

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

Filed: January 23, 1997
49th Day: March 12, 1997
180th Day: July 21, 1997
Staff: LRO-SD
Staff Report: January 30, 1997
Hearing Date: March 11-14, 1997

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-97-5

Applicant: City of San Diego, Metropolitan Wastewater Department Agent: Kim Lutz

Description: Maintenance/repair of existing sewage outfall pipe to include reballasting of approximately 4,600 lineal feet of pipe with 35,000 c.y. imported rock beginning at approximately 1.2 miles offshore and extending approximately 2.1 miles offshore.

Site: Point Loma Ocean Outfall, 6,500 feet to 11,700 feet offshore from the Point Loma Wastewater Treatment Plant, Gatchell Road, Peninsula, San Diego, San Diego County.

Substantive File Documents: Certified Peninsula Land Use Plan and City of San Diego LCP Implementation Ordinances; Mitigated Negative Declaration - DEP No. 96-0238/3/19/96; Final Basis of Design Report for Reballasting of the Original Outfall by Parsons Engineering Science - July 1996; CCC CDP #s 6-91-217; 6-92-32-G; 6-93-140; 6-95-148.

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Other Permits/Mitigation Measures. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, copies of any other required state or federal discretionary permits for the development herein approved. Any changes to the mitigation measures which are a part of the project or new mitigation measures shall be reported to the Executive Director and become part of the project. Any such modifications may require an amendment to this permit or a separate coastal development permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. The proposed project involves the reballasting of approximately 4,600 lineal feet of an existing ocean outfall associated with the Point Loma Wastewater Treatment Plant on the Point Loma peninsula in the City of San Diego. The proposed development will occur on the outfall at approximately 6,500 ft. offshore, extending to approx. 11,700 ft. offshore. Water depths within this area of the outfall vary from 85 ft. to 200 ft. The proposed project involves the placement of approximately 35,000 c.y. of rock, ranging in size from 12 to 28 inches in diameter, over the existing pipe structure.

The existing outfall was originally placed into service in August, 1963. The outfall conveys primary effluent from the Metropolitan Sewer District (comprised of the City of San Diego and approx. a dozen or more other local jurisdictions) to the ocean for dispersion at a water depth of 210 feet, approximately 11,400 ft. from shore. In 1992, the outfall pipeline was extended an additional approx. 13,300 lineal feet offshore under CDP #6-91-217. In 1992 an emergency permit (6-92-32-G) was issued for repairs to the original outfall which suffered a breakage. The required follow-up permit was approved by the Commission, for removal of 18 sections of damaged pipe, clearing remaining ballast, installing new bed rock and new segments of reinforced concrete pipe, placing new ballast rock and rebedding of one segment of pipe disconnected from the major outfall pipe.

Upon routine inspection last spring, it was identified that the seaward 40% of the outfall has low rock ballast which no longer provides adequate protection for the outfall pipe. As such, it is in need of repair and additional work to protect the outfall from winter storm conditions. The subject development has been proposed to address this problem. The project requires a coastal development permit because it involves the placement of "fill" (ballast rock) in coastal waters.

2. Marine Resources. Section 30230 of the Coastal Act is applicable and states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Finally, Section 30233 of the Coastal Act states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

...(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

The cited Coastal Act policies call for the maximum protection of coastal waters, both for the benefit of marine species and for the protection of human recreational opportunities. The placement of rock ballast on and around an existing outfall pipe is considered "fill" under the definitions of the Coastal Act and Section 30233. However, since the purpose of the proposed project is to maintain/repair an existing outfall, the fill can be found consistent with Section 30233(a) of the Act, as an allowable use.

As noted in the project description, two sizes of rock ballast will be used. The placement of the rock is based on the attenuation of wave energy and velocity with depth. The additional rock ballast proposed will extend slightly outside the existing footprint of the existing rock ballast (see Exhibit No. 2). However, this design was found to be the most effective at stabilizing the outfall pipe, pursuant to the findings of an engineering report, in an effort to avoid any future breaks in the pipe. With regard to potential biological impacts as a result of the proposed project, the mitigated negative declaration for the subject project states that placement of additional rock ballast may extend outside of the existing area of disturbance and temporarily increase turbidity. However, this turbidity and any related smothering of organisms due to settling of suspended sediments would be minimal. In addition, the loss of soft bottom habitat would be negligible and not significant. It was also found that the placement of rock ballast outside the shoulder of the existing bedding ballast could create additional hard-bottom habitat.

Additionally, no impacts to kelp beds are expected to occur. Kelp beds usually extend up to one mile offshore and no more than approx. 80 feet deep. However, the proposed project will extend from 1.2 to 2.1 miles offshore at ocean depths of 85 to 200 feet. As such, there will be no construction impacts to kelp beds.

With regard to potential impacts to marine mammals, there are as many as 30 species of cetaceans and six species of pinnepeds known off the Southern California shoreline. With regard to the particular project area, offshore migrating gray whales converge prior to the last leg of their journey to Baja California off of Point Loma. Migrating whales going southbound pass off the Point Loma peninsula from mid-December to early February, with most of the passage occurring in January. Returning gray whales going northbound pass Point Loma from mid-February to mid-May with most abundance occurring in March. Although peak numbers of whales are usually found in this area between January and March, some individuals can be expected anytime from December through May.

As further identified in the mitigated negative declaration, potential impacts to marine mammals may occur as a result of a marine mammal colliding with a vessel or becoming entangled in underwater cables which are used to lower the rock ballast to the ocean floor. Most migratory whales maintain a distance of 2 to 10 kilometers from shore. However, during the northbound leg, females with their new-born young may swim closer to shore including the surfzone. However, the City proposes to construct the project during the late spring/summer months when whale migration does not occur off the southern California coast. Furthermore, the City consulted with the National Marine Fisheries Service and concluded they had no concerns with the proposed project since it would be constructed outside of the whale migration area. Even if there were whales or other marine mammals in the project vicinity, it is expected that gray whales and other marine mammals would avoid the construction site due to the noise and construction activity.

In any case, the City intends to implement mitigation measures to reduce any potential impacts to all marine mammals who may be in the vicinity of the underwater construction site. The first measure would implement a posting of a designated whale/marine mammal watch on all project vessels. In the event a marine mammal or whale is seen approaching the project site, all attempts to move the vessels and related equipment would be taken to avoid a collision with such mammals. The second measure would utilize cables and chains having a minimum diameter of one-and-one-half inches as opposed to smaller cables, thus, making them more visible underwater by marine mammals. With the proposed mitigation measures, the project should not result in any adverse impacts to marine mammals.

The development did not require any local discretionary approvals. The applicant has indicated that several other state and federal agencies did not require a permit; however, a U.S. Army Corps of Engineers nationwide permit is being sought in conjunction with the subject coastal development permit. Thus, conditions of approval and/or mitigation measures may be required from this agency. As such, Special Condition #1 has been attached which requires the applicant to submit any discretionary permits obtained from other state or federal entities. Should any project modifications be required as a result of other permits, the applicant is further advised that an amendment to this permit may be necessary to incorporate said mitigation/changes into the project. Therefore, the Commission finds that impacts to the marine environment have been reduced to the maximum extent feasible, consistent with

Section 30230 and 30233 of the Coastal Act.

3. Public Access and Recreation. The following Coastal Act policies address public access and recreation as it pertains to the proposed development:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

The policies herein listed require that public recreational opportunities be maximized, and that the public be made aware of where such opportunities exist. In this particular case, the repair project proposed would not, in and of itself, have any significant impact on public recreation. The activities occur 1.2 to 2.1 miles from shore, on the ocean bottom, and could not conceivably interfere with the public's enjoyment of the beach. In fact, the proposed maintenance/repair work to the rock ballast on the outfall pipe is an effort to stabilize the outfall and to avoid emergency conditions similar to those which happened four years ago when a break in the outfall pipe occurred which resulted in the closure of approx. twenty miles of beach to recreational activities due to possible contamination of the shoreline.

With regard to potential construction impacts, no laydown/staging area will be required for construction materials. Ballast rock will be brought to the project site by barge from a permitted quarry (likely, Santa Catalina Island). The barge would be moved by tug boat to the outfall site and anchored to a rock-laying barge during the placement of rock. In shallower waters, the rock will be installed by skip bucket. In deeper waters, ballast rock would be placed by using a special pipe with telescope capabilities attached to the barge.

With regard to potential impacts to recreational boaters in the ocean, a notice to mariners will be posted at marinas and marine stores by the U.S. Coast Guard to help ensure safe marine operation during construction. In addition, Coast Guard approved navigation aids will be placed on construction barges to warn boaters and ship operators entering or leaving San Diego Bay. These measures will improve marine safety during the night and during bad weather conditions. Also, construction vessels which are anchored will use an "all around" white light which will make them visible to other marine craft. Therefore, the Commission finds the proposed repair project fully consistent

with Sections 30210 and 30220 of the Act.

4. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. As conditioned, such a finding can be made for the subject development.

The Peninsula LCP Land Use Plan acknowledges ongoing maintenance, and assumes some potential future improvements, at the Point Loma Wastewater Treatment Plant, but does not address the outfall directly. However, the proposed development would be in keeping with the LUP policy of maintaining and enhancing public services, and with the access policies which provide for the preservation and enhancement of public recreational opportunities at community beaches. In addition, the Point Loma Ocean Outfall is located offshore from the Peninsula Community of San Diego, in State waters, where the Commission retains permit jurisdiction, and Chapter 3 of the Coastal Act remains the standard of review. The proposed repairs/maintenance of the rock ballast is consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed project will not prejudice the ability of the City of San Diego to continue implementation of its fully certified LCP.

5. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the marine resource protection policies of the Coastal Act. Mitigation measures, including implementation of a whale watch, use of larger construction cables to minimize potential impacts to marine mammals, limiting construction activities to the late spring/summer months outside the whale migration period, and use of navigation aids on barges to warn boaters and ship operators of construction activities will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and

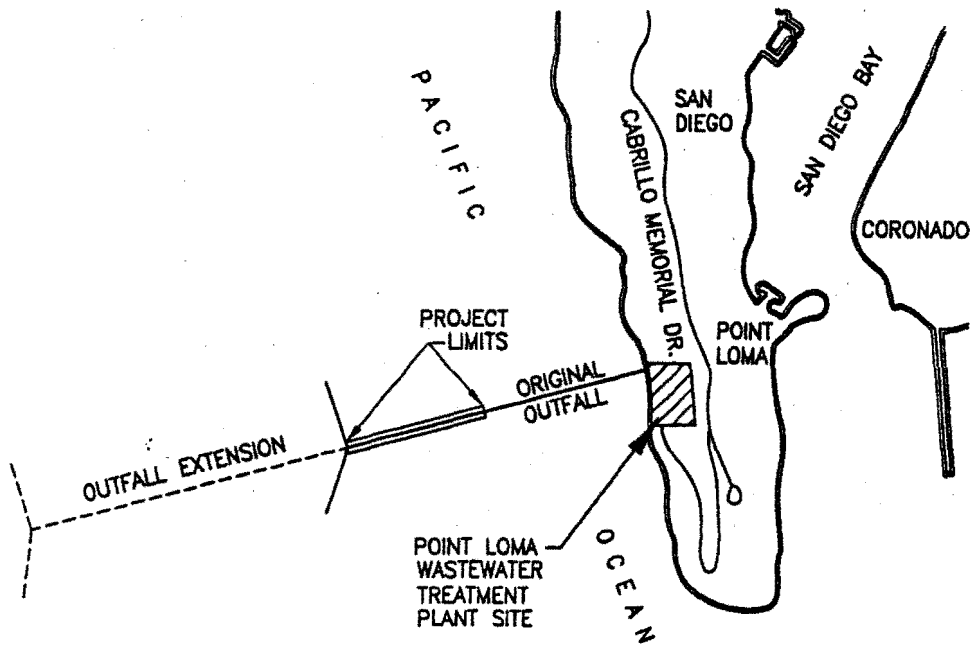
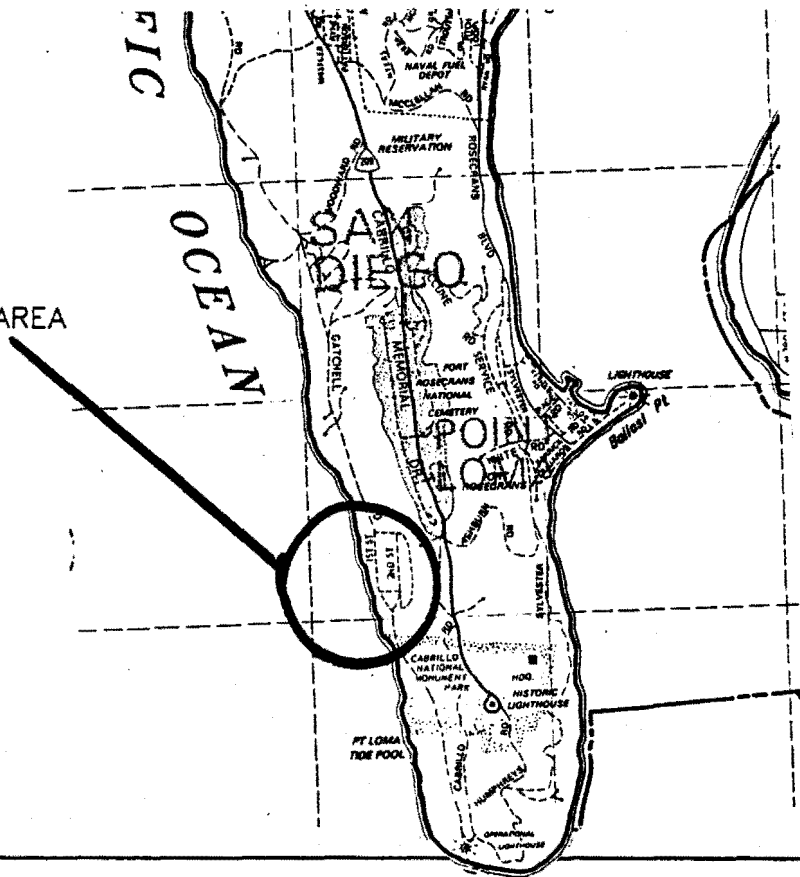
development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(7005R)



PROJECT AREA



LOCATION MAP

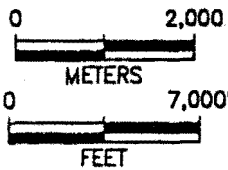

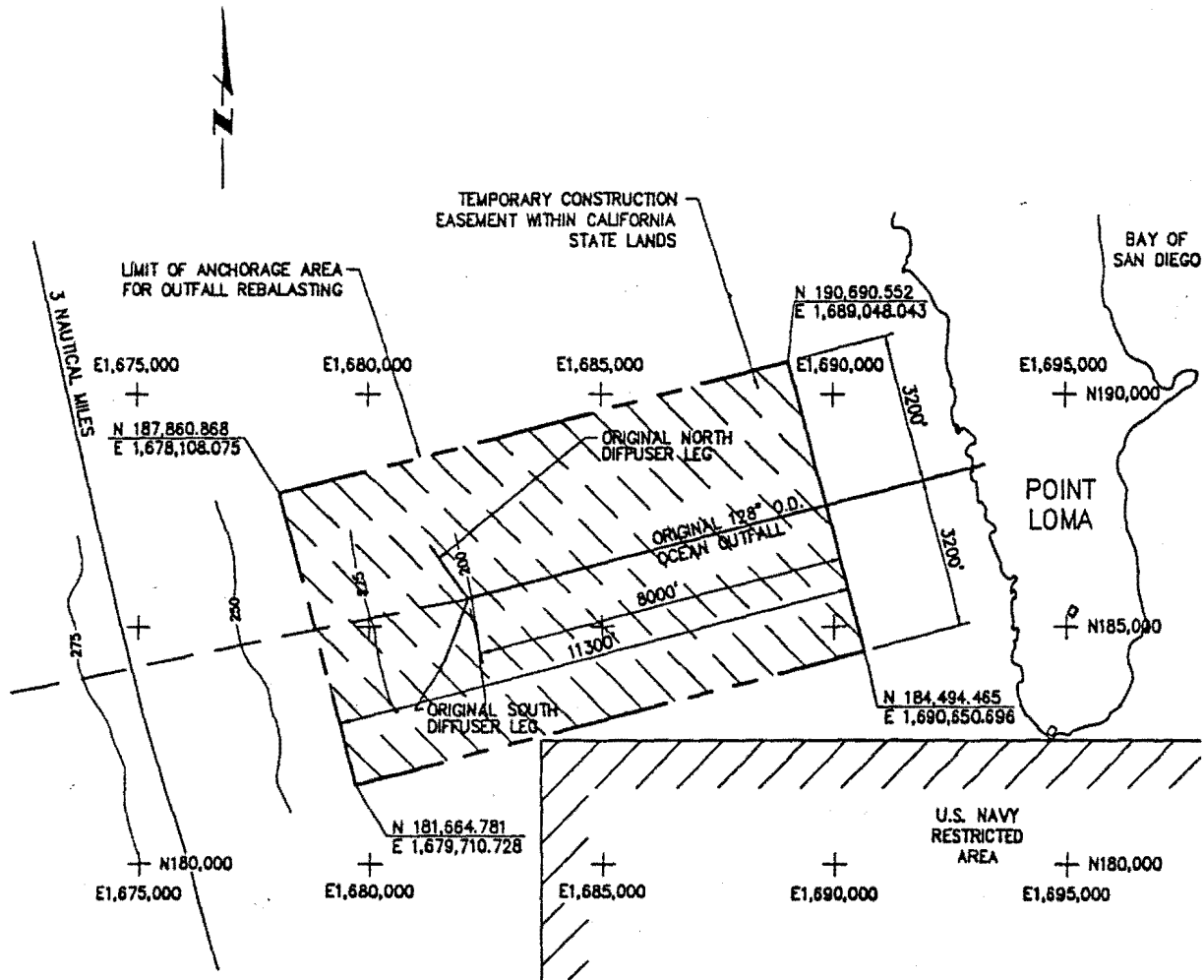


EXHIBIT NO. 1
APPLICATION NO.
6-97-5
Location Maps
 California Coastal Commission



Approx. Depth of Water
 Intermediate Wye = 200 ft
 East Project Limit = 85 ft
 (Seafloor slope Downward to West, Average Slope 1.5%).

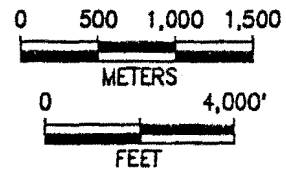


EXHIBIT NO. 2
APPLICATION NO.
6-97-5
Site Plan
California Coastal Commission

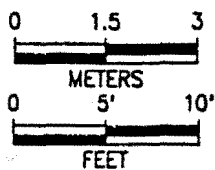
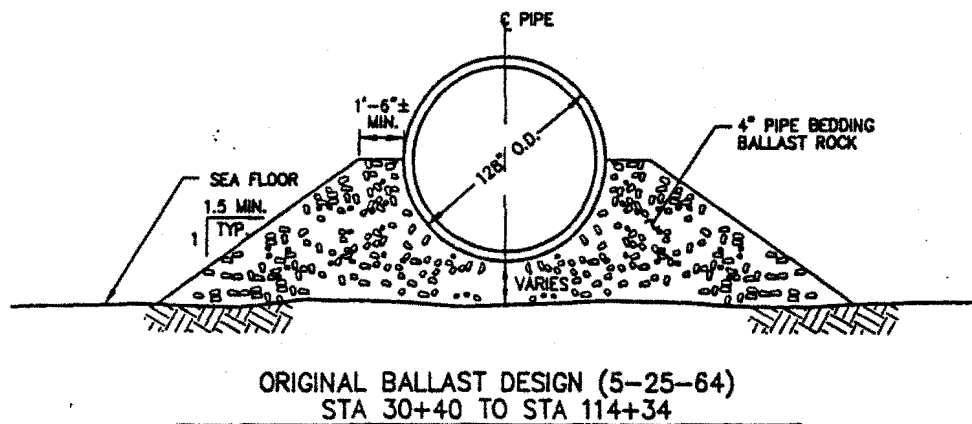
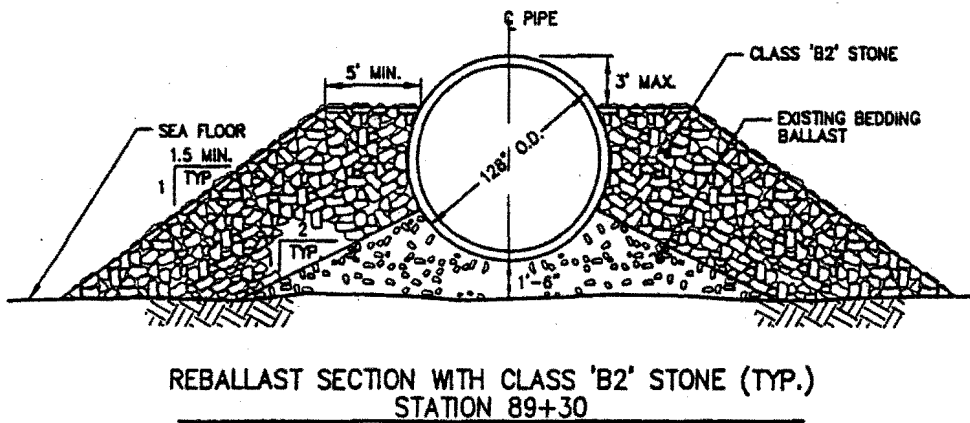
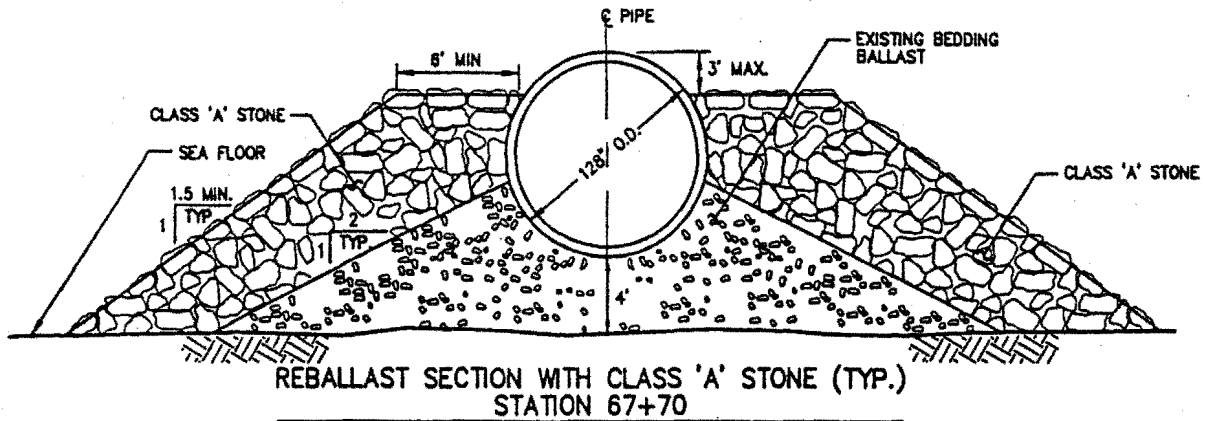


EXHIBIT NO. 3
APPLICATION NO. 6-97-5
Typical Sections
California Coastal Commission