

CALIFORNIA COASTAL COMMISSION

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



W8a

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 Staff: EStevens-SD
 Staff Report: 3/22/2012
 Hearing Date: 4/11/2012

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-11-088

Applicant: San Diego Gas & Electric Company **Agent:** Richard Quasarano

Description: Replacement of a damaged wooden utility pole in the Los Penasquitos Canyon Preserve with a new pole adjacent to the existing pole site. Work has already been completed pursuant to Emergency Permit #6-11-083-G. The project results in approximately 2 sq. ft. of permanent fresh water marsh impacts and approximately 1,030 sq. ft. of temporary fresh water marsh impacts. The applicant proposes mitigation for the 2 sq. ft. of permanent wetland impact by plugging the hole where the damaged pole was removed with the soil and vegetation excavated for the new pole.

Site: Pole Number 90948 approximately 400 ft. north of Sorrento Valley Boulevard, east of the 805 and 5 Freeway merge, Los Penasquitos Canyon Preserve, San Diego, San Diego County (APN 310-051-06).

Substantive File Documents: City of San Diego certified Local Coastal Program; Emergency CDP #6-11-083-G; Letter from SDGE dated 10/27/2011; CDP Nos. 6-00-140 (SDGE), 6-06-059 (SDGE), and 6-07-030 (SDGE)

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.*

Standard of review: Chapter 3 policies of the Coastal Act

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 condition:

1. Post Construction Survey. The existing condition of the wetland vegetation and substrate at the power pole site has been documented. The extent of impacts to the vegetation and substrate shall be assessed and documented in a post-construction survey 90 days after the completion of the project to determine actual impacts. If no impacts have occurred, no mitigation will be necessary. This will allow for the potential of natural restoration. Mitigation measures will be necessary if any impacts are detected by the 90-day post-construction survey, as follows.

- a. If the 90-day post-construction survey identifies that temporary impacts remain, the area shall be revegetated at a 1:1 ratio.
- b. If the 90-day post-construction survey identifies that permanent wetland impacts have occurred (other than at the vegetation plug addressed in Special Condition #2), a permit amendment is required to address the identified impacts. Mitigation shall be provided for any identified permanent wetland impacts at a ratio of not less than 4:1.
- c. The following goals, objectives, and performance standards shall apply for any necessary restoration:
- d. Full restoration of all wetland impacts that are identified as temporary, beyond the 90 day self-recovery period. Restoration of temporarily impacted areas shall include at a minimum, restoration to before-impact hydrology, removal of all non-native plant species, and replanting with locally collected native wetland species.
- e. Success criteria and final performance monitoring shall provide at least a 90% coverage of areas disturbed by construction activities within 1 year of completion of construction activities.

1. The final design and construction methods that will be used to ensure the restoration sites achieve the defined goals, objectives, and performance standards.
 2. Submittal, within 30 days of initial restoration work, of post-restoration plans demonstrating that the revegetated areas have been established in accordance with the approved design and construction methods.
 3. A survey taken 1 year after revegetation identifying the quantity and quality of the restored plants. If the survey demonstrates the revegetation has been unsuccessful, in part or in whole, the survey shall include a plan for remediation and further surveys / reports until the site(s) are fully restored.
- f. All surveys, reports or other documentation of the post-construction impacts shall be submitted to the San Diego office of the Coastal Commission within 30 days of completion.

The permittee shall undertake development in accordance with the approved monitoring program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without an amendment to the coastal development permit unless the Executive Director determines that no amendment is legally necessary.

2. Post Construction Monitoring. To assure that the vegetative plug regenerates successfully, the site is being monitored quarterly for one year. If the quarterly surveys identify that the revegetated plug has not established and permanent wetland impacts have occurred, a permit amendment is required to address the identified impacts. Mitigation shall be provided for any identified permanent wetland impacts at a ratio of not less than 4:1 and shall be subject to the goals, objectives, and performance standards identified in Special Condition #1 of this CDP. The quarterly surveys shall be submitted to the San Diego office of the Coastal Commission within 30 days of completion.

The permittee shall undertake development in accordance with the approved monitoring program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without an amendment to the coastal development permit unless the Executive Director determines that no amendment is legally necessary.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. The applicant proposes to replace an existing wooden electrical transmission pole located within the Los Penasquitos Canyon Preserve with a new wooden pole, and to use the existing anchors (See Exhibit #1). The replacement site is adjacent to the existing site of the utility pole. The work has already been completed pursuant to Emergency Permit #6-11-083-G (See Exhibit #2). Thus, this review is for the permanent authorization of the work as required by the emergency permit.

The proposed work will include installation of the new utility pole, and removal of the existing utility pole. The above-ground and below-ground portions of the existing pole will be completely removed. The new pole installation will be conducted via helicopter and all other work will be done by a four person work crew, using climbing tools, replacement parts, grounding wire, and hand power tools. The existing pole is located approximately 400 feet north of Sorrento Valley Boulevard. The replacement pole will be approximately the same distance from the road as the existing pole.

The project area consists primarily of good quality fresh water marsh. Section 30233 of the Coastal Act limits activities in wetlands to only eight allowed uses. One allowed use is an activity that is for incidental public services purposes. The proposed project is routine maintenance of an existing power pole, which, in this particular case can be considered an incidental public service project under Section 30233 of the Coastal Act. Thus, the proposed use is allowed to occur in wetlands pursuant to the Coastal Act. The applicant proposes to minimize impacts to the maximum extent feasible through mitigation in the event of impacts to the wetland vegetation.

The applicant estimates there will be approximately 1,030 sq. ft. of temporary wetland impacts in order to perform the required pole replacement. A four person work crew will access the project area on foot and will have to cross approximately 340 ft. of freshwater marsh habitat. In addition, a 312 sq. ft. workspace around the existing pole will be utilized to complete the work activity and an additional 36 sq. ft. area of temporary impact around the east anchor will be needed to reattach the guy wire. An estimated two-ft. wide pathway through the 340 ft. of fresh water marsh plus the 348 sq. ft. of work space impacts created approximately 1,030 sq. ft. of temporary impact, mostly from trampling. Helicopter staging will take place within the parking lot of the Los Penasquitos Canyon Preserve Park and Ride. All staging and storage activities for crew vehicles is located along Sorrento Valley Boulevard west of the Los Penasquitos Canyon Preserve Park and Ride, with no environmental or public access impacts resulting from staging.

To install the new pole, the field crew will dig a 36 in. in diameter, 9 ½ ft. deep hole for the new pole. The 36 in. diameter plug of wetland vegetation removed to install the new pole will be preserved in burlap during the operation, and then used to cap the hole where

the old pole was removed. A final tally of impacts demonstrates a permanent impact of 2 sq. ft. and a temporary impact of 1,030 sq. ft. The applicant will perform 1:1 mitigation for the permanent impact by inserting the vegetation removed from the site of the new pole into the hole left by removal of the damaged pole. To assure that the vegetative plug regenerates successfully, Special Condition #2 requires that the vegetative plug be monitored quarterly for one year. The applicant expects that the area will recover rapidly on its own, with no permanent impacts resulting from the relatively minor project. Special Condition #1 requires a post-construction wetland survey to determine if any temporarily impacted areas have not fully recovered after 90 days. Any remaining temporarily impacted areas must be revegetated at a 1:1 ratio. Although unanticipated, should any permanent impacts occur, the applicant must submit an amendment request to propose mitigation for said impacts at a minimum of a 4:1 ratio.

The proposed development, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act. It will continue an existing public utility function (i.e., transmission of electrical power), and all work will occur within an existing utility easement. There will be no significant alteration of landforms (no grading) and no more impact on visual resources than already occurs with the existing overhead transmission lines.

Although the site is located within the City of San Diego, which has a fully-certified Local Coastal Program (LCP), the work occurs in the Los Penasquitos Canyon Preserve, which is an area of deferred certification. As such, the coastal development permit must be processed through the Coastal Commission utilizing the Chapter 3 policies of the Coastal Act as the standard of review and the City's LCP 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. Section 30233 limits development in open coastal waters, wetlands, estuaries, and lakes to specific permitted uses where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

The proposed development is an incidental public service project permitted under Section 30233. As conditioned, the project will not have an adverse impact on any sensitive habitat, and will not result in erosion or adverse impacts to water quality. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Community Character /Visual Quality. The replacement pole is of same size and height as the existing pole and will be placed in generally the same location and thus, will not result in any additional visual impacts. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. Local Coastal Planning. The subject site is located in an area of deferred certification, 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 San Diego to continue to implement its certified LCP.

E. California Environmental Quality Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect 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.
A-6-ENC-12-010
Project Location
 California Coastal Commission

EMERGENCY PERMIT

STATE OF CALIFORNIA - THE NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

CALIFORNIA COASTAL COMMISSION

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



EMERGENCY PERMIT

Applicants: San Diego Gas & Electric

Date: October 31, 2011

Agent: Richard Quasarano

Emergency Permit No. 6-11-083-G

LOCATION OF EMERGENCY WORK: Electric utility pole in SDG&E utility transmission corridor (easement) in Los Penasquitos Canyon Preserve, San Diego County.

WORK PROPOSED: Removal of damaged wooden utility pole (#90948) and installation of a replacement utility pole adjacent to removed pole location. All work will occur by hand with no mechanized equipment or vehicle access necessary (ref. letter from SDG&E to California Coastal Commission dated October 27, 2011)

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of an electric utility pole that has been damaged requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 120 days unless otherwise specified by the terms of this permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the attached page.

Sincerely,

CHARLES LESTER
Executive Director

[Handwritten signature]
Signature on file
By: SHERILYN SARB
Deputy Director

EXHIBIT NO. 2
APPLICATION NO.
A-6-ENC-12-010
Emergency Permit
California Coastal Commission

EMERGENCY PERMIT, CONT.

Emergency Permit Number: 6-11-083-G
Date: October 31, 2011

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific area listed above is authorized. Any additional work requires separate authorization from the Executive Director. **If during construction, site conditions warrant changes to the project, the San Diego District office of the Coastal Commission shall be contacted immediately prior to any changes to the project in the field.**
3. The work authorized by this permit must be completed within 30 days of the date of this permit (i.e., by November 30, 2011).
4. The emergency work carried out under this permit is considered TEMPORARY work done in an emergency situation. **In order to have the emergency work authorized as permanent, a follow-up coastal permit must be obtained. A completed follow-up coastal development permit application must be received within 30 days of the date of this permit (i.e., by November 30, 2011) and be issued by the Commission within 180 days of the date of this permit (i.e., by April 28, 2012). Failure to comply with this deadline will result in a violation of the subject emergency permit and the commencement of enforcement proceedings.**
5. The subject emergency permit is being issued in response to a documented emergency condition where action needs to be taken faster than the normal coastal development permit process would allow. Thus, in exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g. U.S. Army Corps of Engineers, State Lands Commission, U.S. Fish and Wildlife Service.)
7. Impacts, whether temporary or permanent, to all environmentally sensitive habitat areas shall be avoided to the maximum extent possible. Any unavoidable disturbance necessary to remedy the emergency situation shall be minimized to the maximum extent feasible.
8. By acceptance of this emergency permit, the applicant acknowledges that mitigation for all unavoidable temporary and permanent wetland impacts associated with the pole replacement will be required as part of the regular coastal development permit.

If you have any questions about the provisions of this emergency permit, please call the Commission's San Diego Coast Area Office at the address and telephone number listed on the first page

(G:\San Diego\Emergency\6-11-083-G.doc)

EXHIBIT NO. 2

APPLICATION NO.

A-6-ENC-12-010

Emergency Permit

 California Coastal Commission

EMERGENCY PERMIT, CONT.

STATE OF CALIFORNIA - THE NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

CALIFORNIA COASTAL COMMISSION

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



EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

RE: Emergency Permit No. 6-11-083-G

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the San Diego Coast Area Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

As noted in Condition #4, the emergency work carried out under this permit is considered to be TEMPORARY work done in an emergency situation. As a follow-up to the emergency permit, a regular Coastal Permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include mitigation requirements for possible wetland habitat impacts.

I also understand that a regular Coastal Permit is necessary to permanently authorize the emergency work. I agree to apply for a regular Coastal Permit within 30 days of the date of the emergency permit (i.e., by November 30, 2011).

Signature on file

Signature of property owner

Agent

RICHARD QUASARANO

Name *8315 Century Pk Ct*

Address *San Diego 92123*

11/17/11
Date of Signing

RECEIVED

NOV 21 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

EXHIBIT NO. 2

APPLICATION NO.

A-6-ENC-12-010

Emergency Permit

California Coastal Commission

