

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
767-2370

RECORD PACKET COPY

**Fri 5d**

Filed: July 30, 2002
49th Day: September 19, 2002
180th Day: January 28, 2003
Staff: EL-SD
Staff Report: October 15, 2002
Hearing Date: November 5-8, 2002

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-118

Applicant: San Diego Gas and Electric Agent: Donald E. Haines

Description: Straighten and stabilize a wooden utility pole in the San Dieguito Lagoon by installing a screw anchor system, a pole brace, mud sill and breast block. The project includes permanent impacts to approximately 32 sq.ft. of salt marsh habitat, and 800 sq.ft. of temporary salt marsh impacts.

Zoning	Floodway
Plan Designation	Floodway
Ht abv fin grade	60 feet (existing utility pole)

Site: Pole Number #Z90293 on Tieline 666 adjacent to Racetrack View Drive, east of Jimmy Durante Boulevard, Del Mar, San Diego County.
APN 299-201-07

Substantive File Documents: Certified City of Del Mar LCP Land Use Plan and draft Implementation Plan; Biological Survey (letter from RECON to Donald Haines, dated July 16, 2002); CDP #6-00-140

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff recommends approval of this application to straighten and stabilize a utility pole addressed previously in Coastal Development Permit (CDP) #6-00-140. The primary issue raised by the proposed repair and maintenance project is impacts to wetlands - the project will permanently impact 32 sq.ft. of salt marsh habitat and temporarily impact 800 sq.ft. of salt marsh habitat. The applicant proposes mitigation for the permanent and temporary salt marsh impacts by enhancing nearby degraded salt marsh on California Department of Fish and Game (CDFG) property within San Dieguito Lagoon. Staff recommends all permanent impacts be mitigated at a 4:1 ratio through creation of new similar habitat. Special Condition #1 requires submittal of a mitigation and monitoring

program consistent with the Commission's typical parameters. Special Condition #2 requires submittal of copies of permits issued by other resource agencies.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-00-140 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Wetland Mitigation and Monitoring Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, a final wetland mitigation program for all wetland impacts associated with the proposed project. The program shall be developed in consultation with the California Department of Fish & Game and U.S. Fish & Wildlife Service and at a minimum shall include:

- a. A detailed site plan of the wetland impact area that delineates all impact areas (e.g., on a map that shows elevations, surrounding landforms, etc.), the types of impact (both permanent and temporary), and the exact acreage of each impact so identified.
- b. The baseline ecological assessment of the wetland impact area submitted on July 30, 2002, with the permit application.
- c. A detailed final site plan of the mitigation site.
- d. The following goals, objectives, and performance standards for the mitigation site:
 - Identify an appropriate mitigation site, or sites, on CDFG property in San Dieguito Lagoon for mitigation of permanent impacts;
 - Conduct pre- and post-construction surveys to quantify the actual amount of both permanent and temporary impacts;
 - Mitigate all permanent salt marsh impacts by creating new salt marsh at a 4:1 ratio;
 - Mitigate temporary impacts on-site at a minimum 1:1 ratio;
 - Establish a performance standard for salt marsh creation of 90% coverage, to be achieved by the end of five years;
 - Include a five-year monitoring program for permanent impacts. The mitigation site(s) shall be surveyed bi-monthly the first year after planting, quarterly during year two, and semi-annually thereafter. Written reports shall be submitted to the Executive Director annually, with a summary report and recommendations at the end of the monitoring period;
 - Include a one-year monitoring program for temporary impacts. The restored construction site shall be surveyed quarterly and a written report shall be submitted to the Executive Director at the end of the monitoring period; and
 - Include provisions to ensure that the mitigation site will be remediated within thirty days of a determination by the permittee or the Executive Director that monitoring results indicate that the site does not meet the goals, objectives, and performance standards identified in the approved mitigation program.

- e. The final design and construction methods that will be used to ensure the mitigation site achieves the defined goals, objectives, and performance standards.
- f. Provisions for submittal, within 30 days of completion of salt marsh creation, of "as built" plans demonstrating that the wetland mitigation site has been established in accordance with the approved design and construction methods.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Other Permits. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the permittee shall provide to the Executive Director copies of all permits approved by other state and federal resource agencies for the development herein approved. The applicant shall inform the Executive Director of any changes to the project, including the wetlands mitigation, required by any state or federal permits. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project consists of the straightening and stabilizing of an existing wooden utility pole in a salt marsh area of San Dieguito Lagoon. The pole is leaning approximately 8 degrees towards the southwest and is in danger of falling over and dragging the line down with it. The pole will be stabilized through installation of a mudsill and anchor system. The mudsill consists of six planks laid out in a 4x8-foot pattern. The mudsill is installed at the base of the pole and attached to the pole by braces. A system of anchors and guy wires will be installed around the pole to support it. Exhibit #3 has a detailed depiction of the stabilization equipment.

Personnel installing the equipment will wait for low tide and place one-inch 4x8-foot sheets of plywood or similar material on the wetland vegetation to provide a walking surface for people and hand-carried/wheeled equipment. A biologist will determine the best route to the pole avoiding the most sensitive habitat areas and any standing water. All plywood and other equipment will be removed from the work site after completion of the repairs. No soil removal or grouting/concreting will be required, as the guy wires are drilled through the existing surface and the mudsill is laid flat on the surface. The operation is expected to take less than two days to complete.

Installation of this pole as a replacement to a significantly damaged pole was originally approved under Emergency Permit #6-00-140-G and approved as permanent development under permit #6-00-140 in August 2001. However, since its installation the pole is now leaning and in need of repair. Although this is a repair and maintenance activity, it is not exempt under Section 13252 of the California Code of Regulations, or pursuant to the Interpretive Guideline on Exclusions from Permit Requirements, since the activity will occur within and have impacts to wetlands (salt marsh). The project site is geographically located within the City of Del Mar, which has a certified Local Coastal Program, but the site is within tidelands in the San Dieguito Lagoon. Therefore, permit jurisdiction remains with the Commission and Chapter 3 of the Coastal Act is the standard of review.

2. Environmentally Sensitive Habitat Areas (ESHA). The subject proposal involves the stabilization of an existing utility pole within the wetlands of San Dieguito Lagoon, west of I-5. Also proposed is mitigation and monitoring for the 32 sq.ft. of permanent salt marsh impact and 800 sq.ft. of temporary salt marsh impact resulting from the project. The surrounding area consists of salt marsh vegetation, with some patches of open standing water. The following Coastal Act policy is most applicable to the proposed development, and states, in part:

Section 30233.

(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:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(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.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

A biological assessment was performed at the subject site on May 21, 2002. The survey determined that most of the site is southern coastal salt marsh dominated by pickleweed, salt marsh dodder, and alkali heath. A narrow band of disturbed coastal sage scrub occurs along Racetrack View Drive, between the road and the coastal salt marsh vegetation. However, there is no coastal sage vegetation at the identified site of entry; thus, the project site can be accessed with no impact on sensitive upland vegetation. The installation of the mudsill at the base of the pole will permanently impact a maximum of approximately 32 sq.ft. of salt marsh habitat. Construction activities will result in temporary impacts to approximately 800 sq.ft. of salt marsh vegetation.

As cited above, under the Coastal Act, disturbance and/or fill of wetlands is severely constrained. Coastal Act Section 30233(a) sets forth a three-part test for all projects involving the fill of coastal waters and wetlands. These are:

- 1) That the project is limited to one of the eight stated allowable uses;
- 2) That the project has no feasible less environmentally damaging alternative; and,
- 3) That adequate mitigation measures have been provided to minimize adverse environmental effects.

In this particular case, the proposed development meets the above requirements. The project represents an incidental public service activity to stabilize a damaged power pole and maintain electrical service to the area. Such activities are allowed in wetlands under Section 30233(a)(5). Moreover, the methods employed assure that, although the project site is wetlands, both permanent and temporary impacts to wetland vegetation have been minimized to the extent possible. The applicant is currently processing permits or exemptions with the U.S. Army Corps of Engineers (ACOE), the Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Game (CDFG). These permits will likely require mitigation, as does the Coastal Commission permit; details of the mitigation program are being discussed, but CDFG has assured the

applicant and the other permitting agencies that adequate area is available on CDFG lands in San Dieguito Lagoon for a mitigation program to be carried out.

The only permanent impact to wetlands is from the placement of the mudsill, which is a wooden frame with planks, similar to construction/delivery pallets, except with narrower spaces between the planks. Because there is some spacing, sunlight and rainfall will still reach portions of the ground between the planks, and it is anticipated that, over time, some salt marsh vegetation will re-establish through the mudsill. Similar support structures have been used for other utility poles in areas of soft earth.

In looking at possible alternatives to the proposed structures and construction methodology, the applicant had to consider the necessity that the utility poles and lines must be in perfect alignment to perform adequately. The recurring issue of relocating the entire utility easement outside the wetlands was considered, but rejected for several reasons. Most persuasive is that the poles cannot be properly aligned in the nearest upland area, which consists of a serpentine road that precludes a straight pole alignment. Existing San Dieguito Road/Racetrack View Drive is a narrow two-lane street accessing only a few residential properties. Also, there is no formal shoulder along most of the road where the utility poles could be placed. Salt marsh and sensitive uplands are located immediately adjacent to the road in many locations, precluding widening the roadbed. In addition, most of the existing poles are much further from the road than the subject one, meaning that longer accessways through the sensitive habitats surrounding those poles would be required. Undergrounding the utilities in their present alignment would involve trenching through the lagoon. Ultimately, it was determined that the subject proposal will have the least impact on the existing resources.

There is no existing maintenance road to the subject pole, so the repair workers have to access the site through salt marsh vegetation. Plywood sheets will be placed on top of the wetland vegetation to create an access path and work platform at the pole, as was done with the earlier pole replacement project. Unlike that prior activity, however, machinery, in the form of a drill or jackhammer, along with an hydraulic compressor, will have to be brought into the wetlands; the drill is needed to bore the guy wires into the ground, and the compressor provides power for the drill. As stated in the previous paragraph, this methodology will minimize salt marsh impacts to the greatest degree possible. Other than this one set of machinery, all repairs will be conducted on foot and by hand.

The Commission finds that the proposed mitigation for temporary impacts is both appropriate and adequate. The area of temporary impact from the pole replacement project had fully recovered within a few months; there is no reason to expect anything different with the newly proposed repairs. However, the applicant is proposing only enhancement for the permanent impacts as well. Typically, the Commission requires permanent salt marsh impacts to be mitigated, at a 4:1 ratio, by creation of new areas of salt marsh. The CDFG representative expects an area can be found on their property for the required 128 sq.ft. of salt marsh creation. Special Condition #1 requires the applicant to submit a complete mitigation and monitoring program, addressing both permanent and temporary impacts.

In summary, the proposed repair and maintenance activities are a permitted use in wetlands under the Coastal Act and the project is proposed to avoid all permanent impacts except the 32 sq.ft. surface area of the mudsill; this impact is unavoidable and is being mitigated. All temporary impacts are also mitigated. Under these parameters, the proposal is consistent with Section 30233 of the Act. Therefore, the Commission finds that, as proposed by the applicant and conditioned herein, the development is fully consistent with the cited resource protection policies of the Coastal Act.

3. Marine Resources/Water Quality. The following Coastal Act policy is most applicable to the proposed development and states:

Section 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed repair and maintenance activity is not anticipated to have any adverse impacts on the water quality of San Dieguito Lagoon. The proposal involves the straighten and stabilization of an existing utility pole. The repair efforts are minor enough in scope that they will not affect drainage patterns in the area. Therefore, the Commission finds the proposed development, as conditioned to address other concerns, consistent with Section 30231 of the Act.

4. Visual Resources. The following policy of the Coastal Act addresses visual resources, and states:

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The project site is within a primarily publicly-owned natural open space area, the San Dieguito Lagoon, which consists of a mixture of salt and freshwater marshes and associated upland areas. The subject site itself is north of San Dieguito Road/Racetrack View Drive and consists of salt marsh vegetation. The entire lagoon is visually appealing although there are a number of power poles throughout the lagoon system, some of which

include anchor systems. The repair efforts will not result in significant new structures visible from I-5 or Jimmy Durante Boulevard. The utility poles themselves are visible, but the guy wires attached to some of them are difficult to see at any distance. The mudsill and braces will be visible from San Dieguito Drive; however, although this is a public road, it terminates west of I-5 and is only used by a small number of residents living in the immediate area. Therefore, the Commission finds the proposal, as conditioned to address other concerns, consistent with Section 30251 of the Act.

5. 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. In this case, as proposed and conditioned, such a finding can be made.

The site is designated Floodway in the certified City of Del Mar Land Use Plan, and is zoned Floodway within the Lagoon Overlay Zone. These designations allow open space and passive recreational uses, with no structural improvements permitted other than those required for infrastructure purposes (i.e., power poles, buried utility lines, etc.). The City's LCP was effectively certified in 2001, but the project site is tidelands, and thus the Commission retains coastal development permit authority. The repair and maintenance activities did not require any discretionary approvals from the City of Del Mar, but will require permits or exemptions from other state and federal resource agencies (CDFG, ACOE and RWQCB). Special Condition #2 requires that the applicant submit copies of all other permits or exemptions prior to commencing construction. If additional mitigation is required by any of those agencies, it must be incorporated into the required mitigation plan.

For the Commission, the standard of review is Chapter 3 of the Coastal Act, because the project area consists of tidelands which remain in Coastal Commission permit jurisdiction. As proposed and conditioned, the Commission has found the repair activities consistent with the applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned herein, will not prejudice the ability of the City of Del Mar to implement its certified LCP.

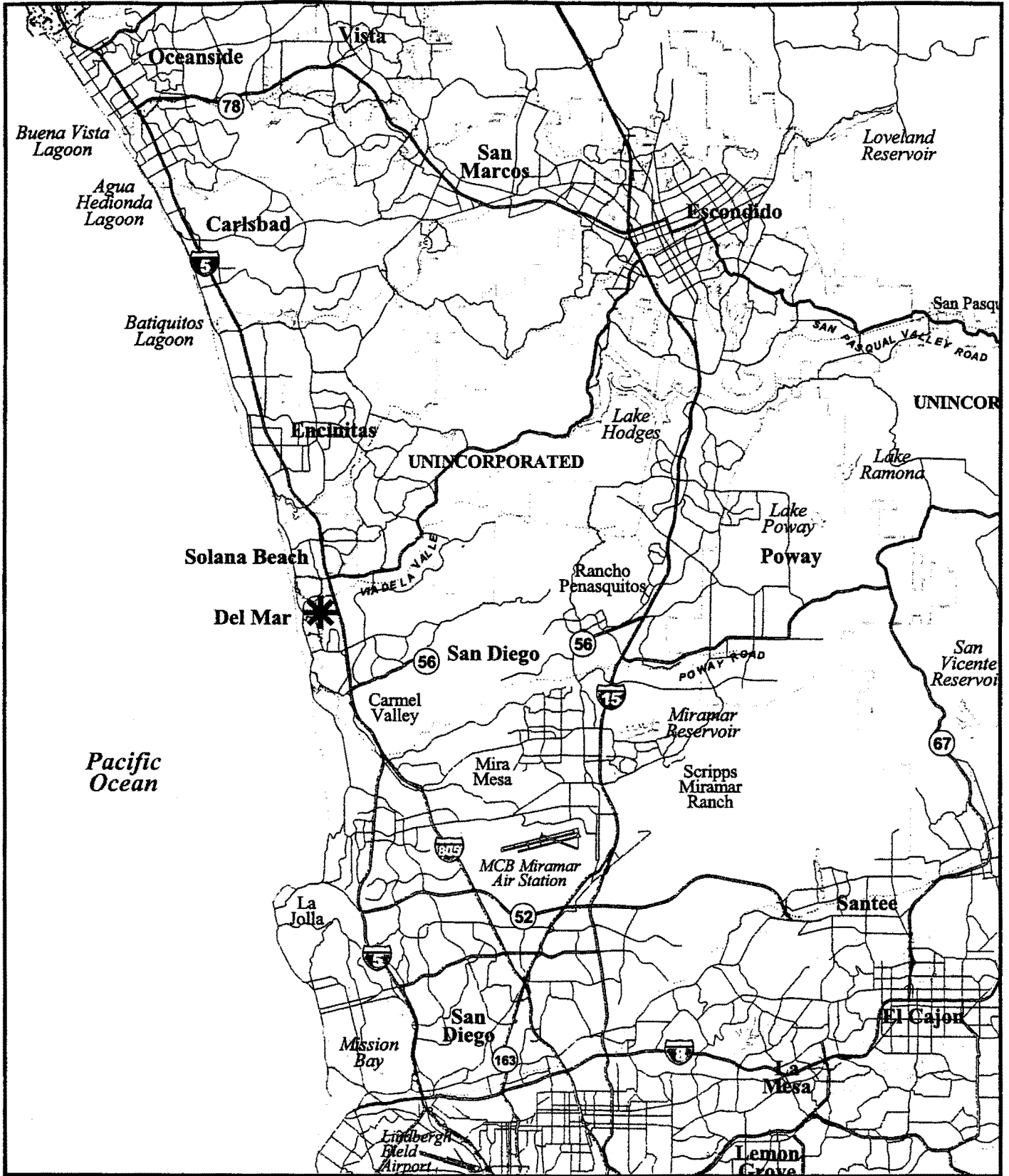
6. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

As discussed herein, the proposed development will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the water quality, biology and visual resource policies of the Coastal Act. There are

no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

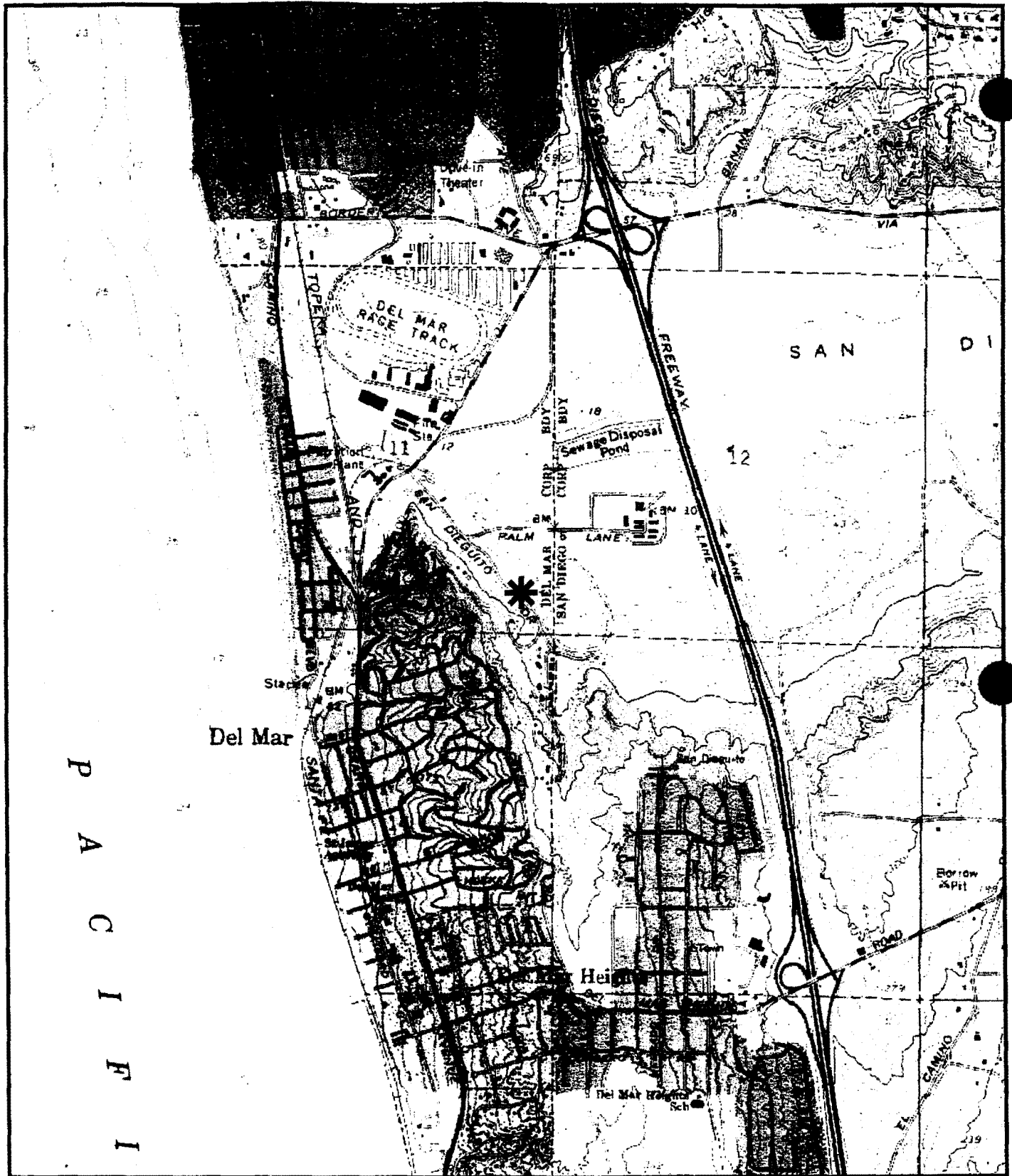


* Project location



Regi

EXHIBIT NO. 1
APPLICATION NO.
6-02-118
Vicinity Map



P
A
C
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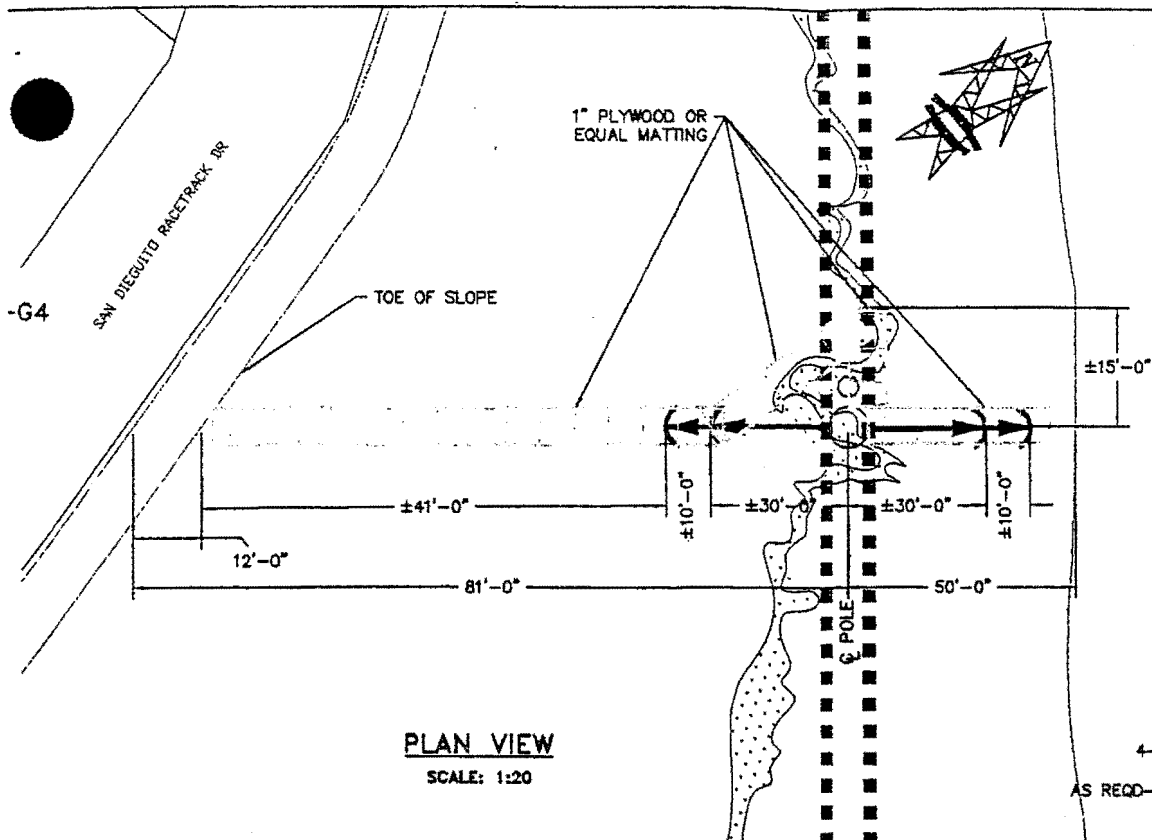
Map Source: USGS 7.5 minute topographic map series,
Del Mar quadrangle

* Project location

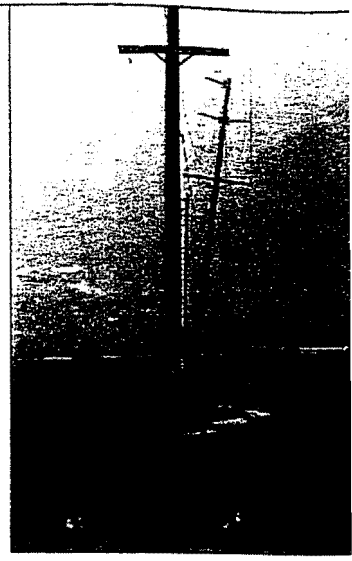


EXHIBIT NO. 2
APPLICATION NO.
6-02-118
Location Map





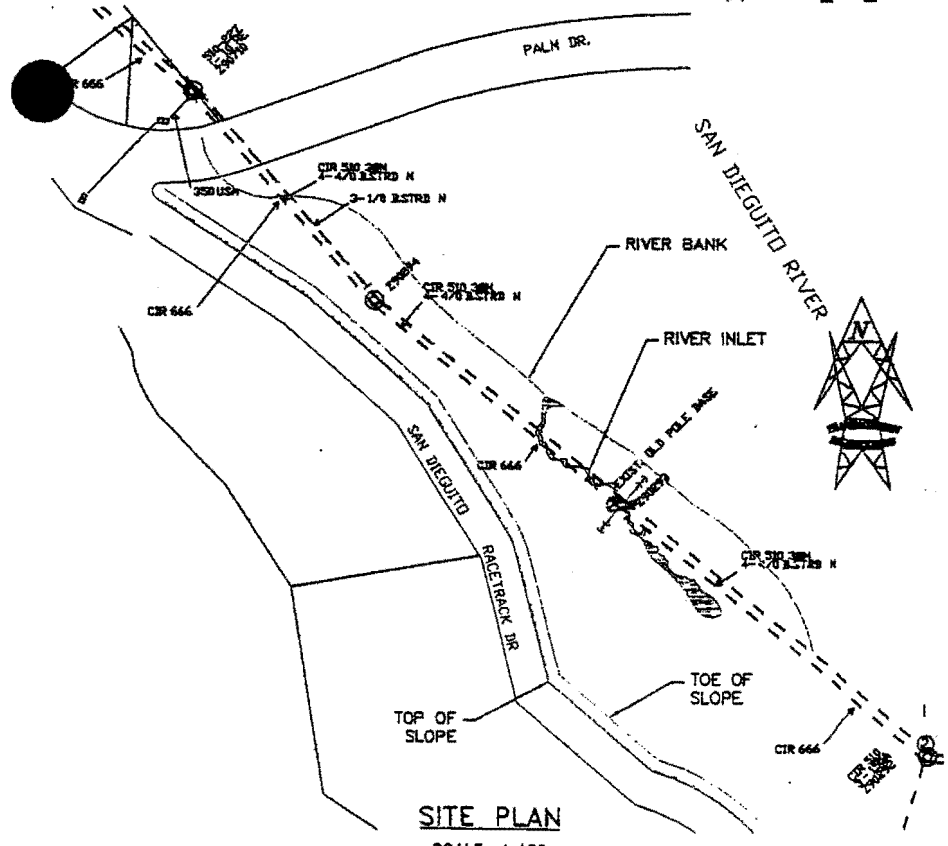
PLAN VIEW
SCALE: 1:20



LOOKING SOUTHEAST

- 2- 1" ANC. GUY [T] ()
- 2- 1" ANC. GUY [D] ()
- 4- MANTA RAY ANC. MR-SR STK#108224 ()
- 4- TRIPLEE NUT TE-IT STK#504018 ()
- AS REQD-1"x7" ANC. ROD SAR-10A STK#601792 ()
- AS REQD-HEX COUPLING STK#279272 ()
- 2- POLE BRACINGs [REF CCS: 371] ()

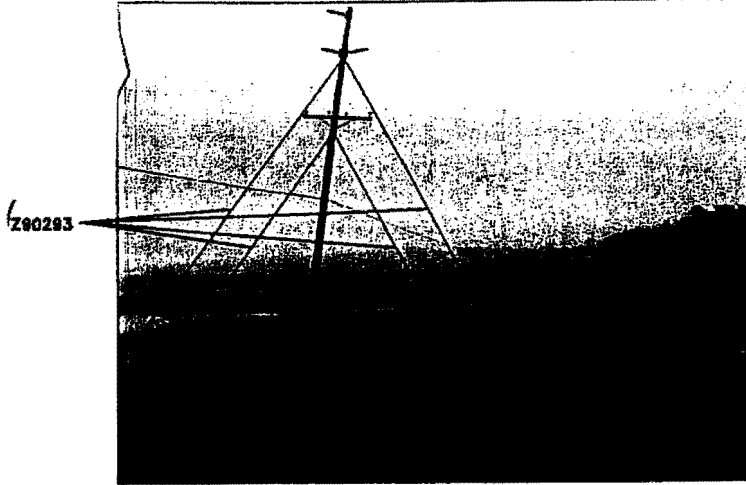
NOTE:
EQUIPMENT MUST BE CONTAINED IN APPROPRIATE/APPROVED APPARATUS PER ENVIRONMENTAL REQUIREMENTS.



SITE PLAN
SCALE: 1:100

EXHIBIT NO. 3
APPLICATION NO.
6-02-118
Site Plan
California Coastal Commission

LOOKING NORTH



LOOKING EAST

TOP OF POLE CONCEPTUAL VIEW OF FINAL POLE ANCHORAGE 69kv

ATTACH MUDSILL BRACES TO POLE AFTER GUYWIRES HAVE BEEN FULLY TENSIONED

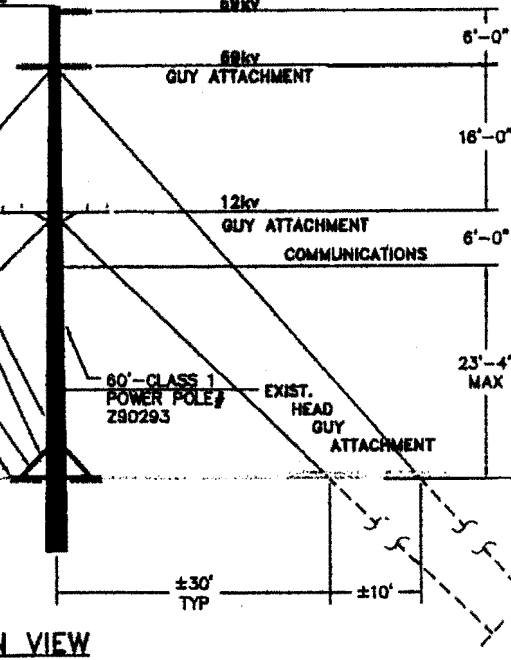
INSTALL MUDSILL PER SDGE OCS# 371

ANC. GUY WIRE TYP 4 PLACES

STACK 3 SHEETS OF 1" PLYWOOD OR EQUAL MATTING WITH HOLE AT ANCHOR POINT FOR DISTRIBUTING JACKING LOADS-TYP 4 PLACES

PLYWOOD OR EQUAL MATTING FOR CREW & EQUIPMENT ACCESS

MANTA RAY ANCHOR TO BE INSTALLED PER MANUFACTURERS RECOMMENDATIONS-TYP 4 PLACES

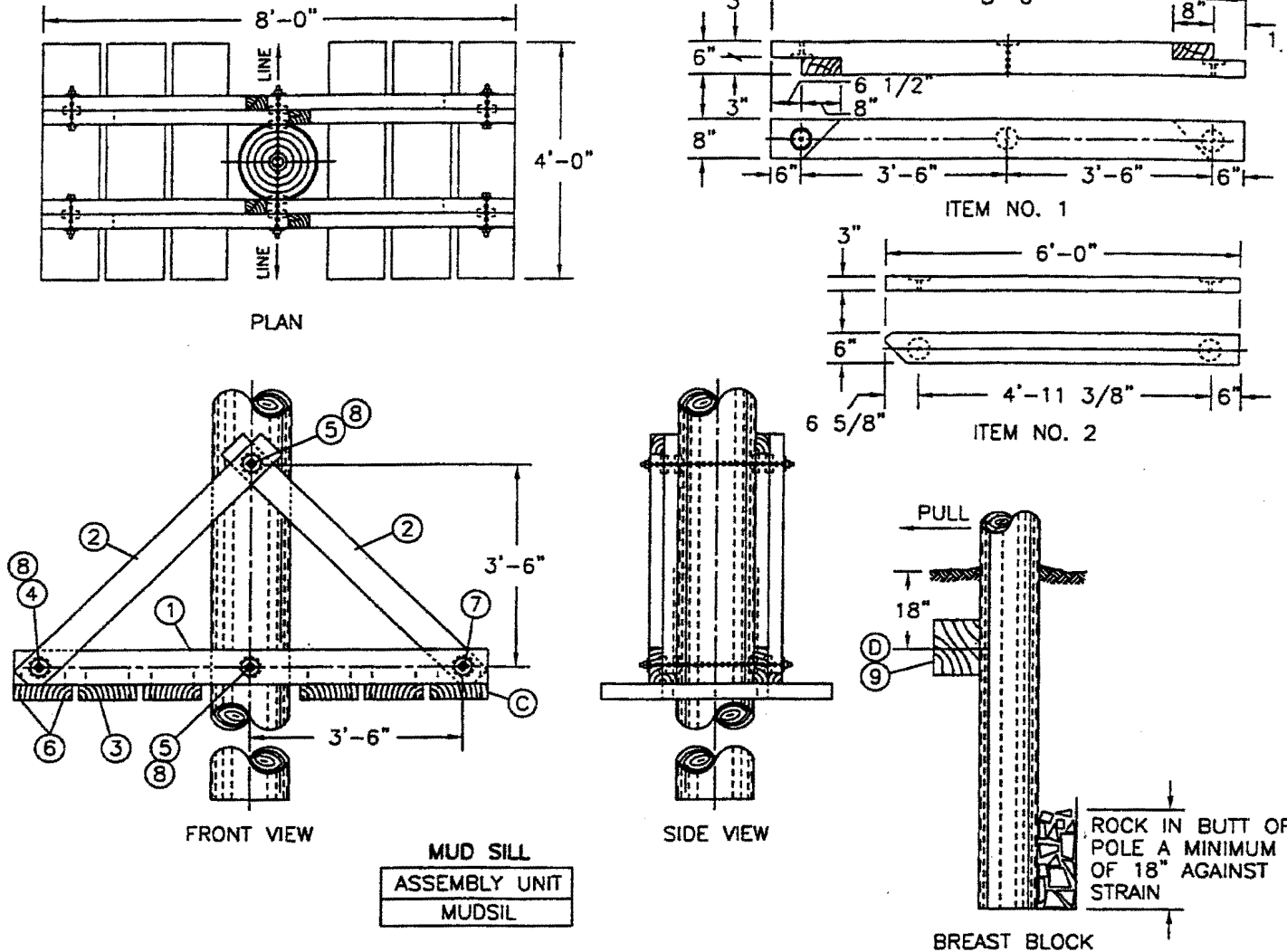


SECTION VIEW

LOOKING NORTHWEST SCALE: 1:10

EXHIBIT NO. 4
APPLICATION NO.
6-02-118
Elevation
California Coastal Commission

SCOPE: THIS STANDARD SHOWS TWO METHODS OF POLE BRACING USED ON INSTALLATIONS WHERE POLES ARE SUBJECTED TO SINKING AND LEANING.



BILL OF MATERIAL:

ITEM	DESCRIPTION	QUANTITY	CONST. STDS.	STOCK NUMBER	ASSEMBLY UNITS
1	LUMBER, REDWOOD 6" X 8" X 8'-0" (B)	2	--	472832	--
2	LUMBER, REDWOOD 3" X 6" X 6'-0" (B)	4	--		
3	LUMBER, REDWOOD 3" X 12" X 4'-0" (B)	6	--		
4	BOLT, MACH. GALV. 3/4" X 8"	4	STD. 392	--	--
5	BOLT, MACH. GALV. 3/4" X (LENGTH AS REQ'D)	2	STD. 392	--	--
6	NAILS, GALV. 30d	AS REQ'D	--	491488	--
7	SPLIT RING, STEEL 1" X 4" TECO	10	STD. 392	599584	SPLT-R
8	WASHER, MALLEABLE IRON	12	STD. 392	799200	--
9	BREAST BLOCK, 5-3/4" X 7-3/4" X 4'	1	--	141664	BBLK

INSTALLATION:

- (A) STOCK NUMBER 472832 IS A GENERAL STOCK NUMBER FOR DIFFERENT SIZES OF REDWOOD. SPECIFY SIZES AND QUANTITY NEEDED ON SHOP ORDER.
- (B) SPECIAL ORDER ITEM, NOTIFY CARPENTER SHOP IN ADVANCE.
- (C) MUDSILL ASSEMBLY CAN BE CONSTRUCTED AT THE CARPENTER SHOP.
- (D) DO NOT FASTEN BREAST BLOCK TO POLE.

	Indicates Latest Revision	Completely Revised	New Page	Info
REVISION	SDG&E ELECTRIC STANDARDS			
DATE 1-1-93	POLE BRACING			
APPD <i>PA/BDJ</i>	MUD SILL AND BREAST BLOCK			

ATTACHMENT 2

EXHIBIT NO. 5
APPLICATION NO.
6-02-118
Equipment Detail

California Coastal Commission

