

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

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Staff: LJM-SD
Staff Report: 11/15/95
Hearing Date: 12/12-15/95

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-95-148

Applicant: San Elijo JPA

Agent: Leland C. Womack

Description: Maintenance/repair of existing sewage outfall pipe to include reballasting of approximately 220 lineal feet of pipe beginning at approximately 970 ft. offshore and extending to approximately 1,190 ft. offshore.

Site: San Elijo Ocean Outfall, west of North Cardiff State Beach, Cardiff, Encinitas, San Diego County.

Substantive File Documents: Certified City of Encinitas Local Coastal Program (LCP); CDP Nos. 6-86-456, 6-90-233, 6-92-144 & 6-93-140

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Staging Areas. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, project staging area plans that identify any on-shore

staging areas required for the project and indicate that no public parking areas, including on-street parking, or any beach area will be utilized for the interim or overnight storage of construction equipment or materials.

2. Other Permits. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, copies of all other required state or federal discretionary permits for the development herein approved. Mitigation measures or other changes to the project resulting from other agency review shall be reported to the Executive Director and become part of the project; such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/History. The proposed project involves the reballasting of approximately 220 lineal feet of an existing ocean outfall associated with the San Elijo Pollution Control facility in the City of Encinitas. The ocean outfall is located approximately 1,000 feet south of "Restaurant Row", off the coast of Cardiff State Beach, in the Cardiff community of Encinitas. The proposed development will occur on the outfall at approximately 970 ft. offshore, extending to approximately 1,190 ft offshore. The proposed maintenance and repair project involves the placement of approximately 500 tons of graded rock ballast on top of a segment of the existing outfall.

The existing ocean outfall was originally constructed in 1964 utilizing a 30-inch reinforced concrete pipe (RCP) and extending approximately 4,000 ft. into the Pacific Ocean. In 1974, the outfall was extended an additional 4,000 ft. with 48-inch pipe (connected by a 250 ft. long "dogleg" section). Both sections of the outfall were buried and covered with ballast rock to provide support, protection and buoyancy compensation for the pipe. In 1986, the Commission approved a permit for the placement of additional rock ballast that had shifted in an area of the pipe approximately 1,000 ft. to 3,000 ft. offshore (ref. CDP #6-86-456).

In 1990, an emergency permit was issued, and the required follow-up permit for permanent retention was approved by the Commission, for the installation of a tie-down system to secure the pipeline due to sand and cobble migration around the pipe, leaving approximately 270 ft. of the outfall pipe exposed to submarine wave action (ref. CDP #6-90-233-G). Again, in 1992, the Commission approved further work on the outfall pipe that involved construction of a piling support system under the outfall from approximately 450 ft. offshore to approximately 980 ft. offshore (ref. CDP #6-92-144). Then, in 1993, the Commission approved CDP #6-93-140 for the reballasting of approximately 2,300 lineal feet of the outfall pipe from approximately 3,200 ft. offshore to approximately 5,500 ft. offshore.

A recent inspection of the pipe revealed that the protective rock cover originally placed over the outfall pipe has shifted in the area approximately

970 ft. offshore to 1,190 ft. offshore and no longer provides adequate protection/ballast for the pipe. As such, the subject development has been proposed to address the problem. The project requires a coastal development permit because it involves the placement of "fill" (ballast rock) in coastal waters.

Although the proposed development is proposed off the coast of the City of Encinitas, which has a certified LCP, the project site is located within the Commission's area of original jurisdiction. As such, Chapter 3 policies of the Coastal Act are the standard of review.

2. Public Access/Recreation. Sections 30210, 30211 and 30212 of the Coastal Act call for the protection/provision of public access to the coast. In addition, Section 30220 of the Coastal Act requires that coastal recreational areas be protected. The proposed project is located in the Pacific Ocean west of Cardiff State Beach in the Cardiff Community of Encinitas. As stated, the subject development is proposed to occur approximately 970 ft. offshore to approximately 1,190 ft. offshore. The applicant has indicated that the construction will take place utilizing a barge operating offshore. All equipment and materials will be brought to the work site by tender barges, with no temporary storage or staging areas proposed on the beach. Although the current plans do not call for onshore staging areas, there is the potential for such staging areas to be incorporated into the project, thereby potentially adversely affecting public access and recreation opportunities. As such, Special Condition #1 has been proposed. This condition requires that any onshore staging area(s) be identified and that no beach or public parking areas be utilized for any overnight or interim storage of equipment or materials.

Because the proposed project will occur in the water offshore a popular State beach, the project also has the potential to adversely affect swimming and surfing activities in the area. However, the proposed construction will occur no closer than 970 ft. offshore and will take less than a week to complete. As such, normal swimming and surfing activities should not be impacted during the construction. As conditioned, potential adverse impacts to public access and recreation opportunities have been minimized and therefore, the Commission finds the proposed development consistent with Sections 30210, 30211, 30212 and 30220 of the Coastal Act.

3. Marine Resources. Section 30230 of the Coastal Act requires that marine resources be protected and the uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters. In addition, Section 30233 of the Coastal Act addresses the filling of open coastal waters; limiting such fill to, among other uses, the maintenance of existing intake and outfall lines. Finally, Section 30240 (b) of the Coastal Act requires that development in areas adjacent to sensitive habitat areas and parks and recreational areas be designed to prevent significant impacts to such areas.

The above cited Coastal Act policies call for maximum protection of coastal waters, both for the benefit of marine species and for the protection of human

recreational opportunities. The placement of rock ballast on and around an existing outfall pipe is considered "fill" under the definitions of the Coastal Act and Section 30233. However, since the purpose of the proposed project is to maintain/repair an existing outfall, the fill can be found consistent with Section 30233 (a) of the Act as an allowable use.

Previous projects approved by the Commission involving work in and around the subject outfall pipe have identified significant kelp beds located to the north and south of the project site. Information submitted with this application indicates that these kelp beds are located approximately 1,500 feet south of the outfall and 1,200 feet north of the outfall and that the proposed maintenance project will not affect these kelp beds. Anchoring placement for the construction barge will utilize best management practices to assure no impacts to the nearby kelp beds or other sensitive habitat will occur. In addition, because excavation will not be necessary for the proposed maintenance project, suspension of sediments in the water will be negligible.

The development did not require any local discretionary approvals. However, the applicant has indicated that other permits are being pursued through various state and federal agencies having jurisdiction over this project. Thus, conditions of approval and/or mitigations measures may be required from these agencies. As such, Special Condition #2 has been proposed. This condition requires the applicant to submit any discretionary permits obtained from other state or federal agencies. Should any project modifications be required as a result of other permits, the applicant is further advised that an amendment to this permit may be necessary to incorporate any mitigation/changes into the project. Therefore, the Commission finds that impacts to the marine environment have been reduced to the maximum extent feasible, consistent with Section 30230, 30233 and 30240 (b) of the Coastal Act.

4. 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, such a finding can be made.

In November of 1994, the Commission approved, with suggested modifications, the City of Encinitas Local Coastal Program (LCP). Subsequently, on May 15, 1995, coastal development permit issuing authority was transferred to the City. Although the subject site is located off the coast of Encinitas, it falls within the Commission's area of original jurisdiction. As such, the standard of review is Chapter 3 policies of the Coastal Act, with the City's LCP used as guidance.

The proposed development will serve an existing use, the San Elijo Ocean Outfall and serves as a preventative measure, to guard against disruption of the designed outflow by damage to the pipe. Failure to protect the outfall pipe could lead to its damage and subsequent waste water discharge in such a manner that would have negative impacts on marine resources as well as

recreational use of the area. As discussed above, the proposed project, as conditioned, can be found consistent with all applicable Chapter 3 policies of the Coastal Act and no adverse impacts to coastal resources are anticipated. Therefore, the Commission finds that approval of the proposed project, as conditioned, will not adversely affect the City's continued implementation of its certified LCP.

5. California Environmental Quality Act (CEQA). Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit 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)(i) 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 impact which the activity may have on the environment.

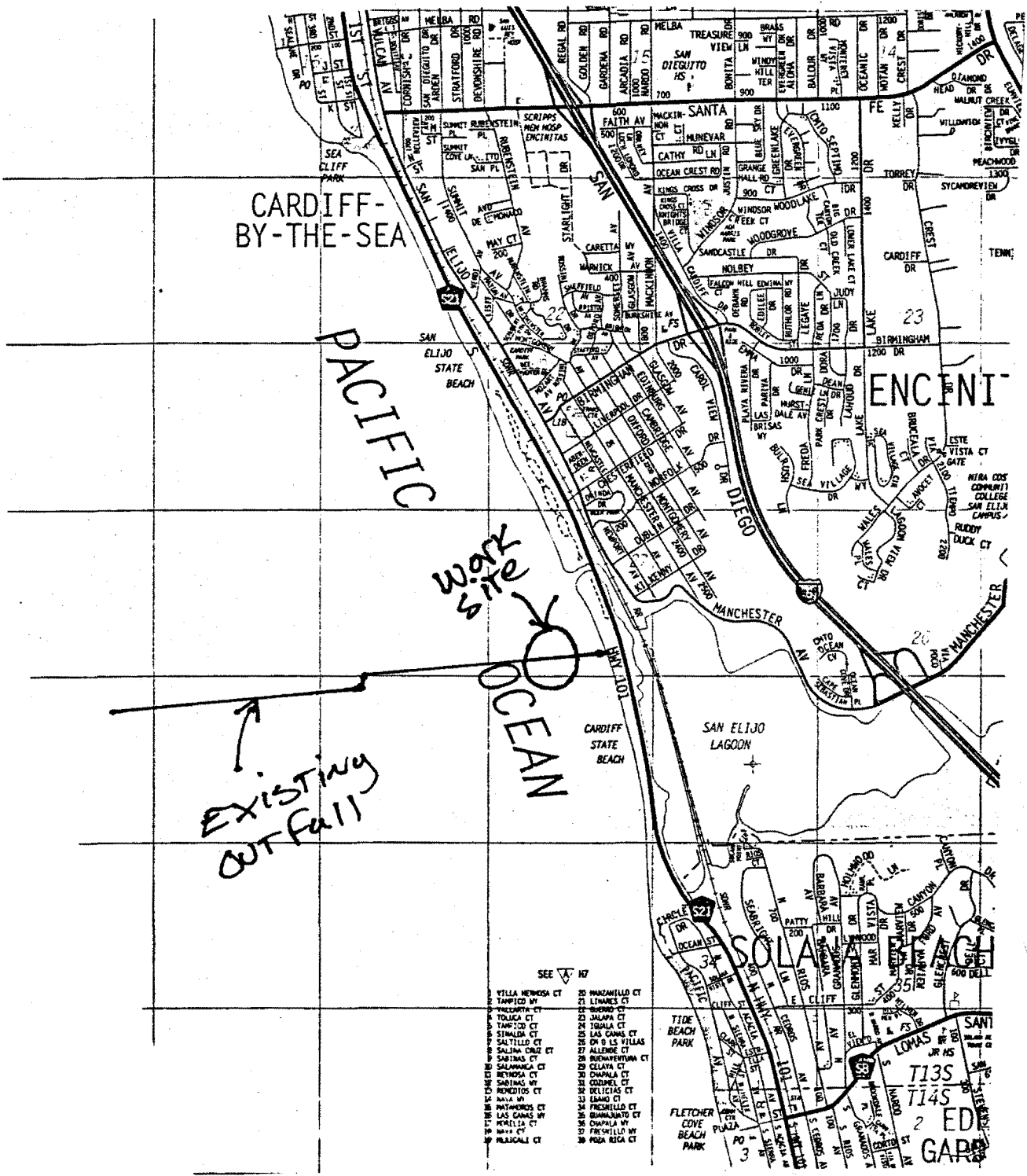
As discussed herein, the proposed project will not cause significant adverse impacts to the environment. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the proposed activity may have on the environment. Therefore, the Commission finds the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.

7. 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.

(5148R)

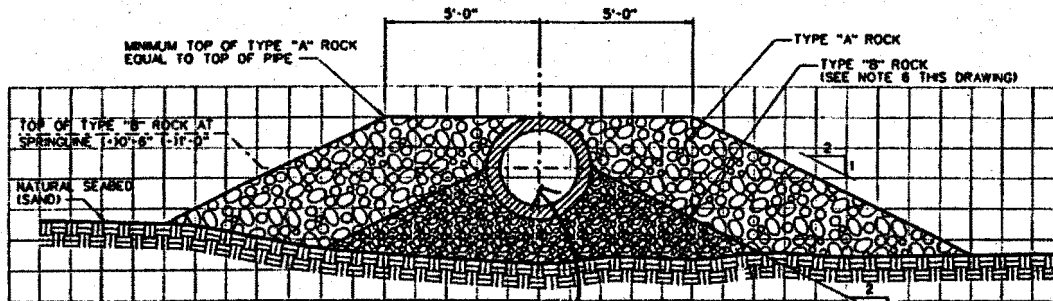


EXISTING
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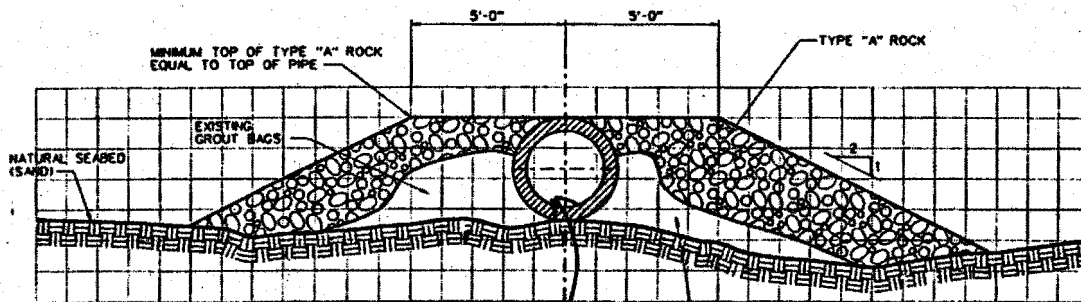
Work
site

EXHIBIT NO. 1
APPLICATION NO. 10-95-148
Location Map
California Coastal Commission





CROSS SECTION AT STA 9-78 LOOKING WEST
SCALE: 1" = 2'



CROSS SECTION AT STA 9-94 LOOKING WEST
SCALE: 1" = 2'

NOTES:

1. LIMITS SHOWN FOR GROUT BAGS AND EXISTING BALLAST AND NATURAL SEABED ARE APPROXIMATE AND VARY ALONG THE ALIGNMENT. LIMITS OF EXISTING BALLAST ARE PROVIDED IN AN ATTACHMENT TO THE SPECIFICATIONS.
2. THE OCEAN BOTTOM HAS BEEN SHOWN ON TYPICAL SECTIONS TO INDICATE HOW THE BALLAST ROCK IS TO BE PLACED AND IS NOT INTENDED TO REPRESENT ACTUAL SECTIONS AT ANY PARTICULAR STATION. DIMENSIONS VARY AS REQUIRED FOR BALLAST TO INTERSECT OCEAN BOTTOM AND EXISTING BALLAST.
3. AT EVERY SECTION, THE CONTINUOUS PROFILE OF OUTERMOST ROCK MUST EQUAL OR EXCEED THE MINIMUM LIMITS. IF, UPON INSPECTION, THE BALLAST FAILS TO MEET THE MINIMUM LIMITS, THE CONTRACTOR SHALL INSTALL BALLAST AT DEFICIENT LOCATIONS UNTIL INSPECTION IS APPROVED AT NO ADDITIONAL COST TO THE OWNER.
4. ROCK TYPES "A" AND "B" ARE DEFINED IN THE SPECIFICATIONS.
5. ROCK BALLAST SLOPES SHOWN (2:1) ARE THE STEEPEST ALLOWABLE AND ARE TYPICAL ON BOTH SIDES OF PIPE.
6. TYPE "B" ROCK SHALL BE PROVIDED AT ALL SECTIONS WEST OF STA. 9-78 WHERE TOP OF EXISTING BEDDING OR BALLAST IS GREATER THAN 1'-0" BELOW SPRINGLINE OF PIPE. FOR PROFILE OF TYPE "B" ROCK EAST OF STA. 9-78 REFER TO DRAWING 7174-C-004

LAST REVISED: 04.18.04

PROJECT FILE: F:\MARIQUETE\SPRINT\SPRINT\CONTRACTS\7174\CONTRACTS\7174-C-004.DWG

Worley Inc



C	ISSUED FOR BID	JT					
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A	DRAFTING IN PROGRESS	JT	MD	YG	JP		
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IF THIS BAR DOES NOT SHOW IN THIS DRAWING IT IS NOT TO SCALE.



San Joaquin Authority
J. J. Johnson



Worley
Drawn: J. THOMPSON
Checked: T. GILLIAN

EXHIBIT NO. 2
APPLICATION NO. C-95-148
Typical Cross Section
California Coastal Commission

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