CITY OF SAN DIEGO
M E M O R A N D U M

DATE: July 9, 2004

TO: Planning Commission, Agenda of July 15, 2004

FROM: Tim Daly, Development Project Manager, Development Services

SUBJECT: Canyon Sewer Cleaning Program and Long Term Canyon Sewer Maintenance Program, Planning Commission Request for Continuance for Additional Information

REFERENCE: Coastal Development Permit and Site Development Permit, Canyon Sewer Cleaning Program and Long Term Canyon Sewer Maintenance Program, Report No. PC-04-071
Project No. 6020

On May 13, 2004, City staff presented the Canyon Sewer Cleaning Program and Long Term Canyon Sewer Maintenance Program (Canyon Sewer Program), Project No. 6020, an application for a Coastal Development Permit and Site Development Permit, before the Planning Commission. During the hearing, the Planning Commissioners requested a continuance of the hearing item to enable the applicant, Metropolitan Wastewater Department (MWWD), and staff to provide a response to the Commissioners questions as related to the Canyon Sewer Program.

The following identifies the particular Commissioner and the question(s) provided to the applicant and staff during the hearing. A combination of MWWD and staff response(s) follows the question:

<u>Commissioner Lettieri</u>

1. **Send copy of May 10, 2004 memo re: revised Permit Guideline Sec. 6, to opposition members.**
   Completed.

2. **Explain if there is a difference between public vs. private projects for mitigation measures and guidelines? What document controls immediate restoration? Timeframe for accomplishing immediate restoration once impact occurs? Timeframe for mitigation of impacts?**
   <u>Difference between public/private projects for mitigation/guidelines?</u>
   The City of San Diego Biology Guidelines, May 2001, provides baseline biological standards for determining biological impacts and mitigation under the California Environmental Quality Act, which are the same for both private

and public projects. The mitigation measures proposed for the project are consistent with these Guidelines.

What document controls immediate restoration?
There are five documents that refer to restoration and revegetation. They are not always consistent in their use of these terms and they are often used interchangeably. The terms are used when referring to restoration/revegetation for erosion control and restoration/revegetation for mitigation of impacts to significant biological resources. The principal difference is their reference to impacts to sensitive habitat that are considered significant, and those impacts to non-sensitive habitat, which aren't significant.

The first document, the San Diego Municipal Code Section 142.0411, under the heading Revegetation and Erosion Control, reads in part: "All graded, disturbed, or eroded areas that will not be permanently paved or covered by structures shall be revegetated and irrigated. All required revegetation and erosion control shall be completed within 90 calendar days of the completion of grading or disturbance." The intent of the regulation is to prevent erosion of areas such as manufactured slopes. Taken literally, this regulation could be interpreted to prohibit baseball infields, tot lots, hiking trails, livestock corrals, agricultural fields, and other uses that are typically not paved nor covered with structures. This Code Section, therefore, is not intended nor should it be interpreted to apply to projects such as cleared areas needed for ongoing maintenance access paths.

The second document is the Landscape Standards which is a part of the Land Development Manual and provides for minimum plant material, irrigation, etc. in accordance with above. Section IV provides for erosion control and revegetation guidelines. Topics include revegetation adjacent to natural areas, slopes, mulching and hydroseeding procedures, and maintenance requirements.

The third document is the Biological Review References, specifically the Land Development Code Biology Guidelines, City of San Diego, May 2001, and the Biology Survey Guidelines (July 2002; also a part of the Land Development Manual,) which provides an outline for revegetation and restoration for habitat mitigation specifically for impacts to sensitive habitat (i.e., increases the habitat quality and biological functions of the site).

The fourth document is Council Policy 400-13. While not a land use document, it establishes policy and guidelines for timely restoration of impacts and effective restoration of areas not required for accessing sewer facilities for ongoing maintenance.

Finally, the fifth document is the Program EIR (PEIR) and accompanying Mitigation, Monitoring and Reporting Program (MMRP), which distinguishes between habitat mitigation and habitat restoration (pages III-30 to III-31). Habitat "mitigation" is a regulatory requirement for significant habitat impacts. Based on current city policy and procedures, upland mitigation may be on-site or off-site, or accomplished through the purchase of mitigation from approved banks. Habitat "restoration" is the remediation of the disturbed area not required for accessing sewer facilities for ongoing maintenance.

In summary, there is a distinction between restoration/revegetation for landscape and erosion control and restoration/revegetation for habitat mitigation. The various City documents discuss this distinction clearly; however, they all continue to use the terms revegetation and restoration interchangeably.

Timeframe for accomplishing immediate restoration?
A priority list for canyon impacts requiring evaluation of restoration or revegetation for erosion control has been prepared, enclosed Canyon Status Report, Attachment No. 1. MWWD has prioritized these canyons, and restoration/revegetation has begun. For new impacts, restoration shall be implemented within 90 days of completion of the project, or prior to the start of the following rainy season.

Timeframe for mitigation of impacts?
This is discussed in the Mitigation, Monitoring and Reporting Program (MMRP). MWWD has established a mitigation account for past upland and wetland impacts with a current balance of $1.2 million. The purpose is to use these monies for implementing habitat mitigation plans. In addition, if appropriate, these monies could be used to pay into the Habitat Acquisition Fund or buy credits from the Cornerstone Lands to mitigate for significant upland impacts.

Wetland impacts will be mitigated "on the ground" to achieve a no net loss of wetlands. As stated in the MMRP, within six months of approval of the SDP and CDP, MWWD shall submit the wetland mitigation plans to Development Services Department (DSD) for review. These plans shall specify the location and how the sites will be used for creation, restoration, and/or revegetation.

Lastly, the need for and the method of impact mitigation would be identified at the time of Substantial Conformance Review (SCR) for each future project. If the method of mitigation includes the preparation of a conceptual mitigation plan for creation, enhancement, and/or restoration of habitat, "on-the-ground" installation would be required within three months of mitigation plan and permit approvals (weather permitting). If the method of mitigation includes payment into the Habitat Acquisition Fund and/or debiting credits from a mitigation bank/site, mitigation would be considered completed at the time of

SCR approval as payment would be immediately withdrawn from MWWD's account.

3. **Need timely restoration. Evaluate adopting Open Space Canyons Advisory Committee (OSCAC) guidelines for restoration.**
Council Policy 400-13 requires timely and effective restoration. Additional policies and procedures are currently being discussed at the Open Space Canyons Advisory Committee (OSCAC). MWWD is committed to implement restoration or erosion control within 90 days of impacts, weather permitting. Various methods of restoration are available, and have been discussed with the OSCAC. These include hydroseeding, planting, mulching, and weeding only. The appropriate method of restoration will be determined on a case by case basis depending on level of impact, topography, surrounding habitat, etc.

MWWD also works closely with Park and Recreation Open Space Division staff to determine appropriate restoration methods on Park and Recreation Department managed lands.

For areas impacted where onsite mitigation is not proposed or required, and where the area is outside the pathway needed for ongoing and long term maintenance access, the following "restoration standards" have been agreed upon:

- Planting: MWWD shall revegetate disturbed areas with native vegetation. Within 25 months, native plant coverage shall be equal to the native species present in the adjacent area, or 30% whichever is greater. Restored areas shall be evaluated visually by a qualified biologist, and success shall allow for a plus/minus (+/-) 10% deviation.
- Weeding: within 25 months, perennial weeds will be present in the impact area at less than 1%, and annual weeds will be present in the impact area at less than 10%.
- Upon success, MWWD will not be responsible for further maintenance.

Access paths and areas required for ongoing maintenance are not subject to restoration standards, as they represent the actual "development" for this permit. Various options exist for access path development, one of which is revegetation for erosion control. The following "revegetation guidelines" have been agreed upon:

- Where technically possible, and the community supports and desires the native revegetated path, this will be MWWD's priority.
- Only native species will be used.
- Weeding will be performed between impact and revegetation.
- Weeding will be performed after revegetation for 25 months.
- No success standards beyond effective erosion control are required.

4. **Need to establish solid criteria for Substantial Conformance Review (SCR).**
The MWWD would be required to comply with the criteria as proposed in the Canyon Sewer Program Permit Guidelines. Individual projects submitted for SCR would be evaluated consistent with the PEIR MMRP provisions and the adopted Land Development Code.

5. **Establish priority system for onsite vs. offsite mitigation. Onsite mitigation as number one priority.**
The City of San Diego Biology Guidelines does not state a preference nor requirements for on-site versus off-site mitigation. The Guidelines encourage mitigation for uplands within the Multi-Habitat Planning Area (MHPA) by requiring lower mitigation ratios for mitigation within the MHPA. Establishment of a priority system for on-site versus off-site mitigation for upland or wetland impacts by DSD would exceed what is required for private project mitigation.

MWWD, however, has agreed to place on-site mitigation as their priority and is committed to conducting onsite, or within the canyon mitigation, where feasible. Each canyon shall be assessed on a case by case basis. The assessment of whether or not on site mitigation is feasible shall be based on a number of considerations. These include:

Ownership – Is the area in public ownership?

MHPA – Is the area within the MHPA?

Protection Status – Is it within a City-owned designated or dedicated parkland, open space, or an MHPA preserve area? If so, in accordance with a general policy of the Open Space Division of the Park and Recreation Department, mitigation for impacts within a designated/dedicated parkland, open space or MHPA Preserve area should be completed within that area, or, if no reasonable sites can be found, in the closest possible proximity to it. For wetland impacts, wetland enhancement and creation should be completed within the designated/dedicated parkland, open space or MHPA Preserve area where possible, or, if not possible, within close proximity and/or in the same watershed. All proposed mitigation for designated and dedicated open space land impacts must be reviewed by the Development Services and Park and Recreation Departments on a case-by-case basis.

Biological Viability – Is the area connected to high quality habitat? Are exotic plant populations present? Is the mitigation area required of sufficient size to be biologically viable/self-sustaining?

Hydrology – Is there sufficient hydrology to support the establishment of required habitat types?

Economics – The cost of mitigating on-site vs. the cost of mitigating through other available means, especially for small areas located in disturbed habitat, are known to be more costly. While MWWD is committed to mitigate on site when possible, these costs can not be overlooked, and therefore all costs will be identified for on-site vs. off-site mitigation, assessed, and these costs will be submitted to the MWWD Director for review and final determination.

6. Evaluate Substantial Conformance Review Process 2 vs. Process 1

The goal of Substantial Conformance Review (SCR) is to determine if the proposed project is consistent and in conformance with a previously approved permit. This includes a review of the revised project against the approved exhibits, permit conditions, environmental documentation, applicable land use policies, and the public record for the prior permit. Staff will recommend approval of the modified project if the change falls within the parameters of the prior approval.

A Substantial Conformance Review decision is either at staff-level decision (Process 1) or a staff decision by that requires input from the Community Planning Group and is appealable to the Planning Commission (Process 2). Some prior approvals require Substantial Conformance Review to go through a Noticed Decision process (Process 2). This higher decision process is either a condition within the development permit itself, or is required by the Municipal Code.

In addition to standard SCR application requirements for Process 1, Process 2 submittal requirements shall include a Public Notice Package;
a. One set of adhesive mailing labels, on 8 ½" by 11" sheets. Each set includes the names and addresses of current property owners located within a 300-foot radius of the perimeter of the property for which an application is being made. Where properties are not owner occupied, occupant labels must also be provided in addition to the property owner labels. (See Information Bulletin 512, "How to Obtain Public Noticing Information," for more details.)
b. A photo copy of the mailing labels.
c. Assessor Parcel Map(s) outlining the 300-foot radius.

The proposed permits and PEIR outlines the SCR process to be followed. If the project submitted for SCR review is within the Coastal Zone, then it requires a Process 2 decision. If not, then the permits and PEIR requires a Process 1 decision. At this point, MWWD would prefer to keep the Process 1 in place for those projects outside the Coastal Zone. The purpose of preparing the Program EIR and Master Permits was for expediency and for overall cost savings to the City and the rate payer. MWWD believes they have a process in place that will solicit and incorporate appropriate community feedback.

The need for this expedience is based on an Administrative Order (AO) issued by the Environmental Protection Agency (EPA) in April 2002 identifying a Finding of Violation and Order for past sewer spills and sets forth a comprehensive set of requirements to be met by the City. The City of San Diego has paid penalties of over $5 Million to the Regional Water Quality Control Board as a result of these spills. A draft proposed Consent Decree outlining steps required to reduce and eliminate future spills is in preparation and nearing completion. It will set forth specific requirements of MWWD related to cleaning and maintaining its sewerage system and is binding on the City.

The AO required MWWD to complete at least one cleaning of each sewer pipe in the gravity system by March 31, 2004 and requires MWWD to clean each sewer pipe on a minimum five (5) year frequency. Any deficiencies must be repaired within one (1) year. Based on the AO, the MWWD must inspect and repair as necessary any defects in pipeline and manhole facilities, and report back to the EPA. Substantial penalties will be incorporated into the final Consent Decree for future spills.

In concert with this, Council Policy 400-14 requires MWWD to perform a Redirection of Flow (ROF) analysis for all sewer facilities within canyons to determine the potential to relocate these facilities into the right of way. The ROF process requires MWWD to incorporate community involvement in this analysis, and as such, will ensure that community input is solicited and incorporated into any project that will eventually be submitted for SCR, whether Process 1 or Process 2.

As an example of MWWD's commitment to seek and incorporate community involvement, MWWD recently worked with the affected community during the planning of the Normal Heights emergency cleaning project (I-15/Adams Emergency Sewer Repairs). MWWD sought community involvement, and based on their concerns and recommendations, sought approvals from CALTRANS to allow an alternative entry point into the canyon. CALTRANS eventually approved the entry, and MWWD gained entry off of I-15. Also, MWWD prepared a Conceptual Restoration Plan for the Normal Heights project, and has made it available to the OSCAC and the Normal Heights Community Group for their review and input. MWWD has received comments on the report and is working with them to finalize the approach to restoration and path revegetation in this canyon.

MWWD has a commitment to work with the community and seek input regardless of the Process, and therefore would prefer to keep the process as streamlined as possible to ensure all Administrative Order deadlines are met.

7. **Evaluate impacts to large shrubs and trees. MWWD evaluate adoption of CFAB recommendations.**

Impacts to large shrubs and trees would be evaluated in relation to habitat impacts per the City's Biology Guidelines. Impacts to individual trees and shrubs in general would not be significant and would not require mitigation unless these individuals could be characterized as sensitive trees such as a sycamore, oak, Torrey Pine, landmark trees, or shrubs which are identified in the General Plan, applicable to the community plan or local coastal program. . Staff does not agree, however, that this should apply to the removal of non-native trees, the removal of which may actually provide an ecological benefit due to the removal of non-native and in some cases very invasive exotic species.

It's not feasible to maintain and water individually replaced and planted trees in remote areas. MWWD has agreed to either the replacement or payment into a fund, at such a time as the fund is created, for impacts to native trees or individual sensitive trees that are not covered by habitat mitigation requirements

The Park and Recreation Department Open Space Division Park Ranger Program has been actively eradicating non-native vegetation within Open Space Parks for several years. Non-native trees are replanted with appropriate native species only where appropriate, and when funding is available via grant monies, or through volunteer efforts. The removal of non-native trees especially in riparian areas often encourages natural regeneration of native species including willow and cottonwood.

8. **Define standards for restoration.**

As noted above, restoration and revegetation are not clearly defined by the Municipal Code, Landscape Standards, Biology Guidelines, or Council Policy 400-13. For the purposes of this program, either term may be used, although a distinction should be made as to whether the term is for the purposes of (1) mitigation, where the standards in the Biology Guidelines would apply, (2) to restoration of impacted areas outside of those needed for ongoing maintenance, where the standards established in the Master Permit would apply (see agreed upon standards in Response to No. 3), or (3) revegetation of the access path, for which there is not a requirement, but where guidelines have been developed and agreed upon by MWWD and the community (see Response to No. 3).

To restate standards for restoration for areas impacted where onsite mitigation is not proposed or required, and where the area is outside the pathway needed for ongoing and long term maintenance access, the following "restoration standards" have been agreed upon:

- Planting: MWWD shall revegetate disturbed areas with native vegetation. Within 25 months, native plant coverage shall be equal to the native species present in the adjacent area, or 30% whichever is greater. Restored areas shall be evaluated visually by a qualified biologist, and success shall allow for a plus/minus (+/-) 10% deviation.
- Weeding: within 25 months, perennial weeds will be present in the impact area at less than 1%, and annual weeds will be present in the impact area at less than 10%.
- Upon success, MWWD will not be responsible for further maintenance.

9. Define standards for revegetation.

Standards for restoration/revegetation for habitat mitigation of sensitive biological resources are outlined in the City's Biology Guidelines. The City of San Diego, as well as all resource agencies that issue environmental permits, such as the U.S. Fish and Wildlife Service, the Army Corps of Engineers, and the Calif. Department of Fish and Game has established mitigation ratios for impacts to sensitive and significant habitat. The ratios are based on habitat type and location, and determined at the time of permit issuance. MWWD is required to mitigate all its impacts to significant habitat as part of the permit process. Site preparation, irrigation, plant installation, maintenance and monitoring issues must be addressed in a mitigation plan. Habitat revegetation, as a result of impacts to sensitive biological resources, typically requires three to five years to achieve success.

There are no required revegetation standards for paths that will be used for maintenance activities, as these represent the "development" that is permitted by the Master Permit. Erosion control is however required, and MWWD is committed to ensure successful erosion control. One method of erosion control will be to "revegetate" the maintenance path to provide habitat to the extent feasible, while still providing access on the paths for required on-going maintenance.

MWWD has worked with the community and have established the following "revegetation guidelines" if revegetation is the selected erosion control alternative:

- Where technically possible, and the community supports and desires the native revegetated path, this will be MWWD's priority.
- Only native species will be used.
- Weeding will be performed between impact and revegetation.
- Weeding will be performed after revegetation for 25 months.
- No success standards beyond effective erosion control are required.

10. Establish annual report for mitigation

The PEIR, MMRP Biological Mitigation Measure No. 17.B requires the MWWD to submit monthly progress reports for all Canyon Sewer Cleaning Program Projects to the Development Services Department. MWWD has developed a database tracking system to track the status of mitigation for the program. Following certification of the PEIR and approval of the Master Permit, this reporting shall be summarized annually and submitted to the Open Space Citizens Advisory Committee for review.

11. Detail education and training of WWC staff on canyon sewer cleaning and equipment.

Wastewater Collections field crews receive on the job training in equipment operation and their work within environmentally sensitive areas. Additionally, periodic trainings occur on safety and specific environmental topics. Examples of topics covered include vernal pools, working in environmentally sensitive lands, rattlesnakes, West Nile virus, and new equipment operation. Much of the environmental sensitivity training is conducted by environmental staff from the Environmental Analysis Section of DSD. The WWC Division also has training videos related to operations and maintenance activities within sensitive habitats in urban canyons and can be found on: www.sandiego.gov/mwwd/videos/index.shml.

12. Provide access planning.

The Park and Recreation Department Open Space Division, which is charged with the maintenance and management of 26,000 acres of City-owned open space, has created an Open Space Trails Manager position to develop a citywide trails plan and implementation program, and trail construction and maintenance standards. This position will be funded through a reimbursement agreement with the Metropolitan Wastewater Department (MWWD) for the first year, then by Park and Recreation thereafter. The Trails Manager will determine location of existing trails, easements, and utility access roads, and map and assess them; analyze all affected land use plans, as well as park and utility plans; interview existing trail user groups; analyze land use, topographic, environmental and political constraints to new trail alignments; and, ultimately, develop a citywide trails plan and implementation program. A major focus will be on working with MWWD on possibilities for joint trail/canyon sewer access, as well as with Water on public access and risk issues related to watershed lands, and with SDG&E on joint use of easements. This position will also work closely with Development Services to review and approve all trails created through the private development process, and will provide construction oversight for all trails projects.

Canyon Access Planning is one of the primary work tasks currently ongoing within MWWD. As noted in other responses, MWWD is under an Administrative Order (AO) to inspect, clean, repair, and maintain all sewer

pipelines in the sewerage system. This requires an enormous level of staff input and planning to carry out such a large task. There are over 250 miles of gravity sewer pipelines, located within approximately 260 canyons throughout San Diego. Access planning is therefore high on the priority list, and is necessary to meet the requirements of the Administrative Order. This planning process is a major and critical element within the MWWD's Canyon Sewer Cleaning and Long-Term Sewer Maintenance Programs. The definition and success of these programs is a direct product of this planning. The PEIR includes a detailed description of the planning process as it relates to the programs starting on page III-1 through III-42.

During the ongoing access planning process, MWWD has cleaned 240 miles of sewers in 260 environmentally sensitive canyon areas. Approximately 10 miles have not yet been cleaned in 3 canyons. For 19 canyons, Interim Maintenance Access Plans (IMAPS) have been prepared to address interim maintenance access while long term planning for permanent access roads is completed, and the preparation of 12 more are underway.

190 miles of pipeline have been televised to determine their condition, and hydraulic modeling has been completed for 86 miles of canyon sewer pipelines to determine the need for manhole or pipeline repair, replacement, or upsizing. Following the completion of televising and hydraulic modeling, Redirection of Flow (ROF) studies are completed, which includes a cost-benefit analysis to determine whether to relocate the sewer and the need for long team access. If it is determined that long term access is required, then draft access plans are prepared.

ROF studies have been completed for 10 canyon areas. Public workshops for 4 canyons have been made presenting the results of these studies in anticipation of submitting for approval under the master permit, and the remaining 6 are being planned. Additionally, access plans have been presented to community groups as part of trunk sewer replacement projects that are undergoing separate site development permit review. Also, 6 miles of existing sewer mains have already been redirected (construction completed).

In summary, access planning is ongoing, and is in essence the core of the work MWWD is doing in assessing the current condition of the pipelines in canyons, the potential for redirecting flow out of canyons, and the requirement for future, permanent access paths to inspect and maintain these pipelines as required by the binding AO.

13. MWWD should evaluate requiring Process 2 SCR for all projects. No Process 1 SCR.

See response to Question No. 6

Commissioner Garcia

14. **Who determines the appropriateness of restoration and who monitors the success?**
There are three types of restoration/revegetation:

Habitat Mitigation Restoration/revegetation:
This is required when there is a significant impact to sensitive habitats. Per the City's Biology Guidelines, on-site restoration/revegetation can serve as habitat mitigation only if the site has long-term viability. Long-term viability would be assessed by a qualified biologist to determine the connectivity of the site to larger planned open spaces (i.e. MHPA lands), surrounding land uses, and sensitivity of the MHPA resources to environmental change. This type of restoration/revegetation would be subject to the City's Biology Guidelines and would require a three- to five-year maintenance and monitoring plan. These impacts are determined by EAS staff during the review of environmental documents prepared for the project.

The appropriateness of the habitat mitigation via restoration and/or revegetation is determined by a biological specialist. A conceptual restoration/revegetation plan is prepared, which leads to a final plan with detailed construction drawings. The project is implemented by the applicant and is overseen by a restoration ecologist or equivalent professional.

The success of the restoration/revegetation and monitoring plan would be the responsibility of the project proponent with oversight and ultimate approval authority provided by the Development Services Department Mitigation, Monitoring, and Coordination Section. Qualitative and quantitative reports are submitted to the Development Services Department Mitigation, Monitoring, and Coordination Section for review with remedial actions taken. Once success is achieved, the mitigation sited is signed off by the City and other regulatory agencies, as applicable.

Restoration of onsite impacts outside of the area required for maintenance activities:

For areas impacted where onsite mitigation is not proposed or required, and where the area is outside the pathway needed for ongoing and long term maintenance access, restoration will occur based on the following "restoration standards" that have been agreed upon:

- Planting: MWWD shall revegetate disturbed areas with native vegetation. Within 25 months, native plant coverage shall be equal to the native species present in the adjacent area, or 30% whichever is greater. Restored areas shall be evaluated visually

by a qualified biologist, and success shall allow for a plus/minus (+/-) 10% deviation.

- Weeding: within 25 months, perennial weeds will be present in the impact area at less than 1%, and annual weeds will be present in the impact area at less than 10%.
- Upon success, MWWD will not be responsible for further maintenance.

Erosion Control Revegetation:

Erosion control methods for the maintenance access paths could include revegetation with a native seed mix, hydroseeding, mulching, weeding, and planting. The following "guidelines" have been agreed upon:

- Where technically possible, and the community supports and desires the native revegetated path, this will be MWWD's priority.
- Only native species will be used.
- Weeding will be performed between impact and revegetation.
- Weeding will be performed after revegetation for 25 months.
- No success standards beyond effective erosion control are required.

Restoration and revegetation sites that occur within Park and Recreation Department Open Space Park or Preserve areas are patrolled and maintained by Park Ranger or park maintenance staff after completion of MWWD activities. Park Ranger duties include maintaining signage or fencing at the project site, educating the public as to purpose and history of the site, and enforcing park rules or regulations. There are currently 13 Park Rangers to oversee more than 15,500 acres within the Open Space Park system. Project sites occurring within Open Space Division lands that are not within Open Space parks and thus are not staffed by Park Rangers, receive limited maintenance and management. One Senior Planner and one Grounds Maintenance Manager are assigned to oversee more than 7,300 acres of open space City-wide. Maintenance in these areas is generally limited to removal of hazardous tree limbs, trash pickup once a year, transient/itinerate worker abatement and weed clearing or brush thinning adjacent to structures, City sidewalks or right of ways. All restoration/revegetation and monitoring reports relating to Park and Recreation-managed Open Space lands are reviewed by Open Space Division staff.

15. Evaluate SCR Process 1 vs. Process 2.
See Response to No. 6

16. Evaluate mitigation vs. restoration needs.

The PEIR has evaluated the potential for significant and non-significant biological impacts. As a result of this evaluation, mitigation or restoration needs have been identified. If mitigation is required, then those standards are based upon the City's Land Development Code Biology Guidelines, (May, 2001) which supplement the Environmentally Sensitive Lands Regulations (Chapter 14 Division Article 3, Division 1). These guidelines provide amongst other things, mitigation ratios and methods of mitigation such as off-site preservation, on-site preservation, habitat restoration, monetary contribution, or debiting credits from the Cornerstone Bank.

If impacts are not significant, then mitigation is not required. Impacts would require erosion control as discussed above. Access paths, which are the defined project for this permit, are not required to be revegetated; however, implementation of erosion control is. While not required, MWWD will be revegetating some access paths for erosion control using a variety of methods such as hydroseeding, mulching, weeding, planting, etc. This revegetation effort is to provide erosion control, and provide habitat to the extent feasible, while still providing access on the paths for required on-going maintenance. MWWD currently has a revegetation pilot project constructed and under maintenance, and another waiting for implementation, to determine the feasibility of successfully revegetating these paths and allowing the maintenance crews continued access.

17. Evaluate parallel restoration and monitoring program for immediate project impacts.

Project impacts are generally evaluated as part of the CEQA analysis associated with obtaining permits. For significant impacts, a Mitigation, Monitoring and Reporting Program is adopted which becomes the permit or project conditions which specify how immediate project impacts are to be dealt with before, during, and after construction. For example, sensitive biological areas may be required to be fenced, staked, or flagged; limit construction activities to outside the breeding season of some species; monitor noise levels during construction; and provide for on-site or off-site (or both) creation or revegetation of habitat after construction is completed. The latter would involve a 3-5 year monitoring program to assure success as previously discussed. All these activities would be monitored before, during, and after construction by a biologist.

For non-significant impacts, MWWD is prepared to implement restoration of impacts for areas outside of path and maintenance areas, and erosion control of the path areas within 90 days or the next rainy season in accordance with the restoration standards and revegetation guidelines outlined above (see Response to No. 3).

18. Describe when Landscape regulations apply and when Biological guidelines apply to the project.
Landscape regulations (§142.0401, 142.0402 et. Seq.) apply to all proposed planting and irrigation work, building permits, grading permits, erosion control, etc...

Biological Guidelines are applicable when implementing the Environmental Sensitive Lands Regulations during the discretionary process. They provide baseline biological standards for determining biological impacts and mitigation under the California Environmental Quality Act. These standards are applicable to private and public projects.

19. MWWD provide a report or guidelines on access planning.
See response to No. 12

20. Establish priority of onsite mitigation vs. offsite.
See Response to No. 5

21. Evaluate the permits issued in perpetuity. Evaluate possible term limits, program milestones, and checks to evaluate program and progress.
The Site Development Permit and Coastal Development Permit do not have time limits. The MMRP has specific language regarding reports and progress of the program.

The following checks of the system are noted above in response to question 10. Biological Mitigation Measure # 17.B of the MMRP requires MWWD to submit monthly progress reports for all Canyon Sewer Cleaning Program Projects to the Development Services Department. The MWWD has developed a database tracking system to track the status of mitigation for the program. Following certification of the EIR and approval of the Master Permit, this reporting shall be summarized annually and submitted to the Open Space Canyons Advisory Committee for review.

<u>Commissioner Steele</u>

22. Evaluate only using Process 2 SCR for Canyon Sewer Program.
See Response to No. 6

23. Evaluate MWWD hiring ecologist to coordinate and control work on actual project sites.
MWWD currently has seven environmental professionals on staff with experience in managing restoration and mitigation projects and biological consultants in the field. This staff works directly with WWC crews in the field when access to canyons is required. In addition to MWWD environmental staff, MWWD also has on contract status professional biological consultants who also accompany WWC crews into the canyons to

determine the least environmentally impactive route for cleaning or maintenance. During any emergency repair, or routine maintenance, professional biological consultants or MWWD staff are in the field during construction to document and assist the crew in avoiding or lessening impacts to significant biological resources. This practice has been ongoing for the past few years, and shall continue.

24. MWWD evaluate having local community groups/organizations volunteer help with restoration and/or revegetation of project sites.

The use of volunteer community members and "Friends of" groups to assist with MWWD restoration/revegetation and monitoring projects could potentially supplement, but not substitute for, paid professional staff. Appropriate and knowledgeable City staff would have to be made available to train, supervise, and coordinate volunteers. Specialized training would be required to teach volunteers native plant vs. non-native plant identification, native vegetation planting techniques, non-native eradication principles, etc. As volunteers generally are available only on a Saturday or Sunday for 3-4 hours (typically once a month), City staff would need to be paid overtime or adjust their schedules to accommodate weekend work. If the MWWD project sites occur in Park and Recreation Department Open Space Division-managed lands or park areas, restoration project work should take place under the supervision of Park Ranger staff. However, given the current budget situation, and the fact that five park ranger positions in the Park and Recreation Department Open Space Division have been cut for FY2005, the limited availability of staff to do this is a major impediment.

Because a California Qualified Applicator's License (Q.A.C.) is required to apply herbicide on Park and Recreation managed property, herbicide use by volunteers for non-native plant control would be fairly limited. The Park and Recreation Department Open Space Division has had a limited number of volunteers pass the rigorous Q.A.C. test and gain their State license. Any herbicide work done on Park and Recreation Department lands must be overseen by a Senior Park Ranger or another Park and Recreation staff member with a Q.A.C.

It should be noted that the use of specialized equipment for professional hydroseed application is proposed for many project areas and volunteer assistance would be of limited use in those situations. Additionally many MWWD project sites occur on private property where the use of volunteers may not be appropriate due to access and liability considerations.

MWWD, however, is willing to continue to work with the community to identify opportunities for restoration and erosion control assistance.

25. MWWD's goal should not be to access every manhole. Describe reasons or requirements that necessitate access of all manholes.

As noted in Response to No. 6, the Environmental Protection Agency issued an Administrative Order to the City of San Diego identifying a Finding of Violation and Order. The Finding identified that the City had 1,535 sewage spills between January 1, 1997 and December 31, 2001, and set forth a comprehensive set of requirements to be met by the City to reduce and eliminate sewage spills. During 2000 and 2001, the City of San Diego paid penalties of over $5 Million to the Regional Water Quality Control Board as a result of these spills. A draft proposed Consent Decree outlining steps required to reduce and eliminate such spills is in preparation and nearing completion. It will set forth specific requirements of MWWD related to cleaning and maintaining its sewerage system and is binding on the City.

By March 31, 2004, MWWD was required to complete at least one cleaning of each sewer pipe in the gravity system. Additionally, MWWD must clean each sewer pipe on a minimum five (5) year frequency. As a result of this inspection and cleaning program, MWWD is directed to inspect all pipelines and manholes in its collection system every five years, beginning now. Condition assessment reports for each are required, and the City is required to report annually on their condition. Any deficiencies must be repaired within one (1) year.

Based on the current AO, MWWD must inspect, and repair as necessary, any defects in our pipeline and manhole facilities, and report back to the EPA. Substantial penalties will be imposed for future spills.

In summary, MWWD must have access to every manhole in order to inspect and repair all manholes within the overall system. If a vehicle access path is required, in particular for cleaning or repairing, then MWWD must have that option available. If a foot-path can serve the purpose instead of a wider path on an interim basis, then MWWD will use that method. MWWD overall supports the concept of minimizing impacts to access manholes, and will assess the access needs on a case by case basis.

<u>Commissioner Schultz</u>

26. Evaluate using SCR Process 1 vs. Process 2. Process 2 allows appeal method for oversight of program w/ ability for community to voice concerns.

See Response to No. 6

27. MWWD provide individual coordinator to work with community.

MWWD has a Public Outreach section and is tasked with working directly with the community or communities affected by our development or

operations. Additionally, each project has an assigned Project Manager who is dedicated to working with the appropriate community members.

28. Establish policy for onsite restoration and mitigation with exception to rule for offsite mitigation.
See Response to No. 5

29. MWWD hire biologist and/or ecologist for hands-on, in the field direction of projects.
MWWD's Engineering and Program Management Division has a dedicated Environmental Section, headed by a Project Officer II with over 25 years of environmental experience, including overseeing and managing numerous habitat restoration and revegetation projects. In addition, this section has seven, full time environmental professional staff, many with direct biological and resource agency experience. MWWD is well equipped and staffed to oversee requisite environmental projects required as part of our development and operations. Further, this staff is experienced working with and managing outside environmental consultants that specialize in certain areas that the City can not staff, and currently has a number of contracts in place to hire the necessary assistance in all areas, including design, construction, and maintenance.

Commissioner Ontai

30. MWWD evaluate soliciting community involvement or volunteers for onsite restoration.
See Response to No. 30

31. Fully describe sewer cleaning methods and which methods would be used to best minimize impacts to the environment.
There are three cleaning methods that can be used within canyons. These are summarized below, and provided in greater detail in Attachment No. 3.

"Flushing/jetting" uses water pressure to clean the inside of pipes 15 inches or less in diameter. This may be done using the large vactor/combo trucks from the street or where there is sufficient preexisting access within a canyon. A mobile hose may be towed into the canyon by the canyon proficient vehicles to extend the range of the flushing. Although not yet available, MWWD is also researching the development of canyon proficient vehicles with the capacity to carry sufficient water to clean using this method where the combo truck and or mobile hose reel will not reach.

"Bucketing" is a method used to clean 15-40 inch sewer lines whereby a bucket or canvas "sail" is dragged through the line between to trailer-mounted machines stationed at opposing manholes.

"Rodding" is used to break through clogs within any sized pipe. The rod consists of an encased cable (metal rod), with one of several types of auger head attached that is rotated and advanced within the sewer line, much like a large drain snake. The rodding machine may be either trailer mounted and towed by a canyon proficient vehicle or on a 4 wheel drive truck. Where canyon proficient vehicles cannot access manholes, manual rodding is done with a hand crank attached to a series of 6-foot rod sections and has a maximum reach of 160 feet.

For all three methods, a spoils trailer and trap is positioned at the downstream manhole to collect any debris that is dislodged during the cleaning. The methods that can be used vary by the size and material and condition of the pipe, and whether there are turns in the pipe.

32. Respond to all issues in the opposition letters.
Please see enclosed MWWD letter, Attachment No. 4, to the Planning Commissioners dated July 8, 2004 which responds to all points raised by the community in their letters.

33. Define appropriate restoration planning.
See Response to Nos. 14, 16, & 17.

Commissioner Otsuji

34. Explain how CDP/SDP would protect multiple overlay zones from impacts?
Purpose of Overlay Zones
The purpose of overlay zones is to provide supplemental regulations that have been tailored to specific geographic areas of the City. Overlay zones are applied in conjunction with a base zone and modify or add to the regulations of the base zone to address specific issues such as development adjacent to airports, special height or parking requirements, or supplemental processing requirements. These are all the overlay zones within the City:
Airport Approach Overlay Zone
Airport Environs Overlay Zone
Coastal Overlay Zone
Coastal Height Limit Overlay Zone
Sensitive Coastal Overlay Zone
Mobilehome Park Overlay Zone
Parking Impact Overlay Zone
Residential Tandem Parking Overlay Zone
Transit Area Overlay Zone
Urban Village Overlay Zone
The only two zones that this project would affect are the Coastal Overlay Zone and the Sensitive Coastal Overlay Zone which are handled through the CDP and the SCR Process 2.

35. **Describe types of revegetation materials used.**
For areas outside of the areas required for access and maintenance, restoration/revegetation may include hydroseeding with native seed mix, native container plants, mulch, weeding, or combination of these. Additionally, these may be used in conjunction with temporary erosion control measures, such as erosion control blankets, straw wattles, silt fencing) until plants become established, a minimum of 25 months. On the paths required for long-term maintenance, potential path surfaces include hydroseeding with native seed mix, dirt, mulch, polymer, gravel, decomposed granite, plantable pavers, and in some circumstances (i.e. areas of steep grades and areas subject to inundation), paving.

36. **Detail the long term maintenance and management of restoration and revegetation sites.**
See Response to No. 14

Commissioner Chase

37. **Why access to every manhole?**
See Response to No. 25

38. **Evaluate that any deviations or variations to environmentally sensitive lands (ESL) should be Process 2 decision or higher.**
The deviations and variations have already been incorporated into the Master Site Development Permit and Master Coastal Development Permit and MWWD has made all the necessary findings (see Planning Commission Report No. PC-04-071). When projects come in for either an SCR Process 1 or a Process 2 staff will ensure each project conforms to the steep hillside guidelines and the PEIR.

39. **Provide examples of deviations and variations to ESL steep hillsides.**
One example where deviations from the ESL would be required is where any access path would have wetland impacts. The majority of canyons will involve wetland impacts, as sewer mains are often located in drainages. Because of their location, impacts to wetlands are unavoidable. If all projects requiring deviation findings to the ESL are processed under Process 2 or alternative process, nearly all projects would fall under this category.

Another example of a deviation from steep hillside requirements would be where a bench would be cut for a path parallel to a steep hillside with significant biological habitat. Contour grading could result in the impact to more biological resources, as, for instance, a cut slope was laid back to a 2:1 slope. Instead, a retaining wall may be called for as part of the path design.

This would minimize the ground disturbance of the biological habitat, but could result in visual impacts and impacts to steep hillsides.

The reason why grading of steep hillsides may be required is to meet safety guidelines for the operation of the canyon proficient vehicles (CPV). CPVs towing cleaning equipment can handle slopes (up and down) of 25 percent with no cross slopes. Where cross-slopes are present on a vertical slope, additional grading would be required for safety. The vehicles and equipment can handle 12 percent cross-slopes on level ground before grading is required. Once grading is required, however, cross-slopes should be reduced to nearly flat to allow for increased operator safety.

Although the rubber-tracked steer-skid equipment can turn in place, 35-foot diameter turnarounds are required to turn around while towing the cleaning equipment. Spurs up to 14 feet in length can be created to access manholes off of the main path without requiring turnarounds.

40. Define restoration?
See Response to No. 8

41. Define revegetation?
See Response to No. 9

42. MWWD evaluate community involvement in restoration and monitoring.
See Response to No. 24

43. Restoration onsite is required and MWWD adopt 30% requirement.
See Response to No. 3

44. MMRP – define Essential Public Facilities.
Up to an additional 5% development area inside the MHPA is permitted in order to accommodate essential public facilities, as identified in an adopted Land Use Plan (e.g. Community Plan, Specific Plan). Essential public facilities include identified circulation element roads, major water and sewer lines, publicly owned schools, parks, libraries and police and fire facilities. Roads, water and sewer lines that service a proposed project, and are not identified on the existing Land Use Plan, previously adopted by City council, do not qualify for the additional 5% development area. The additional 5% development area will require mitigation pursuant to section III [of the Biology Guidelines].

45. MMRP – encroachment into steep slopes; provide examples, where, why?
An example of a deviation from steep hillside requirements would be where a bench would be cut for a path parallel to a steep hillside with significant biological habitat. Contour grading could result in the impact to more biological resources, as, for instance, a cut slope was laid back to a 2:1 slope.

Instead, a retaining wall may be called for as part of the path design. This would minimize the ground disturbance of the biological habitat, but could result in visual impacts and impacts to steep hillsides.

The reason why grading of steep hillsides may be required is to meet safety guidelines for the operation of the canyon proficient vehicles (CPV). CPVs towing cleaning equipment can handle slopes (up and down) of 25 percent with no cross slopes. Where cross-slopes are present on a vertical slope, additional grading would be required for safety. The vehicles and equipment can handle 12 percent cross-slopes on level ground before grading is required. Once grading is required, however, cross-slopes should be reduced to nearly flat to allow for increased operator safety.

Although the rubber-tracked steer-skid equipment can turn in place, 35-foot diameter turnarounds are required to turn around while towing the cleaning equipment. Spurs up to 14 feet in length can be created to access manholes off of the main path without requiring turnarounds.

46. MMRP – detail use of herbicides, types, list acceptable and unacceptable.
MWWD requires that all pesticides be approved prior to their use on a project, and that they be applied by a qualified pesticide applicator, State Certified. They are approved on a project by project basis. In Park and Recreation Open Space property, pesticides must be from the Park and recreation Director's List of Approved Pesticides. The list and a summary of Policies and Procedures for pesticide use on Park and Recreation Open Space are enclosed in Attachment No. 5.

47. MMRP- Provide timelines and/or phasing for restoration and revegetation of sites.
See Response to No. 2

<u>Difference between public/private projects for mitigation/guidelines?</u>
The City of San Diego Biology Guidelines, May 2001, provides baseline biological standards for determining biological impacts and mitigation under the California Environmental Quality Act, which are the same for both private and public projects. The mitigation measures proposed for the project are consistent with these Guidelines.

48. MMRP- Provide the quantity of Park and Rec. Natural Resource Mgmt. Plans and when and where would this be required.
Council Adopted Natural Resource Management Plans (NRMP) (5)

Mission Bay	Approved 1990
Famosa Slough	Approved 1993
Marian Bear Memorial Park	Approved 1994
Los Penasquitos Canyon	Approved 1998

First SD River Improvement Project Approved 2004

Area Specific Management Directives (ASMD) (3)

Pacific Highlands Ranch Approved 1999
Mission Trails San Diego Management Plan Approved 2000
Rancho Encantada Approved 2001

Natural Resource Management Plans or Area Specific Management Directives Currently In Process (5)

Western Otay Valley Regional Park (NRMP) Estimated Approval 2004
Black Mountain Open Space (NRMP) Estimated Approval 2004
Del Mar Mesa/Carmel Mountain (ASMD) Estimated Approval 2004
San Diego River (west of Mission Trails) (NRMP) Estimated Approval 2005
Tecolote Canyon (NRMP) Estimated Approval 2006

Future Resource Management Plans (as funding becomes available)

Mission Trails Regional Park
Rose Canyon Open Space Park

The Park and Recreation Department started a Natural Resource Management Program in 1988. Natural Resource Management Plans are prepared for a specific preserve or park and brought to City Council for adoption. Since the MSCP was in approved in 1998, these plans now include the Area Specific Management Directives per the MSCP Subarea Plan. Resource Management Plans give management directives to Open Space Park and Preserve staff for site management.

Additionally, Area Specific Management Directives become adopted as development projects in which significant open space areas are conserved, as in the case of the Pacific Highlands Ranch Project. Area Specific Management Directives can also provide management plans for sensitive habitats or species such as the Mission Trails San Diego Ambrosia Plan (Ambrosia pumila, Federally Listed Endangered).

Open Space/Canyon Resource Management Guidelines will be developed in the future to assist with general open space management issues on the over 7,300 acres of Park and Recreation managed open space/canyon areas located throughout the City but outside of Open Space Parks or Preserves. In these areas, habitat conditions range from highly disturbed to relatively undisturbed.

A Resource Management Plan would not be appropriate for such a wide-ranging and diverse area, but general resource management guidelines would assist in managing City owned open space areas outside of Parks and Preserves.

49. MMRP – Why reference BMP standards from SF RWQCB and not SD RWQCB. Does SD have BMP standards?
Although initially prepared for the San Francisco Bay Region, control techniques described in the Field Manual are broadly applicable to all of California and are used as the standard throughout the State.

50. MMRP- Pg. 28 refers to recycling waste; where, what and when is this applicable. Where is recycle area/location?
When there is an appropriate location onsite, woody debris is chipped and left on site. When onsite disposal is not possible, crews separate green waste from other trash/debris where possible and the green debris is recycled at Miramar Greenery. Trash and debris are disposed of at the landfill.

51. MMRP – Pg. 33 refers to texture coating and coloring; when, where, why, what methods for coatings?
The MMRP states "Surfaces on steep slopes and crossings shall be colored and textured to blend with the surrounding vegetation/terrain. The EIR, page III-28 states "Concrete and asphalt are envisioned to be used only in areas of steep grades and areas subject to inundations. Where concrete is used on path surfaces other than drainage crossings, it shall be colored to blend with the surrounding area." The path designer (MWWD/ECP) shall make a recommendation for the use of concrete or asphalt, depending on the topography and hydrology of the specific site in the Maintenance Access Plan submittal. This recommendation shall be reviewed by DSD as part of the SCR submittal/approval.

52. Who determines whether a path is to be paved with asphalt or concrete?
The MMRP states "Surfaces on steep slopes and crossings shall be colored and textured to blend with the surrounding vegetation/terrain. The EIR, page III-28 states "Concrete and asphalt are envisioned to be used only in areas of steep grades and areas subject to inundations. Where concrete is used on path surfaces other than drainage crossings, it shall be colored to blend with the surrounding area." The path designer (MWWD/ECP) shall make a recommendation for the use of concrete or asphalt, depending on the topography and hydrology of the specific site in the Maintenance Access Plan submittal. This recommendation shall be reviewed by DSD as part of the SCR submittal/approval.

53. CDP/SDP – Cond. #19, why include buildings?
The reference to buildings is included in mitigation measure HR-2 and is repeated in the Findings on page 37 of the permit. Although no buildings are

anticipated to be impacted as part of the projects, the measure is included in the event such a structure is encountered. Additionally, access paths that would significantly impact any significant cultural resource site cannot be approved via SCR, and would undergo review as part of an individual site development permit.

54. **Findings (b) 1 & 2, What are MWWD's reasonable backed investment?**
The City of San Diego has acquired and obtained utility easements for the placement, operation and maintenance of sewage facilities. The City obtains revenue for the sewage facilities from the general public known as the "Rate Payer." Under direction from the City Manager, the Metropolitan Wastewater Department provides the public with a safe and efficient regional sewer system that protects the ocean water quality, supplements the limited water supply, and meets federal standards, at the lowest possible cost to the City's Rate Payer.

55. **Findings (b) 4, What is MWWD's economical viable use of site? What is the minimum necessary?**
The City of San Diego has acquired and obtained utility easements for the placement, operation and maintenance of sewage facilities. The current and economical viable use of the easements is specifically for the sewage facilities. The Canyon Sewer PEIR contains Performance Criteria and operating procedures intended to guide future design, cleaning, and timing of canyon sewer and access path project to minimize the project impacts.

56. **Finding (d) 1, remove the word "envisioned" and replace w/ "shall be".**
Completed

57. **Consider that any impacts to steep slopes should be higher process of approval.**
A Site Development Permit is required in accordance with Section 143.0110 because of potential impacts to environmentally sensitive lands where a deviation is requested in accordance with Section 143.0150 may be approved or conditionally approved only if the decision maker makes the following supplemental findings in addition to the findings in Section 126.0504(a) and the supplemental findings in Section 126.0504(b):
(1) There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands; and
(2) The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.
Supplemental Findings--Steep Hillsides Development Area Regulations Alternative Compliance
A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to steep hillsides where alternative compliance is requested in accordance with Section 143.0151 may be approved or conditionally approved only if the decision maker makes the following

supplemental findings in addition to the findings in Section 126.0504(a) and the supplemental findings in Section 126.0504(b):
(1) The proposed development is in conformance with the Steep Hillside Guidelines;
(2) The proposed development conforms to the applicable land use plan; and
(3) Strict application of the steep hillside development area regulations would result in conflicts with other City regulations, policies, or plans.

Finally, the MWWD in coordination with interested parties, groups, and review by DSD staff, additional permit conditions, see enclosed Attachment No. 5, have been added to the permit to reflect MWWD agreements with the parties and groups.

Enclosure(s)
1. Draft Canyon Sewer Status Report
2. Cleaning Methods
3. MWWD letter to Planning Commission, July 8, 2004
4. Park and Recreation Director's List of Approved Pesticides
5. Summary of Additional Permit Conditions