

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 7575 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4421
 (619) 767-2370



Th 6c

Filed: 4/7/09
 49th Day: 5/8/09
 180th Day: 11/14/09
 Staff: Laurinda Owens-SD
 Staff Report: 5/20/09
 Hearing Date: 6/10-12/09

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-09-17

Applicant: BioFuels Energy, LLC/City of San Diego Metropolitan Wastewater Department

Agent: Frank Mazanec

Description: Installation of 224 sq. ft. office and a 22 ft. high, 525 sq.ft. processing plant to capture and purify residual biogas at site of City of San Diego's Point Loma Wastewater Treatment Plant .

Lot Area	30,985 sq. ft.
Building Coverage	525 sq. ft. (2%)
Pavement Coverage	26,575 sq. ft. (86%)
Landscape Coverage	3,885 sq. ft. (12%)
Parking Spaces	2
Zoning	Unzoned (federal property)
Plan Designation	Federal Property
Ht abv fin grade	22 feet (building); 40 feet (flare)

Site: 1902 D Gatchell Road, Point Loma Wastewater Treatment Plant, Peninsula, San Diego, San Diego County. APN 532-520-06.

Substantive File Documents: Certified Peninsula Land Use Plan and City of San Diego LCP Implementation Ordinances; Geotechnical Report by Ninyo & Moore dated 2/18/94; Update to Geotechnical Report by Ninyo & Moore dated 4/23/09; 6-04-27; 6-02-134

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. Geotechnical Report. The proposed project shall comply with the recommendations contained in the Geotechnical Report by Ninyo & Moore dated 2/18/94 and Update to Geotechnical Report by Ninyo & Moore dated 4/23/09.

2. Final Plans/Construction Materials. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final plans and a color board for the project which documents the proposed structures are in substantial conformance with the previously-approved color scheme for the treatment plant pursuant to the report entitled, "Landscape, Architectural and Aesthetic Improvements to the Point Loma Wastewater Treatment Plant" dated 5/6/96. Specifically, the proposed color of the new structures shall be earth tone colors and blend in with the surrounding hillsides and be compatible with the natural setting of the area. Said plan shall be submitted for review and written approval by the Executive Director.

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

A. Detailed Project Description/History. Proposed is construction of a Beneficial Use of Digester Gas project (BUDG Project) at the City of San Diego's Point Loma Wastewater Treatment Plant (PLWTP). The project will include several small structures and equipment facilities which include, in part, a 22 ft. high, 525 sq.ft. processing plant, a 224 sq.ft. office structure and a 40 ft. tall flare. The proposed processing plant will capture and purify waste biogas from the PLWTP. The processing equipment is designed for outside operation and is to be mounted on concrete foundations. Purified gas will be used either in a fuel cell located on-site (to generate electrical power for the plant's operation) or compressed and loaded into

tube trailers for off-site sale. Benefits of the project include reduced air pollution from the PLWTP site; use of a large fraction of the currently excess biogas to generate clean, renewable energy; and economic return to the City for the biogas utilized. The City of San Diego is co-applicant with BioFuels energy, LLC.

The Point Loma Wastewater Treatment Plant is located near the western face of the Point Loma peninsula on a coastal blufftop site. It is south of the U.S. Navy property and north of the public tidepools (associated with the Cabrillo National Monument) and the Coast Guard Point Loma Lighthouse. Just past the security gate entrance to the plant site, there are three primary roads on which the majority of the existing treatment plant improvements are situated. First Street is the road furthest to the west and closest to the coastal bluffs. Second Street is more inland to the east, and Third Street is the easternmost street. Numerous large structures occupy the treatment plant site including eight large digesters adjacent to the hillside on the east side of the plant site. The newly proposed structure will be located at the southern most end of the plant, west of Third Street. Specifically, the proposed structure(s) will be located on the site of the previously graded building pad originally intended for approved Digester #9. Digesters #9 and #10 were previously approved by the Commission but never constructed; presently, there are a total of eight digesters at the PLWTP. As noted, the graded pad was completed in addition to a retaining wall along the east side of Third Street. Tube trailers used for the transport of purified gas off-site will be parked on an existing concrete pad located next to the north edge of the project site. A separate site suitable for parking one tube trailer will also be provided across Gatchell Road to the west to be used during the infrequent periods when the PLWTP needs to clean a digester. Storm water runoff will be managed according to the City's current site runoff plan; thus, the project does not materially affect the current site contours or runoff flow directions. Runoff from this area is directed to a filtered storm drain system. In addition, a BMP has recently been implemented at the treatment plant which includes the addition of four storm drain low flow diversion structures. These structures help to more effectively keep pollution out of storm water by preventing flow of any unanticipated spill of various contaminants or chemicals into the ocean.

Waste gas from the purification processes will be burned in a new enclosed flare dedicated to the BUDG project; this flare is located between two of the three flares currently in use by the PLWTP along the east side of Third Street. The proposed flare will be 40 feet tall (10 feet higher than the adjacent flares) but will be located slightly below the top of the nearby existing gas holding tank. Computer simulations have been submitted which demonstrate the flares will blend in with the adjacent flares and while minimally taller, should not pose any adverse visual impacts as viewed from offshore. In addition, the City has indicated that the equipment and two small buildings are proposed to be finished to blend in with the background as viewed from the ocean.

In 1996, the Commission approved the "Landscape, Architectural and Aesthetic Improvements to the Point Loma Wastewater Treatment Plant" plan which consisted of an overall landscaping and color scheme for the PLWTP as the facility is visible from the west by off-shore ships and boats, etc. Typically, new development on the PLWTP is reviewed for consistency with this plan. As such, Special Condition No. 2 requires submittal of final plans and a color board indicating the BUDG project will be consistent with the color scheme previously approved for

the treatment plant including exterior colors to blend in with the surrounding hillsides and which are compatible with the surrounding natural setting of the area.

The majority of the shoreline seaward of the treatment plant is already armored consisting of an existing seawall/bluff retaining structure with the exception of a few areas. The shoreline immediately seaward of the project site has been armored with rip rap and no shoreline protection is proposed or needed in connection with the proposed improvements. An update to a previous geotechnical report for the PLWTP has been performed by Ninyo and Moore dated 4/23/09. The conclusions of that report indicate that the recommendations contained in the 2/18/94 report are still applicable. Although no geologic issues were identified, the update suggested relocation of the alternate biogas unloading site to a minimum of 50 feet or more behind the vertical portion of an existing sea cave. Both the original and update to the geotechnical reports have been reviewed by the Commission's staff geologist who has confirmed the project is consistent with the geologic hazard policies of the Coastal Act provided that the proposed project adheres to the recommendations in the original geotechnical report and the update geotechnical reports. As such, Special Condition No. 1 requires that the projects conform to the recommendations in both of the cited geotechnical reports.

The Point Loma Wastewater Treatment Plant is located in the Peninsula community in an area that was not included in the City of San Diego's certified Local Coastal Program. As such, the Commission retains permit jurisdiction over the site at this time and the Chapter 3 policies of the Coastal Act are the standard of review.

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. Community Character /Visual Quality. The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

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

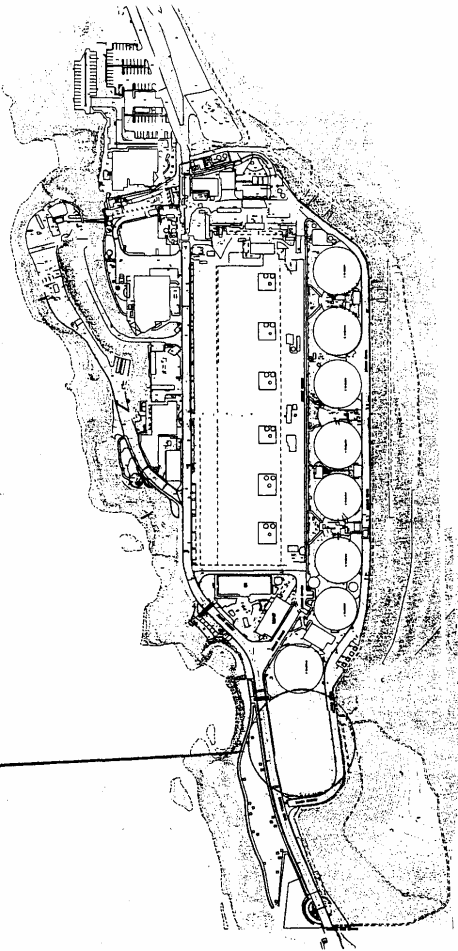
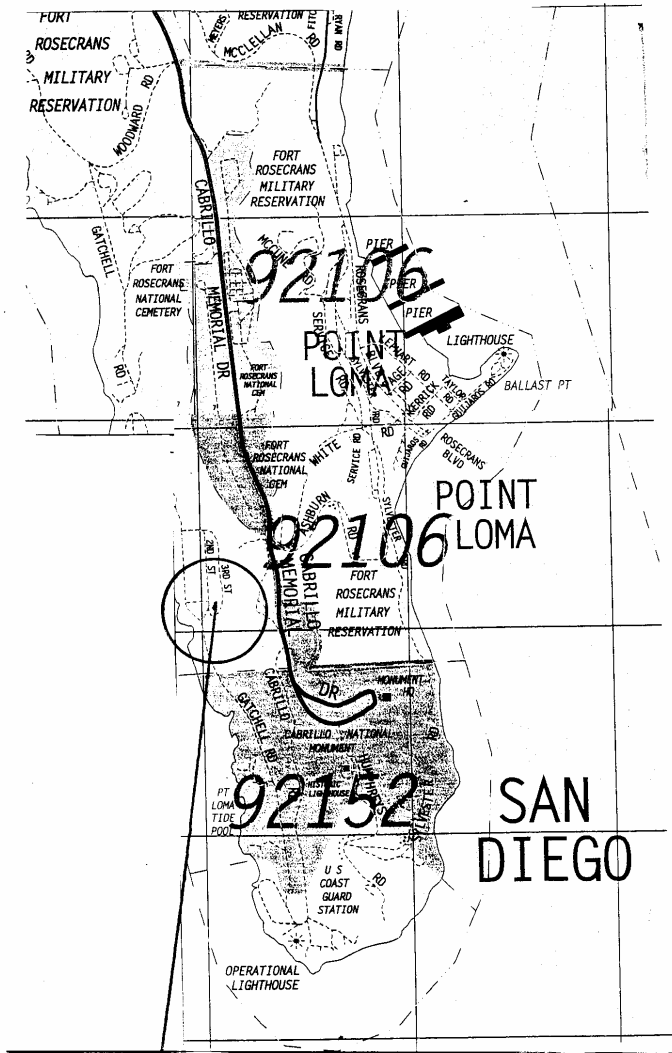
E. Growth Inducement. As proposed, this development will not be growth-inducing. The proposed improvements are located within a developed sewer treatment plant next to the ocean. The proposed work is intended to generate electrical power for the plant's operation as well as being contained and transported off-site for other uses. Use of excess biogas will

generate clean, renewable energy. System capacity is not being increased, consistent with Section 30250 of the Coastal Act.

F. Local Coastal Planning. The Point Loma Wastewater/Sewage Treatment Plant is located within an unzoned geographic area included in the Peninsula Community Plan segment of the City of San Diego Local Coastal Program where it has existed since 1963. This area was not included in the City of San Diego's certified Local Coastal Program, and the Commission retains permit jurisdiction over the site at this time. In addition, the Peninsula LCP Land Use Plan acknowledges ongoing maintenance, and assumes some potential future improvements. However, the proposed development would be in keeping with the LUP policy of maintaining and enhancing public services. In addition, the Commission has found that the proposed development, as conditionally approved, will be consistent with the policies in Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed project, as conditioned, will not result in adverse impacts to coastal resources nor prejudice the ability of the City of San Diego to continue implementation of its fully certified LCP or to extend the coverage of its LCP over this area.


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.



SITE



EXHIBIT NO. 1
APPLICATION NO.
6-09-117
Location Map
 California Coastal Commission

BUDG SITE PLAN

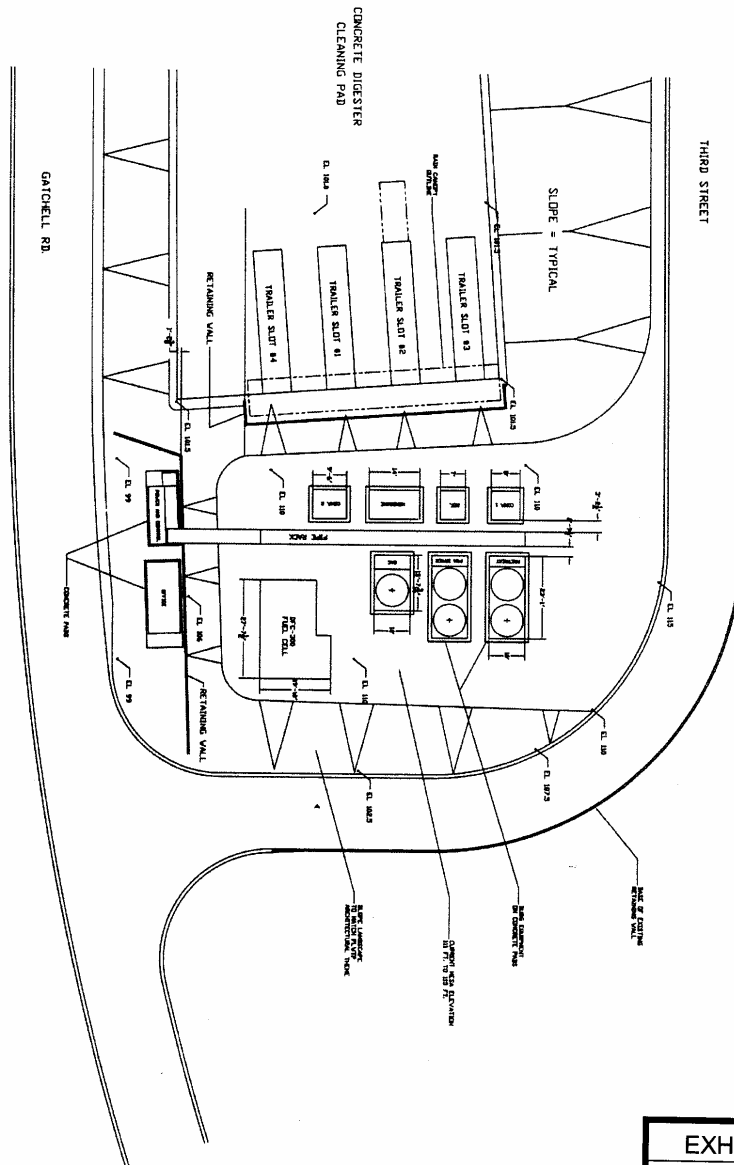


EXHIBIT NO. 2
APPLICATION NO.
6-09-117
Site Plan
California Coastal Commission