

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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RECORD PACKET COPY

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Staff: DL-SD
Staff Report: August 24, 2000
Hearing Date: September 12-15, 2000

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-00-21

Applicant: City of San Diego

Agent: Rolf Lee

Description: Construction of a new 8-inch diameter poly-vinyl chloride outfall pipe to redirect dewatered effluent from the San Diego Convention Center (currently discharged directly into San Diego Bay), into a 20-ft long diffuser assembly located approximately 300 feet offshore of Embarcadero Marina Park South, approximately 35 feet below mean sea level. Only the bayward-most 180 feet of the pipe is within the Commission's coastal permit jurisdiction; the remaining portion is with the permit jurisdiction of the San Diego Unified Port District.

Site: Offshore of Embarcadero Marina Park South, San Diego, San Diego County.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed project. Currently groundwater collected from under the Convention Center is discharged into the adjacent marina. The discharge meets the requirements of the California Regional Water Quality Control Board San Diego Region Order Number 95-25 or National Pollutant Discharge Elimination System (NPDES) Permit Number CAG919001. However, the proposed project will redirect the water into a new outfall in a larger water body, at a greater depth and velocity, which will allow for far greater dilution of the effluent and thereby increase the margin of safety for compliance with the discharge requirements. The proposed project involves only redirecting the groundwater currently collected, and does not involve the discharge of any new or additional water, or any increases in pollutant levels or flow rates.

As conditioned to restrict the timing and location of construction, the proposed outfall will not have any adverse impact on least terns, eelgrass, benthic organisms or other sensitive biological resources. The project is intended to increase compliance with the State Water Resources Control Board/Regional Water Quality Control Board requirements for the San Diego Basin. No impacts to water quality are associated with the proposed project.

Substantive File Documents: NPDES Permit #CAG91001; RWQCB Monitoring and Reporting Program #95-25 and Attachment; Port of San Diego "Convention Center Dewatering History and Alternatives," 8/22/97; Port of San Diego "Convention Center Dewatering System Evaluation of Treatment Technologies," 10/97; Merkel & Associates "Pre-Construction Eelgrass Survey for the Convention Center Dewatering Outfall System," 12/13/99; Letter from K. Merkel to T. Abbott, 3/16/00; Merkel & Associates "Beneficial Dredged Material Re-Use Plan," 6/20/00; City of San Diego Final Negative Declaration Convention Center Dewatering Outfall, 3/29/00.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-00-21 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Timing of Construction. As proposed, offshore work shall occur only between September 15 and March 15 of any year.
2. Eelgrass Mitigation and Monitoring. The applicant shall comply with the following eelgrass mitigation and monitoring conditions as proposed:
 - a. Performance of a pre-construction eelgrass survey of the project area by qualified biologist immediately prior to commencement of in-bay construction in order to establish the location of all eelgrass habitat.
 - b. Marking the location of all eelgrass habitat found in the pre-construction survey in order that the contractor can avoid impacting these areas by pipeline excavation, placement of anchors from barges or vessels, or other construction operations.
 - c. Performance of a post-construction eelgrass survey of the project area by qualified personnel no more than 30 days after the completion of the in-bay work to determine if any eelgrass habitat was impacted by construction activities.
4. Performance of mitigation if it is determined by the post-construction eelgrass survey that there has been a loss of eelgrass habitat. This mitigation would be performed in accordance with and subject to the requirements of the Southern California Eelgrass Mitigation Policy (1:1.2 ratio). The applicant shall consult with the Executive Director prior to construction to determine if an additional coastal development permit or amendment is required for any necessary mitigation.
5. Monitoring reports associated with the experimental eelgrass restoration area shall be submitted to the Executive Director within 30 days of completion of the documents.

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. Turbidity Monitoring and Mitigation. The applicant shall comply with the following turbidity monitoring and mitigation conditions as proposed:

If surface turbidity becomes greater than ten percent over ambient values at a distance of 500 feet downstream of construction the following measures shall be taken to control silt:

- a. Employment of half-length silt curtains or;
- b. Changing the dredging rates of the proposed work

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.

4. Other Permits. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, 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, including permits required by the U.S. Army Corps of Engineers (ACOE) and the State Lands Commission. 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed project is construction of an approximately 300-foot long, 8-inch diameter, polyvinyl chloride (PVC) outfall pipe to receive, convey, and discharge dewatered groundwater effluent into San Diego Bay from the downtown San Diego Convention Center. A diffuser approximately 20 feet long would be located at the end of the pipeline within the bay at a depth of approximately 34-38 feet. The upland portion of the project, which includes connecting the pipe to the existing pumping/plumbing system of the Convention Center, burying the pipe in an approximately 1,100-foot long trench within the adjacent Embarcadero Marina Park South, and the first approximately 120 feet of the proposed outfall, are located within the San Diego Port District's coastal development permit jurisdiction. The Port District approved a coastal development permit for its portion of the project on July 21, 2000 (see Exhibit #6). Only the bayward-most 180 feet of the pipe and the diffuser are the subject of this permit.

The Convention Center is located southwest of Harbor Drive in the City of San Diego. Currently, four individual sumps (each with two pumps) located within the Convention Center parking structure collect and discharge groundwater effluent into the storm drain system, which is then discharged into San Diego Bay at two existing discharge points within the adjacent marina at Embarcadero Marina Park South. The average daily dewatering flow rate entering the marina is approximately 0.42 million gallons per day of water. The effluent consists of a mixture of fresh and seawater. The current discharge is regulated and tested according to California Regional Water Quality Control Board San Diego Regional Order Number 95-25, which is a general permit regulating the discharge of groundwater extraction waste water discharges into San Diego Bay. The effluent being discharged consists of groundwater that infiltrates into the lower level of the existing Convention Center, and does not include any runoff collected from the underground garage itself. The proposed project involves only redirecting the

groundwater currently collected, and does not involve the discharge of any new or additional water, or any increases in pollutant levels or flow rates.

Placement of the offshore segment of pipe will require excavating a trench a maximum of 5 feet deep by a maximum 20 to 25 feet wide (at the top) for placement of the pipe. Most of the dredged material will be placed back on top of the pipe, which will then be backfilled with rock with concrete anchors installed around the pipe in order to secure it. The diffuser assembly will be essentially buried offshore with the exception of the diffuser conduit on the top. In order to avoid the least tern nesting season, no offshore work is proposed to occur before September 15 or after March 15. Special Condition #1 restricts offshore work to this time period.

After capping the proposed pipe, there will be approximately 500 cubic yards of excess dredged material. The City is proposing to use this material on-site for the construction of an experimental eelgrass restoration site immediately adjacent to and parallel to the pipeline alignment. As the proposed project is not expected to have an adverse impacts on existing eelgrass habitat (see Biological Resources, below), the restoration activity is proposed as an experiment in habitat restoration, not mitigation for the proposed project.

The proposed project has several purposes. The existing effluent is discharged at the shoreline level into a semi-enclosed marina at a discharge velocity of .03 feet per second (at average flow rate). The new discharge will be located 300 feet offshore at a depth of 35-40 feet below Mean Sea Level, at a discharge velocity of 6.52 feet per second. Under the Regional Board's Order, the Convention Center discharge must meet certain criteria regarding the amount and concentration of pollutants. The discharge current meets all of the required criteria. However, discharging the effluent into the main body of San Diego Bay at a greater depth, a greater velocity, with greater mixing, will significantly increase the initial dilution of the groundwater, thereby increasing the safety margin for compliance with the mandatory discharge criteria. The greater dilution achieved would also allow for compliance with stricter National Pollutant Discharge Elimination System (NPDES) water quality standards should they be adopted in the future.

In addition, the proposed project would eliminate the need for the groundwater effluent to be disposed of via the storm drain system, thereby increasing the capacity of the existing storm drain system.

San Diego Bay is an area of original jurisdiction where the Commission retains coastal development permit authority and Chapter 3 is the standard of review.

2. Biological Resources/Water Quality. The following Chapter 3 policies of the Coastal Act are applicable and state:

Section 30230.

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

Section 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233

(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; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(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.

Section 30240

(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.

The proposed project would be located within a marine environment where least terns, seagulls, cormorants, pelicans, cranes, and egrets live and forage. In addition, there are numerous eelgrass beds in San Diego Bay. Eelgrass is a sensitive plant species that plays an important role in the marine ecology of bay and channel waters. Eelgrass habitats support important fisheries resources and are considered vegetated shallows, a habitat considered to be a "special aquatic site" under the Clean Water Act. As such, the project has the potential to impact sensitive marine resources.

In 1991 (and revised in 1992), the U.S. Fish and Wildlife Service, National Marine Fisheries Service and the California Department of Fish and Game adopted the "Southern California Eelgrass Mitigation Policy". This policy requires that impacts to eelgrass be mitigated at a ratio of 1.2 to 1 (replacement to impact). The policy also sets forth success criteria for evaluating the effectiveness of the transplant program. An eelgrass survey was completed for the project in October 1999. A wide survey area was chosen to allow alternative placement of the outfall along the shoreline at depths which eelgrass is expected to grow. Approximately 2,786 sq.ft. of eelgrass was found in the study area, mainly in two separate patches (see Exhibit 3). However, as proposed, the outfall would be located in an area outside of the eelgrass beds, and is not expected to result in direct impacts to eelgrass habitat.

Nevertheless, the City has incorporated measures into the project to protect eelgrass habitat including: Performance of a pre-construction eelgrass survey of the project area immediately prior to construction in order to establish the location of all eelgrass habitat, marking the location of the eelgrass habitat to ensure the areas are not impacted by the project, performing a post-construction eelgrass survey no more than 30 days after project completion, and mitigating any losses in accordance with the Southern California Eelgrass Mitigation Policy. The U.S. Fish and Wildlife Service (USFWS), the Army Corps of Engineers (ACOE) and the National Marine Fisheries Service (NMFS) have reviewed the proposed project and tentatively approved the project and the proposed

mitigation measures. Special Condition #2 requires the applicant to implement the proposed eelgrass mitigation measures.

Dredging activities could potentially impact existing benthic invertebrates at the project, or result in significant adverse water quality impacts from turbidity. The pipeline is proposed for an area of San Diego Bay known to support very high concentrations of the exotic invasive Japanese mussel (*Masculista senhousia*). The City has submitted a letter from a biologist indicating that the dredging will impact this invertebrate. Unfortunately, given the mussel's invasive status as an undesirable species, the letter concludes that the mussel is likely to recover quickly after project completion. Typically, benthic biota are able to re-establish themselves quickly in dredged areas, and given the relatively small scope of the proposed dredging, no significant impacts are anticipated.

With regard to turbidity, the City has submitted information documenting that the proposed construction is located in the most constructed portion of San Diego Bay, which results in high tidal velocities. This velocity, which makes the employment of full-length silt curtains difficult (the curtains tend to "parachute" with the tidal current), also means that the minor amount of disturbed silts associated with the proposed project will disperse rapidly and not significantly impact water quality. However, as a precautionary measure, the City has proposed monitoring water quality during construction and either employing half-length silt curtains or changing the dredging rates of the proposed work if surface turbidity becomes greater than ten percent over ambient values at a distance of 500 feet downstream of construction. Special Condition #3 requires the City to implement this measure. As mitigated, no significant impacts from turbidity are expected.

The project also involves construction of an experimental eelgrass restoration site. A beneficial dredged material re-use plan developed by the City found that the area adjacent the proposed pipe location is relatively sandy and offers a unique opportunity to evaluate the potential to reclaim an area currently dominated by the Japanese mussel, with native eelgrass. The project area was once planted with eelgrass after attempting to remove the mussel manually; however, the effort was unsuccessful. The proposed project offers an opportunity to further test different methods for restoring native habitat where mussel dominance is high. Dredging for placement of the outfall is expected to result in approximately 500 cubic yards of surplus sediment. The material is proposed to be mounded to create a plateau at a suitable elevation for the restoration of eelgrass. If the estimated maximum amount of material is available and a plateau is created approximately 3 feet high, there will be approximately 4,500 sq.ft. of suitable eelgrass planting area available. The actual amount of restoration area available will be determined during the post-construction eelgrass survey.

Eelgrass for the restoration effort is proposed to be harvested from adjacent beds, or, if sufficient material is not available adjacent to the site, then eelgrass will be harvested from the area adjacent to Tidelands Park in the City of Coronado. In order to prevent any adverse impacts to the donor beds, no more than 10% of the eelgrass within any donor bed will be harvested, in order to ensure the existing beds will recover quickly. The USFWS, ACOE and NMFS have reviewed the restoration plan and tentatively agreed that the project will not adverse impact sensitive resources. The eelgrass restoration

experiment will provide beneficial information for future mitigation efforts. Because the restoration is not mitigation, the site is not required to meet success criteria. However, monitoring is proposed as part of the project, at intervals of 3, 6, 12, and 24 months to determine the extent of eelgrass survival and the extent of invasion by Japanese mussels. Special Condition #2 requires the applicant to submit copies of the monitoring program to the Commission.

With regard to the impact of the discharge itself, the convention center has a long history of dealing with water quality issues associated with the dewatering activities. A 1997 report from the San Diego Port District submitted to the Regional Water Quality Control Board documents the history of center's dewatering issues. The convention center has a two level underground parking structure, the second level of which lies below the mean high water line. When the center was constructed in 1986, it was designed with a pumping system discharging to the Bay. Today, the Regional Water Quality Control Board no longer permits new discharges to the Bay.

Waste water discharge requirements for San Diego Bay are set forth in the California Regional Water Quality Control Board San Diego Region Order No. 95-25 and NPDES No. CAG919001. The Order is an extremely detailed document that sets forth specific effluent limitations and monitoring requirements for indicator pollutants commonly found in groundwaters. The Order contains discharge specifications for settleable solids, total suspended solids, hydrogen sulfide, toxicity, pH, total residual chloride (THC), metals, polychlorinated biphenyls (PCB) and others constituents. Monitoring studies performed for the subject effluent in the past have shown that small levels of metals averaging from 20 to 80 parts per billion for copper, zinc, and silver have been found on a periodic basis during the course of the dewatering activities. These pollutants are not generated by the convention center, and it is believed they result from underlying tidal and soil conditions. In large part, the dewatering activity is returning Bay water to the Bay.

In 1997, violations of the of the Water Quality Control Board Order were discovered for copper, silver and zinc, and the San Diego Port District was required to divert the groundwater effluent to the San Diego Metropolitan Wastewater System. However, during the investigation of corrective action to reduce the levels of metals in the discharge, it was determined that the testing methodology was flawed. With the approval of the U.S. Environmental Protection Agency, a different testing method was utilized to analyze the discharge, which determined that the effluent was in fact in compliance with the NPDES permit. Thus, discharge into the storm drain system was resumed in 1999. The existing discharge is in compliance with the Regional Board's Order. However, the proposed project will have the effect of significantly increasing the dilution rate of the effluent, thereby improving on the parts-per-billion ratio limits set by the board that establish significance criteria.

The proposed outfall extension represents one of the alternatives proposed in 1997 to improve the quality of the discharge. Although the new outfall will not in itself alter the quantity or type of pollutants that may be in the effluent, discharging at a higher velocity into a much large water body is recognized as a means of reducing the impacts of the

discharge. In addition, the City has recently added carbon treatment capability to the four sumps, which will further treat and filter the effluent. The Regional Water Quality Control Board has reviewed the proposed project and has determined that "State water quality standards will be protected by this project" and issued the equivalency of a waiver of CWA Section 401 water quality certification for the project (see Exhibit 7).

The proposed project would take place in open coastal waters. As cited above, under the Coastal Act, disturbance and/or fill of open coastal waters 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:

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

The proposed development meets the above requirements. The new outfall is an incidental public service project to increase compliance with State water quality standards. As discussed above, as conditioned, there will no impacts to sensitive resources as a result of the project. As such, the proposed development is consistent with Section 30233 of the Act.

In summary, while the existing discharge meets the requirements of the Regional Board, the proposed project is intended to increase compliance with the waste discharge requirements of the State. The project does not change the amount or composition of the groundwater effluent currently discharged from the Convention Center. The project is not anticipated to have any adverse impacts on sensitive biological habitat, species or water quality, although mitigation measures have been incorporated into the project to ensure impacts are avoided or reduced. The resource agencies have approved the project in concept, and the Regional Water Quality Board has determined the project meets the requirements of the Water Quality Control Plan for the San Diego Basin. Therefore, the Commission finds the proposed project consistent with the resource protection and water quality policies of the Coastal Act.

3. Public Access and Recreation. The Coastal Act emphasizes the need to protect public recreational opportunities and to provide public access to and along the coast. Section 30604(c) of the Coastal Act requires that a specific access finding be made in conjunction with any development located between the first public roadway and the sea, indicating that the development is in conformity with the public access and public recreation policies of Chapter 3. In this case, such a finding can be made.

The proposed outfall will be located in San Diego Bay, and highly trafficked commercial and recreational water body. Offshore construction would take place for several weeks. However, the construction is adjacent to the existing riprap shoreline, and most marine traffic is located within the main channel of the bay. Potential conflicts between boating traffic and construction activities will be managed through the acquisition of a Notice To

Mariners permit for the U.S. Coast Guard. The Coast Guard has reviewed the project and determined that there are no specific requirements from that office for the proposed project. Therefore, no impacts to public access or recreation are anticipated, and the Commission finds the project consistent with the applicable sections 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.

San Diego Bay is an area of original jurisdiction where the Commission retains coastal development permit authority and Chapter 3 is the standard of review. The majority of the project is located within the permit jurisdiction of the Port of San Diego, which has approved a coastal development permit for the project consistent with the certified Port Master Plan. As described above, as conditioned, no adverse impacts are anticipated. Therefore, the Commission finds that approval of the proposed development will not prejudice the ability of the Port of San Diego to continue implementation of their Port Master Plan.

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)(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.

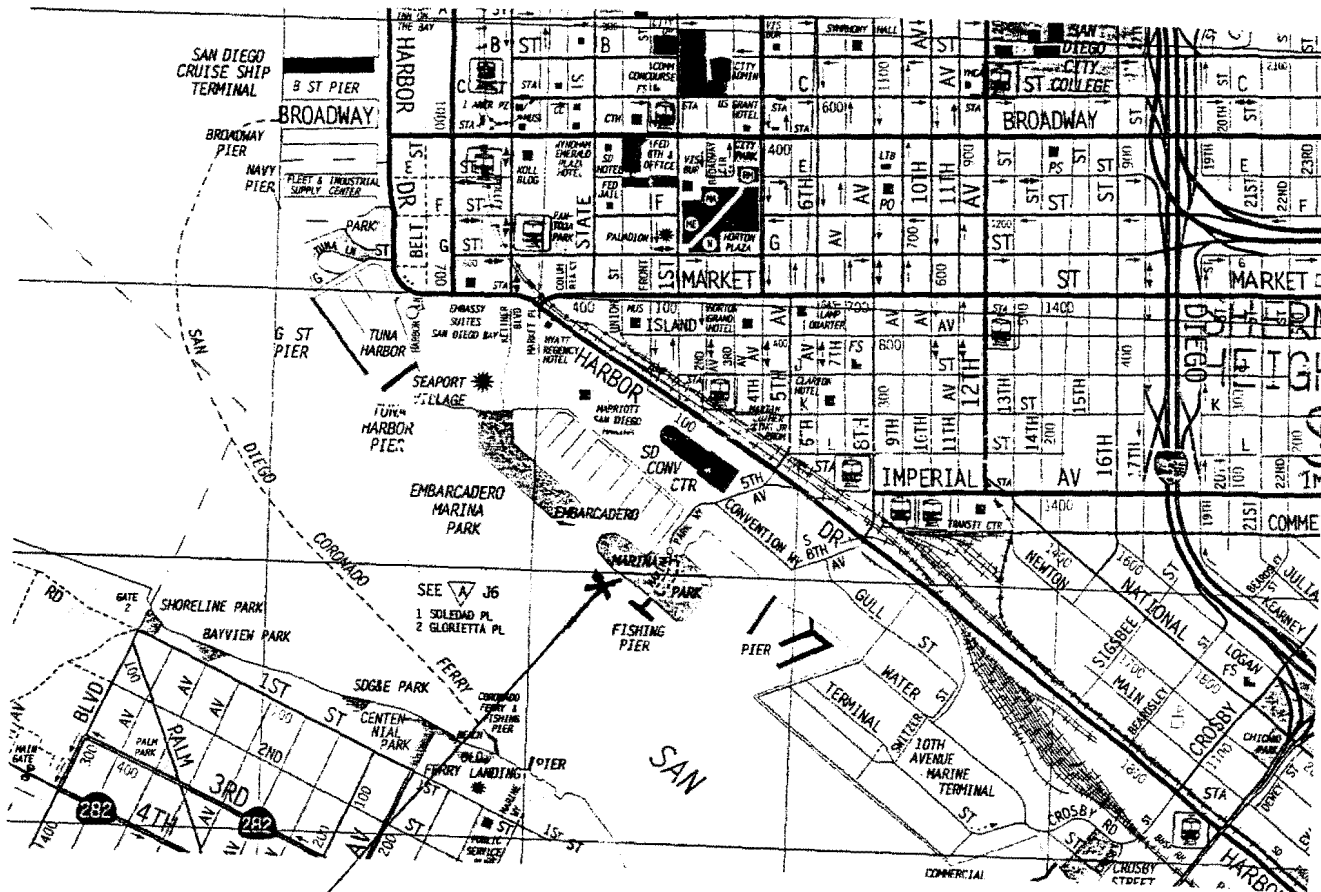
As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the biological, marine resources, and water quality policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might 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. 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

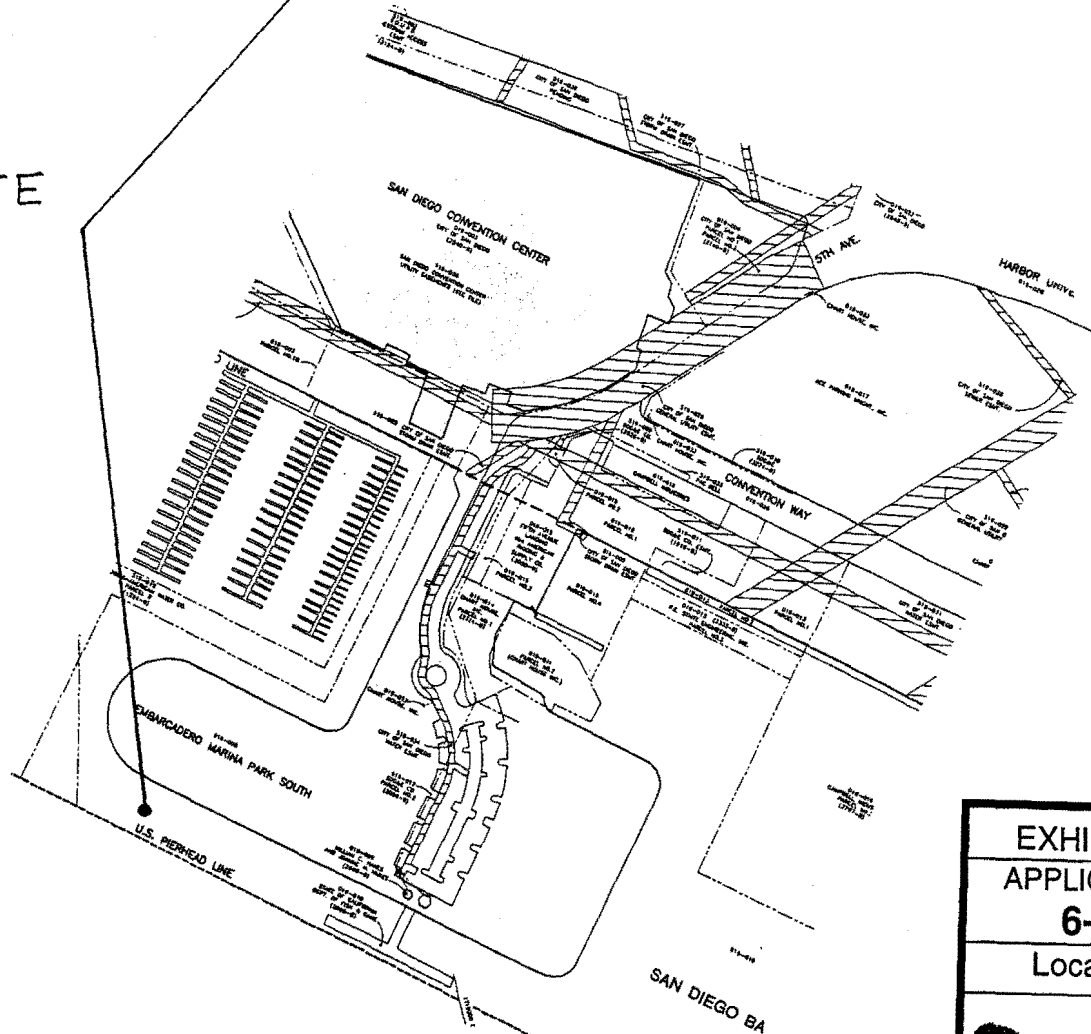

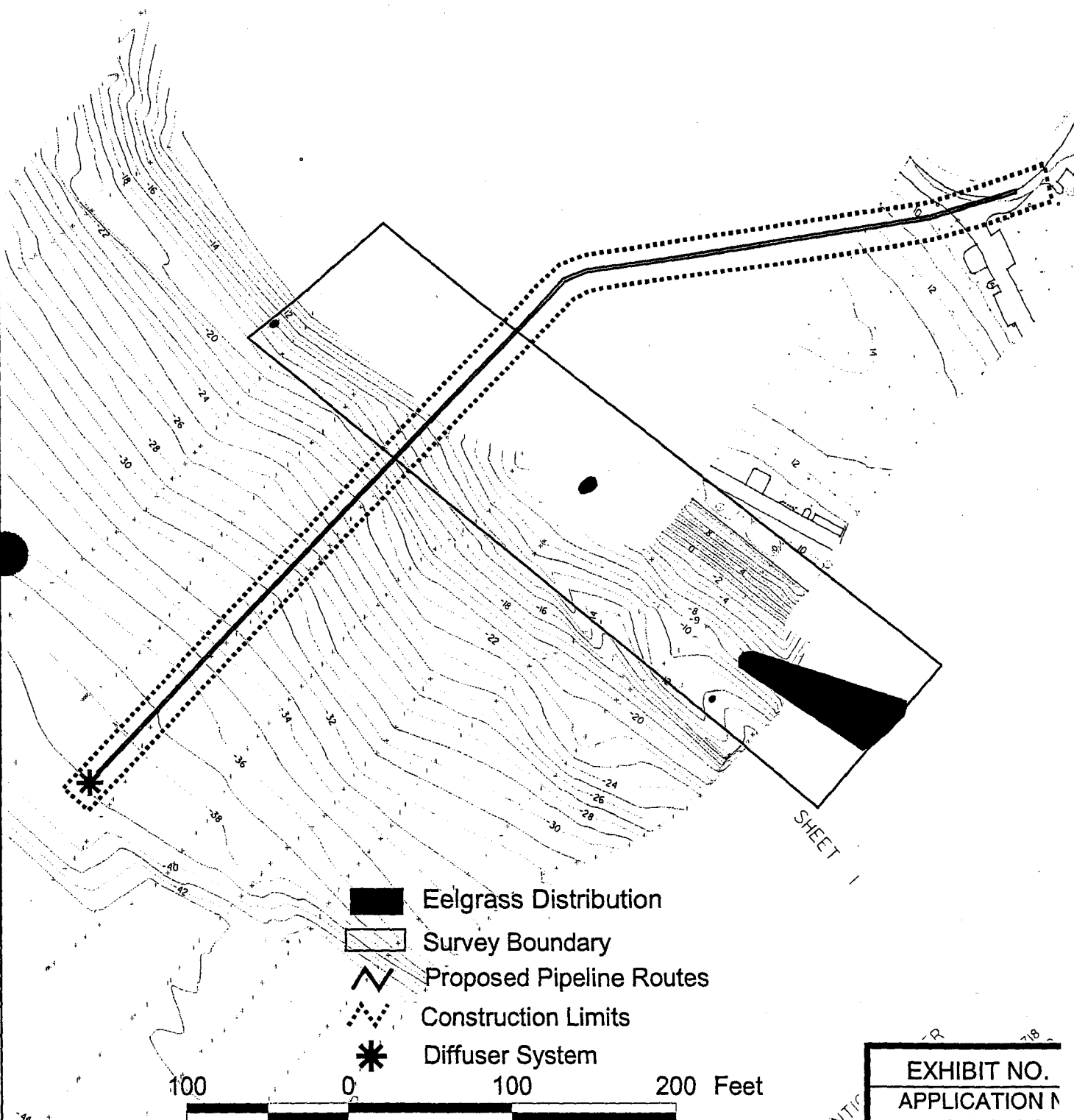


EXHIBIT NO. 1
APPLICATION NO.
6-00-21
Location Map

EXHIBIT NO. 2
APPLICATION NO.
6-00-21
Site Plan
 California Coastal Commission

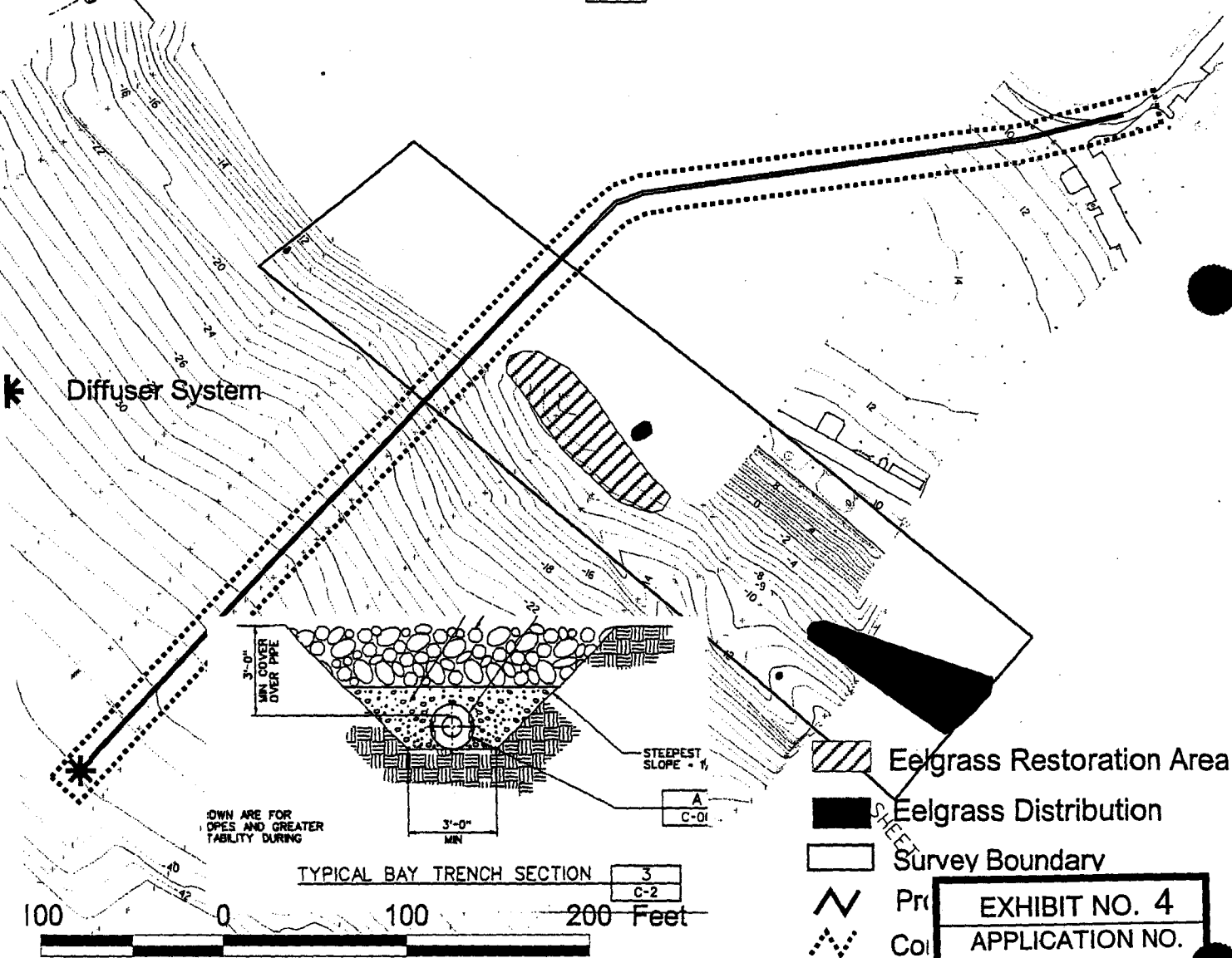
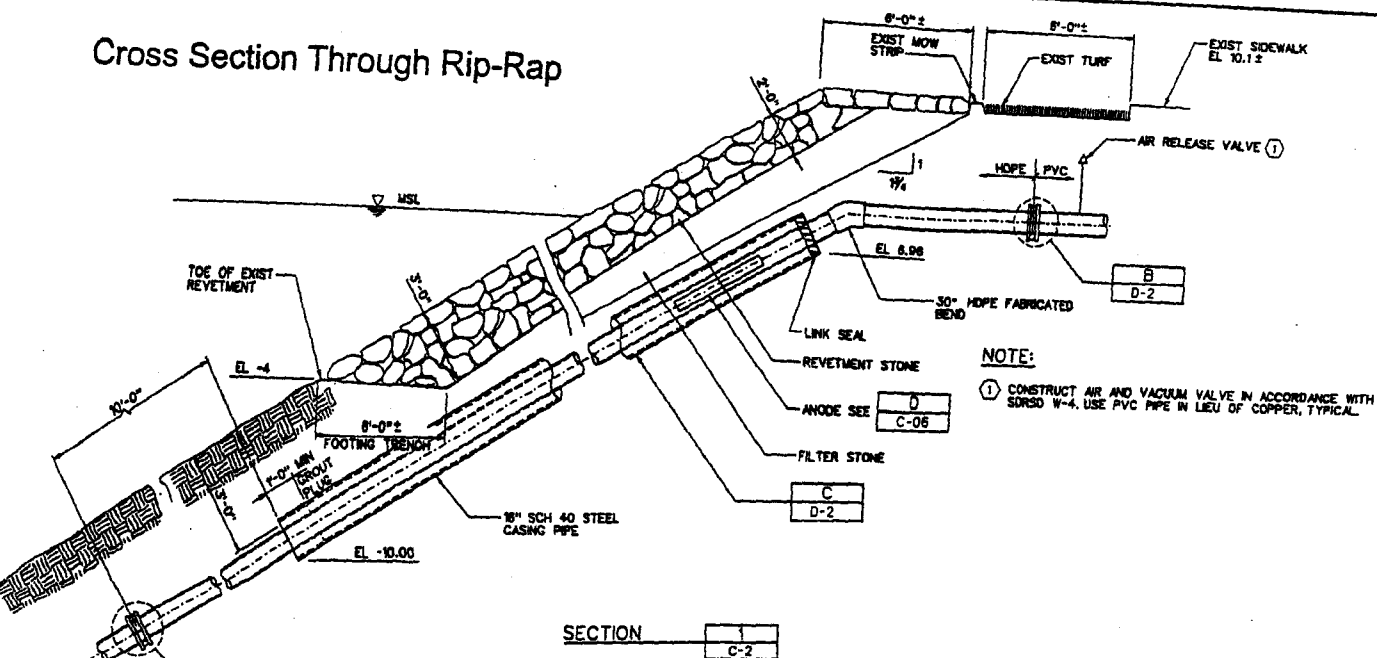
SHEET 2



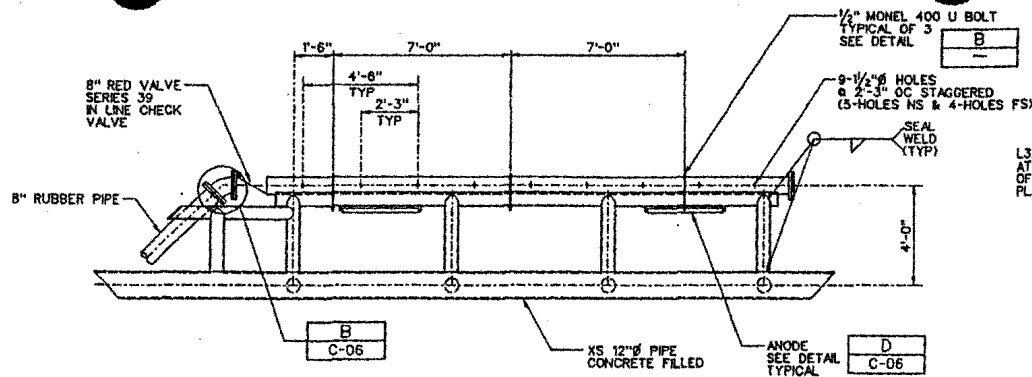
**Pre-Construction Eelgrass Survey for
The Convention Center Dewatering Project**

EXHIBIT NO.
APPLICATION NO.
6-00-21
Pre-Constructi
Eelgrass Surv
California Coastal Com

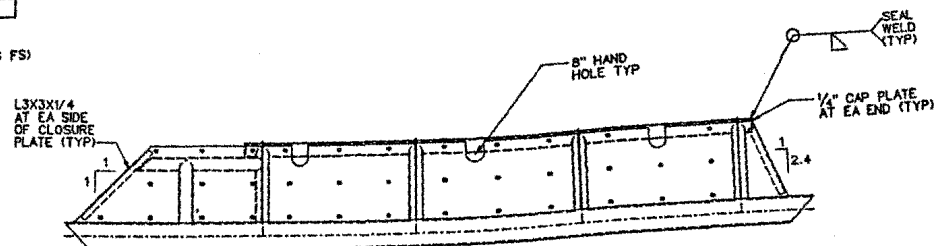
Cross Section Through Rip-Rap



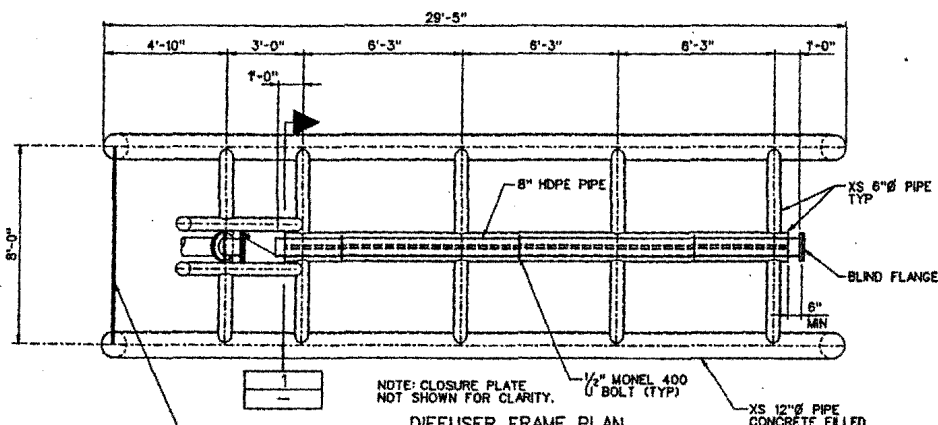
Potential Eelgrass Restoration Area and Cross Section of Pipe Through Rip-Rap for Convention Center Dewatering Project



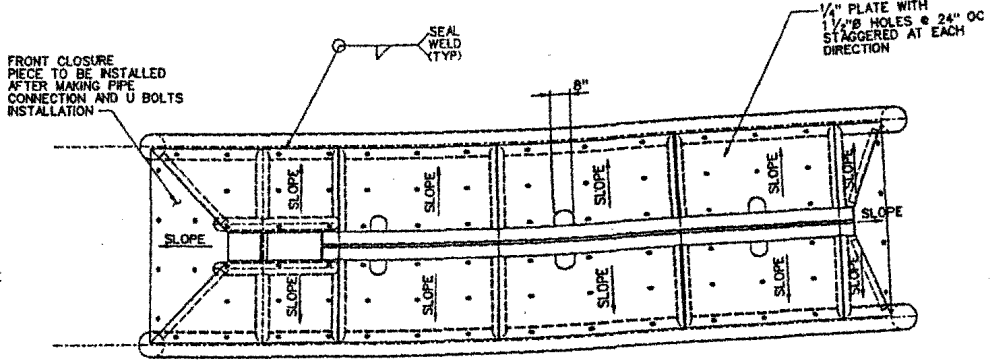
SIDE ELEVATION



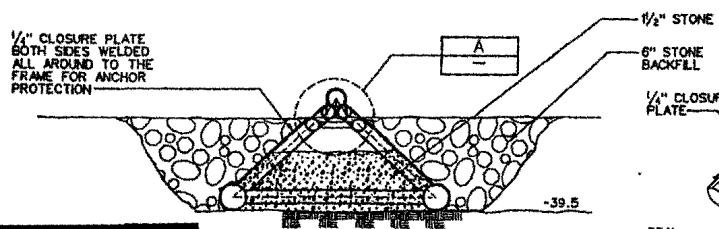
CLOSURE PLATE ELEVATION



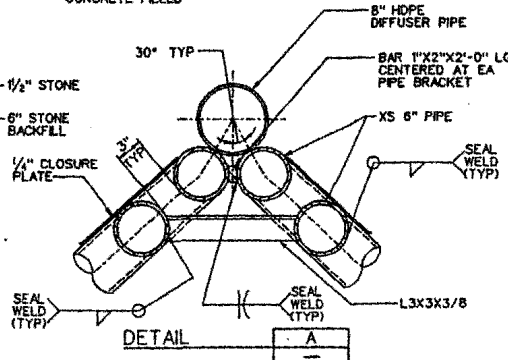
DIFFUSER FRAME PLAN



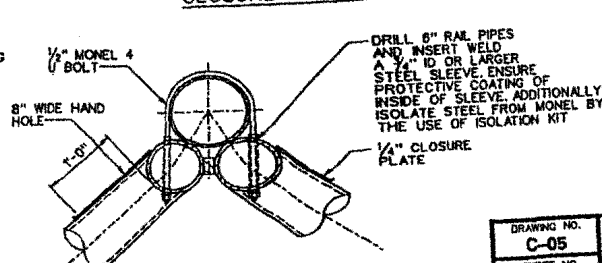
CLOSURE PLATE PLAN



SECTION 1



DETAIL A



DETAIL B

DRAWING NO. C-05		SAN DIEGO CONVENTIO DEWATERING OUTFAL	
SHEET NO. 21		DIFFUSER PLAN AN	
CIP NO. 12-147.0		CITY OF SAN DIEGO, CALIF	
SPECIFICATION NO.		SHEET 21 OF 24 SHEETS	
PROJECT MANAGER		DATE	
DESCRIPTION		BY	
CONTRACTOR		DATE STARTED	
INSPECTOR		DATE COMPLETED	

PARSONS ENGINEERING SCIENCE, INC.
OFFICES IN PRINCIPAL CITIES
3800 BRADSHAW AVE. SUITE 640
LA JOLLA, CA 92037 (619) 451-2000
HORIZONTAL 3/8"=1'-0"

**METROPOLITAN WASTEWATER
DEPARTMENT**
City of San Diego



DRAWING STATUS

NO.	DATE	REV.	REVISION DESCRIPTION	DRAWN	CHK.	APP.	PF.	EL.	DA/GO

EXHIBIT N
APPLICATIC
6-00-1
Diffuser I

California Coast



Port of San Diego

and Lindbergh Field Air Terminal

(619) 686-6200 • P.O. Box 120488, San Diego, California 92112-0488
www.portofsandiego.org

COASTAL DEVELOPMENT PERMIT

Applicant: Rolf H. Lee
Metropolitan Wastewater-Public Works
City of San Diego
600 B Street, Suite 500
San Diego, CA 92101-4587

Project: CONVENTION CENTER DEWATERING OUTFALL

You are hereby granted a Coastal Development Permit. This permit is issued in conformance with the California Coastal Act of 1976 and the Coastal Permit Regulations of the San Diego Unified Port District, as adopted by the Board of Port Commissioners on July 1, 1980, Resolution No. 80-193, and as amended on December 2, 1980, Resolution No. 80-243, and on February 14, 1984, Resolution No. 84-62, in accordance with the provisions for the issuance of a/an ☐ Emergency ☒ Non-appealable ☐ Appealable Coastal Development Permit.

Date of Board Action: July 11, 2000

BPC Resolution No.: 2000-142

Date of Permit: July 21, 2000

Application Number: 6-00-21

Permit Number: CDP-00-4

The proposed project is located between the sea (as defined in the Coastal Act) and the first inland continuous public road paralleling the sea. The project is fully consistent with Public Resources Code Sections 30604(c), 30210-30224, and the Coastal Act public access and recreation policies referenced therein.

This permit is limited to the development described below and set forth in material on file with the San Diego Unified Port District (District), and subject to the terms, conditions, and provisions hereinafter stated:

DEVELOPMENT

The proposed outfall (land portion) would connect to the existing Convention Center dewatering pumping/plumbing system and be located within a buried trench (approximately 1,100 feet) within Embarcadero Marina Park South, and approximately 300 feet of pipeline would be buried offshore within the bay. An extendible diffuser would be located at the end of the pipeline within the bay at a depth of approximately 34-38 feet. Approximately 180 feet of the offshore pipeline and the entire diffuser assembly is located beyond the pierhead line and off of District tidelands property. The project is part of San Diego City CIP No. 12-147.0

EXHIBIT NO. 6
APPLICATION NO.
6-00-21
Port District Permit
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On May 1, 2000 the San Diego City Council adopted the Final Negative Declaration (LDR File No. 99-0748) for the proposed project by Resolution No. R-293059.

STANDARD PROVISIONS

1. The Permittee shall meet all the local code requirements and ordinances and obtain all necessary permits from local, state and federal agencies.
2. The Permittee shall commence development within six (6) months following the date of permit issuance by the District. Construction shall be pursued in a diligent manner and completed within a reasonable period of time.
3. The permit is in no way intended to affect the rights and obligations heretofore existing under private agreements nor to affect the existing regulations of other public bodies.
4. Permittee shall adhere strictly to the current plans for the project as approved by the San Diego Unified Port District.
5. Permittee shall notify District of any changes in the project.
6. Permittee shall conform to the permit rules and regulations of the San Diego Unified Port District.
7. This permit shall not be valid unless within ten (10) working days Permittee returns a signed copy acknowledging contents to the Land Use Planning Department of the San Diego Unified Port District.

SPECIAL PROVISIONS

1. City of San Diego must comply with all of the provisions of the Coastal Development Permit.
2. A U. S. Army Corps of Engineers Permit must be obtained and the District must be provided with a copy of the Corps Permit prior to any work being performed. **mitigation required under the Corps Permit shall be implemented without District review and consent.**
3. The City of San Diego must obtain a Right-of-Entry License Agreement from the District prior to commencing construction.
4. The City of San Diego must obtain an easement from the District for the portion of on District tidelands.
5. All applicable permits must be obtained, and all applicable code regulations conditions must be met.
6. Construction of this project must commence within six months of the date of issuance. Work must progress diligently to completion of the project. Failure to commence construction within the stipulated time period or suspension of work period of one month or more may result in the cancellation of project approval.

7. Marina Parkway shall remain open to the Embarcadero Marina Park South at all times.
8. The South Embarcadero promenade shall remain open at all times.
9. City of San Diego and its contractor shall provide an approved path for circulation on the promenade and to the Embarcadero Marina Park.
10. City of San Diego must contact Marine Operations to coordinate vessel operations during remediation activities in the water area to the south of Pier No. 5.
11. The demolition site must be kept secure at all times.
12. The District's Construction Administration Department, William Wood, (619/686-6484), must be notified a minimum of 72 hours prior to commencement of work on the project. District inspectors shall have access to all aspects of the demolition work during normal work hours.
13. The following Departments must be notified a minimum of 48 hours prior to commencement of work on the project:
 - General Services (Nabil Karaman 619-686-6333)
 - Marine Operations (Mark Taylor 619-686-6527)
 - Ground Transportation (Dirk Mathiasen 619-686-8079)
 - Environmental Services (Lawrence McCauley 619-686-6470)
 - Harbor Police (619-686-6570)
 - Marketing (Marguerite Elicone 686-6460)
14. Prior to starting construction, City of San Diego must contact Ron Rudolph, Turner Construction (619-645-0220) for coordination and to inform them of the date of construction.
15. All construction activities shall comply with the City of San Diego's Noise Ordinance, which limits the allowable hours and establishes performance standards for construction activities.
16. City of San Diego and/or its agent/contractor shall obtain, at no cost to the District, all necessary permits and authority from governmental entities and agencies and shall comply with all federal, state and local laws, ordinances, orders, rules and regulations, with respect to the activities on the premises undertaken pursuant to this project approval.
17. City of San Diego must provide the District with a copy of any application made to any governmental regulatory agency for development or construction permits or licenses within 5 days of making the application and a copy of any permit, license or other authorization issued by any governmental regulatory agency within 10 days of its receipt.
18. Materials of demolition and other construction debris (other than material suitable for Class II subgrade reuse) shall be disposed of off tidelands. Class II subgrade reuse is approved for the backfilling of excavations and slab areas. Should the excavated soil or other material be contaminated, City of San Diego is responsible for the proper disposal of such material as required by law. All concrete and asphalt used for site fill must meet acceptable government environmental standards to prevent further soil contamination.

19. City of San Diego will allow no discharge containing pollutants to the Bay nor release of pollutants to the soil or groundwater. All catch basins must be covered during demolition to prevent debris from entering the storm drain system and the Bay. A construction phase stormwater runoff permit is required from the Regional Water Quality Control Board (RWQCB) where clearing, grading or excavation results in a land disturbance of five or more acres.
20. City of San Diego must submit a Notice of Intent to receive coverage under the Statewide Industrial Storm Water Permit.
21. A Best Management Plan for preventing demolition debris from entering the water must be prepared.
22. Contact Underground Service Alert at (800-422-4133) at least two working days prior to commencing construction.
23. All District or tenant improvements damaged in the course of work on the project shall be repaired or replaced in-kind to the satisfaction of the District.
24. All open trenches and other hazardous conditions must be marked with weighted and anchored barricades, reflective red/white or orange/white paint, and equipped with orange amber flashers. Submit "as-built" survey drawings of the portion of the work on District tidelands within 30 days of this project's completion. The City and its contractors are required to follow Cal/OSHA Title 8, Sections 4848 and 5157 when performing hot work. **Hot work** is any operation capable of providing a source of ignition. Examples include riveting, welding, cutting, grinding, soldering with a torch, and burning. A **Hot Work Permit**, good for only 24 hours, must be obtained at least 4 hours before starting any **hot work**. A **Hot Work Permit** may be obtained from: the District Safety Office (call 686-6548) or Marine Operations (call 686-6345). Copies of all completed Hot Work Permits shall be forwarded to the Safety Office for recordkeeping.
25. It is the responsibility of City of San Diego and its contractor performing work on or adjacent to a street to install and maintain such devices which are necessary to provide safe passage for the traveling public through the work, as well as the safeguard of workers.
26. **Please be advised that the potential to encounter elevated levels of heavy metals and petroleum contamination may exist in this area.** The City of San Diego and/or its contractor are required to notify all on site workmen of the situation. The District's Environmental Services Department shall be notified at least 48 hours prior to any proposed excavation. If during the excavation, soil is encountered that appears to be discolored, malodorous or contaminated, all work must stop immediately and the District's Environmental Services Department must be notified (686-6254) before any work can proceed. A sample of the excavated soil must be collected and analyzed, and the results forwarded to the Environmental Services Department. City of San Diego's contractor is required to notify all on site workmen of the situation. No further excavation or spoils disposal will be allowed without written authorization from the District.
27. City of San Diego shall provide on site an independent safety officer certified in environmental health to oversee the work during all work hours. Said safety officer to be

authorized to stop work immediately if there is any suspected health hazard to the public or on site workmen.

28. The District is not providing a warranty for the site (see Exhibit A, Notification Regarding Environmental Conditions, attached). It is the City of San Diego's and/or its agent/contractor's responsibility to take all reasonable precautionary measures to ensure the safety of its employees and the public.
29. City of San Diego and/or its agent/contractor shall provide reasonable advance notice in writing to the District with a schedule of activities and work to be undertaken during the course of the proposed work. Any information, data, analyses, sampling results, results of investigation and/or remediation activities and any reports and/or work plans related thereto which it compiles or obtains, or contracts with third parties to compile or obtain, regarding the condition of the premises shall be provided to the District's Environmental Services Department immediately upon receipt by the Tenant.
30. All temporary discharges of dewatering effluent shall meet Regional Water Quality Control Board (RWQCB) standards and/or Federal National Pollution Discharge Elimination System (NPDES) requirements, which may include treatment and a discharge permit prior to discharge into the City's sewer system.
31. All final outside agency inspection approvals shall be available for District inspection when the work is completed.
32. City of San Diego shall be responsible for promptly informing the District of its discovery of any debris, solid waste, hazardous waste, or any other material, including soils or ground water, extracted or removed in connection with actions undertaken on the premises during the course of this work.
33. City of San Diego assumes all responsibility for any damage and/or consequence resulting from any activities involved with this project, including all costs associated therewith. By no later than the termination of the work associated with this project, City of San Diego must repair any damage to District improvements and restore the premises to its condition at the commencement of this project to the satisfaction of the District. City of San Diego and/or its agent/contractor shall determine the location of all utilities and take necessary precautions to prevent interruption of any utility service.
34. City of San Diego assumes all responsibility for any damage and/or consequence resulting from its negligent performance of work associated with this project, or failure to comply with the terms of this approval letter or any associated Right of Entry License Agreement or Utility Easement, including all costs associated therewith.
35. City of San Diego shall, to the full extent permitted by law, defend, indemnify, protect, hold harmless, save and keep harmless the District, and its directors, officers and employees from and against any and all causes of action, liabilities, obligations, losses, claims and damages whatsoever, plus expenses in connection therewith, including without limitation costs of investigation and remediation of environmental conditions, counsel, consultant and/or expert fees and expenses, and penalties and interest as incurred, regardless of the cause thereof, if the cause of action, liability, obligation, loss, claim or damage arises out of or is the result of the City of San Diego's and/or its contractor's negligent performance of its work associated with this project, or failure to


comply with the terms of this approval letter or any associated Right of Entry License Agreement or Utility Easement on this project (collectively, an "Indemnified Claim"). An Indemnified Claim includes any claim or action no matter when made or filed, arising from or relating to damage to any person or property or injury to or death to any person, including without limitation any claim or action alleging latent and other defects, whether or not discoverable by City of San Diego, in connection with the negligent performance of work or failure to comply with the terms of any associated Right of Entry License Agreement or Utility Easement on this project; any claim or action arising out of strict liability, negligence, gross negligence, willful or reckless conduct in connection with activities undertaken by City of San Diego on the premises or any portion thereof during the course of the work on this project; and any claim or action based on any federal, state or local environmental law or regulation, arising out of the negligent performance of work or failure to comply with the terms of any associated Right of Entry License Agreement or Utility Easement. City of San Diego and the District agree promptly to give notice to each other of any claim or liability hereby indemnified against following the learning thereof by such party. City of San Diego shall not settle or compromise any claim pursuant to this paragraph without first obtaining the District's written consent. City of San Diego's obligations under this paragraph shall survive the completion of the work on this project.

36. Disposal of **all excess excavation spoils** must be done off of tidelands and in accordance with federal, state, and local ordinances.

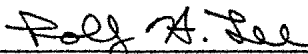
If you have any questions on this permit, please contact the Land Use Planning Department of the San Diego Unified Port District.

DENNIS P. BOUEY, Executive Director

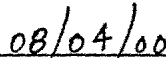
By:


WILLIAM B. CHOPYK
Manager, Planning Services

I have read and understand the terms, conditions, limitations, and provisions of this permit and agree to abide by them.



Signature of Permittee



Date

4/7/00
8:13 AM

REGIONAL WATER QUALITY CONTROL BOARD
401 ACTION

SAN DIEGO
REGION 9

FILE	DATE APPL	APPLICANT	PROJ TITLE	RECEIVING WATER (HUB)	PMT TYPE	PROJ TYPE	PERMANENT IMPACTS (ACRES)					TEMPORARY IMPACTS (ACRES)					COMPENSATORY MITIGATION (ACRES)									CU YDS DREDGE (1000)	DATE ACT TAKEN	ACTION (WDR ACTION - 401 WVR)
							Wetland	Riparian	Stream bed	Lake	Ocean	Wetland	Riparian	Stream bed	Lake	Ocean	Creation	Preserve	Restore	Creation	Preserve	Restore	Creation	Preserve	Restore			
00C-017	2/9/00	CITY OF SAN DIEGO	CONVENTION CENTER DEWATERING OUTFALL (CCDO)	SAN DIEGO BAY	?	OCEAN	0	0	0	0	0.2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.5	4/7/00	401 WVR

The Regional Board has reviewed the above listed project and is confident that State water quality standards will be protected by this project. Pursuant to Resolution No. 83-21, which has been subsequently incorporated into the Water Quality Control Plan for the San Diego Basin (9) (Basin Plan), waste discharge requirements are waived for this project on the date shown in this table. Pursuant to California Code of Regulations Section 3857, the Regional Board will take no further action on this application. This is equivalent to a waiver of CWA Section 401 water quality certification for this project. Although we anticipate no further regulatory involvement, should new information come to our attention that indicates a water quality problem, we may issue waste discharge requirements at that time.

If you have any questions regarding the regional board's actions, please call me directly @ 858-467-2705 or email buskg@rb9.swrcb.ca.gov.

Glenn Buskirk
Glenn Buskirk
Water Quality Certification Program

RECEIVED

APR 12 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

EXHIBIT NO. 7
APPLICATION NO. 6-00-21
RWQCB Approval
California Coastal Commission

APR-07-2000 09:06

DMRS LOANER

P. 6/2/00



United States Department of the Interior

Fish and Wildlife Service
Ecological Services
Carlsbad Fish and Wildlife Office
2730 Loker Avenue West
Carlsbad, California 92008



RECEIVED

AUG 18 2000

Rolf H. Lee
Project Manager
Engineering and Program Management Division
9192 Topaz Way
San Diego, California 92123

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

AUG 15 2000

Re: Beneficial Dredged Material Re-Use Plan and Draft Factual Determinations Under 40 CFR 230.11 for the San Diego Convention Center Dewatering Outfall System, San Diego Bay, California.

Dear Mr. Lee:

The Fish and Wildlife Service (Service) has reviewed the above referenced document dated June 20, 2000 and concurs with the concept of construction of a 4,500 square foot shallow subtidal sand shelf within San Diego Bay for the purpose of establishing suitable habitat for eelgrass. The material to create the sand shelf would be obtained from material excavated from a pipeline trench constructed as part of the convention center dewatering project.

The Service, however, disagrees with Merkel & Associates, Inc. determination on page 11 of the above referenced document that states "San Diego waters in the vicinity of the project site do not support any state or federally-listed threatened or endangered species and no suitable habitat exists within the jurisdictional waters to support listed species or species proposed for listing". These waters are utilized by the endangered California least tern (tern) and brown pelican (pelican) for foraging. Impacts to the tern have been avoided by the City by scheduling in-water work activities outside the tern nesting season (September 15 to April 1). Impacts to pelican foraging would not be considered significant given the proposed in-water work would be limited to three to four weeks and the area of the bay being disturbed by the excavation of the pipeline trench would be limited to an area of 40 feet by 300 feet.

It is the Service's understanding that the project will incorporate additional measures to protect eelgrass habitat. These measures are:

1. Performance of a pre-construction eelgrass survey of the project area by qualified biologist immediately prior to commencement of in-bay construction in order to establish the location of all eelgrass habitat.

EXHIBIT NO. 8

APPLICATION NO.

6-00-21

U.S. Fish & Wildlife

Comments



California Coastal Commission

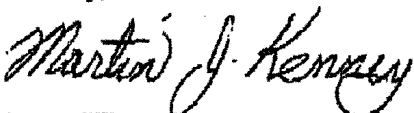
Mr. Rolf H. Lee

2

2. Marking the location of all eelgrass habitat found in the pre-construction survey in order that the contractor can avoid impacting these areas by pipeline excavation, placement of anchors from barges or vessels, or other construction operations.
3. Performance of a post-construction eelgrass survey of the project area by qualified personnel no more than 30 days after the completion of the in-bay work to determine if any eelgrass habitat was impacted by construction activities.
4. Performance of mitigation if it is determined by the post-construction eelgrass survey that there has been a loss of eelgrass habitat. This mitigation would be performed in accordance with and subject to the requirements of the Southern California Eelgrass Mitigation Policy.

If you have any questions concerning these comments please contact Martin Kenney at (760) 431-9440.

Sincerely,


for Nancy Gilbert
Assistant Field Supervisor

SE#1-6-00-NPTA-434