



City of Del Mar Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Joe Bride, Public Works Director
Adriana Jaramishian, Associate Planner
Via Ashley Jones, Interim City Manager

DATE: November 15, 2021

SUBJECT: Status Update and Approval of a Task Order with Helix Environmental for Phase 3 of the Riverpath Del Mar Extension Project

REQUESTED ACTION/RECOMMENDATION:

Staff recommends that the City Council receive a project status update and approve a Task Order amendment with Helix Environmental (Helix) for Environmental and Design Engineering Services for work related to the Riverpath Phase 3 Project.

PROJECT DESCRIPTION:

The Riverpath Del Mar Extension Project Phase 3 is intended to complete one of the last remaining segments of the City's Scenic Loop Trail by extending the Riverpath Del Mar from the Grand Avenue Bridge to Crest Canyon as identified in the City of Del Mar's certified Local Coastal Program (LCP), Land Use Plan (LUP), and Community Plan Transportation Element.

Helix recently completed biological, boundary, and topographical surveys, and draft California Environmental Quality Act (CEQA) environmental documents that identified the inclusion of 0.011 acre of disturbed wetland area. Of this area, 0.005 acre would have permanent disturbance as a result of the boardwalk piling installation for construction of the walkway. This disturbed wetland area would normally require mitigation by the California Coastal Commission, usually on-site. Due to project limitations, previous drafts of the environmental documents did not propose on-site mitigation; however, the San Dieguito River Valley Conservancy (SDRVC) recently acquired two lagoon-fronting properties near the Phase 3 extension area. SDRVC has offered these parcels for inclusion into the project for utilization as on-site mitigation for the Phase 3 wetland impacts as part of a lagoon restoration component of the project.

The on-site mitigation would be designed conceptually through engineering drawings prepared by MBI and a Wetland/Lagoon Restoration Plan prepared by HELIX. These documents would be incorporated into the technical studies and the draft environmental document prior to its release for public review. This will result in additional tasks to be completed by MBI and Helix at an additional cost. The updated project budget and task list for Helix's work is provided as Attachment A.

City Council Action:

IT WAS MOVED BY DEPUTY MAYOR WORDEN, SECONDED BY COUNCILMEMBER QUIRK TO APPROVE A TASK ORDER AMENDMENT WITH HELIX ENVIRONMENTAL (HELIX) FOR ENVIRONMENTAL AND DESIGN ENGINEERING SERVICES FOR WORK RELATED TO THE RIVERPATH PHASE 3 PROJECT. (VOTE 5-0)

Project Budget

The combined cost for the work described above is \$112,000, which includes Helix Environmental Services, engineering services by MBI, the cost for environmental filing fees with the County of San Diego, and a project contingency (Table A).

Currently, the City has a task order in place with Helix for environmental consulting work related to this project, totaling \$110,000. In order to complete the necessary focused surveys for sensitive plants and animals, a mitigation site assessment and jurisdictional delineation, preparation of a conceptual mitigation design, and corresponding updates to the Biology Report, Cultural Report, and Draft Initial Study/Mitigated Negative Declaration (IS/MND), Helix has provided an updated task order (Attachment A), which includes revised costs; including new tasks associated with the new additional parcels, totaling \$51,200 as further described in Table A below.

With regard to the work to be done by MBI; Phase 3's original engineering activities will continue during this environmental permitting phase. MBI will conduct topographic and boundary surveys to add the two additional parcels to the project. MBI will also develop Drainage Studies and a Storm Water Quality Management Plan for agency submission and compliance with the City's municipal storm water permit.

Table A: Combined Cost of Work

Helix Environmental Services (Attachment A):

Update Biological Resources Technical Report (<i>New Task</i>)	\$4,300
Update Cultural Resources Technical Report (<i>New Task</i>)	\$3,000
Update Draft Initial Study/Mitigated Negative Declaration (<i>New Task</i>)	\$3,500
Management and Meetings (<i>Original Task</i>)	\$6,000
Focused Protocol Surveys (<i>Original Task</i>)	\$18,500
Jurisdictional Delineation (<i>Original Task</i>)	\$9,700
Mitigation Assessment and Conceptual Design (<i>New Task</i>)	\$6,200
Subtotal	\$51,200

MBI Engineering Services:

MBI Topographic and Boundary Surveys (includes Mitigation sites)	\$22,300
MBI Drainage report and Storm Water Quality Management Plan	\$6,000
MBI Engineering Design Services	\$10,000
Subtotal	\$38,300

Other:

County CEQA Filing Fees	\$2,600
Project Contingency	\$20,000

TOTAL **\$112,100**

This does not include additional environmental mitigation (e.g., ongoing monitoring post-construction), regulatory agency permitting fees, or construction costs.

Next Steps

Staff will update the project to include the wetland restoration component (on-site mitigation) and finalize the necessary environmental documentation. Staff anticipates releasing the draft IS/MND for a 30-day public review in early 2022. Staff will return to City Council for approval of future design/construction phase activities.

FISCAL IMPACT:

There is no fiscal action to be taken by the City Council related to this agenda item. There are sufficient funds available (see Table B below) in the Fiscal Year 2021-2022 Operating and Capital Budget to cover the costs identified in this report.

Table B: Project Funding Sources

PROJECT	ACCOUNT	AMOUNT
FY2022 Approved Funding		
Riverpath Del Mar Extension Project (FY2022)	02.7000.7007	\$150,000
TOTAL:		\$150,000

ENVIRONMENTAL IMPACT:

The proposed City Council action does not constitute an “approval” or a “project” under the definitions set forth in California Environmental Quality Act (CEQA) Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur. CEQA requires that the City adequately assess the environmental impacts of projects and reasonably foreseeable activities that may result from projects prior to the approval of the same. Any project developed as a result of the City Council’s action that requires the City or the City Council’s discretionary approval resulting in a physical change to the environment will be analyzed in accordance with CEQA prior to such approval. The current City Council action in no way limits the exercise of the City or the City Council’s sole and absolute discretion. Therefore, no further CEQA review is required.

PRIOR CITY COUNCIL REVIEW:

On June 21, 2021, the City Council approved the Fiscal Years 2021-2022 and 2022-2023 Operating and Capital Budget appropriating \$150,000 for this Project in Fiscal Years 2021-2022 and 2022-2023.

On November 9, 2020, the City Council authorized the acceptance of \$40,000 in funding from various donors for the Riverpath Del Mar Extension Project Phase 3.

On August 3, 2020, the City Council authorized the acceptance of \$50,000 from the Del Mar Foundation for the Riverpath Del Mar Extension Project.

On September 9, 2019, the City Council authorized the acceptance of \$30,000 from the Malk Nature Fund with the San Dieguito River Valley Conservancy, \$15,000 of which were received by the City in Fiscal Year 2019-2020.

ATTACHMENTS:

Attachment A – Helix Environmental Updated Task Order and Budget Proposal

HELIX Environmental Planning, Inc.
 7578 El Cajon Boulevard
 La Mesa, CA 91942
 619.462.1515 tel
 619.462.0552 fax
www.helixepi.com



November 8, 2021

01197.00002.003

Ms. Adriana Jaramishian
 City of Del Mar
 Planning Department
 2240 Jimmy Durante Boulevard
 Del Mar, CA 92014

SUBJECT: Additional Environmental Consulting Services for the Del Mar River Path Extension Project (PO Number 58-00470)

The original written contract dated October 26, 2020 between HELIX Environmental Planning, Inc. (HELIX) and the City of Del Mar Department of Public Works (City) is hereby augmented as follows:

HELIX is submitting this request for a contract augment to provide additional environmental consulting services for the Del Mar River Path Extension Project (project) located in the City of Del Mar, California. This augment includes focused surveys for sensitive plants and animals, a mitigation site assessment and jurisdictional delineation, preparation of a conceptual mitigation design, and corresponding updates to the Biology Report, Cultural Report, and Draft Initial Study/Mitigated Negative Declaration (IS/MND).

SCOPE OF WORK (See attached)

CURRENT CONTRACT TOTAL		\$110,532.66
Task No.	Task Name	Cost (\$)
2c	Biological Resources Technical Report	\$4,300
2d	Cultural Resources Report	3,000
3	Draft IS/MND	3,500
7	Management and Meetings	6,000
9	Focused Protocol Surveys	18,500
11	Jurisdictional Delineation	9,700
12	Mitigation Assessment and Conceptual Design (<i>New Task</i>)	<u>6,200</u>
	Subtotal	\$51,200
TOTAL REVISED CONTRACT		\$161,732.66

Sincerely,

Karl Osmundson
 Principal Biologist/Biology Group Manager

I hereby authorize HELIX to continue work in accordance with this Augment and the original Terms and Conditions and Schedule of Fees.

(Client)

By: _____
Name
Title

Date: _____

SCOPE OF WORK

- Task 2c Biological Resources Technical Report. HELIX will revise the Biological Resources Technical Report to include discussion and details of the jurisdictional delineation, focused surveys for plants and animals, the two off-site mitigation properties, and the proposed mitigation efforts for the project. The report revisions will also include updating applicable Figures and appendices, tailoring project mitigation measures, as well as incorporating the conceptual mitigation design/plan (Task 12 below). If there are project design changes, comments, or requests that require additional rounds of revisions to the report, a contract augment will be required.
- Task 2d Cultural Resources Report. HELIX will revise the cultural resources report to address ground disturbing activities associated with the off-site mitigation properties, defined in Task 12 below. A HELIX archaeologist will conduct a field survey of the proposed mitigation site with a Kumeyaay Native American monitor (Red Tail), subcontracted to HELIX, and incorporate the results of the survey into the revised cultural resources technical report. This scope of work includes one round of review, revision, and resubmittal to the City for a total of three iterations of the cultural resources technical report. If there are project design changes, comments, or requests that require additional rounds of revisions to the report, a contract augment will be required.
- Task 3 Draft IS/MND. HELIX will update the IS/MND to address the proposed mitigation site and restoration activities associated with the Del Mar River Path Phase 3. It is anticipated the project description and impact analyses for environmental topic areas including biological resources and cultural resources will be updated. Given the expected minor use of powered mechanical equipment, it is not anticipated the mitigation and restoration activities will require updating any quantitative analyses within the air quality, greenhouse gas, energy, or other sections. This scope of work includes one round of review, revision, and resubmittal to the City prior to issuing the Public Review Draft IS/MND. If there are project design changes, comments, or requests that require additional rounds of revisions to the IS/MND, a contract augment will be required.
- Task 7 Management and Meetings. HELIX has assumed 30 hours total of Principal Planner and Biology Project Manager time for management/meetings with the project team, City, and other applicable agencies. Only the number of hours expended will be billed; if the City requests additional services that cause HELIX to exceed the time allocated for this task, additional authorization would be required.
- Task 9 Focused Protocol Surveys.
Sensitive Plants. HELIX will conduct surveys for rare plants within the proposed river path project area as well as the two off-site mitigation properties. The survey will include one site visit in the spring (April or May) and another one during the summer (June or July) to coincide with blooming periods of potentially occurring sensitive plant species. The results of the

surveys would be documented in the biological resources technical report and reflected in the mitigation concept/plan efforts described in Task 12 below.

Sensitive Wildlife. HELIX will conduct protocol-level surveys within the proposed river path project area as well as the two off-site mitigation properties to determine presence/absence of the following listed-sensitive animals: Belding's savannah sparrow (*Passerculus sandwichensis beldingi*), coastal California gnatcatcher (*Polioptila californica californica*), and Ridgway's rail (*Rallus obsoletus*). HELIX's permitted biologists will conduct surveys for these three species in accordance with current USFWS and/or CDFW protocols, which assume the following: six survey visits between March 15 and June 30 for coastal California gnatcatcher; five survey visits for Belding's savannah sparrow between February 15 and April 30; and six survey visits for Ridgway's rail between February 15 and April 30. The results of the surveys will be included in the biological resources technical report and documented in stand-alone reports for submittal to the USFWS and/or CDFW, as required.

Task 11 Jurisdictional Delineation. To support the regulatory permitting for the project (see Task 5 above) as well as assist with the mitigation efforts for the project (Task 12 below) HELIX will conduct a jurisdictional delineation of the project site and the two mitigation properties in accordance with current methodologies and regulatory guidance provided by the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), California Department of Fish and Wildlife (CDFW), and the California Coastal Commission (CCC). The delineation would accurately map and quantify areas of potential jurisdiction, including wetlands and waters of the U.S. regulated by the USACE pursuant to CWA Section 404, waters of the State regulated by the RWQCB pursuant to CWA Section 401, streambed and riparian habitat regulated by the CDFW pursuant to California Fish and Game Code (CFG Code) Sections 1600 et seq., and Coastal Wetlands regulated by the CCC pursuant to the California Coastal Act. The methods and results of the delineation will be documented in a Jurisdictional Delineation Report and the Biological Resources Report for the project.

Task 12 (New Task) Mitigation Assessment and Conceptual Design. A HELIX restoration ecologist will conduct a single survey of the two adjoining off-site mitigation properties to assess existing conditions, vegetation/habitat, and suitability for mitigation to satisfy the requirements of the project. HELIX will identify a feasible mitigation approach for the property and will develop a conceptual mitigation design targeting upland habitat (coastal scrub) and coastal wetland habitat (salt marsh) creation, restoration, and/or enhancement. A figure of the conceptual design for the mitigation property will be submitted to the City for review and concurrence prior to incorporation into the Biological Resources Technical Report. This task includes modifications to the conceptual design based on one round of comments provided by the City. Additional site visits/surveys, design iterations, or submittal requests are not included and would require a contract augment. This task does not include preparation of a Mitigation Plan, which would outline and describe the mitigation site, implementation/construction methods, planting palettes, monitoring and reporting, or success criteria.

ASSUMPTIONS AND LIMITATIONS

The following assumptions and limitations are a material component of this augment.

- All terms, assumptions, and limitations presented in the original Agreement remain in effect.
- Costs associated with public meetings, surveys/reporting/analysis not specifically described above, regulatory permitting, mitigation site conservation easement preparation, long-term management endowment estimate, or other (“additional work”) are not included within the scope of services required of HELIX under this augment.
- Task 2d assumes the City will contact and consult with Native American tribes, as necessary, including any required AB 52 notification or consultation regarding the addition of the mitigation site to the project.
- Task 11 assumes that the jurisdictional areas and extents within the project site will be found consistent with the coastal wetlands assessment and jurisdictional information reflected in the current Biological Resources Technical Report for the project.
- Task 12 does not include preparation of a Mitigation Plan, mitigation site construction drawings, irrigation plans, or construction specifications.
- This augment assumes that no hard copies of reports/deliverables to the City are necessary. All submittals will include electronic copies of reports/documents/applications to the City for review. HELIX will revise these deliverables based on a single set of comments provided by the City. Electronic versions of the final documents will be provided to the City. If the City or other Agency has additional comments or requests revisions beyond the labor allocated in this scope, those revisions are not included and would require a contract augment, for which the level of effort would be determined after a review of the comments received.

**Item 11:
Status Update and Approval of a Task Order with
Helix Environmental for Phase 3 of the Riverpath Del
Mar Extension Project**

November 15, 2021



**CITY OF
DELMAR**





BEFORE

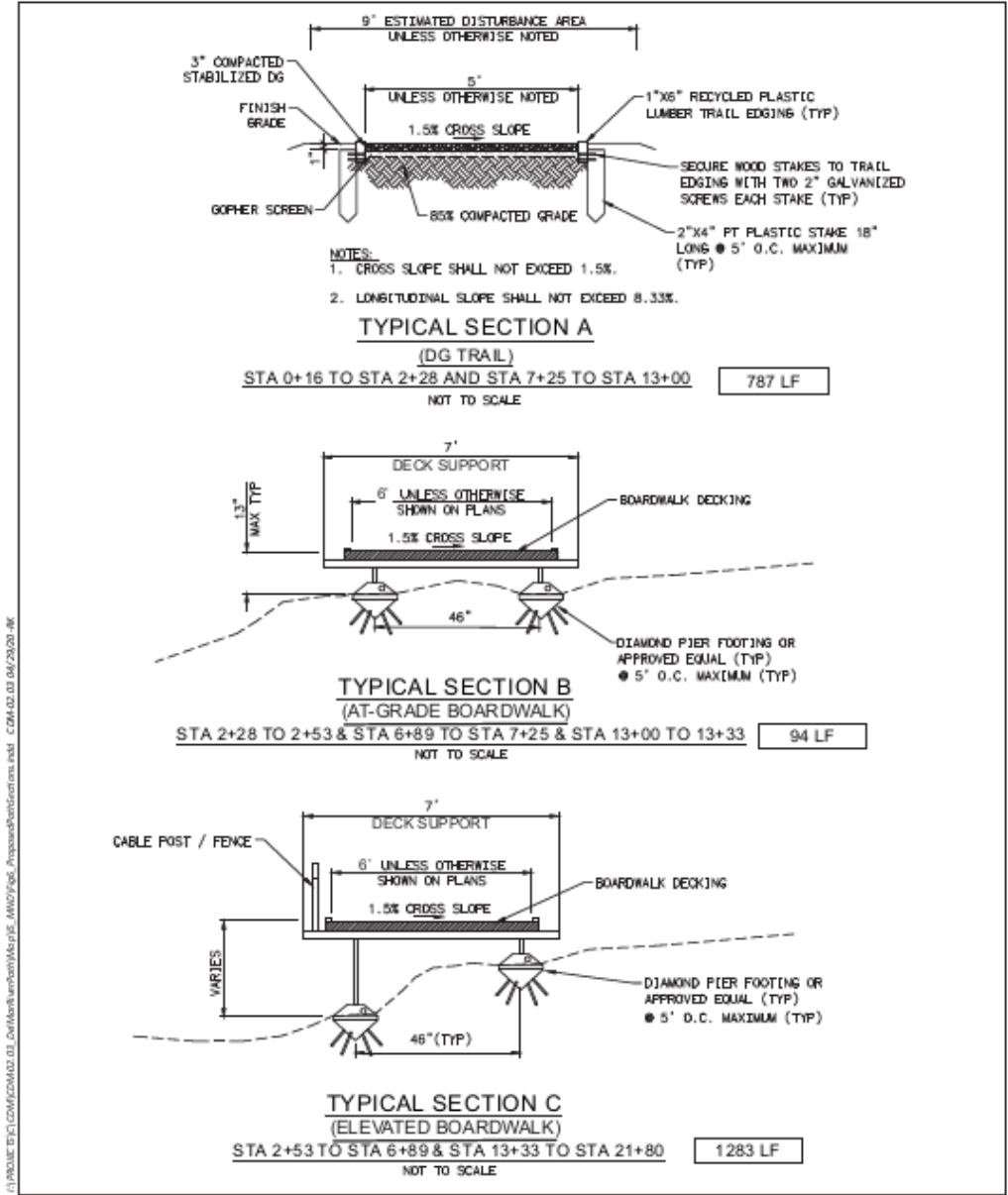


AFTER



BEFORE





Source: Michael Baker International 2020





Del Mar Riverpath Phase 3; Tentative Schedule

- | | |
|--|------------------------------|
| 1. Finalize CEQA Mitigated Negative Declaration (MND) | March 2022 |
| 2. Planning Commission Recommendation MND | April 2022 |
| 3. City Council CEQA Adoption | May 2022 |
| 4. California Coastal Commission MND Coastal Use Plan Approval | December 2022 |
| 5. Final Design Engineering | February 2023 |
| 6. Construction Bid Advertisement | March 2023 |
| 7. Bid Award / Notice to Proceed | April 2023 |
| 8. Construction* | August through December 2023 |

* Construction prohibited February through August due to bird nesting season

Del Mar Riverpath Phase 3

QUESTIONS

RIVER PATH DEL MAR PHASE 3



Plans for a third phase of River Path Del Mar are taking shape along the south shore of the San Dieguito Lagoon. The trail extension will serve people of all ages and abilities with expansive views of the wetlands.

The 2,200-foot-long trail segment will connect the Grand Avenue Overlook to the trail network in Crest Canyon.

When River Path Del Mar Phase 3 opens in 2024, the \$1.6 million improvement will provide a great amenity for birdwatchers, photographers and participants in our Citizen Science and Watershed Explorers programs.

As the gateway to the San Dieguito River Valley, the San Dieguito Lagoon provides habitat for sensitive plants and animals and serves as an important stop for birds that migrate along the Pacific Flyway.

