

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Staff: G. Cannon-SD
Staff Report: 9/20/07
Hearing Date: 10/10-12/07

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-07-88

Applicant: San Elijo Lagoon Conservancy **Agent:** Doug Gibson

Description: Demolition and removal of old sewage treatment facility consisting of 2 tanks and 1 structure.

Zoning	Open Space
Plan Designation	Open Space

Site: On an elevated developed pad within San Elijo Lagoon east of Highway 101, across from Cardiff State Beach, Cardiff, Encinitas, San Diego County. APN 263-01-124.

Substantive File Documents: Certified City of Encinitas LCP

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Demolition BMP's and Debris Removal. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a BMP/debris removal plan that conforms to the following requirements:

1. No demolition materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
2. No demolition equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to ESHA, wetlands or their buffers.
3. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
4. Demolition debris and sediment shall be removed from work areas each day that demolition occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
5. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
6. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition.
7. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
8. All stock piles and demolition materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil
9. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
10. The discharge of any hazardous materials into any receiving waters shall be prohibited.
11. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other demolition materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
12. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition-related materials, and to contain sediment or contaminants associated with demolition activity, shall be implemented prior to the on-set of such activity

13. All BMPs shall be maintained in a functional condition throughout the duration of the project.
14. Demolition shall not occur during rainy (wet) weather. Local weather forecasts shall be consulted prior to scheduling demolition, and demolition shall only be scheduled when there is no precipitation anticipated for at least 72 hours.

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 Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Timing of Construction. No construction involving the use of heavy equipment or equipment that results in noise levels that exceed 60 decibels shall occur during the nesting season of the California Gnatcatcher or other endangered bird species unless first obtaining approval in writing from the California Department of Fish and Game (CDFG) and U. S. Fish and Wildlife Service (Service).

The permittee shall undertake development in accordance with the approved timing restrictions. Any proposed changes to the timing restrictions shall be reported to the Executive Director. No changes to the timing restrictions shall occur without an 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:

A. Detailed Project Description. The proposed development involves the demolition and removal of two large above ground sewage treatment tanks and an approximately 36 sq. ft. concrete structure that are remnants from the abandoned Solana Beach Oxidation Treatment Plant. The applicant proposes to use an excavator to demolish the structures and to break up large pieces which will be placed in dump trucks for deposition to a recycling facility. The structures are located on a largely elevated dirt flat pad within the lagoon. Although some non-native ornamental trees are located on the developed pad, no native or environmentally sensitive plants occur on the developed pad and none will be impacted directly or indirectly as a result of the proposed development. Access to the site will occur on an existing dirt access road. The project site is currently available for the public to access via the existing dirt road that crosses into the lagoon area and the public routinely uses the road as a jogging and hiking trail. The development is proposed to take approximately 7 days and is scheduled to occur in October or November of 2007 so as to avoid noise impacts during the nesting season of any bird species. The existing developed pad is currently protected by post-construction BMP's installed as part of the Commission approved directionally drilled sewer forcemain project that originated on the subject developed pad (Ref. 6-06-38/City of

Solana Beach). In addition, to assure the proposed demolition work does not adversely affect the lagoon environment, Special Condition #1 has been attached which requires submission of a BMP plan that includes a requirement to monitor weather conditions so that work does not occur if rain is forecast. In addition, in the event, the project becomes delayed, Special Condition #2 prohibits work from occurring during the nesting season of any endangered bird species unless written approval is first obtained from the Department of Fish and Game and U.S. Fish and Wildlife Service.

The proposed development is located within the City of Encinitas; however, it is located within the Commission's area of original jurisdiction and as such, the standard of review is Chapter 3 policies of the Coastal Act, with the City's LCP used as guidance.

B. Biological Resources. Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development will not have an adverse impact on any sensitive habitat, and, as conditioned, will not result in erosion or adverse impacts to water quality, as adequate temporary erosion controls (construction BMPs) will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Visual Quality. The development is located on an existing disturbed pad area site within San Elijo Lagoon. Following demolition, public views of the lagoon will be enhanced. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

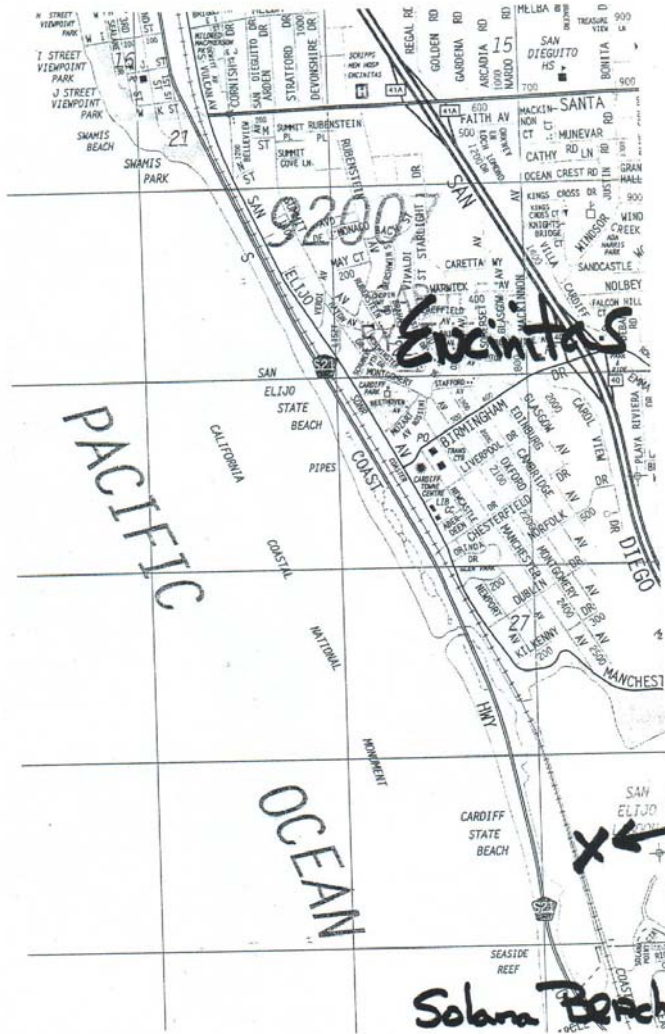
D. Public Access. The proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities and conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

E. Local Coastal Planning. The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of Encinitas to continue to implement its certified LCP.

F. California Environmental Quality Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, 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

EXHIBIT NO. 1
APPLICATION NO.
6-07-88
Location Map
California Coastal Commission

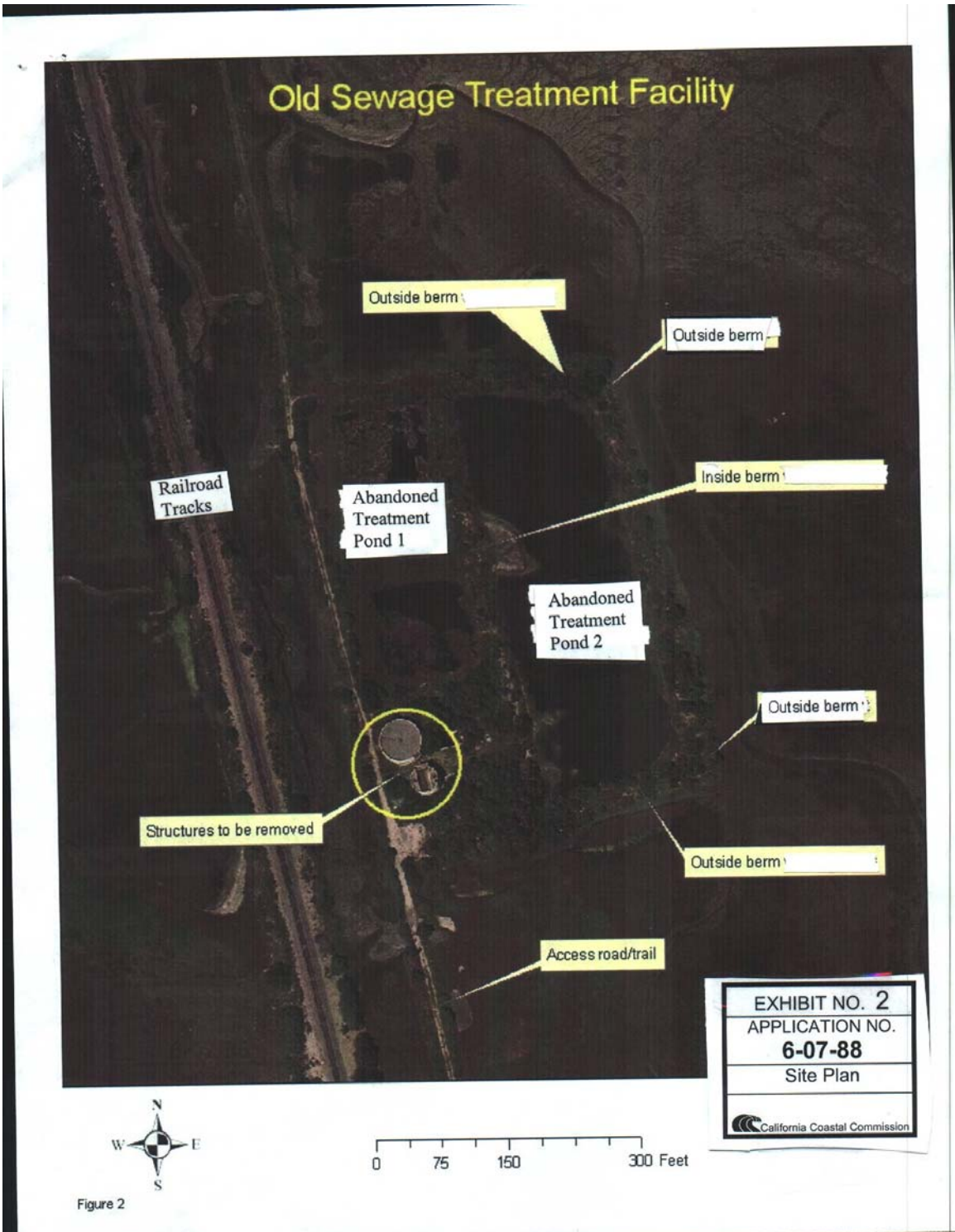


Figure 2