

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

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STAFF REPORT: CONSENT CALENDAR

Application No.: 6-97-102

Applicant: City of San Diego, Metropolitan Wastewater Department Agent: Kim Lutz

Description: Maintenance/repair of existing sewer force main to include placement of 6,000 cu.yds. of rock ballast to approximately 5,000 lineal feet of an existing 14,000-foot long underwater pipe located approx. 100 to 600 feet offshore.

Site: San Diego Bay, commencing near the southern terminus of Shelter Island and running offshore and parallel to Shelter Island in Point Loma, Peninsula, San Diego, San Diego County.

Substantive File Documents: Certified Peninsula Land Use Plan and City of San Diego LCP Implementation Ordinances; Mitigated Negative Declaration - SCR No. 97061069; CCC CDP #s 6-91-217; 6-92-32-G; 6-93-140; 6-95-148; 6-97-5.

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. Other Permits/Mitigation Measures. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, copies of any other required state or federal discretionary permits for the development herein approved. Any changes to the mitigation measures which are a part of the project or new mitigation measures shall be reported to the Executive Director and become part of the project. Any such modifications may require an amendment to this permit or a separate coastal development permit.

2. Compliance with Monitoring Program in Mitigated Negative Declaration. The applicant shall comply with the monitoring program identified in the Mitigated Negative Declaration which includes, in part:

- a. restricting construction activities to no more than five consecutive days to avoid prolonged shading of eelgrass by barges;
- b. construction vessel anchor locations shall be buoyed by attaching a cable attached to a concrete block on the bottom of the bay instead of use of anchor chains in order to avoid impacts to eelgrass beds from a sweeping motion;
- c. A copy of the post-construction survey verifying that no impacts to eelgrass has occurred shall be submitted to the Commission for review within 30 days of its completion.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. The proposed project involves ballasting of approximately 5,000 lineal feet of an existing 14,000 lineal foot, 84-inch diameter sewer pipeline. The underwater pipeline commences from the end of Kellogg Street on the Point Loma peninsula to the southwest tip of Shelter Island and then runs parallel to Shelter Island. The pipeline is located approx. 100 to 600 feet offshore in the San Diego Bay. The proposed development will occur along three segments of the existing pipeline (reference Exhibit No. 2). The proposed project involves the placement of approximately 6,000 cu.yd. of rock, ranging in size from 12 to 36-inches diameter, over the existing pipe structure at elevations varying between approx. -16 feet to -62 ft. MLLW.

The existing sewer force main was originally placed into service in 1963. The pipe conveys approx. 90 million gallons of raw waste per day from Pump Station #2 (located in the San Diego Bay) to the Point Loma Wastewater Treatment Plant. The pipeline was originally designed to be covered by at least five feet of bay mud. However, since its installation in 1963, erosion around the pipe has decreased the mud cover and exposed several sections of the pipeline,

including a dewatering vault valve. Without the required five feet of cover, the pipeline may become buoyant and dislodge from the bay bottom which could lead to a sewage spill in the bay. As such, it is in need of repair. The subject development has been proposed to address this problem. The project requires a coastal development permit because it involves the placement of "fill" (ballast rock) in coastal waters.

2. Marine Resources. Section 30230 of the Coastal Act is applicable and states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Finally, Section 30233 of the Coastal Act states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

...(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

The cited Coastal Act policies call for the 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 sewer 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 sewer pipeline, the fill can be found consistent with Section 30233(a) of the Act, as an allowable use.

The proposed repair work has been thoroughly addressed through the environmental review at the City via a Mitigated Negative Declaration and the placement of rock ballast was found to be the most effective method at stabilizing the sewer pipe in an effort to avoid any potential breakage in the pipe and resultant sewage spills. The Mitigated Negative Declaration evaluated potential impacts to biological resources consisting of eel grass beds. There are no kelp beds in the bay at the project site, thus, this issue was not addressed in the negative declaration. In addition, according to the City, since there are few, if any, marine mammals (i.e. seals) at the project location, it was not necessary to address any potential impacts to marine mammals in the negative declaration. The City has indicated that on occasion, a seal is seen near the buoys in the Shelter Island yacht basin but this area

is not where the proposed work will occur. In addition, the City has indicated that marine mammals, such as seals, usually avoid construction sites. As such, no impacts to marine mammals are anticipated to occur.

With regard to potential biological impacts as a result of the proposed project, the mitigated negative declaration for the subject project references a biological survey which was completed. The findings of that survey indicate that the surrounding area supports several patches of healthy eelgrass. In this particular case, none of the segments of the pipeline proposed to be ballasted is located where eel grass beds occur. However, due to the close proximity of the eelgrass beds to the general project site, there is a potential for impacts to occur from anchor damage and shading by the construction barge(s). For this reason, a monitoring program is being incorporated into the proposed project by the City which consists of restricting the operation of the construction barge(s) to no more than five consecutive days per location to avoid prolonged shading effects. In addition, the barge will be required to be attached to a cable which will be attached to a concrete block resting on the bottom of the bay. This method of securing the barge will ensure that eelgrass is not adversely affected by anchor chains sweeping across the bottom as the tide ebbs and flows. In addition, a post-construction survey will also be required 60 days from project completion to verify that no impacts to eelgrass beds has occurred. As such, according to the Mitigated Negative Declaration, with incorporation of the proposed monitoring, no impacts to eel grass beds are expected to occur.

The development did not require any local discretionary approvals. The applicant has indicated that several other state and federal agencies did not require a permit; however, a U.S. Army Corps of Engineers individual permit is being sought in conjunction with the subject coastal development permit. Thus, conditions of approval and/or mitigation measures may be required from this agency. As such, Special Condition #1 has been attached which requires the applicant to submit any discretionary permits obtained from other state or federal entities. 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 said mitigation/changes into the project. Special Condition #2 has also been attached as an advisory condition requiring the applicant to comply with the monitoring program identified in the Mitigated Negative Declaration in order to avoid potential impacts to eelgrass beds. Therefore, the Commission finds that impacts to the marine environment have been reduced to the maximum extent feasible, consistent with Section 30230 and 30233 of the Coastal Act.

3. Public Access and Recreation. The following Coastal Act policies address public access and recreation as it pertains to the proposed development:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously

posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

The policies herein listed require that public recreational opportunities be maximized, and that the public be made aware of where such opportunities exist. In this particular case, the repair project proposed would not, in and of itself, have any significant impact on public recreation. The activities occur approx. 100 to 600 feet from shore, on the bay bottom, and could not conceivably interfere with the public's enjoyment of the beach. In fact, the proposed maintenance/repair work to the sewer pipeline is an effort to stabilize the pipe and to avoid a potential sewage spill if the pipe were to break.

With regard to potential construction impacts, no laydown/staging area will be required for construction materials. Ballast rock will be brought to the project site by barge from a permitted quarry (likely, Santa Catalina Island). The barge would be moved by tug boat to the outfall site and anchored during placement of the rock.

With regard to potential impacts to recreational boaters in the ocean, small commercial fishing boats, research vessels, harbor tour boats, recreational yachts and Coast Guard and Harbor Police boats could pass in close proximity to the project site. Yacht races often pass through the project area as well. Larger marine traffic is restricted to the middle of the channel, approx. one-quarter mile away from the project site. To address these potential concerns, a notice to mariners will be posted at marinas and marine stores by the U.S. Coast Guard to help ensure safe marine operation during construction. In addition, Coast Guard approved navigation aids will be placed on construction barges to warn vessel operators entering or leaving San Diego Bay of the presence of the barges at night and during bad weather conditions. In addition, since the rock ballast will be located over the pipeline which is on the bay floor, no impacts to navigation due to the presence of the rock are anticipated to occur.

As further noted in the mitigated negative declaration, the segment of the pipeline that runs from the end of Kellogg Street to the southeast tip of Shelter Island crosses over the only access to the Shelter Island Yacht Basin. This basin contains several yacht clubs and marinas. The access point is fairly narrow ranging in size from 450 to 750 feet. Several hundred boaters pass through this entrance during peak summer periods. However, during winter weekdays, the number of boats that use the entrance is limited to several dozen during peak hours. Since construction is scheduled to occur during the winter weekdays, no conflicts with marine traffic is expected to

occur. Furthermore, it has been noted that the San Diego Harbor Police has required that the contractor always keep half the entrance open to boat traffic. In addition, no on-shore impacts are expected to occur to public access since the project will take place entirely in the bay. Therefore, the Commission finds the proposed repair project fully consistent with Sections 30210 and 30220 of the 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. As conditioned, such a finding can be made for the subject development.

The Peninsula LCP Land Use Plan acknowledges ongoing maintenance, and assumes some potential future improvements at the Point Loma Wastewater Treatment Plant itself but does not address sewer outfalls or pipelines located offshore directly. However, the proposed development would be in keeping with the LUP policy of maintaining and enhancing public services, and with the access policies which provide for the preservation and enhancement of public recreational opportunities at community beaches. In addition, the sewer pipeline is located offshore from the Peninsula Community of San Diego, in State waters, where the Commission retains permit jurisdiction, and Chapter 3 of the Coastal Act remains the standard of review. The proposed repairs/maintenance of the rock ballast is consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed project will not prejudice the ability of the City of San Diego to continue implementation of its fully certified LCP.

5. 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, 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.

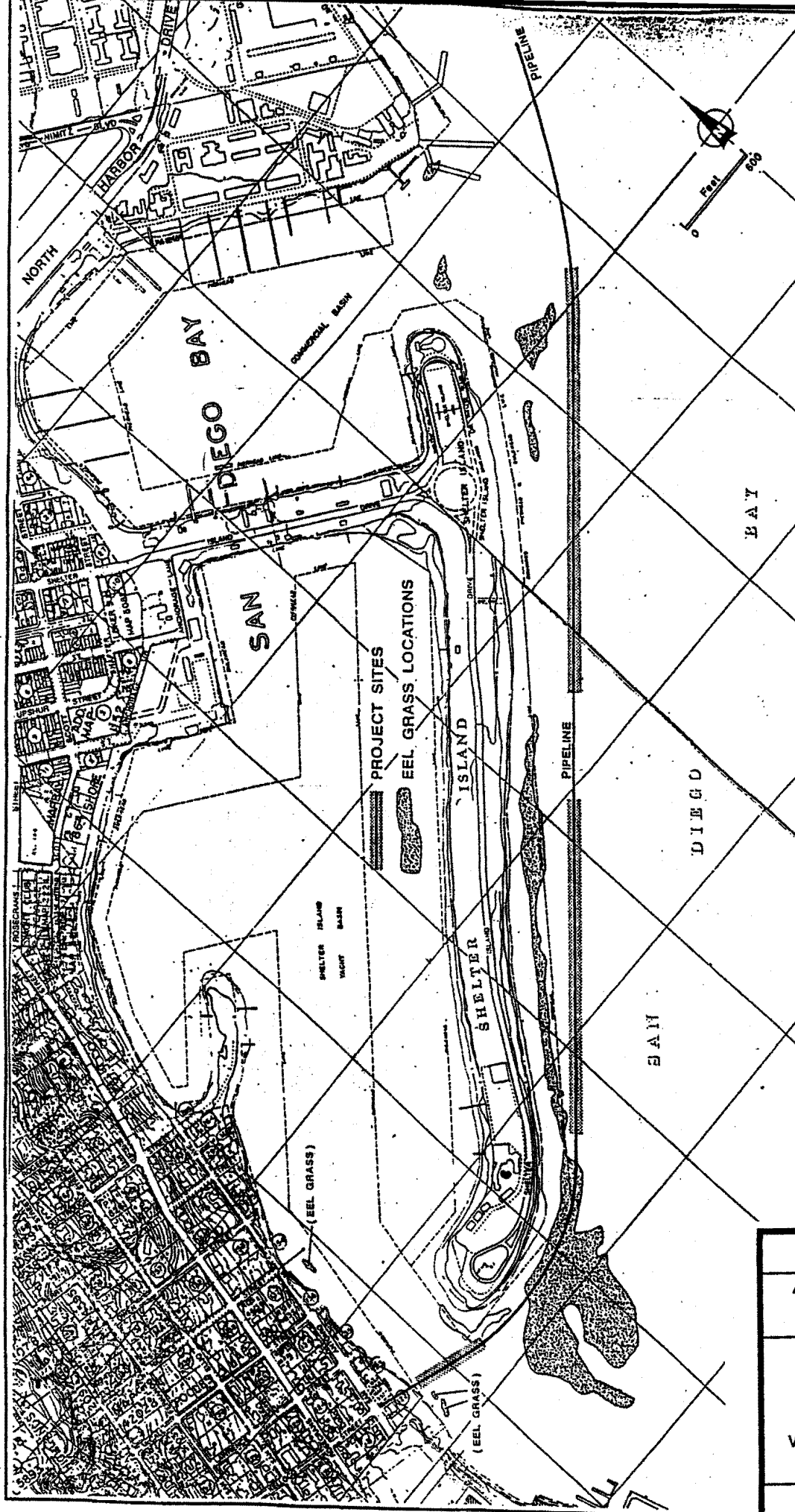
The proposed project has been conditioned in order to be found consistent with the biological resource and public access policies of the Coastal Act. Mitigation measures, including limiting the operations of the construction barges to no more than five consecutive days, securing the barge with a cable instead of anchor chains to minimize potential impacts to eelgrass beds, limiting construction activities to the winter weekdays outside the peak summer season when boating traffic is most frequent, and use of navigation aids on barges to warn boaters and ship operators of construction activities 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 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.

(7005R)



(198-1696) 6-11-97 bl.

Figure
2

LOCATION MAP/ EEL GRASS SITES

Environmental Analysis Section

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT



EXHIBIT NO. 1
APPLICATION NO.
6-97-102

Location Map
(shaded areas of
pipeline = areas
where rock ballast
will be placed)

