefore, staff believes findings (Attachment 6) can be made for a Site Development Permit (Attachment 5) and recommends the Planning Commission approve the project.

# **ALTERNATIVES**

- 1. Approve Site Development Permit No. 659013, with modifications.
- 2. Deny Site Development Permit No. 659013, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake

Program Manager

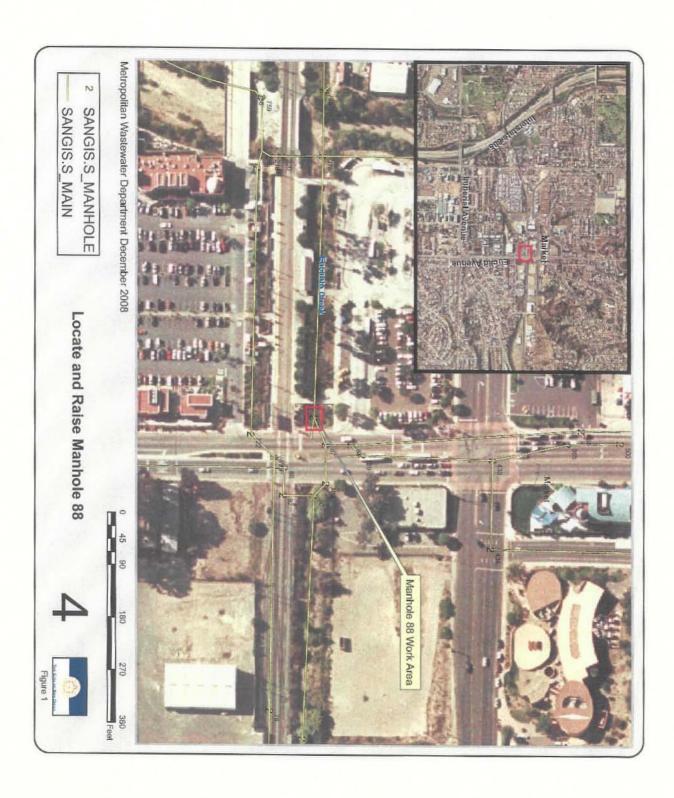
**Development Services Department** 

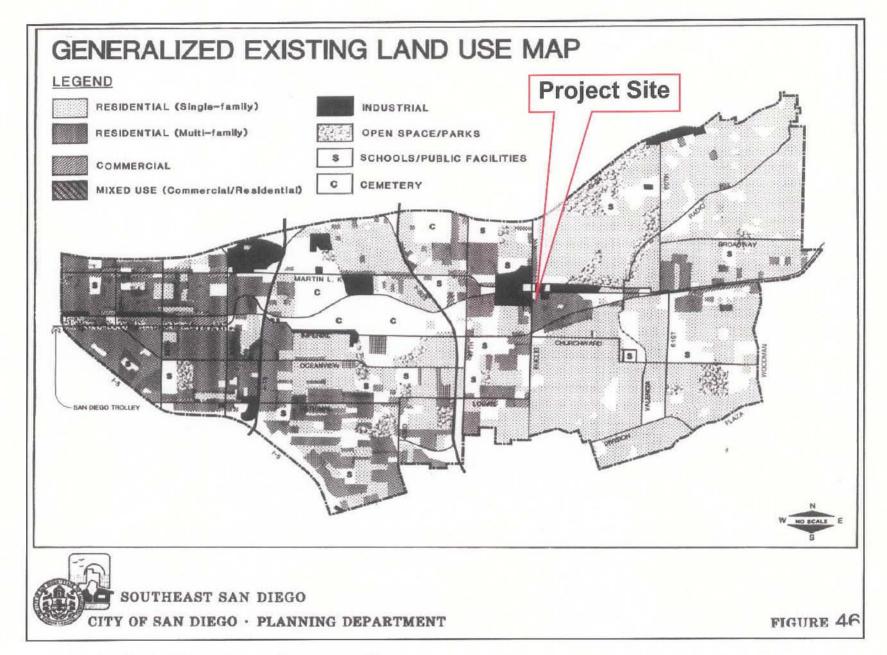
Patricia Grabski Project Manager

**Development Services Department** 

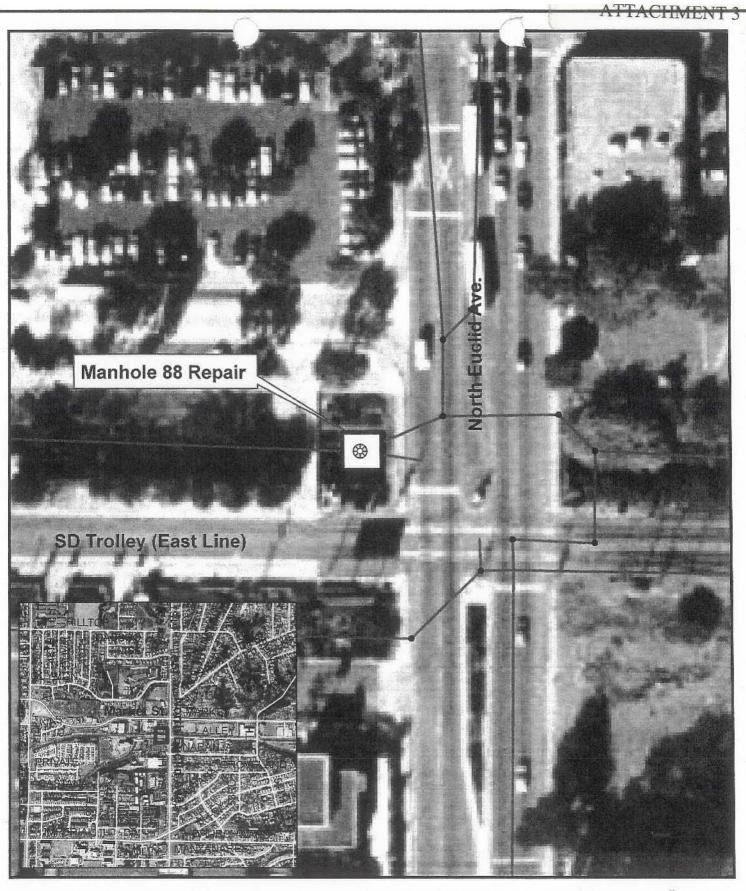
# Attachments:

- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Project Site Plan and Site Photos
- 5. Draft Permit with Conditions
- 6. Draft Resolution with Findings
- 7. CEQA Exemption





Manhole 88 Repair at Encanto Creek Project No. 171516



# Legend



MH 88 Repair

SANGIS.S\_MANHOLE

--- SANGIS.S\_MAIN

# Manhole 88 Repair at Encanto Creek











# Manhole 88 Repair at Encanto Creek Site Development Plan

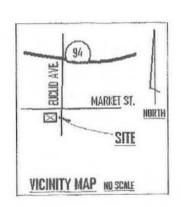




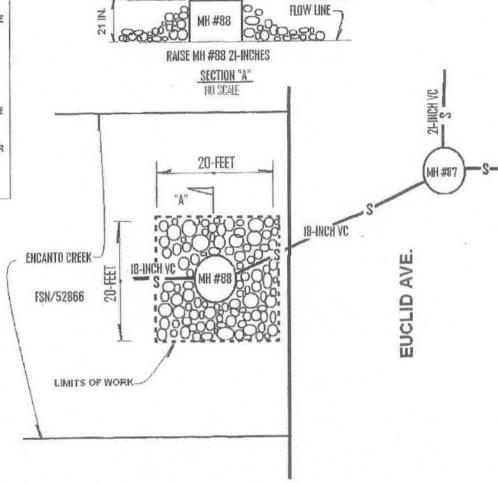


# NOTES:

- 1, VEGETATION WILL BE CUT AT GROUND LEVEL; ALL INVASIVE PLANT SPECIES AND ALL ABOVE GROUND MATERIAL WILL BE REMOVED FROM THE PROJECT SITE.
- 2. EXCAVATION WILL OCCUR IN THE DRAINAGE CHANNEL TO LOCATE THE BURIED MANHOLE.
- 3. RISERS WILL BE INSTALLED TO BRING THE MANHOLE ABOVE GRADE.
- 4. COBBLE STONES (6-INCH OR LARGER) WILL BE PLACED OVER ALL DISTURBED SOILS FOR EROSION CONTROL.
- 5. LOCATE AND RAISE MH #88 FSN/52866







**ENCANTO CREEK** 

# LEGEND:

SEWER MAIN

MANHOLE

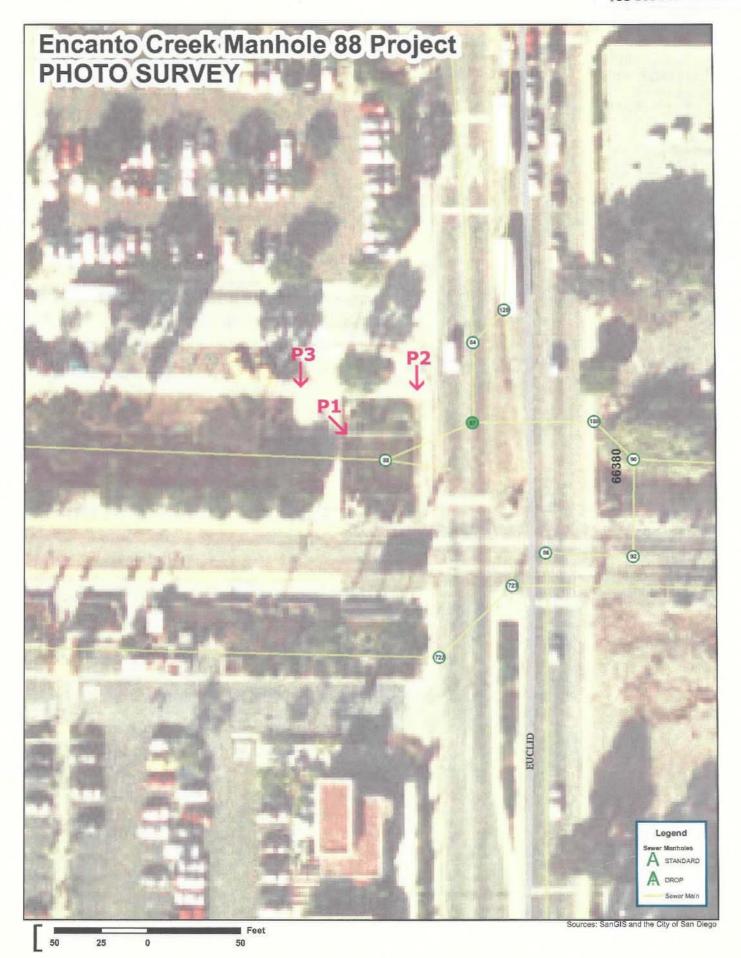
COBBLE STONE (6-INCH OR LARGER)

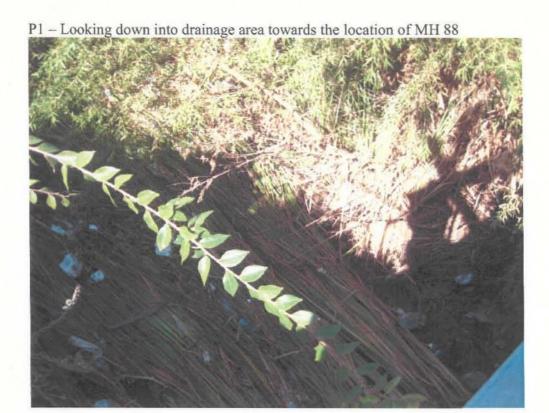
# **EROSION CONTROL PLAN**

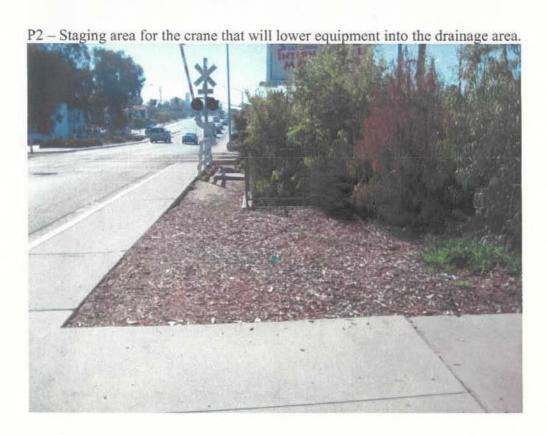
**ENCANTO CREEK MH #88** 

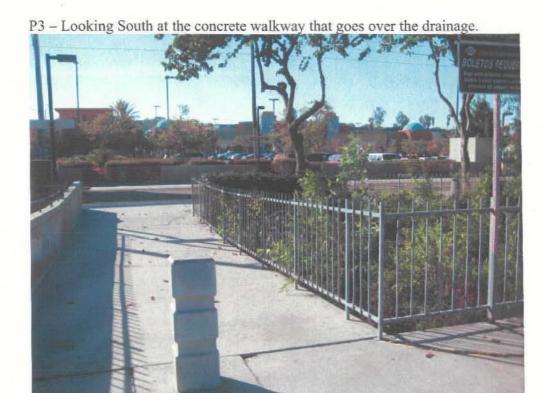
NO SCALE

DATE: 6/10/09









#### RECORDING REQUESTED BY

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

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 030100

# SITE DEVELOPMENT PERMIT NO. 659013 MANHOLE 88 REPAIR AT ENCANTO CREEK - PROJECT NO. 171516 PLANNING COMMISSION

This Site Development Permit No. 659013 is granted by the Planning Commission of the City of San Diego to CITY OF SAN DIEGO METROPOLITAN WASTEWATER DEPARTMENT, Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The site is located south of State Route 94 and east of Interstate 805 within Encanto Creek which is approximately 500 feet west to where the stream connects to the South Chollas minor river in the Southeastern San Diego Planned District – CT-2 zone of the Southeastern San Diego (Encanto Neighborhood) Community Plan area.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/
Permittee to rise the existing buried Manhole 88 to above the surface to limit water infiltration
into the sewer system and allow for regular maintenance and cleaning of the line. In addition, the
project proposes clearing of vegetation to allow for equipment access, excavation, installing
concrete manhole risers and backfilling of the work area, described and identified by size,
dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September
3, 2009, on file in the Development Services Department.

The project shall include:

- a. Raise Manhole 88 above the surface:
- b. Landscaping including clearing of vegetation and backfilling, planting, and other landscape related improvements; and
- c. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s),

conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

### STANDARD REQUIREMENTS:

- 1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
- 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 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.
- 3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
- 4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/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.
- 5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
- 6. 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.).
- 7. The Owner/Permittee shall secure all necessary development permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
- 8. Development plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that 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" conditions(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.

### **INFORMATION ONLY:**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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 §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on September 3, 2009, PC Resolution

Site Development Permit No. 659013 Date of Approval: September 3, 2009

AUTHENTICATED BY THE CITY OF DEPARTMENT	SAN DIEGO DEVELOPMENT SERVICES
Patricia Grabski Development Project Manager	
NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.	
	execution hereof, agrees to each and every condition of and every obligation of Owner/Permittee hereunder.
	City of San Diego Owner/Permittee
	Dirk Smith City of San Diego Metropolitan Wastewater Department

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

# PLANNING COMMISSION RESOLUTION NO. SITE DEVELOPMENT PERMIT NO. 659013 MANHOLE 88 REPAIR AT ENCANTO CREEK - PROJECT NO. 171516

WHEREAS, CITY OF SAN DIEGO METROPOLITAN WASTEWATER DEPARTMENT, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit to rise the existing buried Manhole 88 at Encanto Creek above the surface to limit water infiltration into the sewer system and to allow for regular maintenance and cleaning of the line. In addition, the project proposes clearing of vegetation to allow for equipment access, excavation, installing concrete manhole risers and backfilling of the work area (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 659013):

WHEREAS, the project site is located at south of State Route 94 and east of Interstate 805 within Encanto Creek which is approximately 500 feet west to where the stream connects to the South Chollas minor river in the Southeastern San Diego Planned District (SESDPD)—CT-2 zone of the Southeastern San Diego (Encanto Neighborhood) Community Plan area;

WHEREAS, on September 3, 2009, the Planning Commission of the City of San Diego considered Site Development Permit No. 659013 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on May 20, 2009, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301 (Existing Facilities).

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

That the Planning Commission adopts the following written Findings, dated September 3, 2009.

### FINDINGS:

## Site Development Permit - Section 126.0504

# 1. The proposed development will not adversely affect the applicable land use plan.

The subject property is located in an area identified as Commercial in the Southeastern Community Plan (SCP). This plan recognizes that existing sewer facilities need to be maintained or replaced to continue service. The SCP states on Page 106, "Because of the age of some developed portions of the community, water and sewer maintenance and replacement is occasionally needed." The project as proposed is for the maintenance of an existing facility; therefore, the project as proposed would not adversely affect the applicable land use plans.

## 2. The proposed development will not be detrimental to the public health, safety, and welfare.

Manhole 88 is currently buried and not visible from the surface. This situation results in the manhole being adversely impacted by seasonal rain flows that infiltrate the sewer line which results in breaks in the sewer line. Raising Manhole 88 would help to avert future sewer spills therefore, the development as proposed would not be detrimental to public health, safety, and welfare.

# 3. The proposed development will comply with the applicable regulations of the Land Development Code.

The proposed development complies with the applicable regulations of the Land Development Code except that it would disturb wetlands. The proposed work area is anticipated to be about 20 feet wide by 20 feet long. This area would allow for the equipment to maneuver, excavate, stockpile, and clean up the work area after raising the manhole and will temporarily displacing approximately 400 square feet of wetlands consisting of southern willow scrub habitat. The southern willow scrub habitat and streambed are regulated wetlands. Section 143.0141(b) of the San Diego Municipal Code requires that any impacts to wetlands must be avoided. Since an impact to the wetland area would occur, a Site Development Permit for a deviation to Environmental Sensitive Lands regulations is required.

# 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 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. Implementation of the project involves clearing of adjacent vegetation to allow for equipment access, excavation, installing concrete manhole risers and backfilling of the work area. Crews would begin by trimming back vegetation in the work area and equipment would be lowered down into the creek area from the road or pedestrian walkway located above the work area. There is no access in the creek bed to the work area. The equipment would excavate down to expose the existing manhole. Stockpiled dirt would be placed adjacent to the hole and not within ponded or flowing water. The old manhole lid would be removed and replaced by a series of concrete risers and a new lid. Stockpiled dirt would be backfilled around the manhole and any excess material would be removed from the site. Therefore, the site is both physically suitable for the design and siting of the proposed development and the development will result in minimal disturbance to environmental sensitive lands.

2. The proposed *development* will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards;

Design of the development will minimize the alternation of the natural landform and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. Implementation of the proposed development will result in no land form alteration and due to the minimal excavation and remediation of the site; the project would not increase or 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 to raise the exiting manhole to be above the surface to minimize water infiltration into the sewer line during the rainy season thereby reducing the risk of sewer spills into adjacent environmentally sensitive lands. The development also proposes regular, long term maintenance and cleaning of the sewer line which will prevent future spills that could adversely impacts 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;

Raising the existing buried Manhole 88 to above the surface will limit water infiltration into the sewer system and also allow for regular maintenance and cleaning of the sewer line which will minimize the potential for overflow which would adversely impact adjacent environmentally sensitive land. Therefore, the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program Subarea Plan.

# 5. The proposed *development* will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply; and

The project is located inland and not near any shoreline. Best Management Practices will be implemented to minimize erosion and runoff. Accordingly, the development will not contribute to the erosion of public beaches nor have any adverse impact on the 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*.

Mitigation will be provided to alleviate any negative impacts created by the project. All impacts have been included in the Biological Assessment Report and addressed in the recommendations of the as report. The project will comply with all of the recommendations of the report and implement all recommended strategies to avoid and limit impacts to environmental sensitive lands.

## (c) Supplemental Findings--Environmentally Sensitive Lands Deviations

# 1. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands; and

There are no further feasible measures that can further minimize the potential adverse effects on environmental sensitive lands. The proposed work area just west of Euclid Avenue would disturb wetlands by temporarily displacing approximately 400 square feet of southern willow scrub habitat. The proposed work area is anticipated to be about 20 feet wide by 20 feet long and is the smallest area possible that would allow for the equipment to maneuver, excavate, stockpile, and clean up the work area after raising the manhole.

2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant are making.

The proposed deviation to temporarily impact 400 square feet of wetlands is the minimum necessary to afford relief from conditions of the land, not of the applicants making.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 659013 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 659013, a copy of which is attached hereto and made a part hereof.

Patricia Grabski Development Project Manager Development Services

Adopted on: September 3, 2009

Job Order No. 030100

cc: Legislative Recorder, Development Services Department

# **DETERMINATION OF**

# ENVIRONMENTAL EXEMPTION Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines

Agency: CITY OF SAN DIEGO  Action/Permit(s): Site Development Permit (SDP)		Project No.: 171516		Date: 5/20/09	
		) man	4 Hole	38 REPAIR	
would impact I acres are not si	less than 0.01 acres of weltand habita	at. Based upon the C	ity's CEOA The	in order to access an existing manhole. The project resholds impacts to wetlands that are less than 0.01 from CEQA pursuant to Section 15301 (Existing	
Location of A	ctivity: The project is located in End	canto Creek west of	Euclid Avenue	in the City and County of San Diego.	
(CHECK BO:	XES BELOW) This activity is EXEMPT FROM  [ ] Section 15060 (c)(3) of [ ] Section 15061 (b)(3) of This project is EXEMPT FROM	the State CEQA Gu the State CEQA Gu	idelines (the act idelines (Genera	,	
	ARTICLE 19 of GUIDELINE CATEGORICAL EXEMPTION (Incomplete list)	s		ARTICLE 18 of GUIDELINES STATUTORY EXEMPTIONS (Incomplete list)	
Section [x] 15301 [] 15302 [] 15303 [] 15304 [] 15305 [] 15306 [] 15311 [] 15312 [] 15315 [] 15317 [] 15319 [] 15325 [] 15325	Short Name Existing Facilities Replacement or Reconstruction New Construction or Conversion Structures Minor Alterations to Land Minor Alteration in Land Use Information Collection Accessory Structures Surplus Government Property S Minor Land Divisions Open Space Contracts or Easen Annexation of Existing Facilitie Exempt Facilities Transfer of Ownership of Intere Preserve Open Space	Sales nents es and Lots for	Section [ ] 15261 [ ] 15262 [ ] 15265 [ ] 15268 [ ] 15269 [ ] Other	Short Name Ongoing Project Feasibility and Planning Studies Adoption of Coastal Plans and Programs Ministerial Projects Emergency Projects	
It is hereby c above activit	pertified that the City of San Diego has to be exempt:	as determined the	Distribution:	Project file	
@40 C	· 1 ~ COCA)		Vena Lewis I	Project Manager Development Services Departmen Metropolitan Wastewater Department	

Myra derrmann Senior Planner Gnyhonmental Analysis Section

Revised 8/08 abj