

CALIFORNIA COASTAL COMMISSION

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Staff: EL-SD
Staff Report: January 18, 2005
Hearing Date: February 16-18, 2005

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-04-132

Applicant: City of San Diego, Water and
Sewer Design Division

Agent: Sheila DeGuzman

Description: Installation of 8,250 linear feet of new dual 14-inch sewer force main within El Camino Real and San Dieguito Drive rights-of-way and 1,200 linear feet of new 12-inch water main within Old El Camino Real right-of-way, associated with Pump Station 79, which is located outside the coastal zone.

Site: Portions of El Camino Real, Old El Camino Real, and San Dieguito Drive at the southern end of the San Dieguito River Valley, North City, San Diego, San Diego County. APNs 304-020-13; 304-020-14; 304-020-15; 304-020-16; 304-650-05; 304-010-35; 304-161-42

Substantive File Documents: Certified City of San Diego LCP; MND PTS No. 9203

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff recommends approval of the proposed pipeline improvements, with a condition addressing construction timing and staging area locations. The primary issues raised by the project are nearby sensitive resources, growth inducement, and potential construction impacts. However, the project will not adversely impact any sensitive vegetation, as it all occurs within improved street rights-of-way, and it will not induce growth within the coastal zone.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-04-132 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. Storage and Staging Areas/Access Corridors/Construction Timing. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans indicating the location of access corridors to the construction site and staging areas and construction practices and timing.. The final plans shall indicate that:

- a. No overnight storage/staging of equipment or materials shall occur within improved street rights-of-way or within any sensitive vegetation/habitat areas.
- b. Access corridors shall be located in a manner that has the least impact on public access to and along the shoreline.
- c. No work shall occur between Memorial Day weekend and Labor Day of any year.

- d. The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents. The staging/storage sites shall be removed and/or restored immediately following completion of the development.

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

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The City of San Diego is proposing to make improvements in its sewer and water facilities in, and south of, the San Dieguito River Valley. Specifically, the City proposes to install 8,250 linear feet of new dual 14-inch sewer force main within the El Camino Real and San Dieguito Drive rights-of-way, and also to install approximately 1,200 linear feet of new 12-inch water main within the Old El Camino Real right-of-way. An existing 8-inch sewer main in Old El Camino Real will be abandoned. The proposed sewer and water lines are portions of accessory improvements associated with the replacement and expansion of Pump Station 79, which is located outside the coastal zone, on the north side of San Dieguito Drive, east of Old El Camino Real, which forms the coastal zone boundary in this area.

The specific portions of the project subject to this review are located within an area of deferred certification known as the North City Future Urbanizing Area (NCFUA), Subarea II. As such, the coastal development permit for these components is processed by the Coastal Commission. The City of San Diego will issue a non-appealable coastal development permit or permit exemption for any coastal zone components south of the NCFUA boundary, within Carmel Valley Neighborhood 7, which is part of the City's certified LCP. Chapter 3 of the Coastal Act is the legal standard of review for the subject Commission-issued permit.

2. Environmentally-Sensitive Habitat Areas. The Coastal Act policy most applicable to the specific development proposed herein would be Section 30240, which states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which

would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The project site is at the southern end of the San Dieguito River Valley, in the northwest part of the City of San Diego. The river valley and adjoining slopes contain a number of sensitive plant communities, including both salt and freshwater marsh, riparian vegetation and coastal sage scrub. The area is primarily undeveloped, and is planned for habitat restoration in the future. Within the coastal zone, the valley is bisected by five north-south transportation corridors. From west to east these are Camino del Mar (Highway 1), the railroad tracks, Jimmy Durante Boulevard, Interstate-5 and El Camino Real.

Although there are habitat impacts associated with the pump station outside the coastal zone, the project components addressed herein have no such impacts. The proposed sewer and water lines connecting to the new pump station will be installed within the existing, improved rights-of-way, using the trenching method of excavation. No portion of the subject project components is within 100 feet of any identified sensitive habitats, such that the project will not encroach within the area typically reserved as a buffer between development and sensitive resources. Moreover, the proposed project is not adjacent to any lands proposed for restoration through the San Dieguito Restoration Plan.

Special Condition #1 requires the applicant to submit final plans for the staging and storage of construction materials. This is intended to assure that no sensitive lands are unintentionally encroached upon for implementation of the project. Therefore, the Commission finds the proposal, as conditioned, fully consistent with the cited Coastal Act policy.

3. Growth Inducement. The Coastal Act policies most applicable to the specific development proposed herein, state, in part:

Section 30250.

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. ...

Section 30254.

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; ... Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development,

services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Given that the proposed development involves the upgrade of existing sewer and water pipes to larger pipes, the question arises to whether the project is growth inducing. To be found consistent with Section 30250(a) of the Coastal Act, the Commission must find that the project is being proposed to serve existing development, or that if it would accommodate new development, such development must be at planned and approved densities. In this case, the project is part of a planned sewer upgrade that is proposed to replace existing degraded sewer lines for the protection of water quality and existing sewer service, and the project does not include any new additional lines.

As stated above, the main purpose of increasing the size of the pipe is to meet current Metropolitan Wastewater Department Sewer Design Guidelines. However, the sewer pipe upgrade and replacement is designed to accommodate planned development that will allow the designated build-out of the surrounding area. The vast majority of such growth is to the east of the proposed facilities, outside the coastal zone. Only minor infill development can occur within this area of the coastal zone, as any areas not already built out are primarily dedicated open space. The most significant development the Commission will act upon in this general area is the San Dieguito Lagoon Restoration Project, which will occupy most of the remaining undeveloped coastal zone lands serviced by these sewer and water facilities. Therefore, the proposed improvements to the sewer system should not have a significant overall inducement to growth within the coastal zone, and the development is consistent with section 30250 (a) of the Coastal Act.

4. Visual Resources. Section 30251 of the Coastal Act protects visual resources, and states, in part:

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 designed to protect views to and along the ocean and scenic coastal areas, to 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.

In this particular case, all facilities proposed herein will be underground, and thus not visible. Actual construction may have some brief impacts on visual resources, but this is true of all projects, and is limited to a short period of time. The Commission does not consider such visual impacts to be significant. Therefore, the Commission finds the proposed sewer and water pipe project consistent with the cited policy of the Coastal Act.

5. Water Quality. The following Coastal Act policy addresses water quality concerns, and states, in part:

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, ... maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Although the proposed development is neither within, nor adjacent to, marine resources, it is upstream of the San Dieguito Lagoon, which includes a combination of existing salt and fresh water marshes, tidal flats, and upland areas. Replacing inadequate sewer facilities will alleviate potential concerns over worn facilities failing and causing sewage spills into the lagoon. The project does include trenching, such that there will be periods of bare dirt being exposed to possible erosion. However, construction BMPs, including, but not limited to, filters, gravel bags, corrugated concrete and fiber rolls, are proposed to minimize such risks. No permanent adverse impacts to water quality are expected, and, as stated previously, beneficial impacts may occur through replacement of worn and inadequate facilities. Therefore, the Commission finds the proposed development consistent with the cited Coastal Act policy.

6. 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, with the attached special condition, such a finding can be made.

Portions of the project site are within a deferred certification area of the City's LCP, which does not have a certified land use plan at this time. Chapter 3 policies of the Coastal Act are the legal standard of review, and previous findings have determined that the project, as conditioned, is consistent with all cited Coastal Act policies. Therefore, the Commission finds that approval of the proposed development, with the attached special condition, will not prejudice the ability of the City of San Diego to prepare a fully certifiable land use plan for this area.

7. 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, as conditioned, 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

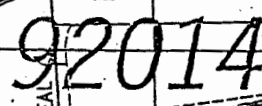
mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing staging and storage of construction materials 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 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.

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California Coastal Commission

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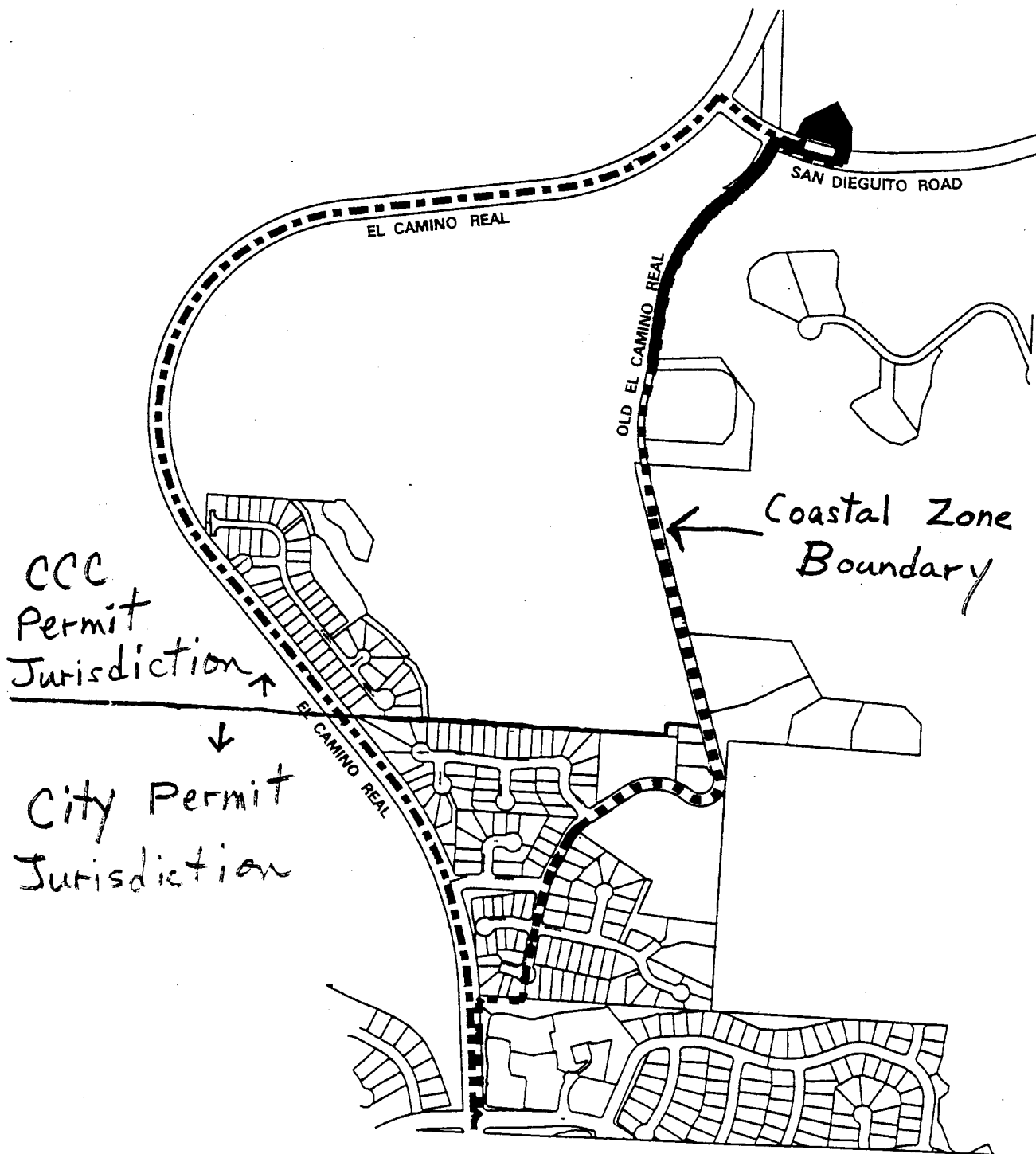


EXHIBIT NO. 2
APPLICATION NO.
6-04-132
Site Plan