

## CALIFORNIA COASTAL COMMISSION

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Staff: GDC-SD  
Staff Report: November 19, 1998  
Hearing Date: December 8-10, 1998

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

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Application No.: 6-98-125

Applicant: San Elijo Joint Powers Authority

Agent: Sheila Rideout

Description: Installation of a 4"-24" diameter, approximately 6 mile-long reclaimed water pipeline, construction of a 500 sq. ft. pumpshouse and the construction of a 100 ft. diameter, 14 ft. high underground reservoir in San Dieguito County Park. Portions of the development have already commenced without benefit of a coastal development permit.

Site: Within and adjacent to Manchester Avenue and San Elijo Lagoon, within Santa Inez, Santa Helena, Sun Valley Road, Highland Drive, Lomas Santa Fe Drive, Stevens Avenue, Academy Drive, Via de la Valle and Jimmy Durante Blvd, Encinitas, Solana Beach, and Del Mar, San Diego County.

Substantive File Documents: Certified City of Encinitas Local Coastal Program (LCP); Certified County of San Diego LCP; Certified City of Del Mar Land Use Plan (LUP); Final Environmental Impact Report for San Elijo JPA Reclaimed Water Treatment Distribution and Storage System date March 1993; Coastal Sage Scrub Mitigation Monitoring Plan dated June 12, 1996.

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STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development with special conditions addressing receipt of other discretionary permits, construction schedule and timing of work, tree replacement and grading/erosion control measures. As conditioned, all potential impacts to coastal resources associated with the proposed utility project will be minimized and reduced to the maximum extent feasible.

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PRELIMINARY 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. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, copies of all other required local, state or federal discretionary permits for the development herein approved. Any mitigation measures or other changes to the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

2. Construction Staging/Access Corridors. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, detailed plans incorporated into the construction bid documents for the location of access corridors to the construction sites and the location of staging areas. Said plans shall include the following:

- a. Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes.
- b. Use of public parking area for staging/storage shall not be permitted.
- c. At least one travel lane in each direction shall remain open at all times on Lomas Santa Fe and Via de la Valle.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Landscaping Plan/Tree Replacement. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a landscaping plan for San Dieguito County Park. Said plans shall provide for the replacement, in-kind, of all trees proposed to be removed within San Dieguito County Park as a result of the project. All replacement trees shall be a minimum of 24-inch box and installed immediately upon completion of project.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Grading/Erosion Control. PRIOR TO THE ISSUANCE OF THE PERMIT, the applicant shall submit to the Executive Director for review and written approval, final grading and erosion control plans for all construction activities within and adjacent to San Elijo Lagoon. The approved plans shall be implemented, and specifically incorporate the following requirements:

a) Temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized to minimize soil loss from the construction site.

The permittee shall undertake development in accordance with the approved grading and erosion control plans and the recommendations contained in the Mitigation and Monitoring Plan for the subject development dated December 1996. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The subject development is the southern half of the San Elijo Joint Powers Authority reclaimed water/conservation plan to reduce the area's dependence on imported water. The overall project involves approximately 93,550 linear feet of pipeline, five pump stations and two reclaimed water reservoirs and will distribute reclaimed water to users in Encinitas, Solana Beach and Del Mar. The City of

Encinitas has already issued the coastal development permits associated with the development of the northern half of the project.

Specifically, the proposed project involves the installation of an approximately 6 mile-long, 4"-24" water reclamation pipeline, construction of a 500 sq. ft. pumphouse and the construction of a 100 foot-diameter, 14 foot-high underground water reservoir. The pipeline will originate at the San Elijo Water Pollution Control Facility (WPCF) located near Manchester Avenue west of Interstate 5 (I-5) within the City of Encinitas. The subject pipeline project within the Commission's review authority will commence within Manchester Avenue near Ocean Cove Drive, west of I-5 and continue to the intersection of Manchester Avenue and the northbound offramp of I-5. At this point the pipeline will traverse south across San Elijo Lagoon, through a series of public street right-of-ways throughout the City of Solana Beach, ending at the Del Mar Fairgrounds within the City of Del Mar.

The subject pipeline will be placed approximately 15 feet under San Elijo Lagoon through the use of a directional drill. The pipe in this location will be 12" in diameter and will exit the lagoon after 600 feet on a manmade berm adjacent to the east side of Interstate Highway 5. The berm lies within the Caltrans right-of-way and in an area that is jointly managed by San Diego County Parks and Recreation and the California Department of Fish and Game. The pipeline will then be trenched into the berm within an existing public trail and will exit to a public street right-of-way (Santa Inez).

The pipeline will connect up to a proposed 100 foot-diameter, 14 foot-high, underground reclaimed water reservoir to be placed within San Dieguito County Park which is located at the northeast intersection of Lomas Santa Fe Drive and Highland Drive in Solana Beach. The reservoir will be placed on the site of an existing baseball field. After completion of the project, the reservoir will be covered and the baseball field reconstructed. In addition, an approximately 500 sq. ft. pumphouse will be constructed on the northwest corner of Lomas Santa Fe Drive and Highland Drive in Solana Beach adjacent to an existing 365 sq. ft. pumphouse. With the exception of the proposed reservoir and pumphouse expansion, all other work will be within public street right-of-ways.

The construction of the reservoir at San Dieguito County Park has already commenced. In addition, due to construction constraints, the applicant has indicated that installation of the pipeline within a portion of Lomas Santa Fe Drive will occur within the next few weeks.

2. No Waiver of Violation. Although portions of the development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to this violation of the Coastal Act that may have occurred; nor does it constitute admission as to

the legality of any development undertaken on the subject site without a coastal development permit.

3. Wetlands/Sensitive Biological Resources. 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:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities....

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(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.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

In addition, Section 30240 of the Act is applicable and states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Portions of the project are located within and adjacent to the San Elijo Lagoon Ecological Reserve. San Elijo Lagoon is an environmentally sensitive habitat area and Regional Park that is managed jointly by the California Department of Fish and Game and the San Diego County Parks and Recreation Department. The lagoon is one of the 19 priority wetlands listed by the Department of Fish and Game for acquisition. The lagoon provides habitat for at least five State or Federal-listed threatened or endangered birds including the California least tern, the light-footed clapper rail, Belding's savannah sparrow, the brown pelican and the western snowy plover. The California gnatcatcher has also been observed around the lagoon reserve. As such, the proposed development has the potential to adversely impact this sensitive resource area.

The proposed development includes drilling under San Elijo Lagoon for the placement of a 12" reclaimed water pipeline and the trenching within a disturbed dirt trail of an adjacent berm. As such, Section 30233 of the Coastal Act is applicable. As cited above, under the Coastal Act, disturbance and/or fill of wetlands is severely constrained. Coastal Act Section 30233(a) sets forth a three part test for all projects involving the fill of coastal waters and wetlands. These are:

1. That the project is limited to one of the eight stated allowable uses;
2. That feasible mitigation measures have been provided to minimize adverse environmental effects; and
3. That the project has no feasible less environmentally damaging alternative.

In this particularly case, the proposed development meets the above requirements. The drilling and placement of the pipeline is for an incidental public service project; a public entity is proposing to enhance the community's conservation of water through the use of a reclaimed water pipeline. By drilling under the lagoon rather than laying pipe or trenching through the lagoon, the development involves the least environmentally damaging alternative, avoiding all wetland impacts. In addition, both the Army Corps of Engineers (ACOE) and the California Department of Fish and Game (DFG) have determined that no impacts to coastal streams or wetlands are proposed. As such, the proposed development is consistent with Section 30233 of the Act.

Relative to upland sensitive resources, impacts associated with the subject development, are limited and temporary resulting from construction activities adjacent to I-5 and San Elijo Lagoon. Once the pipeline is drilled under San Elijo Lagoon, it exists on an upland manmade berm adjacent to Interstate 5. The pipeline will then be placed within a trench to be located within an existing trail that follows the berm. The applicant has indicated that placement of construction equipment at the drilling exit site and the stockpiling of graded spoils along the trench will impact approximately .23 acres of coastal sage scrub habitat. The applicant has also indicated that these impacts cannot be avoided, are

temporary (lasting only approximately 10-14 days) and have been minimized to the maximum extent feasible. In addition, the applicant is proposing to mitigate these temporary impacts by revegetating the area with coastal sage scrub at ratio of 1:1. Because the impacts are minimal and temporary and cannot be avoided, the Commission finds that the project is acceptable.

The applicant has indicated that they have not yet received a habitat loss permit from the County of San Diego for the proposed upland habitat impacts. As such, Special Condition #1 requires the submission of this or any other necessary state or federal discretionary permits and notifies the applicant that if additional mitigation is required, an amendment to this permit may be required.

While the majority of the development occurs within existing public streets, a portion of the development occurs adjacent to San Elijo Lagoon. As such, impacts during this phase of construction from runoff and sedimentation could occur. To assure such impacts are minimized, Special Condition #4 is proposed. This condition requires the applicant to submit final grading and erosion control plans for the development that include the use of temporary erosion control measures such as sandbagging and silt traps to minimize soil loss from the construction site.

In summary, the proposed development involves work within a wetland. The work is a permitted use under 30233 of the Act and impacts to wetland resources have been avoided. In addition, as conditioned, the temporary impacts to coastal sage scrub will not significantly affect habitat values and all impacts will be appropriately mitigated. Therefore, as conditioned, the project can be found consistent with Sections 30233 and 30240 of the Coastal Act.

4. Growth Inducement. Section 30250 (a) of the Coastal Act is applicable and states, in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....

Given that the proposed development involves the installation of approximately 6 miles of new reclaimed water pipeline, the expansion of an existing pumphouse and the construction of a .5 mg reservoir, the question arises as to whether the project will be growth inducing. In other words, is the reclaimed water reclamation project being developed to serve existing development or is it being proposed to accommodate new development? In this particular case, the reclaimed water distribution system is proposed as a water conservation measure for use by existing water users. To the extent that use of the reclaimed water for landscape irrigation allows an equivalent amount of potable water to be available for general distribution, there is the potential for indirect growth.

However, the use of reclaimed water by existing users will serve to lessen the impact to the system's potable water users in times of drought and, therefore, should not have a significant overall inducement to growth. Therefore, as the proposed water reclamation system is proposed as a water conservation measure by existing users, the Commission finds that the proposed project is consistent with Section 30250 (a) of the Coastal Act.

5. Public Access/Recreation. Section 30210 of the Coastal Act is applicable and states:

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.

In addition, Section 30212 of the Act states, in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, . . .

The proposed 6 miles of reclaimed water pipeline will traverse not only through San Elijo Ecological Reserve but, also through many major streets that are used by the public for accessing the shoreline. The trenching for the pipeline adjacent to San Elijo Lagoon will be located within an existing public dirt trail. Therefore, this trail will be unavailable during the approximate 10-14 days of construction. In addition, construction activity along Lomas Santa Fe and Via De La Valle, major east-west public access corridors, could have significant impacts upon public access particularly during the summer months.

The applicant has not submitted complete documentation indicating the extent to which public access through the subject streets will be affected. In addition, the applicant has not specifically identified the location of any proposed construction staging areas. Therefore, Special Condition #2 has been attached requiring the applicant to submit final plans that identify all construction access corridors and staging areas for the development. The condition further states that public parking areas may not be used for the staging of equipment or materials and that at least one lane in each direction must be maintained during construction on Via de la Valle and Lomas Santa Fe Drive. Therefore, as conditioned, the Commission finds that potential impacts on public access will be minimized to the maximum extent feasible, consistent with Section 30210 and 30212 of the Coastal Act.



6. Visual Resources. Section 30251 of the Coastal Act states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

One portion of the subject development will be located within and adjacent to San Elijo Lagoon, a scenic natural area, and will be visible during construction from Manchester Avenue on the north shore and from trails within and overlooking the lagoon. In addition, construction within public street right-of-ways of approximately six miles has the potential for temporarily interfering with public views to and along coastal scenic areas. However, in each case public view impacts will be temporary as all the pipeline will be buried and the sites restored to their pre-construction condition. In addition, the proposed 500 sq. ft. pumphouse at the Lomas Santa Fe Golf course will be placed adjacent to an existing pump station and below grade of Lomas Santa Fe Drive such that public views will not be affected.

However, the construction of the proposed 100 ft. diameter, 14 foot-high water reservoir at San Dieguito County Park will involve the removal of approximately 20 Eucalyptus trees. Since the trees are a visual resource and are located within public parkland, Special Condition #3 requires the applicant to replace the trees and locate them within the County Park. The reservoir itself will not be visible after completion since it will be underground, with a new baseball field constructed over it.

The proposed development has been designed with only temporary impacts to scenic resources and natural landforms. Upon completion, the impacted sites will be restored to their previous condition. Therefore, the project, as conditioned, will not have a significant adverse impact on the visual quality of the area, and the project can be found consistent with the view protection policies of the Coastal Act.

7. Local Coastal Planning. Section 30604(a) 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.

The proposed development traverses several local jurisdictions that include the County of San Diego and the Cities of Encinitas, Solana Beach and Del Mar. That portion of the project that is within and north of San Elijo Lagoon on Manchester Avenue lies within the City of Encinitas. This area is within the Commission's original jurisdiction. All other areas of the development are within local jurisdictions that do not yet have certified

local coastal programs. As such, the standard of review for the proposed development is Chapter 3 policies of the Coastal Act.

Within the City of Solana Beach the majority of the development will occur within public street right-of-ways and will not affect zoning of adjacent land uses. The proposed pumphouse on the Lomas Santa Fe Golf Course lies within an area zoned Open Space by both the City of Solana Beach zoning and the Certified County of San Diego LCP which is used for guidance in this area. The proposed .5 mg reclaimed water reservoir will be located in the County of San Diego within a public park. Since the proposed development will be located underground and the site restored to its previous use, the project can be found consistent with the Certified County of San Diego LCP.

The final portion of the development lies within the City of Del Mar. All work will occur within public street right-of-ways and will not affect zoning of adjacent land uses. As such, the proposed development is consistent with the Certified Del Mar Land Use Plan. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the ability of the various local jurisdictions to prepare and implement a certified local coastal program.

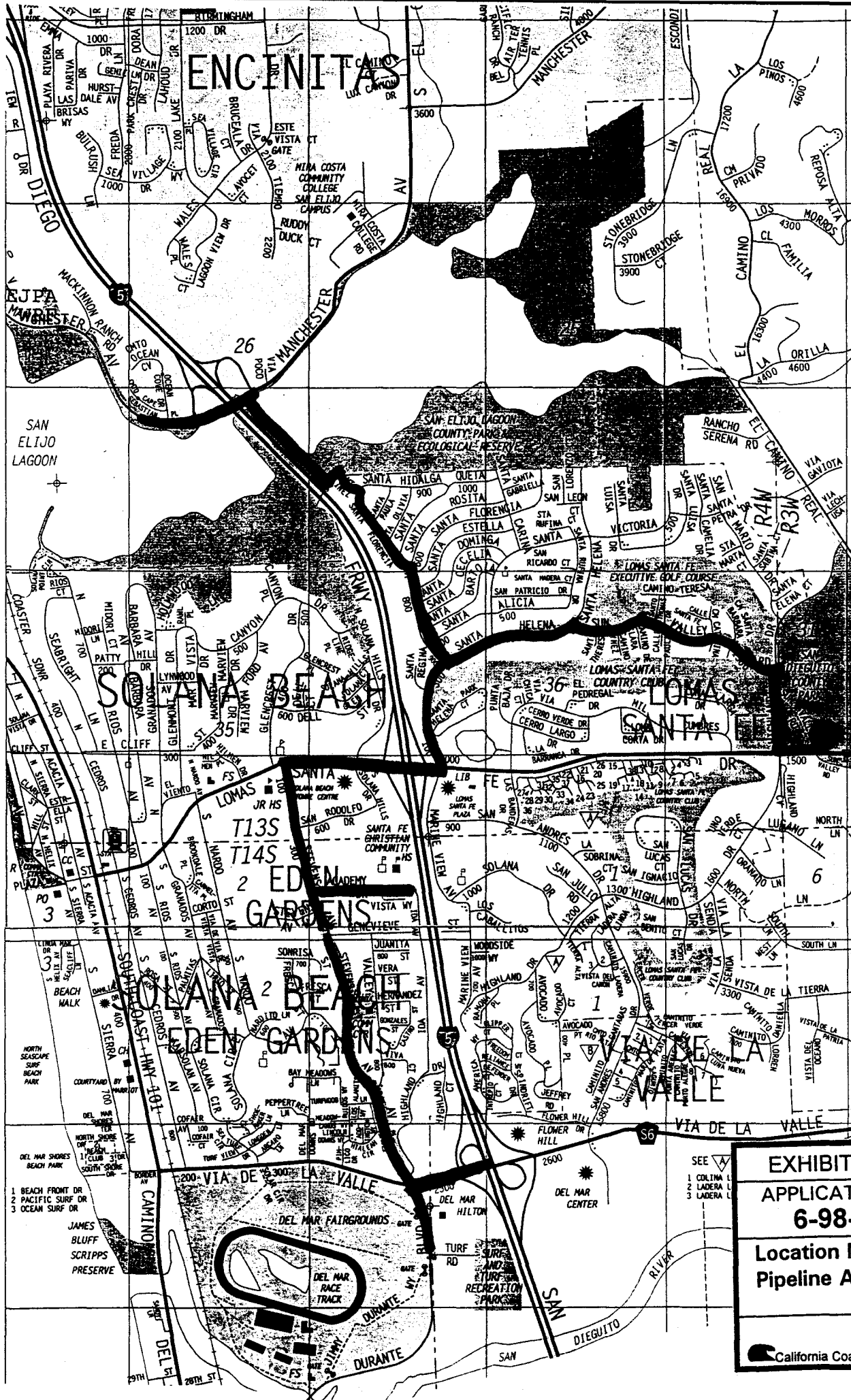
8. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the sensitive resource, public access and recreation and scenic preservation policies of the Coastal Act. Mitigation measures, including submittal of construction schedules, erosion/control plans and replacement of trees, 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 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. 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.



pipeline  
alignment

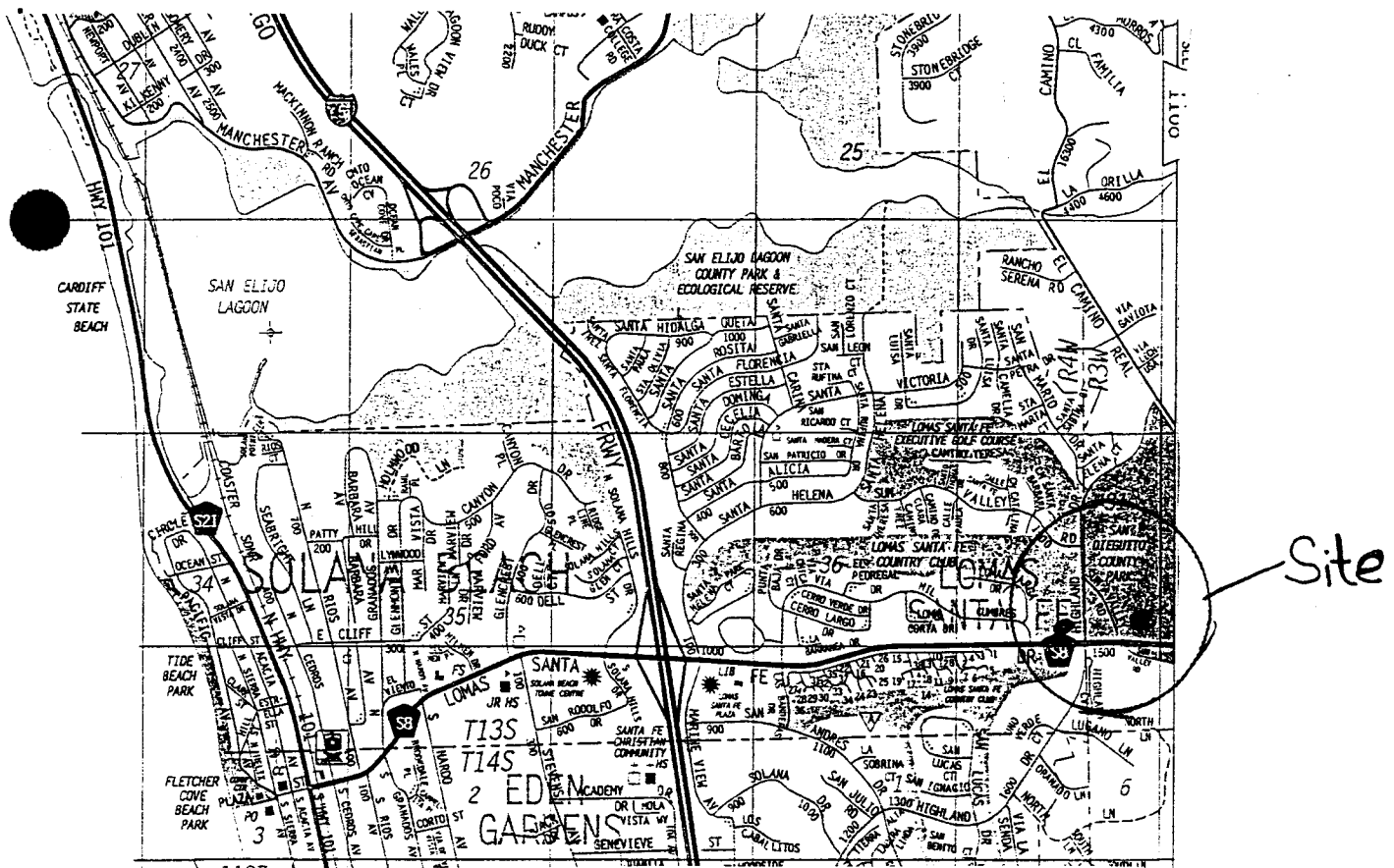


EXHIBIT NO. 1

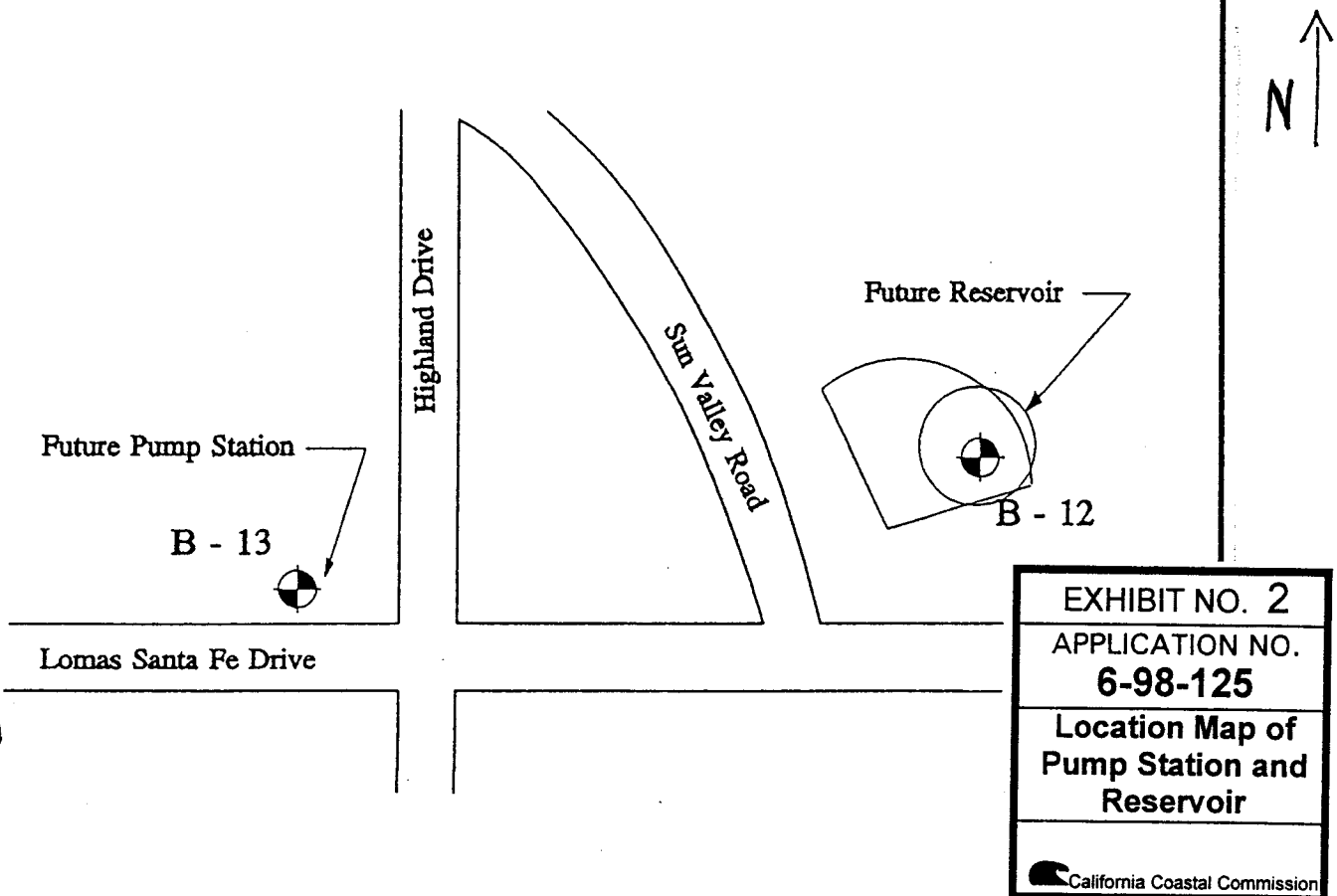
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6-98-125

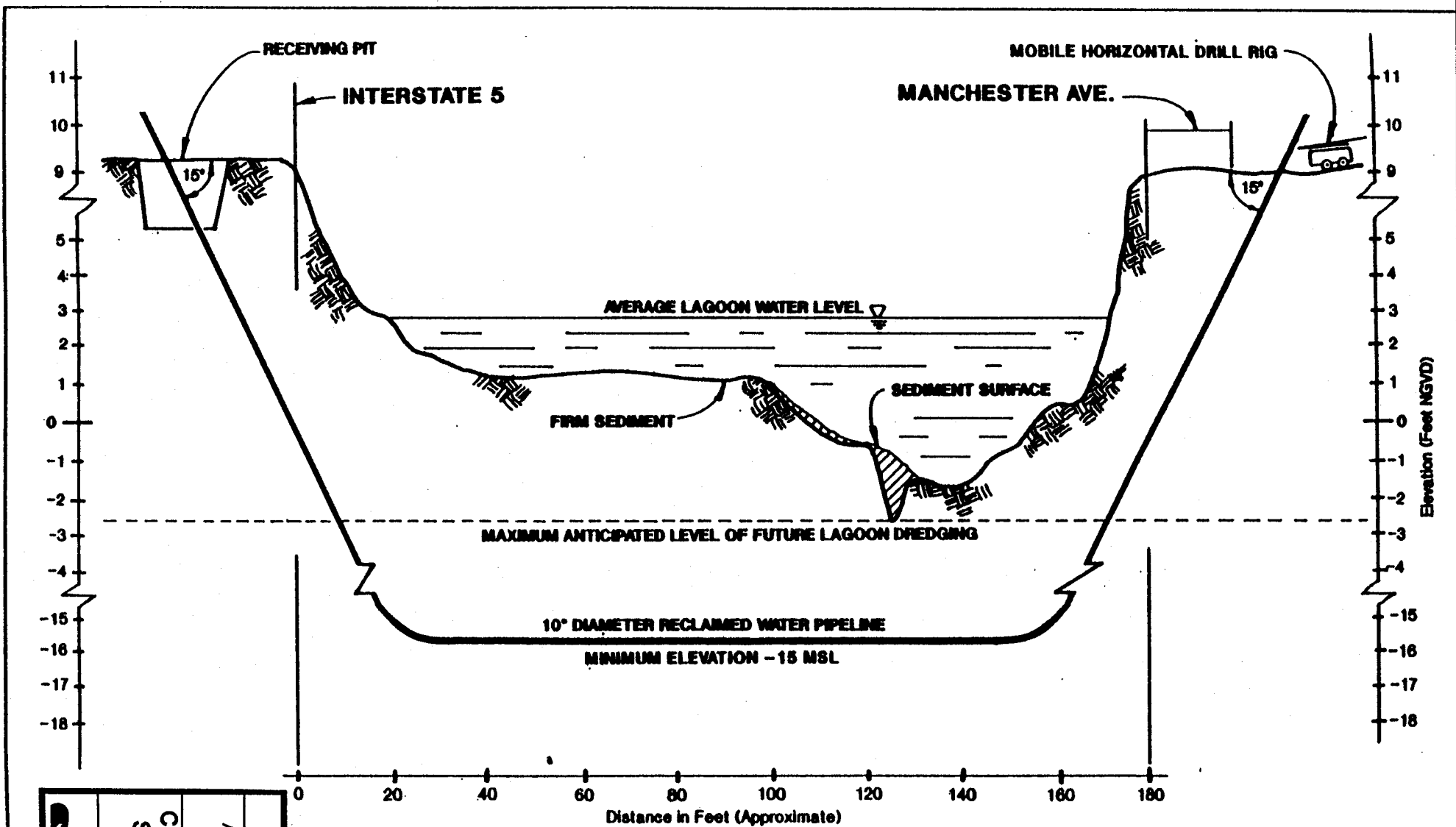
Location Map with  
Pipeline Alignment

California Coastal Commission



## LOMAS SANTA FE RESERVOIR






### SAN ELIJO LAGOON CROSS SECTION

San Elijo JPA-Reclaimed Water System  
Section for Guided Boring at Lagoon Crossing

FIGURE  
8

 California Coastal Commission	Cross-Sections for San Elijo Lagoon Crossing	APPLICATION NO. 6-98-125	EXHIBIT NO. 3

ement Plan