

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

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Staff: DS-SD  
Staff Report: 4/15/02  
Hearing Date: 5/7-10/02

REGULAR CALENDARSTAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-053

Applicant: SDG&amp;E

Agent: JNE &amp; Associates

Description: Subterranean directional boring, beneath Mission Bay Channel from the southeast side of the Mission Bay Drive Bridge to the southern shore of Ventura point, to accommodate a 1,400 linear ft. long, upgraded electrical conduit.

Site: West Mission Bay Drive, Mission Bay Park, San Diego,  
San Diego County. APN: 760-029-7.

Substantive File Documents: Certified Mission Bay Park Master Plan

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval with conditions of the proposed electrical conduit installation. As proposed, the project will not result in any direct impacts to environmentally sensitive resource areas. The project includes mitigation and monitoring measures to ensure that there are no short or long-term indirect impacts to sensitive resources, including wetlands, upland vegetation, and water quality. Special Conditions have been attached to the project that require the applicant to implement all of the proposed mitigation and monitoring conditions, as well as those required by the other resources agencies. As conditioned, no impacts to coastal resources are anticipated

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-02-053 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. Avoidance of Impacts to Biological Resources. The applicant shall comply with the following plan, submitted to the Commission on 3/28/02, which is designed to avoid impacts to biological resources: Contingency Plan for Directional Drilling, Circuit 741 Upgrade by SDG&E, dated February, 2002.

The applicant shall undertake the development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change to the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

2. Other Permits. **PRIOR TO COMMENCEMENT OF CONSTRUCTION**, permittee shall provide to the Executive Director copies of all other required state or federal discretionary permits for the development authorized by CDP # 6-02-053. The applicant shall inform the Executive Director of any changes to the project required by other state or federal agencies. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

3. Disposal of Graded Spoils. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall identify the location for the disposal of displaced spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest

4. Storage and Staging Areas/Access Corridors. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final plans indicating the location of access corridors to the construction site and staging areas to the Executive Director for review and written approval. The final plans shall indicate that:

- a. During the construction stages of the project, the permittee shall not store any construction materials or waste where it will be, or could potentially be, subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time. Construction equipment shall not be washed on the beach.
- b. Access corridors shall be located in a manner that has the least impact on public access to and along the shoreline.
- c. No work shall not occur between June 15th and Labor Day of any year.
- d. The applicant shall submit evidence that the approved plans have been incorporated into construction bid documents. The staging and construction sites shall be restored immediately following completion of the development.

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 legally required.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant proposes to place an electrical conduit approximately 40 ft. beneath Mission Bay Channel by a method of directional boring, covering a distance of approximately 1,400 linear ft. The conduit will provide the Bahia Hotel, located off of West Mission Bay Drive, with a more secure electrical connection, as well as provide a secondary backup-line for emergency use. The project proposes two 5 ft. deep, 5 ft. wide, 15 ft. long boring pits located on each side of the Mission Bay Channel. One pit will be located approximately 150 ft. east of the southeast section of the Mission Bay Drive Bridge; the second pit is proposed on the southern section of Ventura point, east of the northeast section of the bridge. The project proposal will take approximately 3 weeks to complete.

The project also involves the removal of displaced sediment from beneath the channel. Special Condition # 3 requires that the applicant identify the location of the disposal site for the displaced spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

The project site is located within Mission Bay Park in the City of San Diego. The project bore pits are proposed to be located adjacent to Mission Bay and will be surrounded by City parklands consisting of grassy, open areas. Mission Bay Park is an area of deferred certification, where the Commission retains jurisdiction and Chapter 3 policies of the Coastal Act are the standard of review.

2. Sensitive Biological Resources/Water Quality. Section 30230 of the Act states:

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

Section 30231 of the Coastal Act states:

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 of the Act states, in part:

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

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

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.

The project proposes to place approximately 1,400 linear ft. of electrical conduit approximately 40 ft. beneath Mission Bay Channel and surrounding public parklands, and has the potential to impact environmentally sensitive areas and affect water quality. However, the project is designed to have minimal environmental impacts on the surrounding area by containing all of the disturbed areas to the two proposed boring pits, located on opposite sides of Mission Bay Channel, approximately 100 ft. east of the Mission Bay Drive Bridge. The pits are proposed to be 5 ft. deep, 5 ft. wide, and 15 ft. long, and will be located on existing grassy areas within public parkland, approximately 70 ft. inland of the Bay shore on either side of the channel. The pits serve as terminus points for the conduit running beneath the channel, as well as placement areas for the mechanical drill and pump equipment required to bore beneath the waterway.

Directional boring or drilling is a process whereby a hole is bored using guidance equipment to provide continuous, accurate monitoring of the drill bit position. This procedure allows the bore machine to operate at ground level some distance from the bay, to bore down under the bay, and to be steered back up to the surface. Steering avoids the need for direct surface disturbance and in-bay water work, and allows the digging to occur away from any sensitive vegetation. The directional bore drills a hole slightly larger than the conduit to be installed. The boring process is lubricated with natural mineral clay materials that also serve to seal the walls of the borehole. In general, the limit on the angle of the bore is approximately 15 degrees, and the bore machine will be

set away from the channel bank. Once the bore reaches the opposite side of the channel, the conduit is attached to the drill and pulled back through the bore. Overall, the disturbance area at each bore site (pit) is approximately 20 by 40 feet. All attendant equipment (such as a water truck, dump truck for removal of spoils, vacuum truck for drilling mud recycling, etc.) will be staged beyond the ground disturbance area within existing parking lots. All bore sites have been located outside of any beach, wetland, or upland vegetation areas in grassy parkland that contains non-native, non sensitive plant species.

Although as proposed, no portions of the cable lines would be installed within any environmentally sensitive resource area, including wetlands, there are a number of ways in which the project could have indirect resource impacts. These include the potential for soil compaction, the loss of (non-sensitive) vegetative cover, increased wind and water erosion, and the creation of opportunities for the invasion and establishment of weed species.

In addition, although directional drilling is considered a means of avoiding impacts to sensitive fish and wildlife species and habitats, the drilling could potentially impact resources if it caused pollution or sedimentation to enter watercourses or sensitive habitat areas. Pollution sources could include drilling muds (bentonite) or drilling fluid (a clay-based material) being released into a watercourse through previously unidentified fractures in the subsurface geology, or the transportation of surface drilling muds to watercourses during unexpected heavy rainfall events. Leakage of the drilling fluid through fractures in a substrate is referred to as a "frac-out".

As a result of the potential for indirect impacts, extensive mitigation measures have been incorporated into the project and Special Condition #1 is attached and requires that the applicant comply with submitted plans and respective mitigation measures, including the Contingency Plan for Directional Drilling, dated February, 2002. The applicants have proposed several mitigation measures in their application, including procedures to address biological impacts, erosion/sedimentation, and hydrology/water quality.

The applicant has incorporated several specific mitigation measures designed to avoid or reduce environmental impacts, including temporary sediment barriers (sand bags, silt fences or hay bales) that will be strategically placed to prevent water flow off-site into waterways or storm drain inlets. Also, the discharge of bentonite and other drilling "mud" materials is prohibited and any drilling operation shall be designed and directed in such a way as to minimize the risk of spills and discharges of all types and the release of drilling lubricants through fractures in the channel bed or bank substrate (i.e., "frac-outs"). Additionally, in substrates where frac-outs are likely to occur, the risk shall be reduced by using, among other possible methods, lower pressure, thicker drilling mud mixtures, and/or different boring depths.

However, if a frac-out is detected, mitigation measures require drilling operations to cease immediately, resource agency personnel to be notified immediately, and non-mechanized measures to contain the spread of drilling muds, including the installation of

hay bales or silt fence. The applicant shall then prepare a resource damage assessment that will include the estimated amount of drilling fluid released and impacts to vegetation or sensitive resources. Notification shall include, but not be limited to, duration of discharge, amount and type of material discharged, amount of material recovered, description of existing resources affected by the discharges, description of impacts resulting from the discharge and clean-up activities, and a description/discussion of any necessary restoration measures. Mitigation measures also require that all drilling mud be contained and properly disposed of after drilling activities are complete.

The Commission's water quality staff have reviewed the project and found the proposed program to be adequate to assure the potential for water quality impacts is reduced to the maximum extent feasible.

In addition, in order to ensure the project is consistent with other permitting agencies, including the U.S. Army Corps of Engineers (ACOE) and the Regional Water Resources Control Board (RWRCB), Special Condition #3 is attached and requires that any mitigation measures or other changes to the project required through any additional necessary permits shall be reported to the Executive Director and shall become part of the project approved herein. Such changes may require an amendment to this permit.

In order for a project that involves fill of wetlands or coastal waters to be consistent with Section 30233 of the Coastal Act, the fill must be for one of the eight allowable purposes specified in Section 30233, the project must be the least environmentally damaging alternative, and feasible mitigation measures must be provided to minimize adverse environmental effects. It is unclear whether drilling under wetlands constitutes "diking, filling or dredging" of wetlands as described in Section 30233 of the Coastal Act. Even if drilling beneath Mission Bay did constitute fill or dredging of Mission Bay, the proposed development meets the above stated requirements. As discussed previously, no portion of the proposed conduit lines would be installed directly within wetlands, or any other environmentally sensitive habitat area. Section 30233 of the Coastal Act allows for the installation of incidental public service purposes, including, but not limited to, burying cables within wetlands. Included in the submitted application was an alternative of placing the conduit beneath the existing Mission Bay Drive Bridge. However, the City of San Diego rejected this alternative citing the need to avoid any type of material hanging from underneath the bridge, and that drilling into the support beams of the bridge is unfeasible. A second alternative considered was to use a 'dredge and cover' method of installing the conduits on the bottom of the bay. However, this alternative was rejected because of the disturbance it would have to bay sediments and nearby biological communities. By drilling under wetlands, the proposed project presents a feasible, less environmentally damaging alternative to having to directly fill wetlands and drainages for such uses, and therefore is the least environmentally damaging alternative, avoiding all wetland impacts. As such, the proposed development is consistent with Section 30233 of the Act.

Although the project has the potential to impact sensitive habitat areas and effect water quality, the project and the proposed mitigation measures have been reviewed by the Commission's water quality staff and found to be adequate. Therefore, with compliance

to these measures, no long or short-term, direct or indirect impacts to sensitive coastal resources or water quality are anticipated. As conditioned to ensure that mitigation measures are implemented, the proposed project is consistent with the above-cited resource protection policies of Chapter 3 of the Coastal Act

3. Public Access/Parking. The following Coastal Act policies are most pertinent to the proposed development, and state, in part:

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(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.

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by...(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....

Section 30604(c)

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

The project will be located on public parkland within Mission Bay Park in the City of San Diego. The proposed bore pits will be located on existing grassy areas approximately 70 ft. from the shoreline. As well, the project proposal includes the use of existing public parking lots adjacent to the bore pit sites for the staging of vehicles and supplies associated with the project. As proposed, the project has the potential to interfere with public access to the shoreline, and could affect public parking areas. However, impacts to public access and parking are not anticipated to be significant because the proposed bore sites will only occupy a small section of area (approximately



800 sq. ft. each) within much larger parkland. The disturbed sites are proposed to be located approximately 70 ft. from the shoreline, and as such, will not interfere with public access to the coast. As well, the parkland near the disturbed pit sites is not typically heavily used, and the project will not affect any picnic areas or prominent visitor sites.

The impact to parking from the project proposal is not anticipated to affect the public. The parking lots on either side of Mission Bay Channel, northeast of the Mission Bay Drive Bridge, are large lots containing several hundred spaces, and almost never fill to capacity. For certain weekend and holiday events, such as the 4<sup>th</sup> of July, these two lots do become full. However, the project will take, at most, three weeks to complete, and the project proposal estimates the impacts to the parking areas will not occur past Memorial Day (May 27 in 2002), the first major holiday of the season. Thus, the four spaces proposed to be affected in each lot will not impact public access to the adjacent park, and no significant foreseeable impacts to public access to the shoreline are anticipated. To ensure that the project does not impact a public park during the summer months, however, Special Condition #4 is attached and prohibits construction activities from occurring during the summer months, between June 15th and Labor Day of any year. Thus, the proposed project, as conditioned, is consistent with the above-cited public access protection policies of the Coastal Act.

4. Visual Impacts. Section 30251 of the Coastal Act addresses visual resources, and 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....

All of Mission Bay Park is a highly scenic public recreational resource, such that protection and enhancement of visual amenities is a critical concern in any proposed development in the park. However, given the brief timeline of the project (3 weeks), only temporary impacts to visual resources will occur. The proposed bore pits will create two approximately 800 sq. ft. disturbed areas within an existing public park. As well, several large trucks, including a 2-ton capacity dump truck, will be needed in order to complete the project. These vehicles and equipment have the potential to block existing public views throughout the duration of the project. However, the applicants have included mitigation measures stipulating that disturbed vegetated areas affected by the project will be re-seeded and maintained to ensure that no permanent disturbance to the project sites will occur. As well, though the equipment and supplies will be evident throughout the project's timeframe, no significant impacts to existing public views of the Bay or park will occur. The boring pits are not located directly next to the channel shoreline, and will not inhibit the public from walking around the sites to view the bay. Thus, because the project is proposed to take only three weeks to complete, and will not significantly affect

existing public views, the proposal is consistent with the Chapter 3 policies of the Coastal Act that address the protection of visual resources.

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. In this case, such a finding can be made.

The proposed improvements are located on existing public parklands that are designated in the certified Mission Bay Park Master Plan as parkland (the upland areas) and open beach (the sand areas). The Master Plan addresses special concerns regarding the maintenance of public services in general. Although the Master Plan recognizes "support facilities" for such work, it does not define this term or limit what such facilities can entail. Thus, the proposed improvements are consistent with the Master Plan designations.

Although the Commission has certified a land use plan (the Mission Bay Park Master Plan) for the Mission Bay segment of the City's LCP, there are no implementing ordinances in place as yet for this area. Thus, the entire park remains an area of deferred certification, and Chapter 3 of the Coastal Act remains the standard of review. Even after an implementation package is certified, much of the park will remain under direct Commission permit jurisdiction, since many areas of the park were built on filled tidelands. The proposed development raised a number of concerns under Chapter 3 policies; these have been resolved through special conditions and addressed in previous findings. Therefore, the Commission finds the proposed development will not prejudice the ability of the City of San Diego to complete an implementation program for Mission Bay Park or to continue implementation of its fully certified Local Coastal Program for the remainder of the City's coastal zone.

6. Consistency with the California Environmental Quality Act (CEQA).

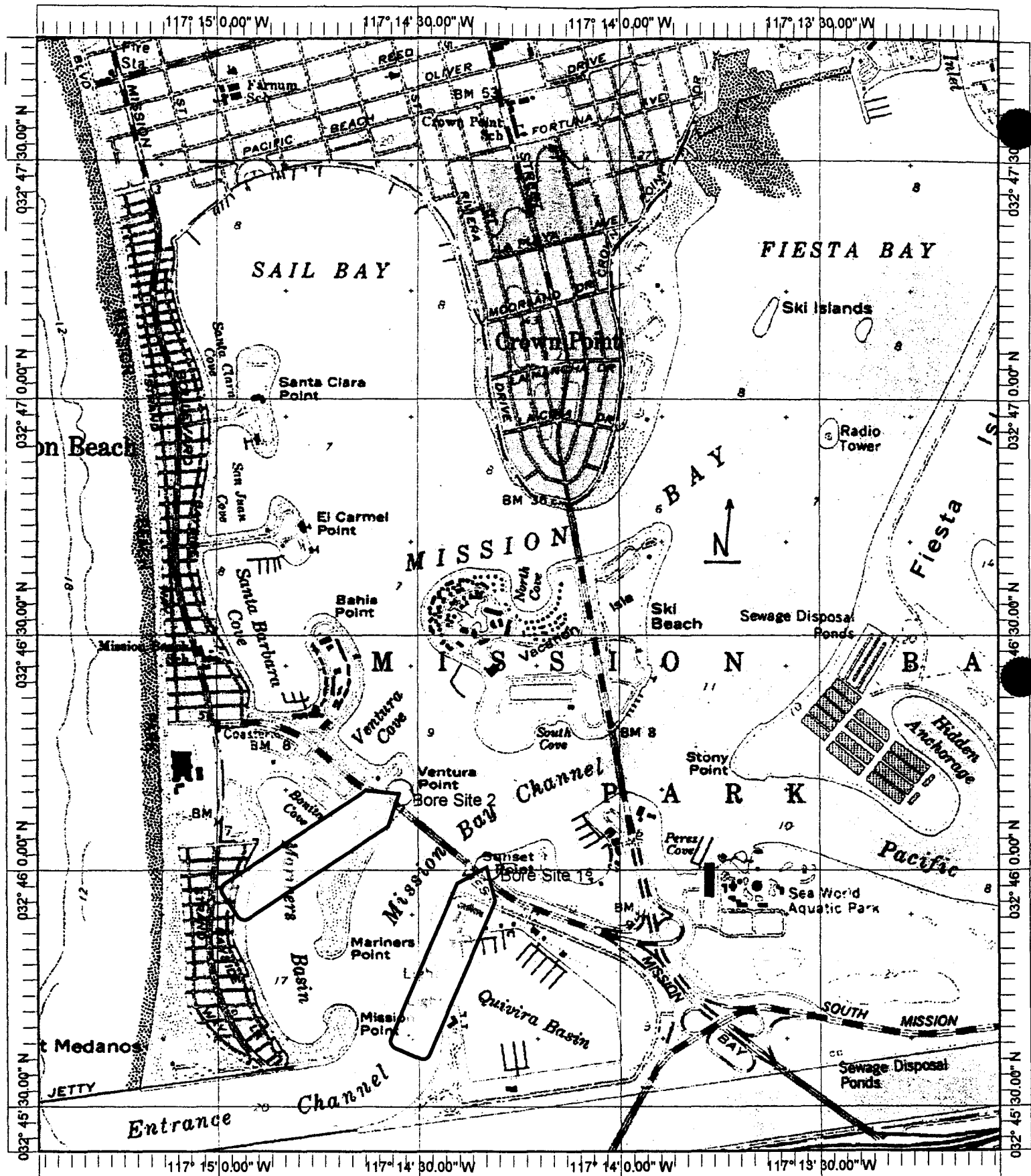
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 biological resources and water quality policies of the Coastal Act. Mitigation measures to address potential accidents and adverse impacts on public access 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 that the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging

feasible alternative and is 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.



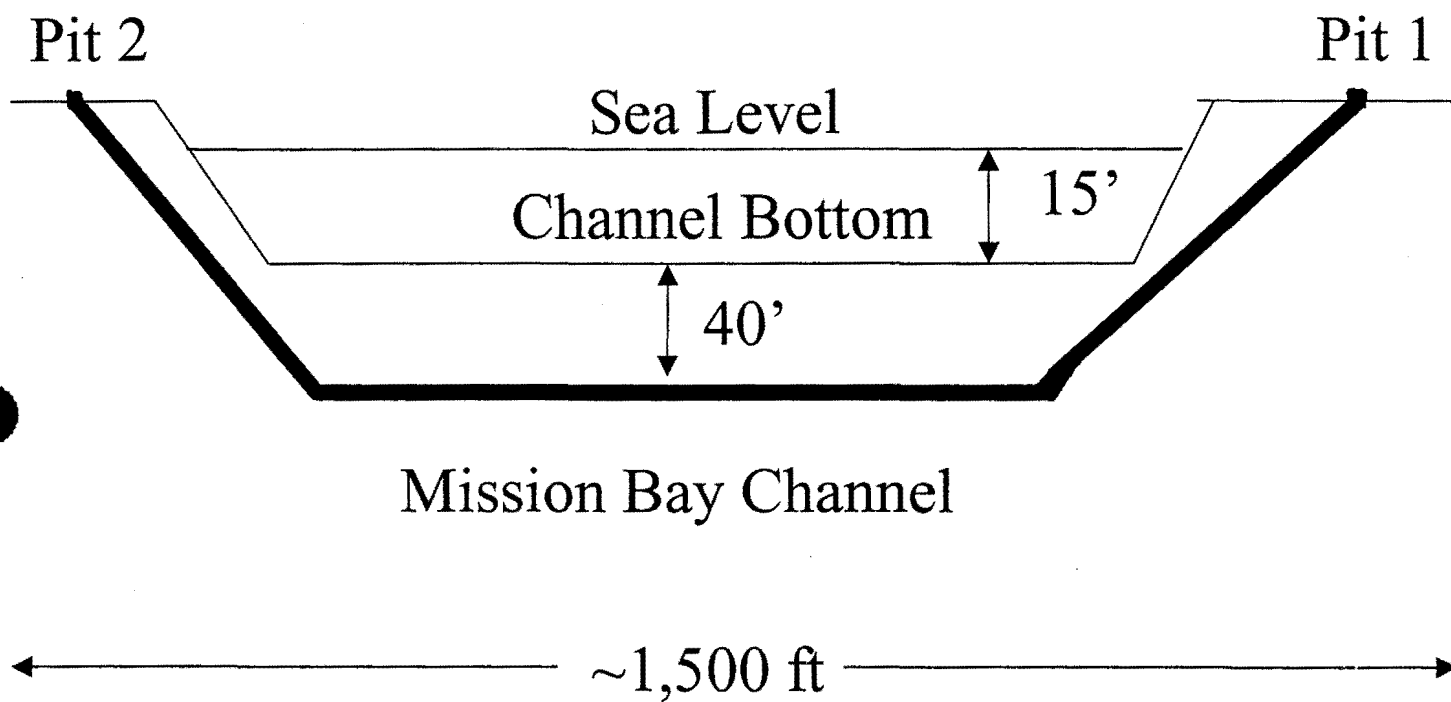
Name: LA JOLLA  
 Date: 12/15/101  
 Scale: 1 inch equals 1600 feet

Location: 032° 46' 34.8" N 117° 14' 15.1"  
 Caption: SDG\_E Mission Bay Boring Sites


EXHIBIT NO. 1  
 APPLICATION NO.  
 6-02-53  
 Location Map

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California Coastal Commission



— 4-5" Directional Bore

EXHIBIT NO. 2
APPLICATION NO.
<b>6-02-53</b>
Cross-Sections
 California Coastal Commission

