



**The City of San Diego
M E M O R A N D U M**

DATE: March 21, 2018

TO: Distribution

FROM: Antoinette Gibbs, Associate Planner, Transportation & Storm Water Department

SUBJECT: City of San Diego Master Storm Water System Maintenance Program (MMP)
Substantial Conformance Review for Siempre Viva and Bristow Storm Water
Detention Facility Maintenance Project; MMP Maps 126 and 127

The Transportation & Storm Water Department (TSWD) formally submits the enclosed information to your department to request a Substantial Conformance Review to conduct maintenance activities within Maps 126 and 127 the Siempre Viva and Bristow Storm Water Detention Facility, located within the Otay Mesa- Community in the City of San Diego between Britannia Boulevard and Otay Pacific Road.

As the enclosed information provided will show, the site contains wetland vegetation created by human activities. Per the City of San Diego - Land Development Manual – Biology Guidelines - areas that contain wetland vegetation, soils, or hydrology created by human activities in historically non-wetland areas do not qualify as a “wetland” under this definition unless they have been delineated as wetland by the U. S. Army Corps of Engineers (USACE), and/or California Department of Fish and Game (CDFW). TSWD has provided information that demonstrates that wetland vegetation located within the storm water detention facility is located in a historically non-wetland area, was created by human activities (artificially created), and USACE, and CDFW did not delineate the site as a jurisdictional wetland (IBA, Attachment 6). The Regional Water Quality Control Board also declined to take jurisdiction due to the fact that the facility was constructed as a storm water BMP (IBA, Attachment 6). TSWD, therefore, requests that DSD and Planning review this package, concur with TSWD that the vegetation is artificially created, and therefore, no mitigation is required and the project substantially conforms to the conditions required by the SDP No. 1134892.

PROPOSED MAINTENANCE

The site-specific individual assessments for the proposed maintenance which accompany this cover letter have been prepared in conformance with the Master Storm Water System Maintenance Program (MMP) and Program Environmental Impact Report (PEIR), as verified in the SCR Checklist (Attachment 2). The enclosed documents do not identify any new potentially significant environmental impacts that have not already been identified, addressed and/or mitigated by the required conditions set forth in the associated Master Site Development Permit (SDP) and PEIR. In addition, through the analysis in the enclosed documents it has been concluded that federal and

state regulatory agencies have not delineated this site as a jurisdictional wetland, and have agreed that the detention facility is instead a man-made storm water BMP. Therefore, the proposed maintenance in Maps 126 and 127 would substantially conform to the existing Master SDP and environmental document.

In conformance with the City's MMP, SDP No. 1134892 and PEIR Project No. 42891/SCH No. 2004101032, the following documents have been included for your review related to the proposed maintenance for the Siempre Viva and Bristow Storm Water Detention Facility:

- Application (Form DS-3032) **(Attachment 1)**
- Substantial Conformance Review (SCR) checklist with the following appendices **(Attachment 2)**
 - Individual Maintenance Plan (IMP) **(Appendix A)**
 - Individual Biology Assessment (IBA) **(Appendix B)**
 - Individual Historical Assessment (IHA) **(Appendix C)**
 - Individual Hydraulic and Hydrology Assessment (IHHA, Pages 1-41) **(Appendix D)**
 - Individual Water Quality Assessment (IWQA) **(Appendix E)**
 - Individual Noise Assessment (INA) **(Appendix F)**
 - Water Pollution Control Plan (WPCP) **(Appendix G)**
- Storm Water Checklist (Form DS-560) **(Attachment 3)**
- Supplementary Discretionary Project Application (Form DS-3035) **(Attachment 4)**
- Public Notice Package **(Attachment 5)**

In addition, a CD containing the following documents are attached for your reference:

- Public Noticing Package **(Attachment 5)**
- MMP **(Attachment 6)**
- Final PEIR for the MMP **(Attachment 7)**
- Master SDP **(Attachment 8)**
- IHHA **(Appendix D – complete package)**

Scope of Work

Consistent with the MMP, the maintenance in Maps 126 and 127 includes the mechanized removal of sediment, vegetation, trash and debris using equipment operated within and adjacent to the affected detention facility segments. The maintenance is intended to restore the original conveyance capacity of this detention facility to provide flood control for the protection of life and property. The maintenance would not include any modification that would change the character, scope, or size of the original detention facility design, and would not increase the conveyance capacity of the detention facility beyond their as-built condition.

Project Location and Regional Setting

The Siempre Viva and Bristow Storm Water Detention Facility is made up of two separate storm water detention facilities that discharge into a single shared detention facility. It is located in Otay Mesa community and is not within the MHPA.

To facilitate the Individual Hydrology and Hydraulic Assessment (IHHA) prepared for the maintenance (Appendix D of Attachment 2), the detention facilities were subdivided into three separate "reaches". The Bristow detention facility includes Reaches 1 and 2 and the Siempre Viva detention facility includes Reach 3. These reaches are described further below. It should be noted that the IMP as well as the IHHA, IWQA, and WPCP all refer to the facility as a channel. These reports were completed prior to discussions with the resource agencies that substantiated the fact that the facility was actually a man-made storm water detention facility and thus a storm water BMP (IBA Attachment 6) . Subsequent documentation corrects the name of the facility.

The Siempre Viva detention facility is located east of Britannia Court and southeast of a U.S. Border Patrol facility (Figures 1, 2, and 3). The length of the detention facility runs through an urban area. The detention facility is located in Section 3 in Township 19 South, Range 1 West on the Otay Mesa U.S. Geological Survey (USGS) 7.5-minute quadrangle map (Figure 2).

The Bristow detention facility is located east of Britannia Boulevard and north of Bristow Court (Figures 1, 2, and 3). The length of the detention facility runs through an urban area. The detention facility is located in Sections 3 and 4 in Township 19 South, Range 1 West on the Otay Mesa USGS 7.5-minute quadrangle map (Figure 2).

The Siempre Viva and Bristow Storm Water Detention Facility and associated staging and loading areas in Maps 126 and 127 are zoned IBT-1-1 (International Business and Trade). According to the Federal Emergency Management Agency, the detention facilities are not located within the 100-year floodway. The detention facilities occur within the Tijuana Hydrologic Unit and Tijuana Valley Hydrologic Area. The detention facilities are not located within or adjacent to the City's Multiple Species Conservation Program's (MSCP) Multi-Habitat Planning Area (MHPA) and are located outside of the Coastal Zone. The Siempre Viva and Bristow Storm Water Detention Facility was constructed as a BMP for a development (Britannia Commerce Center) and was created wholly within uplands.

Reach 1 of the Bristow detention facility is bound at the downstream end by a detention facility shared with Reach 3, and extends upstream approximately 730 feet to the outfall of a pair of culverts underneath the driveways at the eastern end of Bristow Court. This reach is entirely earthen and has a trapezoidal geometry. The majority of Reach 1 has a base width of four feet and has two-foot horizontal to one-foot vertical side slopes with a depth of six feet. The downstream portion of the reach has a base width of eight feet and two-foot horizontal to one-foot vertical side slopes. The eastern side slopes are approximately five to 5.5 feet deep. Reach 1 receives storm flow from Reach

2 and flows into a detention facility consisting of two separate linear detention basins and a wet well shared with Reach 3.

Reach 2 is bound at the downstream end by the upstream end of Reach 1 and extends upstream approximately 725 feet to the outfall of the six-foot-wide by three-foot-high reinforced concrete box (RCB) underneath Britannia Boulevard. This reach is entirely earthen and has a trapezoidal geometry throughout with a base width of four feet and two-foot horizontal to one-foot vertical side slopes with a depth of six feet. Two pairs of culverts are located along this reach. The downstream pair of culverts, located underneath the driveways at the eastern terminus of Bristow Court consists of two elliptical high-density polyethylene (HDPE) pipes and is approximately 130 feet in length. The upstream pair of culverts, located underneath a driveway in the middle of Reach 2, also consists of two HDPE pipes and is approximately 50 feet in length. Reach 2 receives storm flow from a six-foot-wide by three-foot-high RCB underneath Britannia Boulevard and flows into Reach 1.

Reach 3 is bound at the downstream end by the shared detention facility and extends approximately 1,300 feet upstream to the outfall of the 18-inch RCP located at the eastern end of Britannia Court. This reach is entirely earthen and has a trapezoidal cross section with a four-foot base width and two-foot horizontal to one-foot vertical side slopes. The upstream portion of Reach 3 is six feet deep. The eastern side slope is approximately five to 5.5 feet deep in the lower portion of the detention facility. Reach 3 receives storm flow from an 18-inch RCP located at the eastern end of Britannia Court and flows into the shared detention facility.

Jurisdictional Determination

United States Army Corps of Engineers (USACE)

In an email from Winston Zack on November 15, 2017 (IBA, Attachment 6), it was stated that the USACE will not be taking jurisdiction over the Siempre Viva and Bristow storm water detention facility. This is because the only time storm water would connect downstream to an established jurisdictional feature is from larger storm events. Due to the infrequency of such storm events and lack of non-wetland waters ordinary high water mark (OHWM) features, there is little or no conveyance of flow.

Regional Water Quality Control Board (RWQCB) Per emails from Lisa Honma on November 16 and 27, 2017 (IBA, Attachment 6), the Siempre Viva and Bristow storm water detention facility are part of a storm water best management practice (BMP) and therefore is not subject to regulation under the RWQCB's dredge and fill program. Rather, the BMP detention facility should be routinely maintained under the City's Storm Water Program, in compliance with the requirements of the MS4 permit.

California Department of Fish and Wildlife (CDFW)

Per an email from Kelly Fisher on October 24, 2017 (IBA, Attachment 6): the feature in question is not a river, stream, or lake and is not subject to the Notification requirements in Section 1602 of the Fish and Game Code.

City of San Diego

The City's Biology Guidelines (City 2012) define areas that are not considered wetlands, specifically as: "Areas that contain wetland vegetation, soils, or hydrology created by human activities in historically non-wetland areas do not qualify as wetlands unless they have been delineated as wetlands by the Army Corps of Engineers and/or the California Department of Fish and Game. Artificially created wetlands consist of the following: wetland vegetation growing in brow ditches and similar drainage structures outside of natural drainage courses... Areas of historic wetlands can be assessed using historic aerial photographs, existing environmental reports (EIRs, biology surveys, etc.), and other collateral material such as soil surveys."

While the Siempre Viva and Bristow Storm Water Detention Facility has wetland vegetation, the site was created by human activity as a storm water BMP associated with adjacent development and was not constructed in a natural drainage course. The site, as referenced above, has not been delineated as wetlands by any other agency. TSWD requests that DSD and Planning concur that the wetland vegetation located within the drainage facility would not be considered a wetland, and; therefore, not require mitigation.

Maintenance Methodology

An IMP, included as Appendix A, was prepared for the proposed maintenance in accordance with the MMP. The IMP identifies the limits of maintenance and describes the methodology to be used within each detention facility. Applicable mitigation measures from the PEIR and protocols from the MMP are included in the IMP. The following summary highlights key components of the IMP.

Maintenance in Map 126 includes 2,320 linear feet of earthen bottom detention facility and is expected to remove up to 40,000 cubic yards of material to restore the original capacity of the detention facility to convey storm water. Maintenance in Map 127 includes 600 linear feet of earthen bottom detention facility and is expected to remove up to 2,500 cubic yards of material to restore the original capacity of the detention facility to convey storm water. Maintenance of both segments is expected to take 75 days.

Equipment involved in the maintenance will include a gradall, track steer, excavator, front-end loader, vactor, dump truck, six-inch pumps (or smaller), tow behind concrete mixer, and hand tools. Dewatering pumps may be used at various locations to remove ponded water prior to equipment entering the detention facility. Diversion berms will be placed at the western limits of the detention facility maintenance area. Diversion pipes will be placed on the southern side of the detention facility and extended to a discharge area east of the project maintenance limits.

A track steer will enter the detention facility through the access and loading areas and will push vegetation and sediment to the gradall/excavator stationed within the access and loading area, outside of the detention facility. The gradall/excavator will load material into a dump truck staged at the bottom of the access ramp. The dump trucks will haul material away for legal disposal. A vactor will be used to flush the headwall outfalls discharging into the detention facility. Necessary concrete

Page 6

Distribution

March 21, 2018

repairs will be performed at identified headwalls and other damaged areas. Handwork will be performed in areas where the detention facility width restricts the use of mechanized equipment.

Street sweepers will sweep adjacent public rights-of-way and immediate truck loading sites nightly. Upon completion of the maintenance, any sandbags placed will be removed and the equipment will be transported back to the City yard.

CONCLUSION

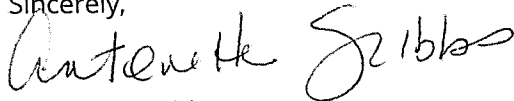
The SCR Checklist concludes that there is no evidence of any naturally-occurring drainages, depressions, wetlands, or riparian habitat. The Siempre Viva and Bristow Storm Water Detention Facility is an artificially-created ditch constructed wholly within a historically upland landscape to convey urban runoff from the adjacent developed areas.

Further, federal and state regulatory agencies have not delineated this site as a jurisdictional wetland. The agencies have agreed that the detention facility is instead a man-made storm water BMP.

TSWD, therefore, requests that DSD and Planning review this package, concur with TSWD that the vegetation is artificially created, and therefore, no mitigation is required and the project substantially conforms to the conditions required by the SDP No. 1134892.

Should you have any questions or need additional information, please contact me by e-mail at agibbs@sandiego.gov or phone at (619) 527-5415.

Sincerely,



Antoinette Gibbs
Associate Planner

Attachments:

1. Application (Form DS-3032)
2. Substantial Conformance Review Checklist with Appendices A-H
3. Storm Water Checklist (Form DS-560)
4. Supplemental Discretionary Project Application (Form DS-3035)
5. Public Notice Package
6. MMP (on CD)
7. Final PEIR (on CD)
8. Master SDP (on CD)
9. Agency Jurisdiction Determinations (emails from USACE, RWQCB, and CDFW)
10. Climate Action Plan Consistency Checklist Submittal Application

Page 7
Distribution
March 21, 2018

Figure 1: Regional Location
Figure 2: Project Vicinity (USGS Topography)
Figure 3: Project Vicinity (Aerial Photograph)

Distribution:

Helene Deisher, Development Project Manager II, Development Services Department
Land Development Review Planner, Development Services Department
Environmental Analysis Section, Planning Department
Multiple Species Conservation Program, Planning Department
Otay Mesa Community Planning Group

cc: Christine Rothman, Development Project Manager III, Transportation & Storm Water
Department
Chris Gascon, Senior Civil Engineer, Transportation & Storm Water Department
Ed Celaya, Superintendent, Transportation & Storm Water Department
Stephanie Bracci, Senior Planner, Transportation & Storm Water Department