

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
767-2370



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270th Day: 12/21/01
Staff: LRO-SD
Staff Report: 11/15/01
Hearing Date: 12/11-14/01

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-73

Applicant: City of San Diego

Agent: Joselito Guinto

Description: Construction of an underground emergency storage tank located on the northeast side of an existing pump station and installation of a new 8-inch force main for approximately 1900 lineal feet from the pump station through existing public parkland and terminating at an existing interceptor within North Mission Bay Drive.

Site: De Anza Road, Mission Bay Park, San Diego, San Diego County.
APN 424-460-06

STAFF NOTES:

The subject project was originally scheduled to be reviewed at the Commission's July, 2001 meeting. However, due to potential concerns raised by project opponents, it was postponed. Since that time, the project opponents have had time to meet with City staff and obtain additional information about the upgrade to the existing sewer pump station. Initial concerns about the project have thus been resolved and the project opponents no longer oppose the project and have submitted a letter of support for the proposed project. As such, the proposed project is being re-scheduled for the December Commission meeting. Due to Permit Streamlining Act Requirements, the project must be acted upon at the December meeting.

Summary of Staff's Preliminary Recommendation:

The staff recommends that the Commission approve the subject permit. The proposed development consists of a the construction of an underground emergency storage tank next to an existing pump station and installation of a new force main in Mission Bay Park. The primary issue raised by the proposed development relates to the potential for the project to result in an inducement to growth in the area. However, the City has

confirmed that the rehabilitation of the existing sewer pump station is proposed to eliminate the possibility of a sewage spill as opposed to accommodating new growth.

Substantive File Documents: Certified Mission Bay Park Master Plan

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-01-73 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/Staging. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final construction schedule, which shall be incorporated

into construction bid documents. The schedule and construction documents shall specify that no construction will take place for the project between Memorial Day weekend and Labor Day of any year. Notes on the schedule and documents shall state that 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 (no street closures or use of public parking as staging areas for equipment or materials).

The permittee shall undertake 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 an 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. Proposed is the construction of an approximately 77,400 gallon underground emergency storage tank located on the northeast side of an existing above-ground sewer pump station and installation of a new 8-inch force main for approximately 1900 lineal feet from the pump station, across existing public parkland, terminating at an existing interceptor within North Mission Bay Drive.

The project site is located immediately north of De Anza Cove in Mission Bay Park which is west of Interstate-5. The existing pump station is located at the terminus of De Anza Road. Surrounding uses in the area include a large mobile home park which is situated on De Anza Point, to the west. To the north is park land and a golf course, to the east is Interstate-5 and to the south is De Anza Cove. The purpose of the project is to improve the function of the existing pump station and to reduce the potential for sewage spills.

The project site is within the Commission's area of permit jurisdiction. Thus, the standard of review is Chapter 3 policies of the Coastal Act.

2. Public Access and Recreation. Section 30210 of the Coastal Act 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.

Section 30221 also states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The subject project will take place on public parkland located immediately adjacent to Mission Bay, which is a popular recreational area. As such, the proposal has the potential to adversely affect public access. The proposed project will result in the usurpation of parking areas during the construction phase as portions of the route will cross an existing public parking lot in Mission Bay Park (reference Exhibit #2). The proposed construction duration of the project is expected to last approximately seven days. The pavement will be restored and the parking spaces will be replaced at completion of the project. However, due to the proximity of the site to Mission Bay Park and public beaches in the area that surround the bay, construction activities in this area during the peak beach-use season could have a significant adverse impact on public access. Therefore, Special Condition #1 has been attached, which requires the City to submit a construction schedule indicating that no work will take place on this project during the summer months (Memorial Day to Labor Day of any year). In addition, Special Condition #1 requires notes on construction bid documents notifying the contractor that access corridors and staging areas shall be located in a manner that has the least impact on public access and public parking spaces (no use of public parking areas for storage or staging and no closure of public streets).

In addition, the proposal involves the installation of an underground storage tank adjacent to the existing pump station on public park land. The size of existing turf/grassy area that will be usurped/disturbed as a result of placement of the tank will be approximately 1,600 sq.ft. (40' x 40'). However, the City has indicated that upon completion of the proposed project, the turf will be replaced on top of the tank except for a small area (4' x 4') which will contain steel/metal doors to gain access to the underground tank. The doors will be flat on the ground and will not pose a significant impact on public access and recreation in this area. Again, as noted above, work is conditioned to occur during the non-summer months to limit conflicts with public use of the park. Therefore, as conditioned, the Commission finds the project consistent with the cited sections of the Coastal Act, and with all other public access and recreation policies of the Act.

3. 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....

The proposed development involves the construction of an emergency underground storage tank for an existing pump station and the construction of a new 8-inch diameter force main. The new force main is the second force main in this area and will follow the existing alignment and route of the existing force main. In addition, the proposed improvements are intended as upgrades to the existing pump station and are not growth inducing. In other words, the upgrades to the existing pump station are being proposed to serve existing development and are not being proposed to accommodate new development. The project has raised a concern that it is being proposed to accommodate a future hotel facility planned in the Mission Bay Park area. Due to this opposition, the City postponed the project to address the concerns raised. Since that time, project opponents met with City staff and obtained further information regarding the proposed pump station upgrade. The City has clarified that without the rehabilitation, there is the potential for a serious sewage spill which would affect water quality in Mission Bay and that the sewer station upgrade is necessary to replace the outdated and inadequate existing facility. Again, in this particular case, the proposed improvements are proposed to upgrade the existing facility by providing an emergency storage tank to help reduce the potential for sewage spills and should not have a significant overall inducement to growth. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30250 (a) of the Coastal Act.

4. Water Quality. Sections 30230 and 30231 of the Coastal Act are applicable to the proposed development and state the following:

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.

The proposed development will occur in close proximity to the bay. As such, drainage and run-off from the development could potentially affect water quality of the ocean. However, in this particular case, the proposed project involves the installation of a 77,400 gallon emergency storage tank below ground and the construction of a second force main between the existing pump station and an existing interceptor. This will improve the function of the existing pump station and reduce the potential for sewage spills. In addition, once completed, only a small 4' x 4' area of improved surface will be created. All other improvements will be underground (either under turf or existing parking lot). The proposed project raises no issues with regard to water quality, and in fact, will result in improved water quality to Mission Bay by reducing the potential for sewage spills. Therefore, the proposed development is consistent with Sections 30231 and 30231 of the Coastal Act.

5. 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.

Mission Bay Park, is both an area of deferred certification and an area of original jurisdiction, where the Commission retains permit authority permanently. The project site is zoned Parklands and is designated for Open Space in the certified Mission Bay Park Master Plan. The project site is located within an area of Mission Bay Park in an area of original jurisdiction where the Commission retains permanent permit authority. The improvements are consistent with these designations. The project, as conditioned, has been found consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the conditioned project should not prejudice the ability of the City of San Diego to obtain a certified LCP for the Mission Bay Park segment.

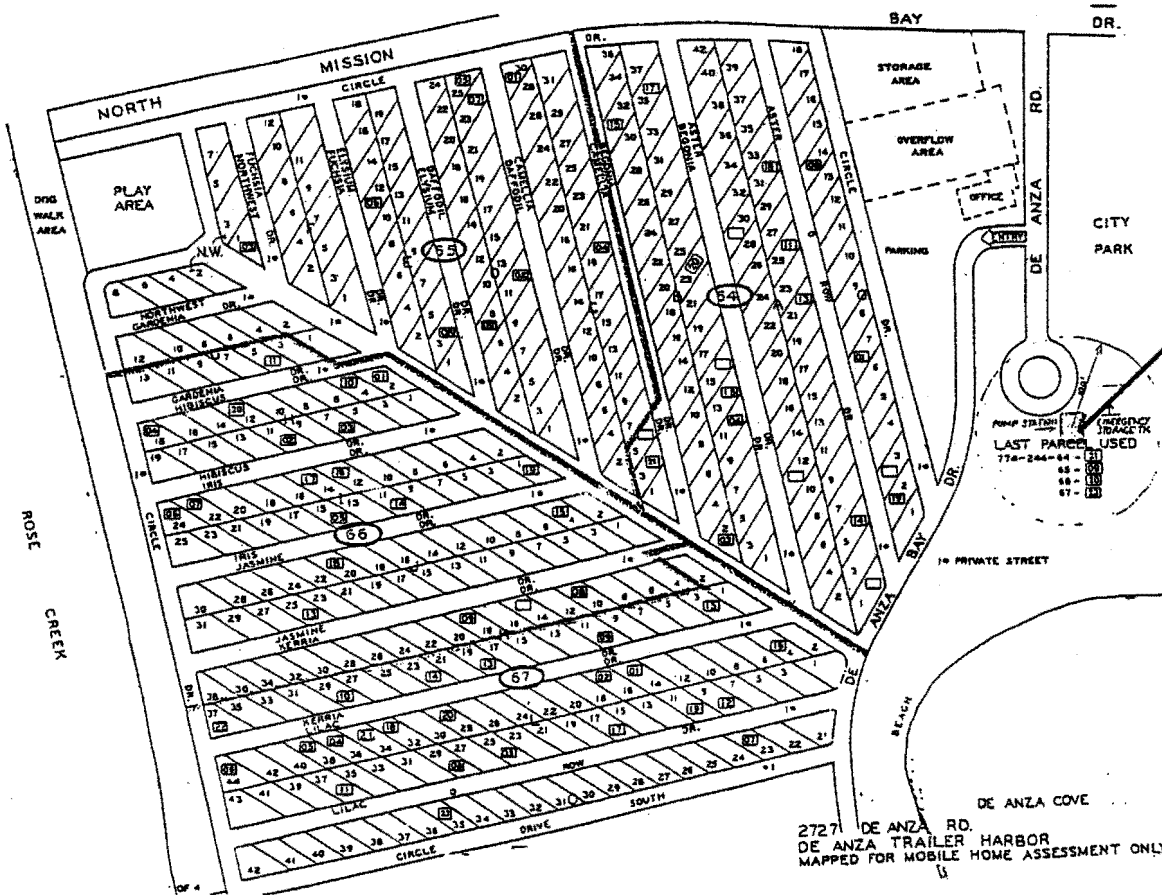
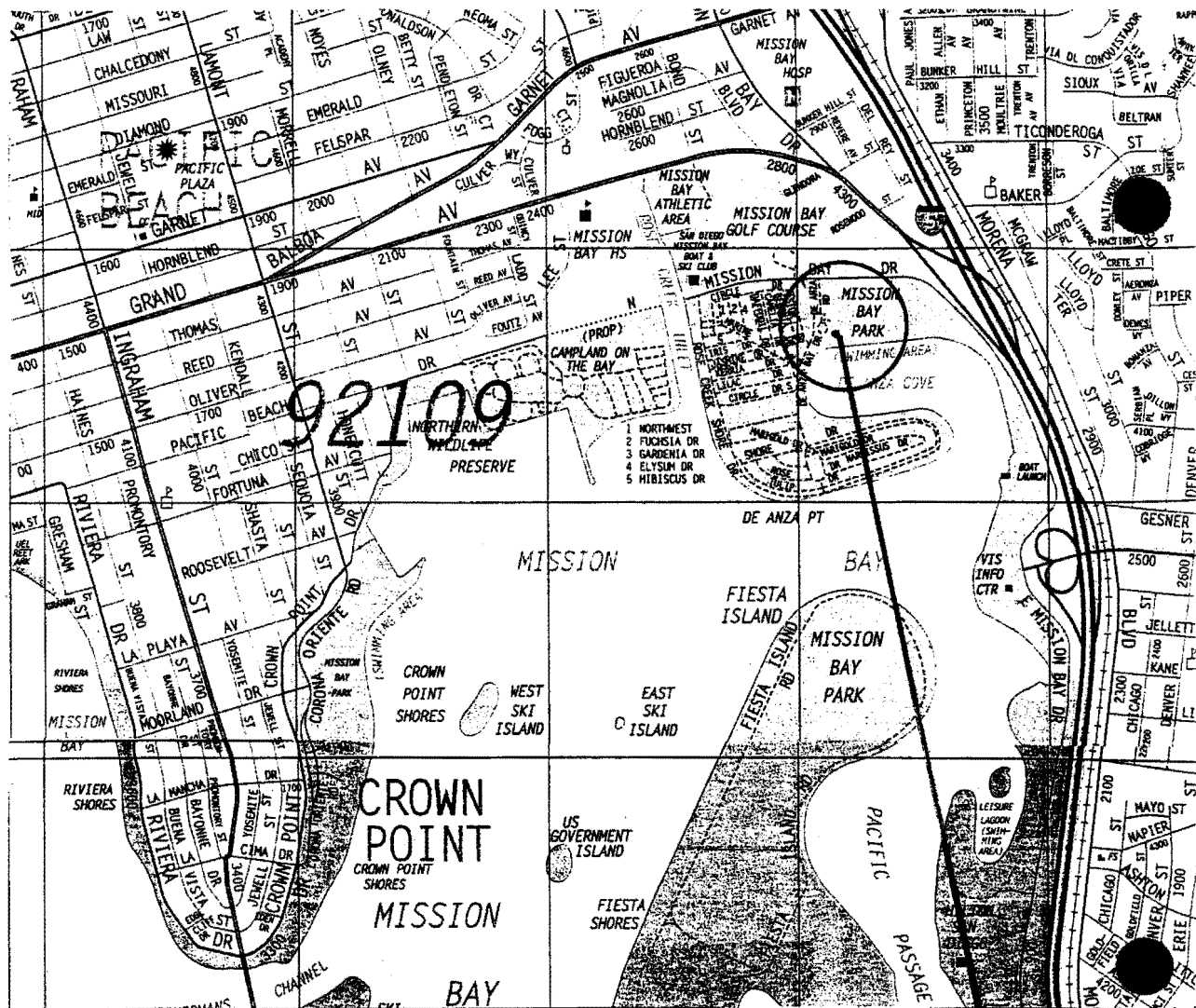
6. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental 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 public access policies of the Coastal Act. Mitigation measures, including conditions addressing timing of construction, 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. 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.



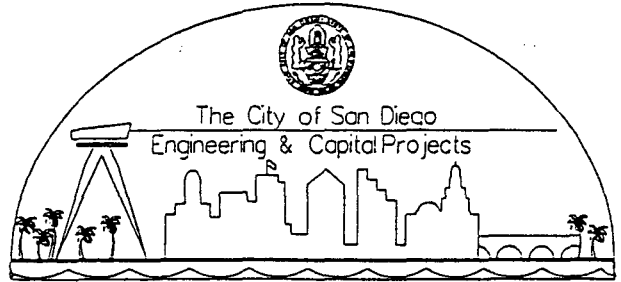
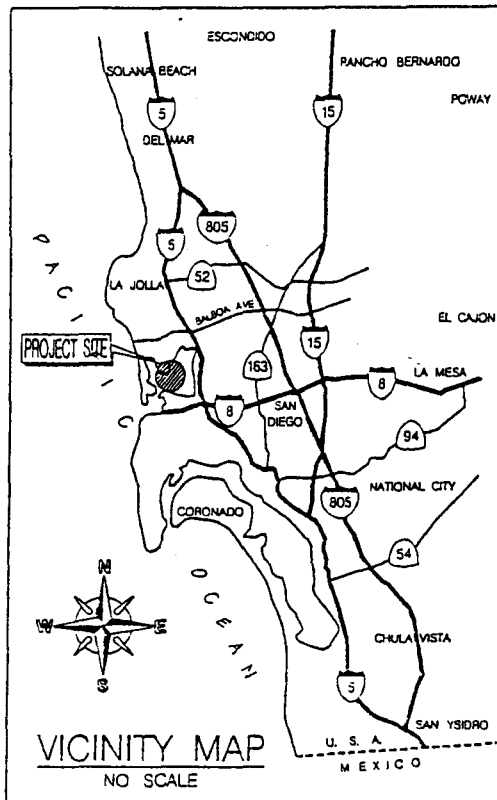
SITE



EXHIBIT NO. 1
APPLICATION NO.
6-01-73
Location Map

California Coastal Commission

2727 DE ANZA RD.
DE ANZA TRAILER HARBOR
MAPPED FOR MOBILE HOME ASSESSMENT ONLY

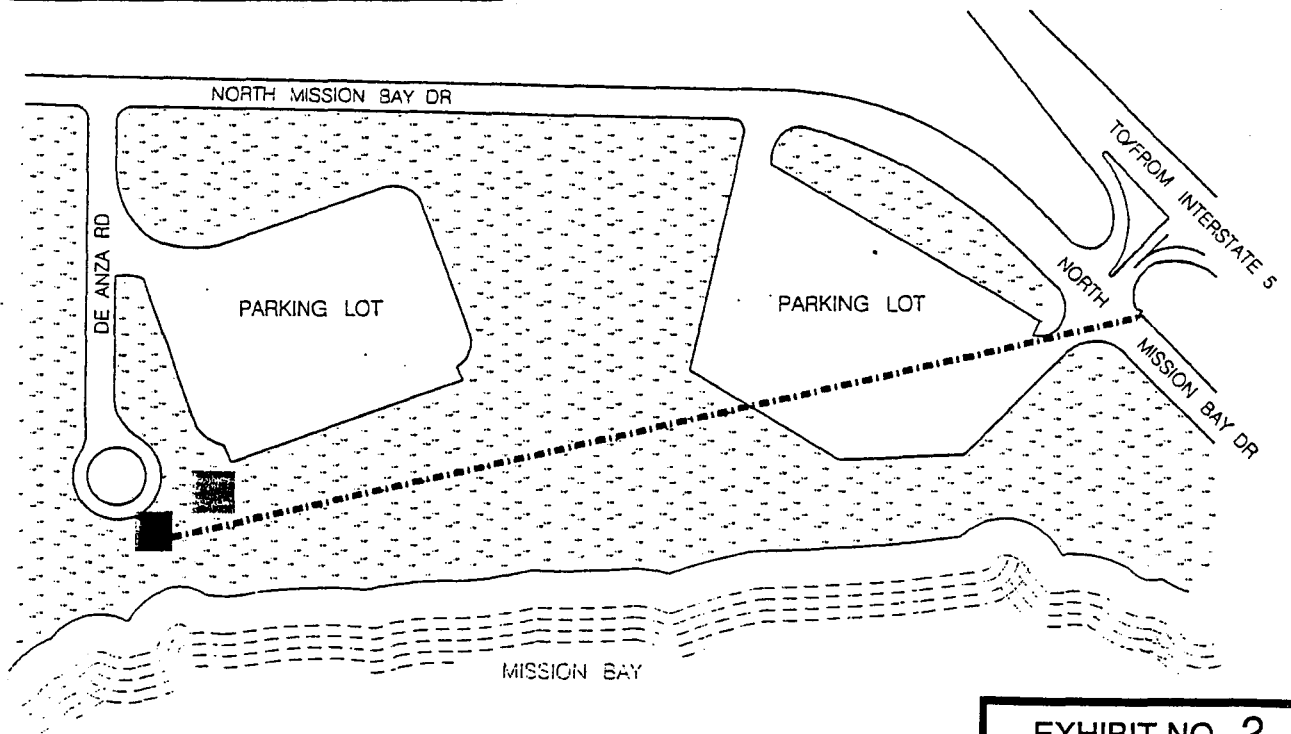


SEWER PUMP STATION NO. 41

SENIOR ENGINEER
JEFF COLLINGWOOD
@ 533-5259

PROJECT MANAGER
JIHAD SLEIMAN
@ 533-5154

PROJECT ENGINEER
JOSELITO GUINTO
@ 533-5474



LOCATION MAP

LEGEND:

- PROPOSED 2ND FORCE MAIN
- EMERGENCY STORAGE TANK
- EXISTING PUMP STATION 65 41

EXHIBIT NO. 2
APPLICATION NO.
6-01-73

Project site in
relationship to park
and parking lots





THE CITY OF SAN DIEGO
COUNCILMEMBER DONNA FRYE
SIXTH DISTRICT

RECEIVED

NOV 07 2001

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

November 1, 2001

Chairperson Sara Wan and Commissioners
California Coastal Commission
7575 Metropolitan Drive #103
San Diego, CA 92103

**Re: Support for City of San Diego's Sewer Pump Station #41
Rehabilitation Project**

Dear Chairperson Wan and Commissioners:

I would like to express my support for the City of San Diego's Sewer Pump Station #41 Rehabilitation Project. Since the item was pulled from the Coastal Commission's docket, I have had the opportunity to meet with City staff and gather more information about the pump station upgrade.

The pump station has passed its service life and no longer meets City standards. Without this rehabilitation, a serious potential exists for a sewer spill into Mission Bay. Further, the City has planned for the potential future needs of the pump station by increasing the capacity of the station. Any new capacity from new development will be assessed a proportionate share of the cost of the upgrade.

As a result, I support the City's proposal to update the Mission Bay sewer pump station. Please feel free to call my office at 619-236-6616 with any questions or concerns.

Sincerely,

Donna Frye
Councilmember, District Six

DF: nc

EXHIBIT NO. 3
APPLICATION NO.
6-01-73

Letter of Support
from City
Councilmember

California Coastal Commission

