

MINUTE ITEM

This Calendar Item No. C52 was approved as Minute Item No. 52 by the California State Lands Commission by a vote of 3 to 0 at its 08/21/96 meeting.

CALENDAR ITEM

C52

A 78

08/21/96

PRC 7029.9

WP 7029.9

S 39

J. Smith

AMENDMENT TO PUBLIC AGENCY PERMIT

LESSEE:

City of San Diego
Metropolitan Wastewater Department
600 B Street, Suite 500
San Diego, California 92101-4587

AREA, TYPE LAND AND LOCATION:

Nine parcels of tide and submerged land totaling 48.7 acres, more or less, located in the Pacific Ocean near Point Loma, City of San Diego, San Diego County.

LAND USE:

Operation and maintenance of an existing 12-foot diameter wastewater outfall pipeline and shoreline protection.

TERM OF ORIGINAL PERMIT:

Initial Period:

Twenty-five years beginning January 1, 1987; with option to renew for an additional 24 years upon approval by the Commission .

CONSIDERATION:

The public health and safety; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

PROVISIONS OF PROPOSED AMENDMENT TO PERMIT:

Land Use:

Effective August 1, 1996, lessee is authorized to construct shoreline protection in conjunction with the North Shoreline Protection Improvements Project.

Authorize Improvements:

A 12-foot diameter wastewater outfall pipeline and shoreline protection, including the North Shoreline Protection Improvements Project.

CALENDAR PAGE	276
MINUTE PAGE	001652

CALENDAR ITEM NO. C52 (CONT'D)

Land Description:

The land description of the lease premises shall be superseded by the description attached hereto as Exhibit "B".

All other terms and conditions of original permit remain in full force and effect.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and processing fees have been received.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.
- C. Chapter 1185, Statutes of 1953; Chapter 67, Statutes of 1962.

AB 884:

Application Incomplete

OTHER PERTINENT INFORMATION:

1. The Commission has previously authorized an existing twenty-five (25) year Public Agency Permit Lease No. (PRC 7029.9) and subsequent Amendments to the City of San Diego Water Utilities Department, covering the operation and maintenance of a 12-foot diameter wastewater outfall pipeline and shoreline protection associated with the City's operation of the Point Loma Wastewater Treatment Plant. The City now requests a further amendment of the permit to allow construction of shoreline protection known as the North Shoreline Protection Improvements Project.

The project consists of the reinforcement of an approximately 100 foot wide sea cove by placing a rock revetment at the base of the coastal bluff and the construction of a 30 foot high reinforced shotcrete wall at the top of the bluff to stabilize the northern portion of the Point Loma Wastewater Treatment Plant.

CALENDAR ITEM NO. C52 (CONT'D)

2. An EIR was prepared and adopted for this project by the City of San Diego on April 1, 1996. The State Lands Commission's staff has reviewed such document.
3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code Sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

State Lands Commission; California Coastal Commission; Regional Water Quality Control Board; U.S. Army Corps of Engineers.

EXHIBITS:

- A. Location Map
- B. Land Description
- C. Resolution R-287113
- D. CEQA Findings and Statement of Overriding Considerations
- E. Notice of Determination
- F. Mitigation Monitoring and Reporting Program

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF SAN DIEGO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH SECTION 15096(h) OF THE STATE CEQA GUIDELINES, AS CONTAINED IN EXHIBIT "D", ATTACHED HERETO AND THE MITIGATION MONITORING AND REPORTING PROGRAM, AS CONTAINED IN EXHIBIT "F", ATTACHED HERETO.

CALENDAR ITEM NO. C52 (CONT'D)

3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

4. AUTHORIZE ISSUANCE OF AN AMENDMENT EFFECTIVE AUGUST 1, 1996, TO THE CITY OF SAN DIEGO METROPOLITAN WASTEWATER DEPARTMENT (FORMERLY THE CITY OF SAN DIEGO WATER UTILITIES DEPARTMENT), OF PUBLIC AGENCY PERMIT NO. PRC 7029.9 TO PROVIDE FOR: (1) CONSTRUCTION OF SHORELINE PROTECTION KNOWN AS THE NORTH SHORELINE PROTECTION IMPROVEMENTS PROJECT; AND (2) A NEW LAND DESCRIPTION AS SHOWN ON EXHIBIT "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF. ALL OTHER TERMS AND CONDITIONS OF LEASE NO. PRC 7029.9 REMAIN IN FULL FORCE AND EFFECT.

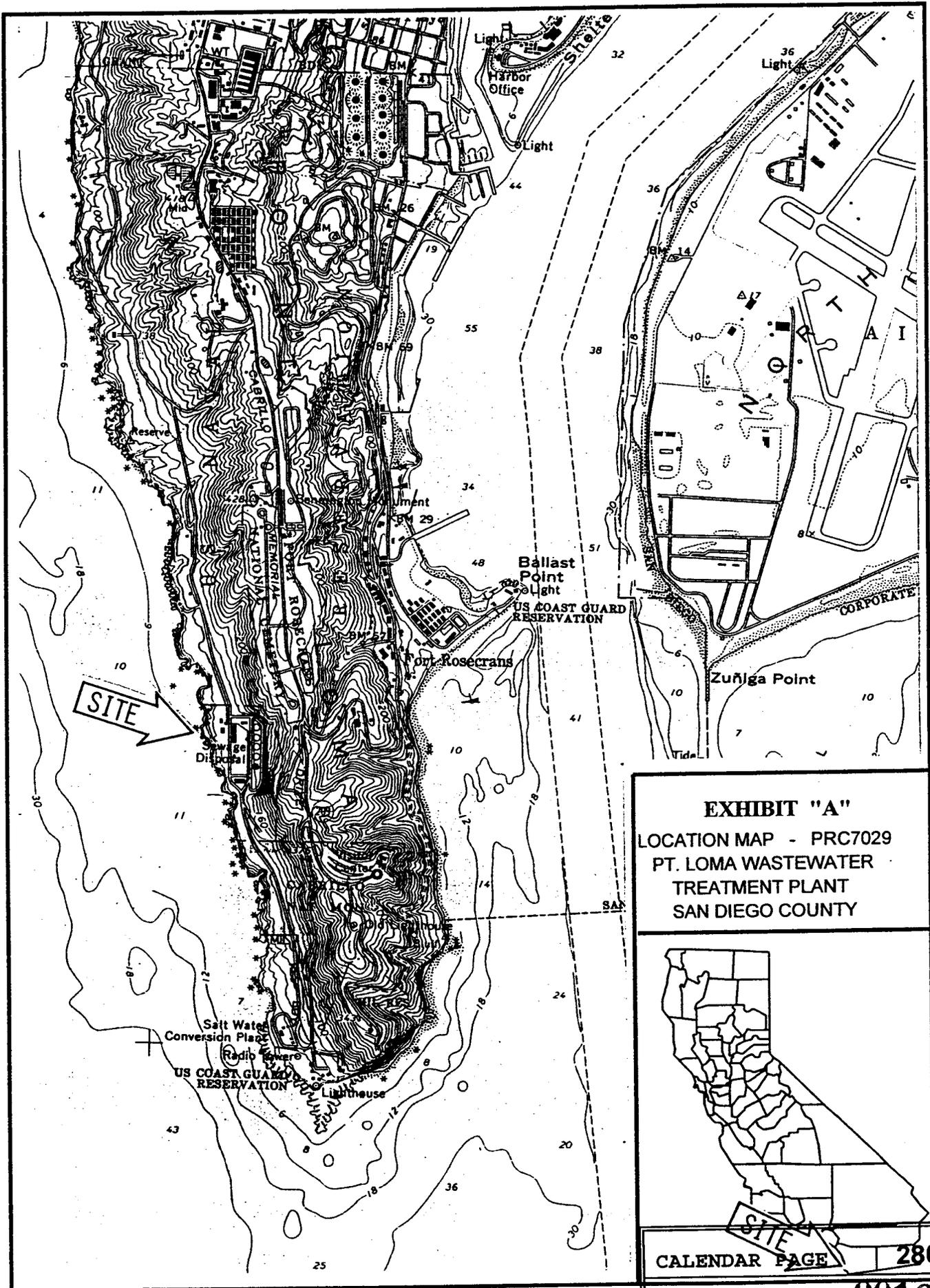


EXHIBIT "A"
LOCATION MAP - PRC7029
PT. LOMA WASTEWATER
TREATMENT PLANT
SAN DIEGO COUNTY



EXHIBIT "B"
LAND DESCRIPTION

PRC 7029.9

Nine parcels of tide and submerged land in the bed of the Pacific Ocean, San Diego County, California, more particularly described as follows:

PARCELS 1, 2, 3 & 4 - OUTFALL PARCELS

Three strips of tide and submerged land 50 feet on each side of the following described centerline:

STRIP 1

BEGINNING at coordinates X = 1,693,206.01 and Y = 188,460.31, California Coordinate System 6, NAD 1927; thence S 75°30'W, 11,450.00 feet to Point "Wye". EXCEPTING THEREFROM any portion lying landward of the mean high tide line of the Pacific Ocean.

STRIP 2

BEGINNING at said Point "Wye", thence S11°30'W, 1402.66 feet to the end of the herein described centerline.

EXCEPTING THEREFROM any portion lying within the above mentioned Strip 1.

STRIP 3

BEGINNING at said Point "Wye", thence N40°30'W, 1402.66 feet to the end of the herein described centerline.

EXCEPTING THEREFROM any portion lying within the above mentioned Strip 1&2.

STRIP 4

A strip of tide and submerged land 160 feet wide, lying 80 feet on each side of the following described centerline.

BEGINNING at coordinates X = 1,682,126.25, and Y = 185,594.50, California Coordinate System Zone 6, NAD 1927; thence S78°40'W, 8,436.00 feet to a point on the State/Federal Boundary line as described in U.S. v. California 381-U.S. 139 (1969).

EXCEPTING THEREFROM any portion lying within the above mentioned Strips 1, 2 and 3.

PARCELS 5, 6, 7, 8 and 9.

Five parcels of tide and submerged land in the bed of the Pacific Ocean, lying immediately beneath the existing riprap revetments and the proposed riprap revetments adjacent to Tract 38, T17S, R4W, SBM.

EXCEPTING THEREFROM any portion lying landward of the mean high tide line of the Pacific Ocean.

END DESCRIPTION

REVISED JUNE 1996 BY CRIS N. PEREZ

CALENDAR PAGE	281
MINUTE PAGE	001657

(R-96-1076)

RESOLUTION NUMBER R-287113

ADOPTED ON APRIL 1, 1996

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that the final Environmental Impact Report, DEP File No. 94-0510, and Addendum DEP File No. 96-0164, on file in the office of the City Clerk, have been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.); that the Report and Addendum reflect the independent judgment of The City of San Diego as Lead Agency; and that the information contained in the Report and Addendum, together with any comments received during the public review process, have been reviewed and considered by the Council prior to approval of the Point Loma - North Shoreline Protection Improvements Project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council hereby adopts the Findings made with respect to the project, a copy of which is incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council hereby adopts the Statement of Overriding Considerations, a copy of which is incorporated herein by reference, with respect to the project.

CALENDAR PAGE	282
MINUTE PAGE	001658
CORRECTED 4/4/96	

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation, Monitoring and Reporting Program, or alterations to implement the changes to the project, as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which incorporated herein by reference.

APPROVED: JOHN W. WITT, City Attorney

By Frederick M. Ortlieb
Frederick M. Ortlieb
Deputy City Attorney

FMO:mb:slm
03/18/96
04/04/96 Corr.
Or.Dept:MWWD
Bid No:K96117
R-96-1076
Form=r.mnd

**FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE POINT LOMA WASTEWATER TREATMENT PLANT MASTER PLAN
DEP No. 94-0510
SCH No. 94-101024**

INTRODUCTION

The California Environmental Quality Act (CEQA) requires that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof unless such public agency makes one or more of the following findings:

- (A) Changes or alterations have been required in, or incorporated into, such project which mitigate or avoid the significant environmental effects on the environment.
- (B) Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by such other agency.
- (C) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Sec. 21081 of the California Environmental Quality Act)

CEQA further requires that, where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record (Sec. 15093 of the CEQA Guidelines).

The following Findings and Statement of Overriding Considerations have been submitted by the project applicant and/or recommending department as candidate findings to be made by the decision making body. The Environmental Analysis Section of the City of San Diego Development Services Department does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter.

The following findings are made relative to the conclusions of the Final Environmental Impact Report (EIR) for the proposed Point Loma Wastewater Treatment Plant (PLWTP) Master Plan (DEP No. 94-0510). The Master Plan EIR addresses several improvements including: (1) North Shoreline Protection Improvements; (2) Headworks, Odor Control, and Grit Processing Facilities (HOG) Project; (3) Chemical Feed Systems Upgrade; (4) Water Tank and Pipeline; (5) Plant Access Road Improvements; (6) North Operations Building; (7) Parking Facilities Improvements, including Options A, B and C; (8) Power Generation and Distribution Upgrade; (9) Maintenance Building and Warehouse Upgrade; (10) Digesters 9 and 10; and (11) Parallel Tunnel Outfall and Tie-In System. The first three projects identified above

March 1996

CALENDAR PAGE	284
MINUTE PAGE	001660

are proposed for near-term implementation and are addressed in the EIR at a project-specific level of analysis. while the remaining eight projects are still in early stages of design and are addressed in the EIR at a program-level of analysis. Based on the analysis conducted within the Master Plan EIR, it has been determined that implementation of these projects could result in significant environmental effects relative to visual resources, biological resources, geology, paleontological resources, cultural resources, and hydrology. As required by the California Environmental Quality Act (CEQA), certain findings must be made if the lead agency is to approve a project with significant impacts. These findings are prepared pursuant to Sections 15091 and 15093 of Title 14 of the California Code of Regulations; Section 21081 of the California Public Resources Code, implementing CEQA.

March 1996

2

CALENDAR PAGE	285
MINUTE PAGE	001661

CANDIDATE FINDINGS
FOR THE POINT LOMA WASTEWATER TREATMENT PLANT MASTER PLAN
DEP No. 95-0510
SCH No. 94-1010124

A. **Finding:** Pursuant to Public Resources Code Section 21081(a) and Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City Council, having reviewed and considered the information contained in the Final EIR for the proposed improvements and the public record, finds pursuant to CEQA and the CEQA Guidelines, that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR with respect to the areas of paleontological resources and traffic (specifically, parking).

1. **PALEONTOLOGICAL RESOURCES**

North Shoreline Protection Improvements Project and Chemical Feed Systems Upgrade Project

Impacts: The project area is underlain by geologic formations which have moderate to high paleontological sensitivity, including the Cabrillo Formation (high sensitivity), the Point Loma Formation (moderate sensitivity), and unnamed marine terrace deposits (moderate sensitivity). Project grading which may extend into these formations could impact paleontological resources.

Finding: Implementation of a paleontological monitoring/mitigation program will avoid or reduce impacts to paleontological resources to a level less than significant.

2. **TRAFFIC**

All Projects

Impacts: A shortfall of up to 70 parking spaces onsite is anticipated to occur during the peak construction period (i.e., period with the greatest overlap in the construction activities of numerous individual projects at the PLWTP).

Finding: Implementation of an offsite parking program, which provides for parking at Robb Field in combination with shuttle service to and from the PLWTP site, is proposed to fully mitigate the anticipated shortage in onsite parking during peak construction periods.

March 1996

CALENDAR PAGE	286
MINUTE PAGE	001662

B. Finding: Pursuant to Public Resources Code Section 21081(b) and Section 15091(a)(2) of the State CEQA Guidelines, changes or alterations required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR are under the jurisdiction of another public agency. The City Council, having reviewed and considered the information contained in the Final EIR for the proposed improvements and the public record, finds that there are no significant impacts of this type (i.e., significant impacts with potential mitigation measures being the responsibility and jurisdiction of another public agency).

None identified.

March 1996

4

CALENDAR PAGE	287
MINUTE PAGE	001663

C. **Finding:** Pursuant to Public Resources Code Section 21081(c) and Section 15091(a)(3) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR; however, not all of these effects have not been lessened to a level less than significant. As described in the Statement of Overriding Considerations, the City Council has determined that the residual impact (e.g., impact which cannot be mitigated to a level less than significant) is acceptable because of the specific overriding considerations described herein. The City Council, having reviewed and considered the information contained in the Final EIR for the proposed improvements finds that there are specific economic, social, or other considerations which make infeasible mitigation measures or project alternatives at this time for certain impacts which are identified in the Final EIR. Such impacts relate to areas including visual resources, biological resources, geology, paleontology, cultural resources, and hydrology, as described below.

1. **VISUAL RESOURCES**

All Projects Except for the Chemical Feed Systems Upgrade, Maintenance Building and Warehouse Upgrade Project, and North Shoreline Protection Improvements

Impacts: Due to the unobstructed nature of public views looking towards the PLWTP from the west (i.e., the Pacific Ocean), most of the proposed improvements would impact public views west of the project site. Such impacts would include the building for the HOG Project, the grading proposed for the Water Tank and Pipeline, the North Operations Building, Digesters 9 and 10, the expansion of the Gas Utilization Facility proposed as part of the Power Generation and Distribution Upgrade, and grading/stockpiling and structural improvements associated with the Parallel Outfall and Tie-In System. Additionally, two of the proposed projects occur within unobstructed public views looking towards the PLWTP from the south (i.e., the Cabrillo National Monument). Potential views impacts to public views from within the Cabrillo National Monument include the appearance of the Southwest Parking Facility, proposed in Option A of the Parking Facilities Improvements project, and the appearance of possible improvements on or near the plant access road (i.e., Plant Access Road Improvements project).

Finding: There are no feasible methods or alternatives (not including Parking Option C) to block public views of the PLWTP from the west or from the south.

2. **BIOLOGICAL RESOURCES**

Water Tank and Pipeline Project and Plant Access Road Improvements Project

Impacts: These two projects are located in proximity to maritime succulent scrub which is a sensitive habitat. The design and construction of each project will seek to avoid or minimize impacts to maritime succulent scrub; however, both projects are still in the early phases of planning and design, and precise plans confirming the avoidance or minimization of impacts have not yet been developed. As such, the potential for significant impacts to maritime succulent scrub is considered to exist at this time.

Finding: It is anticipated that impacts, if any, to maritime succulent scrub would be mitigated by various options. These options include onsite revegetation, offsite acquisition and preservation of existing maritime succulent scrub habitat, offsite revegetation, and contribution to a mitigation fund. The exact need for, and approach to, mitigation for these two projects cannot be determined until more detailed project plans are completed; hence, the potential for significant impacts to maritime succulent scrub habitat is considered to be unmitigated at this time.

Parallel Outfall and Tie-In System

Impacts: Development of the Parallel Outfall and Tie-In System could result in turbidity and sedimentation impacts and disturbance of local plants and wildlife including marine resources. Detailed project plans have not yet been prepared, consequently the exact nature and location of such impacts cannot be determined. As such, the potential for significant impacts to biological resources is considered to exist at this time.

Finding: There are means available to avoid or minimize the types of impacts described above; however, until detailed project plans are prepared and specific, appropriate mitigation measures are recommended, the potential for significant impacts is considered to be unmitigated.

3. GEOLOGY

All Program-Level Projects (Projects 4-11 As Described in Introduction)

Impacts: All eight of the proposed projects addressed in the EIR at a program-level of analysis are, to some degree, affected by the various geotechnical characteristics of the PLWTP area. Such geotechnical concerns include slope instability, erosion, unconsolidated soils, expansive soils, excavability, seismic shaking, and coastal bluff retreat. While it is anticipated that such issues would be addressed within the engineering and design plans for each project, such project specifications have yet to be developed.

Finding: Until detailed project plans are prepared and specific, appropriate mitigation measures are recommended, the potential for significant impacts is considered to be unmitigated.

4. PALEONTOLOGICAL RESOURCES

HOG Project and All Program-Level Projects Which May Involve Drilling

Impacts: As indicated earlier in Finding A, the project area is underlain by geologic formations which have moderate to high paleontological sensitivity, including the Cabrillo Formation (high sensitivity), the Point Loma Formation (moderate sensitivity), and unnamed marine terrace deposits (moderate sensitivity). Project grading which may extend into these formations could impact paleontological resources. A monitoring/mitigation program is proposed to address the impacts of project grading; however, this paleontological monitoring/mitigation program cannot be implemented for drilling activities which may be required for the construction of structure foundation piers.

March 1996

CALENDAR PAGE	289
MINUTE PAGE	001665

Finding: Although the proposed monitoring/mitigation will address most potential grading-related impacts, those projects which require drilling into local geologic formations may result in unmitigable impacts to paleontological resources (assuming that such resources occur within a drill hole).

5. CULTURAL RESOURCES

Plant Access Road Improvements

Impacts: Cultural resource sites have been recorded in the vicinity of the existing plant access road, which could be impacted by future improvements along this road could impact cultural resources. Specific improvement plans have not yet been prepared. As such, it is not possible to determine the exact location of impacts, if any, to cultural resources.

Finding: Once detailed improvement plans are prepared, and the exact nature and location of impacts are determined, it is anticipated that appropriate mitigation measures can be recommended. Until that time, however, the potential for impacts to cultural resources is considered to be significant and unmitigated.

6. HYDROLOGY

All Program-Level Projects (Projects 4-11 As Described in Introduction)

Impacts: Development of the proposed projects could result in temporary increases in erosion and sedimentation. Additionally, the overall increase in impervious surface at the PLWTP, including additional parking areas, could result in increased amounts of urban pollutants such as from motor vehicles (i.e., oil and grease, tire particles, paints, heavy metals, etc.) which enter surface runoff.

Findings: Erosion and sedimentation control measures can be required as part of construction plans. Also, a surface water quality control plan can be developed to address other pollutants.

However, until specific control measures and related surface water quality plans are prepared, the potential for water quality impacts is considered to be significant and unmitigated.

7. CUMULATIVE IMPACTS

Impacts: In addition to the individual project impacts described above, the ultimate buildout of the project area is anticipated to result in cumulative impacts to the environment. Such cumulative impacts include short- and long-term visual impacts, short-term biological impacts, paleontological impacts (drill-related only), short-term air quality impacts, and short-term hydrology impacts.

Finding: The overall change in the appearance of the PLWTP at planned build-out is unavoidable. Moreover, the unobstructed nature of public views from the west (the Pacific

Ocean) limits the ability to effectively mitigate visual impacts on a project level and cumulatively. Short-term biological impacts relate primarily to the initial phases of onsite revegetation of maritime succulent scrub on the proposed berm. There are no feasible mitigation measures to avoid the interim loss of habitat which the landscaping becomes established. As indicated above in Finding C.4., there are no feasible mitigation measures to avoid potential impacts to paleontological resources within drilling holes. Short-term air quality impacts relate to cumulative NOx emissions due to construction activities from multiple projects being underway concurrently, particularly when North Shoreline Protection Improvements excavations hauling is occurring. Such impacts would dissipate once the overlap in construction activities passes. Short-term cumulative hydrology impacts relate primarily to erosion and sedimentation during construction activities. Although control measures are required of each project, there will still be some level of unavoidable cumulative impact to surface water quality.

8. ALTERNATIVES

The Final EIR identifies a range of reasonable project alternatives that would, in varying degrees, reduce identified significant impacts. Such alternatives and their respective impacts are summarized below.

Impacts:

No Project Alternative. Under this alternative, none of the proposed improvements addressed in the EIR would be implemented. This alternative would avoid all of the identified significant environmental impacts, including visual, biological, geology, paleontological, cultural, and hydrology impacts. It would, however, fail to meet any of the project objectives. Among these project objectives are providing a comprehensive plan for the overall upgrade and expansion of the PLWTP which serves as a primary regional wastewater treatment plant, and supporting the City's ongoing efforts and progress in the extensive modification of the Metropolitan's Sewerage System. Additionally, failure to implement the proposed improvements to the existing systems at the plant could compromise the effectiveness, efficiency, and safety of existing plant operations.

System Modification For Digesters 9 and 10. This alternative considers two scenarios which could result in modifications to the overall plan for the Metropolitan Sewerage System and could reduce or eliminate the future need for Digesters 9 and 10 at the PLWTP. The two scenarios considered are based on possible actions by the federal government related to either waiver conditions described in the Ocean Pollution Reduction Act or approval of Marine Secondary Equivalency legislation. The main environmental issue area which would be affected by this alternative, assuming that the need to construct Digesters 9 and 10 can be avoided, would relate to visual impacts to public views from the west (i.e., from the Pacific Ocean).

Alternative Locations for Digesters 9 and 10. Under this alternative Digesters 9 and 10 would be constructed at the north end of the PLWTP at one of two alternative sites. One alternative, referred to as the "Northwest" site, is situated within a disturbed area currently used for equipment storage. The second alternative, referred to as the "Northeast" site, is located directly north of the existing headworks facilities and encompasses a combination of flat disturbed area

and natural hillside area. Use of either alternative site at the north end of the PLWTP would require approval from the property owner, the U.S. Navy, and would also be predicated on the assumption that expansion of the plant to meet secondary treatment standards is not required. In comparing the environmental impacts of this alternative to those of the proposed project, construction of Digesters 9 and 10 at the north end of the PLWTP would relocate, but not reduce, the visual impacts of the digesters. Development of the digesters at the Northeast alternative site could encroach into maritime succulent scrub habitat which would increase impacts to biological resources. Implementation of this alternative, assuming either alternative site, would be subject to technical constraints and additional project costs due to the proposed digesters being located well away from the other existing digesters.

Other Alternatives Considered But Not Studied Further. In addition to the proposed improvements and the alternatives described above, several other development options and variations were considered in the EIR. These other alternatives were not subjected to detailed study within this EIR due to their technical or economic infeasibility, their inability to respond to the basic project objectives, or their failure to offer any notable environmental advantage over the proposed project. Such other alternatives include alternative designs for the North Shoreline

Protection Improvements Project, the Water Tank and Pipeline, the North Operations Building, and the Parking Facility Improvements.

Finding: The City Council finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the EIR to reduce the significant impacts of the proposed project.

STATEMENT OF OVERRIDING CONSIDERATIONS
(per CEQA Guidelines Section 15093)
FOR POINT LOMA WASTEWATER TREATMENT PLANT MASTER PLAN
DEP No. 95-0510
SCH No. 94-101024

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines provide:

- (a) CEQA requires the decisionmaker to balance the benefits of a proposed project against the unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable.
- (b) Where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement may be necessary if the agency also makes a finding under Section 15091(a)(2) or (a)(3).
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination (CEQA Guidelines Section 15093).

The City, pursuant to the CEQA Guidelines, after balancing the benefits of the proposed project against the unavoidable environmental effects which remain significant, notwithstanding the mitigation measures and alternatives described above, determines that the remaining environmental effects are acceptable due to the following specific considerations:

- Implementation of the proposed project will provide for much needed improvements to the PLWTP which was originally constructed in the early 1960's and has served as a primary regional wastewater treatment plant over the past 30 years. Many of the proposed improvements are intended to alleviate existing problems and constraints in the operation of the plant, and improve the health and safety characteristics of the plant.
- Construction of the HOG Project facilities building will result in a significant visual impact from the west, due to the size and location of the building; however, one of the primary functions of the building is to enclose odor-generating equipment and activities and convey odorous emissions to the onsite odor control system. The HOG area is one of the main sources of existing odor problems at the plant, at which construction of the HOG Project facilities building, in conjunction with other odor control improvements, represents a benefit of the proposed project.

March 1996

CALENDAR PAGE	293
MINUTE PAGE	001669

- Construction of the HOG Project, and possibly other improvements, will require the development of concrete piers which may extend into geologic formations which have moderate to high paleontological sensitivity. The drilling of holes for these piers may or may not encounter paleontological resources (the exact nature and location of fossils, if any, are unknown). It is not practical/feasible to implement the paleontological monitoring/mitigation program which is required for other excavation activities (i.e., surface grading). The unavoidable loss, if any, of paleontological resources within the drill holes is considered to be acceptable in light of the structural stability which the concrete piers will provide for future facilities.
- The proposed project provides a comprehensive program for the overall improvement and expansion of the Point Loma Wastewater Treatment Plant. Several of the individual proposed projects are still in early stages of planning and design. This EIR addressed such projects at a "program-level" of analysis and determined that they pose the potential for significant impacts, particularly as related to geology and hydrology. This conclusion is based primarily on the fact that detailed project plans which include specifications which address potential concerns, such as geology and hydrology, have not yet been developed. Approval of the components encompassed by the Master Plan is considered to offer the benefits of: (1) providing an integrated, comprehensive framework for numerous individual projects which might otherwise be pursued in more of a fragmented fashion; (2) providing the public, agencies, and decision-makers with a preliminary review of such projects, recognizing that each project is still subject to additional review and approval in the future.

For these reasons, on balance, the City of San Diego finds that the above considerations resulting from the project serve to override and outweigh the project's unavoidable significant environmental effects and, thus, the adverse environmental effects are considered acceptable.

March 1996

CALENDAR PAGE	294
MINUTE PAGE	001670

NOTICE OF DETERMINATION

EXHIBIT 'E'

154787

960121

Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

APR 03 1996

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

BY _____
DEPUTY

DEP Number: 94-0510, 96-0164

State Clearinghouse Number: 94101024

Permit Number: N/A; Council Approval

Project Title: Pt. Loma Wastewater Treatment Plant Master Plan; North Shoreline Protection Improvements.

Project Location: Pt. Loma Waste Water Treatment Plant, Pt. Loma, San Diego, CA.

Project Description: Approval of the North Shoreline Protection Improvement (NSPI) project and Phase I of the Northern Parking Area, Headworks and Chemical Upgrade projects. Eight additional projects were evaluated at a programmatic level: Water tank/pipeline, Plant Access Road Improvements, North Operations Building, Parking Facility Improvements, Power Generation and Distribution Upgrade, Maintenance Building and Warehouse Upgrade, Digestors 9 & 10, and Parallel Tunnel Outfall and Tie-in System.

This is to advise that the City of San Diego on April 1, 1996 approved the above described project and made the following determinations:

- 1. The project in its approved form will, ___ will not, have a significant effect on the environment.
- 2. An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA. Resolution R-287113
- An addendum to EIR, DEP NO. 94-0510 was prepared for this project pursuant to the provisions of CEQA.

Record of project approval may be examined at the address above.

- Mitigation measures were, ___ were not, made a condition of the approval of the project.
- (EIR only) Findings were, ___ were not, made pursuant to CEQA Guidelines Section 15091.
- (EIR only) A Statement of Overriding Considerations was, ___ was not, adopted for this project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Land Development Review Division, fifth Floor, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

Analyst: Cibit

Telephone: (619) 236-6267

Filed by: *Gregory J. Portman*

Signature	
CALENDAR PAGE	295
Deputy City Clerk	
MINUTE PAGE	001671

Reference: California Public Resources Code, Sections 21108 and 21152.

MITIGATION, MONITORING, AND REPORTING PROGRAM

POINT LOMA WASTEWATER TREATMENT PLANT MASTER PLAN ENVIRONMENTAL IMPACT REPORT

DEP No. 94-0510
SCH No. 94101024

1.0 INTRODUCTION

This Mitigation Monitoring and Reporting Program is designed to ensure compliance in accordance with CEQA (Section 21081.6) during implementation of mitigation measures. This program specifies what is to be mitigated, how the mitigation shall be accomplished, the department responsible for the monitoring, the monitoring and reporting schedule, and the completion requirements. The following mitigation measures are contained in the Environmental Impact Report (EIR) for the Point Loma Wastewater Treatment Plant (PLWTP) Master Plan (DEP No. 94-0510) and shall be incorporated into the construction plans and specifications, as appropriate, for the identified projects which are specifically addressed in the EIR. The City of San Diego Metropolitan Wastewater Department (MWWD) and Development Services Department (DSD) are responsible for ensuring that this program is carried out.

The PLWTP Master Plan identifies numerous improvements to be implemented in phases over the next 15+ years. The EIR addresses such improvements at different levels of detail. For those project elements which are anticipated for near-term implementation and have proceeded to detailed levels of project planning, design, and engineering, the EIR provides a project-specific level of analysis ("Project-Specific Improvements"). For those project elements which are still at a conceptual level of design, a more generalized, programmatic level of analysis is provided in the EIR ("Program-Level Improvements"). The following lists the proposed improvements in terms of how they are considered within the EIR:

Project-Specific Improvements

- North Shoreline Protection Improvements
- Headworks, Odor Control, and Grit Processing Facilities (HOG) Project
- Chemical Feed Systems Upgrade

Program-Level Improvements

- Water Tank and Pipeline
- Plant Access Road Improvements
- North Operations Building
- Parking Facilities Improvements
- Power Generation and Distribution Upgrade
- Maintenance Building and Warehouse Upgrade
- Digesters 9 and 10
- Parallel Tunnel Outfall and Tie-In System

March 1996

POINT LOMA WASTEWATER TREATMENT PLANT EIR

Mitigation Monitoring and Reporting Program

CALENDAR PAGE 296

MINUTE PAGE

001672

The following summarizes the mitigation monitoring and reporting requirements for the proposed improvements, as identified in the PLWTP Master Plan EIR. The description is presented in terms of: (1) mitigation requirements, by environmental topic, for project-specific improvements (Section 2); and (2) mitigation requirements, by environmental topic, for program-level improvements (Section 3). The description below includes only those improvements and environmental topics which the EIR identifies as having significant impacts and feasible mitigation measures.

2.0 MITIGATION REQUIREMENTS FOR PROJECT-SPECIFIC IMPROVEMENTS

2.1 PALEONTOLOGICAL RESOURCES

2.1.1 North Shoreline Protection Improvements

1. Prior to construction, MWWD shall provide verification that a qualified paleontologist and a paleontological monitor have been retained for the project to implement the paleontological mitigation program described below. This verification shall be presented in the form of a letter to the Principal Planner of the Public Projects section within DSD at least 30 days prior to the construction meeting for each specified project. A qualified professional paleontologist is defined as an individual with a M.S. or Ph.D. in paleontology or geology, who is a recognized expert in the application of paleontological procedures and techniques, such as screen washing of materials and identification of fossil deposits. The qualified paleontologist must have field experience in southern California and must be an expert in the preparation and curation of fossils. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist. All persons involved in paleontological monitoring shall be approved by DSD at least 30 days prior to the preconstruction meeting.
2. The qualified paleontologist shall attend the pre-construction meeting to discuss the mitigation procedures with the grading and excavation contractor(s).
3. A paleontological monitor should be onsite at all times during the original cutting of previously undisturbed deposits of high sensitivity formations (Point Loma Formation) to inspect exposures for contained fossils. The paleontological monitor should be onsite on a half-time basis to inspect cuts in moderate sensitivity formations ("unnamed marine terrace deposits" and Cabrillo Formation). In the event that fossils are discovered in moderate sensitivity formations it may be necessary to increase the per/day field monitoring time. Conversely, if fossils are not being found in these rock units then the monitoring should be reduced. (A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil material. The paleontological monitor should work under the direction of a qualified paleontologist.)
4. When fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases this fossil salvage can be completed in a short period of time (typically 1-2 days). However, some fossil specimens (such as a complete large mammal skeleton) may require an extended salvage period (several days to weeks, depending on the nature, location, and condition of the resource(s) found). In these instances the paleontologist (or paleontological monitor) should be allowed to temporarily direct,

- divert, or halt grading to allow recovery of fossil remains in a timely manner. Because of the potential for the recovering of small fossil remains, such as isolated mammal teeth, it may be necessary to set up a screen-washing operation on the site. The paleontologist shall contact DSD and the construction manager at the time of discovery. DSD must concur with the salvaging method(s) before construction activities are allowed to resume.
- 5. Fossil remains collected during the monitoring and salvage portion of the mitigation program should be cleaned, repaired, sorted, and cataloged.
- 6. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, should be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum. The qualified paleontologist shall be responsible for the preparation of fossils to a point of identification, and shall submit a letter of acceptance to DSD from the curation facility.
- 7. A final summary report should be completed that outlines the results of the mitigation program, and be prepared and submitted to DSD within three months following the termination of the paleontological monitoring program. This report should include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils. Any discovered fossil sites shall be recorded at the San Diego Natural History Museum.

2.1.2 HOG Project

Implementation of the HOG Project will require the same paleontological monitoring/salvaging described above in Section 2.1.1. It should be noted that the paleontological monitoring/salvaging requirements do not apply to the drilling activities necessary for the development of cast-in-place concrete piers.

2.2 TRAFFIC CIRCULATION AND PARKING

2.2.1 North Shoreline Protection Improvements

As the construction program specifications of the project are determined, including construction parking area needs, the total parking needs and provisions at the PLWTP site shall be assessed. This assessment will include parking needs for plant operations and for all construction activities anticipated to occur concurrently. If it is determined that offsite parking is necessary to meet the total parking requirements of plant activities, the specific provisions for an offsite parking and shuttle program shall be identified in the construction plans and specifications for the project. The parking needs assessment and resultant recommendations shall be subject to DSD review and approval prior to project grading.

When deemed necessary, MWWD will develop a program to provide sufficient offsite parking to offset any onsite parking shortfall. One likely offsite parking location is Robb Field Athletic Area in Ocean Beach. The subject facility has a parking area with over 200 spaces. The demand for parking at Robb Field is very low during weekday hours and would be very compatible with the activity hours of the PLWTP construction schedule (i.e., 6:00 a.m. to 3:45 p.m.). A shuttle program would be implemented from the offsite parking location to the project site.

2.2.2 HOG Project

The requirements described above in Section 2.2.1 also apply to the HOG Project.

2.2.3 Chemical Feed Systems Upgrade

The requirements described above in Section 2.2.1 also apply to the Chemical Feed Systems Upgrade project.

3.0 MITIGATION REQUIREMENTS FOR PROGRAM-LEVEL IMPROVEMENTS

The following presents the mitigation monitoring and reporting requirements identified in the PLWTP Master Plan EIR for improvements addressed at a program level of analysis. It is important to note that most, if not all, of these improvements are expected to undergo additional project design and engineering, and additional environmental review will be required. Mitigation, with a greater degree of specificity, will be developed at that time. Mitigation measures, if necessary, will be required as part of the construction plans and specifications for those projects.

3.1 BIOLOGICAL RESOURCES

3.1.1 Water Tank and Pipeline

In general, direct and indirect impacts to maritime succulent scrub, if they occur, shall require mitigation at a ratio of 3:1. The various options for satisfying mitigation requirement could include: (1) Onsite Revegetation: Revegetation of disturbed areas using maritime succulent scrub plant species; (2) Acquisition and Permanent Preservation of Coastal Sage Scrub: MWWD could acquire an offsite area containing the necessary amount of maritime succulent scrub of comparable or better quality to that which is impacted on the project site; (3) Offsite Revegetation: Revegetation of offsite areas could be pursued on federal and non-federal lands on the Point Loma peninsula; (4) Contribution to the City's Mitigation Fund Agreement: The City has a Mitigation Fund Agreement with the USFWS for other City projects; and (5) Contribution to Other Resource Funds: MWWD could contribute to other efforts for enhancing the biological resources of the Point Loma area. In summary, there are several options which could be pursued to satisfy the mitigation needs for the proposed project, if any are necessary. The exact means of mitigation ultimately selected for the project would be determined, and committed to by MWWD, prior to initiation of grading, and would be a part of the construction plans and specifications.

3.1.2 Plant Access Road Improvements

It is anticipated that the loss, if any, of maritime succulent scrub due to Plant Access Road Improvements would be mitigated through one of the options described above in Section 3.1.1.

3.1.3 Parallel Tunnel Outfall and Tie-In System

Mitigation measures may be necessary due to the potential for significant impacts to marine biological resources. Due to the program-level review, additional environmental review will be required as development and refinement of the project design occurs. Specific mitigation, with a greater degree of detail, will be developed. These mitigation measures will be linked to construction plans and specifications as necessary.

3.2 GEOLOGY/SOILS

3.2.1 All Program-Level Improvements

The geology/soils characteristics of the PLWTP area require geotechnical engineering measures to be considered and incorporated into project plans. Due to the program-level review, additional environmental review will be required as development and refinement of each project's design occurs. Specific mitigation, with a greater degree of detail, will be developed and incorporated into project construction plans and specifications as necessary.

3.3 PALEONTOLOGICAL RESOURCES

3.3.1 All Program-Level Improvements

All of the improvements addressed at a program level of analysis are situated above geologic formations which have moderate or high paleontological sensitivity (see Table 3 of EIR). As such, the paleontological monitoring/salvaging requirements described above in Section 3.1.1 will apply to grading for any of the program-level improvements which may encounter these geologic formations.

3.4 CULTURAL RESOURCES

3.4.1 Plant Access Road Improvements

Cultural resource sites have been recorded in the project vicinity and there is the potential that Plant Access Road Improvements could impact cultural resources, depending on the specific location and design of such improvements. Due to the program-level review, additional environmental review will be required as development and refinement of the project design occurs. Detailed mitigation measures which include cultural resource survey(s), assessment, and data recovery will be developed and incorporated into project construction plans and specifications as necessary.

3.5 TRAFFIC CIRCULATION AND PARKING

As discussed above in Section 2.2, the EIR determined that an offsite parking program will be required to mitigate an anticipated onsite parking shortage during peak construction periods. Parking assessments conducted on a project-by-project basis, as described below, are proposed to determine when the offsite parking program should begin and end.

3.5.1 All Program-Level Improvements

The development and implementation of an offsite parking program shall be determined in conjunction with the review of construction program plans for individual PLWTP projects. As the construction program specifications, including construction parking area needs, of each project are determined, the total parking needs and provisions at the PLWTP site shall be assessed. This assessment will include parking needs for plant operations and for all construction activities anticipated to occur concurrently. If it is determined that offsite parking is necessary to meet the total parking requirements of plant activities, the specific provisions for an offsite parking and shuttle program shall be identified in the

construction plans and specifications for the project. The parking needs assessment and resultant recommendations shall be subject to DSD review and approval prior to project grading.

When deemed necessary, MWWD will develop a program to provide sufficient offsite parking to offset any onsite parking shortfall. One likely offsite parking location is Robb Field Athletic Area in Ocean Beach. The subject facility has a parking area with over 200 spaces. The demand for parking at Robb Field is very low during weekday hours and would be very compatible with the activity hours of the PLWTP construction schedule (i.e., 6:00 a.m. to 3:45 p.m.). A shuttle program would be implemented from the offsite parking location to the project site.

3.6 HYDROLOGY/WATER QUALITY

3.6.1 All Program-Level Improvements

1. Project-specific design and engineering plans for Master Plan elements which add impervious surface shall include provisions to ensure that runoff is directed to appropriate drainage facilities.
2. The following types of sedimentation and erosion control measures will be considered and incorporated into project construction plans and specifications, as appropriate.
 - Natural drainageways should be used whenever possible. Runoff should be directed away from denuded areas, especially during construction. Maintain runoff water in its natural course and direction of flow whenever possible.
 - Minimize runoff velocities with energy dissipators such as straw bale check dams (temporary) and riprap (permanent). Prepare drainageways and outlets to handle concentrated runoff with straw bale dikes, erosion control blankets (e.g., coconut fiber), soil binders, and/or temporary down drains until permanent drainage structures are constructed.
 - When used as check dams and sediment traps, straw bales are placed lengthwise and end-to-end, perpendicular to the contour of the slope. The maximum spacing of check dams along the drainageway is such that the toe of the upstream dam is at the same elevation as the top of the downstream dam. It is not recommended to use straw bales for drainage areas exceeding two acres. Straw bales can also be used as temporary dikes at the top of slopes to divert runoff off exposed slope faces to temporary down drains.
 - Temporary down drains may simply be earthen channels protected with impermeable liners (plastic or rubber sheeting) or galvanized flumes, and discharge to natural drainageways, with energy dissipation such as riprap provided at the outlet. Earthen stockpiles used during construction would be covered with tarps before forecasted rainfall. Completed grading and excavation work would be protected with temporary soil binders and/or hydraulically applied bonded fiber matrix before forecasted rainfall.

- Silt fencing can control the transport of sediment into drainageways during construction activities. Silt fences would be installed carefully along the contour at the base of cut and fill slopes. Placement along the contour prevents channelling and concentrating of storm water runoff, and allows water to permeate evenly along the fence line. Several silt fence manufacturers produce pre-assembled silt fencing (with the fabric attached to the posts), which comes in rolls. This type of preassembled silt fencing is quick and easy to install.
- Silt fencing should be inspected prior to forecasted rainfall and reinspected as soon as possible after rainfall. The filter fabric is inspected for tearing. Sediment trapped by the silt fence is then removed and properly disposed.
- Along access road grading sties, sandbags and/or gravel bags can be placed as needed to trap sediment and channel runoff to natural drainageways. Gravel bags may have a longer useful life than sandbags.
- Erosion control measures should be timed appropriately. During construction activity in the rainy season (October 1 to April 30), temporary erosion control measures should be in place within 10 days of soil disturbance.
- Inspections of temporary erosion control measures should be conducted before a storm having a probability of occurrence of 40 percent or greater. The probability of storm occurrence can be determined by monitoring weather forecasts with a marine radio. A post-storm inspection should be performed as soon as possible after the rainfall event.
- For permanent soil stabilization of the construction site, disturbed soil is revegetated with an appropriate grassland seed mix to be applied with a hydromulch process. Before hydromulching, the soil surface is scarified to promote contact. The hydromulch mix may include seed mix, fertilizer, wood fiber or recycled paper mulch, straw, soil tackifier, and/or hydraulically applied bonded fiber matrix. Fertilizer requirements would be determined after analysis of representative soil samples for pH, nitrogen, phosphorus, and potash.

4.0 OTHER REQUIREMENTS

The MWWD Project Manager shall notify DSD-Environmental Analysis Section staff of any pre-construction meeting dates and of the start and end of construction.