

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 7575 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4421
 767-2370



Fri 7d

Filed: October 16, 2003
 49th Day: December 4, 2003
 180th Day: April 13, 2004
 Staff: EL-SD
 Staff Report: November 18, 2003
 Hearing Date: December 10-12, 2003

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-03-106

Applicant: Department of Transportation Agent: Department of General Services
 John Reiger/Joann Einhorn James Brooks/Bobbette Biddulph

Description: Replacement of the approximately 800-900-foot-long coastal zone portion of an existing 15-inch sewer pipeline with a new 15-inch pipeline in a different alignment and gradient, partially within a portion of the San Diego River floodplain; project includes revegetation/enhancement of the 50-foot-wide construction corridor and adjacent areas, and avoidance of construction activities during the bird-breeding season.

Site: From the coastal zone boundary at the I-5/I-8 interchange, extending under the freeway and railroad complex, then trending west-northwesterly 375 feet within the San Diego River bed, San Diego, San Diego County.

Substantive File Documents: Addendum to the Previously Certified Environmental Impact Report for San Diego Office Complex Department of Transportation, District 11, dated October, 2003; Biological Technical Report for the California Department of Transportation District 11 San Diego Office Complex Sewer Pipeline Replacement Project San Diego, California, dated October, 2003; CCC File #6-02-132

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff recommends approval of the proposed sewer pipeline replacement and habitat restoration activities with special conditions addressing biological resources. Although the project site is partially within historic riparian wetlands, the area is so severely degraded that the Commission's ecologist has determined it does not meet the Coastal Act definition of ESHA. Thus, the revegetation program proposed by Caltrans is adequate.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-03-106 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. Construction Access/Staging Area/Project Timing. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit plans showing the locations, both on- and off-site within the coastal zone, which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The staging/storage plan shall be subject to review and written approval of the Executive Director. Use of sensitive habitat areas for the interim storage of materials and equipment shall not be permitted. The plan shall also indicate that no work may occur within the San Diego River floodplain between March 15 and September 15, of any year to protect the nesting seasons of sensitive birds, without conducting protocol surveys and obtaining written approval from the California Department of Fish and Game (CDFG) and U. S. Fish and Wildlife Service (Service).

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.

2. Other Permits. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the permittee shall provide to the Executive Director copies of all permits approved by other state and federal resource agencies for the development herein approved. The applicant shall inform the Executive Director of any changes to the project required by any state or federal permits. 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. Final Plans/Revegetation and Monitoring Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a set of final plans for the project, including plans for revegetation of the site. The revegetation plan shall be in both narrative and graphic form, and shall be in substantial conformance with the San Diego Office Complex – Department of Transportation, District 11 Monitoring and Reporting Program Sewer Pipeline, attached as Exhibit #4.

The permittee shall undertake the development in accordance with the approved final plans. Any proposed changes to the approved final 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 California Department of Transportation (Caltrans) is currently constructing a new headquarters office complex in the Old Town area of San Diego, outside the coastal zone. In conjunction with this development, as a requirement of the City of San Diego, Caltrans proposes to replace an existing 15-inch sewer pipeline with a new 15-inch sewer pipeline at a steeper gradient that will better promote gravity flow. About two thirds of the alignment, or roughly 800-900 linear feet, is in the coastal zone, including 375 linear feet within a portion of the bank and bed of the San Diego River floodplain. The remainder of the project will occur within completely developed areas of commercial and industrial uses.

Installation of the proposed replacement pipeline will require a 50-foot-wide construction corridor within which an approximately 3-foot-wide trench will be excavated to a depth of 8-12 feet. The size of the construction corridor is dictated by the type of equipment to

be used for pipeline installation and to provide space for stockpiling materials and staging construction activities. Outside the floodplain, the work will occur primarily within existing streets and rights-of-way, and will be returned to those uses when the project is done. Inside the floodplain, the proposal includes complete restoration of the construction corridor and surrounding area with native riparian species upon project completion

The proposed project site is located within the Mission Valley Preserve, which runs east-west along the San Diego River corridor. The specific site is south of the river itself, between the existing railroad and I-5 bridges that run north-south and cross over the river and its floodplain and the Pacific Highway bridge which bisects the center of the coastal zone portion of the sewer pipe alignment (see Exhibit #2). The floodplain opens up into an estuary a short distance west of the site, then eventually empties into the Pacific Ocean. South and east of the floodplain, the uplands are developed with a variety of industrial, commercial, residential and municipal uses, and much of the floodplain itself has been restored.

This site, along with most of the western portion of the floodplain, has been severely degraded over many years by human intrusion, primarily in the form of severe soil compaction from trampling associated with a series of homeless encampments. These encampments have also left behind trash and debris, along with domestic and feral animals that, left on their own, prey upon native fauna. The site includes large bare patches of dirt interspersed with clusters of non-native species including, among others, date palms, castor bean and Brazilian peppers. The constant disturbance and soil compaction have removed any habitat value for larger mammals, reptiles and invertebrates, although a number of avian species make minimal use of the subject site while occupying nearby areas of native vegetation.

San Diego has a fully-certified LCP and issues its own coastal development permits in most areas. However, the subject site is located within the Mission Valley Community Plan area, which is not part of the certified LCP. Thus, this is an area of deferred certification where the Commission retains coastal development permit authority and Chapter 3 of the Coastal Act is the standard of review, with the City's implementing ordinances used as guidance.

2. Environmentally Sensitive Habitats/Biological Resources. According to the applicant's submitted plans, and due to the badly disturbed nature of the site, the proposed project will not result in any direct impacts to existing environmentally sensitive habitat area (ESHA), as defined in Section 30107.5 of the Coastal Act. Although the area was fully-functioning riparian wetlands at one time, exotic vegetation, and areas totally devoid of vegetation, greatly outnumber the scattering of native plants that remain. The work will occur entirely within the disturbed areas, and will not impact remaining patches of freshwater marsh, and other native vegetation, found in surrounding areas. However, the project site still contains hydric soils and the appropriate hydrology to meet the Coastal Act definition of a wetland, so is technically identified as such herein,

even though it no longer functions as viable ESHA. The most applicable Coastal Act policies are cited below, and state in part:

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 raises several potential concerns under these Coastal Act policies. Portions of the project site (375 linear feet) are located in the San Diego River floodplain, and historically consisted of riparian wetlands. With respect to Section 30231, the project should have long-term beneficial effects, since the revegetation portion of the project will remove non-natives and replant historic native communities. Removal of the dense and invasive exotic vegetation will enhance both the site itself and surrounding areas of native habitat threatened by the invasive species. Thus, the proposal will support existing nearby sensitive areas and restore on-site riparian wetlands, ultimately protecting downstream resources.

As stated previously, regardless of current severely degraded conditions and complete lack of wetland function, the subject site is technically still a wetland. As cited above, under the Coastal Act, disturbance and/or fill of wetlands is severely constrained. Coastal Act Section 30233(a) sets forth a three-part test for all projects involving the fill of coastal waters and wetlands. These are:

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

The subject project, replacement of an existing sewer pipe with a pipe of similar size in a different location, is an incidental public services project, one of the above cited allowable uses in wetlands. A study of alternatives failed to identify any other feasible option. Caltrans considered the proposed alternative, an alternative to intercept the trunk sewer at Taylor Street and Juan, and an alternative to replace other local sewer lines and tie into a storm conflict structure. All alternatives require connection to the existing

North Metro Interceptor which is located within the San Diego River, but the rejected alternatives would require more maintenance than the one proposed and posed conflicts with other utilities in the area. Thus, the proposed project is the least environmentally-damaging method and location for construction, and will not adversely impact any functioning ESHA. It will not adversely impact any existing wetland resources, since the specific project site consists primarily of non-native, invasive species and, thus, stopped functioning as a wetland decades ago due to intense human disturbances. Rather, after installation of the replacement sewer pipeline, the project will restore the site to its historic conditions. The Commission's staff ecologist has reviewed the proposed plans and visited the project site. It is his opinion that, although the site is technically wetlands, virtually no habitat resources are currently provided within the construction corridor, due to many decades of extreme human disturbances (see Exhibit # 3).

The applicant proposes to revegetate the construction corridor and nearby areas with native species appropriate to the setting. A revegetation plan has not been completed yet, but is required in Special Condition #3, which calls for a complete set of final plans. The applicant has submitted a preliminary monitoring and reporting program (see Exhibit #4) which indicates:

- a. only native plant materials will be utilized;
- b. monitoring shall occur for 3-5 years depending on when success criteria are met; and
- c. success criteria shall include standards based on plant cover, species composition and site conditions (i.e., results of normal flood events).

Because of the current severely degraded site conditions, and because the only permanent impact is 7 sq.ft. for a manhole, the proposed mitigation/revegetation ratios are accepted. Disturbed southern willow scrub and disturbed mulefat scrub will be revegetated at a 2:1 ratio. The disturbed riparian scrub (areas dominated by Brazilian Pepper trees) will be revegetated at a 1:1 ratio.

With respect to Section 30240, there are existing, functioning wetlands immediately upstream, downstream and on the north; none of these existing sensitive habitats will be harmed, degraded or removed. Because these nearby native areas do support the nesting of several listed avian species, Special Condition #1 provides that work may not occur during those breeding seasons unless, after protocol surveys, CDFG and the Service determine it is appropriate. The Commission ecologist has determined that the construction corridor itself is devoid of functioning wetland resources, and does not meet the definition of ESHA found in Section 30107.5 of the Coastal Act. Moreover, the sewer pipeline will be underground, with the exception of one manhole, and the construction corridor will ultimately be enhanced.

In most cases, the first 100 feet upland from a wetland is generally reserved as a buffer to provide transitional habitat between the actual wetland and permitted development.

Although the size of an individual buffer can vary depending on site-specific circumstances, 100 feet is generally accepted as a minimum. A buffer provides a distance barrier and a percolating medium, and reduces the chance that adverse impacts associated with development (i.e., runoff and siltation associated with fertilizers, pesticides, plowing and related farming activities, in this specific case) will find its way into the wetlands. In addition, buffers provide upland habitat that acts as a refuge area for birds and other species that use the various wetlands throughout the river valley. As proposed, the project is surrounded by viable habitat, and will, upon project completion, become habitat itself. In this situation, there is no need for a buffer surrounding the specific project site, as the floodplain portions are completely within an area already approved for restoration. Buffers for the larger area are discussed in the findings for CDP #6-02-132, referenced herein.

The other regulatory agencies have also found the proposed development consistent with their regulations, but the Commission does not have copies of their final permits as yet. Special Condition #2 requires that, prior to project construction, copies of all other required permits will be submitted for the file. The condition also advises that any project changes identified in those permits may require the applicant to apply for an amendment to the subject permit.

In summary, implementation of the subject proposal will replace an existing sewer pipeline with a new one of similar size, but in a different alignment. It will also increase the amount and quality of riparian wetland habitat in this portion of the western San Diego River Valley. The project is conditioned to require that the Commission receive final plans for the revegetation, storage and staging areas, a construction schedule avoiding the bird breeding seasons, and copies of the permits from other state and federal agencies which have jurisdiction over the proposal. Therefore, the Commission finds the proposal, as conditioned, consistent with the cited Chapter 3 policies of the Coastal Act.

3. Water Quality. Section 30231 of the Coastal Act is applicable to the proposed development and was cited in the previous finding. The project site is partly located within existing paved, developed areas and partly within the San Diego River Valley, east of I-5 and west of the railroad line. The proposed sewer project will temporarily disturb a portion of the floodplain, but the site is well removed from the active river channel to the north, and no "blue line" streams exist within the construction corridor. Construction impacts will be addressed through the Storm Water Pollution Prevention Plan (SWPPP) required by the Regional Water Quality Control Board. Post construction, the only new impervious surface will be the 7 sq.ft. occupied by the manhole. Otherwise, all surfaces will continue to be permeable, and are expected to be inundated from time to time by storms severe enough to cause the entire floodplain to fill. By providing additional native wetland resources, the project will improve water quality both through percolation and filtration by species designed to accomplish this task. The Commission finds the proposal consistent with Section 30231 of the Act.

4. Public Access. Many policies of the Coastal Act address the provision, protection and enhancement of public access opportunities, particularly access to and

along the shoreline and access to public open space areas. The subject site is some distance inland from the actual shoreline, but is within the San Diego River floodplain, adjacent to areas that have been restored, and where riverside pedestrian paths are, or will be, provided. For this area, the following policies are most applicable, and state, in part:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30214

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. . . .

There are a number of unimproved trails running through this portion of the river valley, primarily associated with the many homeless encampments that have dotted the site over the past many years. These trails are on publicly-owned land, and will not be adversely affected by the proposed sewer pipeline replacement. However, some existing trails are being removed as part of a previously approved restoration project occurring in roughly the same area as the subject proposal (ref. CDP #6-02-132). Due to the nature of that project, and the revegetation efforts proposed herein, this is not an appropriate area to support existing, nor encourage greater, human intrusion.

The greatest threat to success of the restoration and revegetation efforts is ongoing human intrusion into the area. For this reason, the previously-approved restoration project includes features to discourage human intrusion, such as peeled log fencing, use of native nettles and poison oak in the proposed plant palette and landform alterations that will result in the overall area being wetter. These features will also support the revegetation efforts proposed herein by discouraging human intrusion, particularly while plants are first establishing. Section 30214 of the Coastal Act authorizes regulation of the time, place, and manner of public access depending upon such factors as the fragility of the natural resources in the area, topographic characteristics and the capacity of the site to sustain public use. Because of the sensitivity of any restored habitat to human intrusion, restricting public access in the manner proposed in the prior permit was found by the Commission to be consistent with the Coastal Act. The Commission finds herein that the finished project will increase coastal resources and will not, in and of itself, diminish public use; in addition, the specific improvements permitted in the prior action will benefit this revegetation effort as well. Therefore, the Commission finds the proposed development consistent with the cited public access and recreation policies of the Act.

5. Visual Resources. The following policy of the Coastal Act addresses visual resources, and states, in part:

Section 30251

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 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...

The subject site is located within one of only a few remaining greenbelts in the developed core of the City of San Diego. The San Diego River Valley provides an open space corridor within an otherwise intensely developed commercial, residential and industrial area. As seen from the surrounding public transportation network (I-5, Pacific Highway, and the railroad tracks), the project will not significantly alter the existing viewshed. The new pipeline will be underground and the associated revegetation area will be within other restored areas. Thus, the Commission finds that the proposed development is consistent with Section 30251 of the Act.

6. 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 site is a portion of the San Diego River floodplain, and is located in the Mission Valley Community Plan area. Since such a small part of the Mission Valley Community

Plan area is within the coastal zone, the City did not make this planning area part of its LCP. Thus, the area remains uncertified and in the Commission's permit jurisdiction. The floodplain in this area is publicly-owned open space, and the proposed project will be consistent with that designation, as it will enhance the habitat function of the site without directly affecting the level of public access. Prior findings have demonstrated that the project, as conditioned, is also consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of this proposal, as conditioned, will not prejudice the ability of the City to continue implementation of its certified LCP.

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

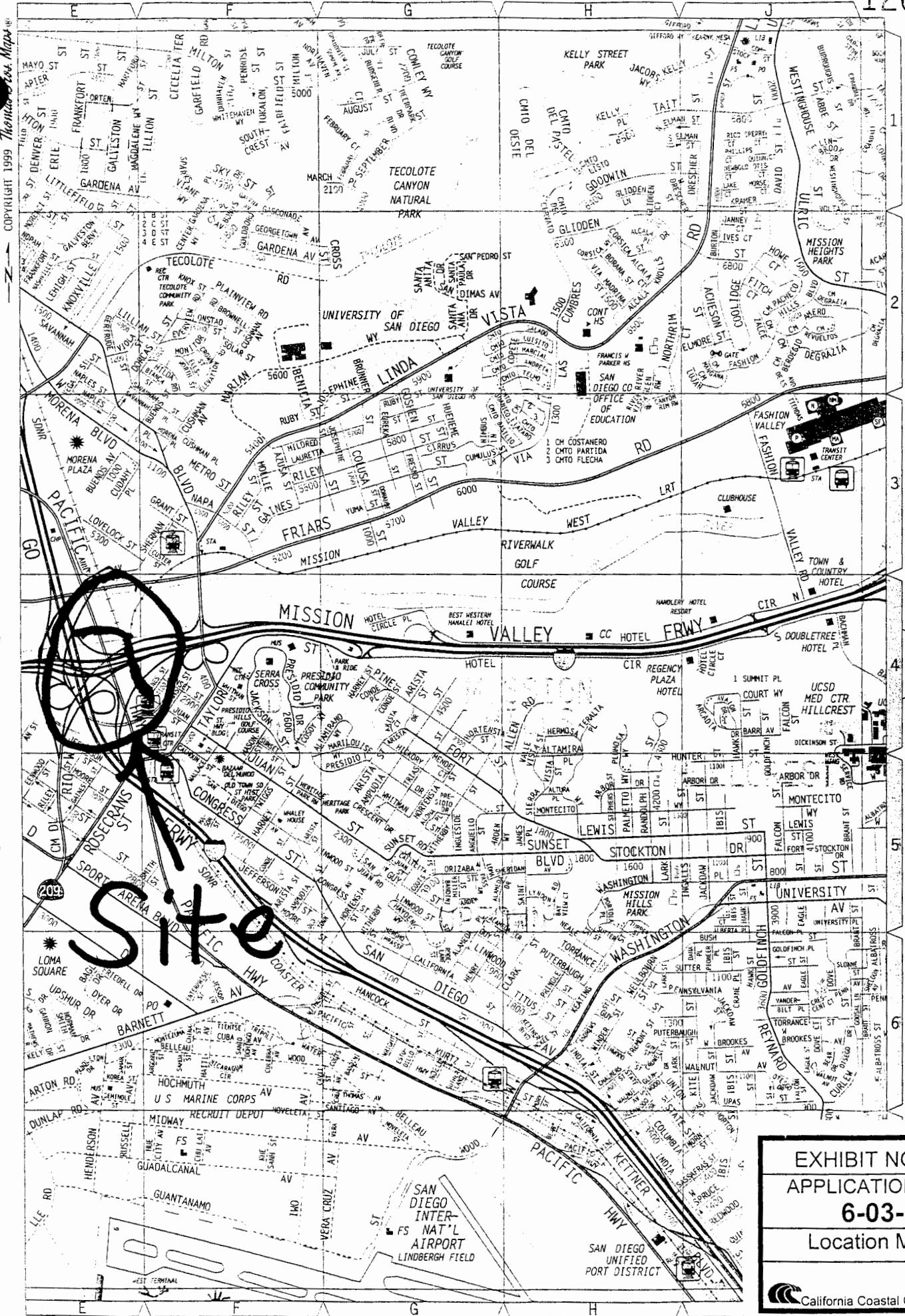
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing construction schedules, staging and storage areas, and permits from other agencies 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 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.



Site

EXHIBIT NO. 1
APPLICATION NO.
6-03-106
Location Map

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SAN DIEGO CO.

SEE 1269 MAP

in CZ

outside CZ



Source: Eagle Aerial, 0.5m resolution, April 2002; California Coastal Commission, 2000



400 0 400 Feet

Scale: 1:4,800; 1 inch = 400 feet

Sewer Pipeline Replacement Pr

Caltrans District 11 Sewer Pipeline Replacement Project Biological Technical Report
GIS:OK125 GIS apr 03 09 22 fig2_aerial_biotech.apr SP833700 03 23 03

EXHIBIT NO. 2
APPLICATION NO.
6-03-100
Site Plan
California Coastal Commission

CALIFORNIA COASTAL COMMISSION

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SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
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MEMORANDUM

FROM: John Dixon, Ph.D.
Ecologist / Wetland Coordinator

TO: Ellen Lirley

SUBJECT: CalTrans Old Town Sewer Line Replacement

DATE: November 14, 2003

Documents reviewed:

L. Quon and J. Messina (EDAW). 2003. Biological technical report for the California Department of Transportation District 11 San Diego office complex sewer line replacement project, San Diego, California. A report prepared for the Department of General Services and the Department of Transportation dated October 2003.

B. Biddulph (EDAW). 2003. Letter dated September 18, 2003 to Ellen Lirley (CCC) re "Caltrans District 11 Office Building, Old Town Sewer Line Replacement Project."

On October 10, 2003, accompanied by John Messina, I walked the 50-foot wide corridor proposed for a sewer line replacement within the San Diego river floodplain. The sewer line corridor and the immediately surrounding area is extremely degraded and disturbed habitat. The principal native riparian species present are scattered mulefat and arroyo willow. Large areas are dominated by exotic species, particularly Peruvian and Brazilian pepper trees. The herbaceous layer within the construction corridor is also generally dominated by exotic vegetation. No rare plant or animal species were observed within the construction corridor, nor are such species expected to occur there. Due to the extraordinary level of degradation, I do not believe that the riparian habitat occurring within the construction corridor meets the definition of Environmentally Sensitive Area in Section 30107.5 of the Coastal Act.

EXHIBIT NO. 3
APPLICATION NO.
6-03-106
Letter from Dr. Dixon
California Coastal Commission

SAN DIEGO OFFICE COMPLEX - DEPARTMENT OF
TRANSPORTATION, DISTRICT 11

MONITORING AND REPORTING PROGRAM
SEWER PIPELINE

RECEIVED

NOV 20 2003


CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Following the certification of the EIR for the Caltrans District 11 Office Complex project (SCH # 2000101048), it was determined that the slope of the existing sanitary pipeline was not adequate to meet City standards and that an off-site sewer pipeline would need to be replaced to increase its gradient. The need for a new sewer pipeline was not known during the previous environmental process. Subsequent to project approval, the need for the sewer pipeline replacement was identified through the final design process by the City of San Diego. The sewer pipeline is approximately 1,300 feet in length and transverses several land use types to the north and northwest of the building site, including commercial, transportation, and open space (San Diego River flood control channel).

An Addendum to the previously certified EIR was completed in October 2003, which provides the additional information necessary to incorporate the sewer pipeline into the EIR. The Addendum provides additional information regarding the proposed project, the project features, and an environmental evaluation.

The following table is the Monitoring and Reporting Program for the project features that have been incorporated into the sewer pipeline project to ensure that significant adverse effects do not occur during construction.

4 pages

EXHIBIT NO. 4
APPLICATION NO.
6-03-106
<i>Proposed Monitoring Program</i>
 California Coastal Commission

MONITORING AND REPORTING PROGRAM
SAN DIEGO OFFICE COMPLEX - DEPARTMENT OF TRANSPORTATION, DISTRICT 11
SEWER PIPELINE

Project Feature	Timing	Monitoring Method	Verification of Compliance		
			Initial	Date	Remarks
1. NOISE					
Work on the sewer pipeline replacement in the EZ-8 motel parking lot or within 100 feet of a motel room shall be limited to the hours of 9:00 a.m. to 5:30 p.m., which are the hours when rooms would most likely not be used for sleeping. The motel operator will be given notice of the planned construction dates and time at least three weeks prior to the start of construction. The notice will explain the planned project, and will encourage the motel operator to vacate all rooms within 100 feet of the construction area. The construction site will be managed to reduce conflicts between operation of the motel and short-term construction. Measures may include making accommodations for material and equipment storage, construction site fencing, and providing adequate access.	PrC, C	Notification of the motel operator will occur prior to construction by the project manager. Hours of operation will apply during construction. The construction contractor will monitor and manage construction to ensure that work on the sewer pipeline in the EZ-8 motel parking lot or within 100 feet of a motel room does not occur before 9:00 a.m. or after 5:30 p.m.			
2. CULTURAL RESOURCES					
Both Native American and archaeological monitors will be present during construction excavation for the sewer pipeline. If any cultural resources are found, work will be halted immediately in the area until the resource can be assessed. Assessment will be made following the guidelines established by the research design and testing plan for the District 11 Office Complex project.	C	A qualified archaeological monitor will be on-site during ground-disturbing activities. The archaeological monitor will have the authority to stop or divert work to implement measures necessary to protect cultural resources.			

PrC = Preconstruction; C = Construction; PoC = Postconstruction

**San Diego Office Complex Sewer Pipeline, Monitoring and Reporting Program,
Continued.**

Project Feature	Timing	Monitoring Method	Verification of Compliance		
			Initial	Date	Remarks
3. NATURAL RESOURCES					
<p>The timing of construction of the sewer pipeline in the San Diego River floodplain will avoid construction during the bird breeding season in the project area (March 15 - September 15). If construction is necessary before close of the breeding season, Caltrans could elect to conduct protocol surveys for the Least Bell's vireo, light-footed clapper rail, and Belding's savannah sparrow prior to work in the San Diego River floodplain in the season of planned construction. If this measure were selected, the surveys would be completed prior to construction, in the same year of construction. If the surveys are completed and no sensitive bird species are noted during the surveys, construction could occur during the breeding season. Due to the length of the required protocol surveys, construction could not begin until mid-June at the earliest, assuming the surveys are negative. If protocol surveys do not detect these species during the early portion of the breeding season and construction is initiated during the latter portion of the respective breeding seasons, a biological monitor would be required to survey the river corridor (at least weekly during the construction period) to include all appropriate habitat within 500 feet of construction activity. If listed avian species are observed exhibiting nesting behavior within 500 feet of construction activity, noise attenuation measures would be installed to reduce construction-generated noise to ambient levels in occupied habitat.</p>	PrC, C	<p>If construction avoids the bird breeding season (March 15 – September 15), no further action is necessary. Construction timing will be verified by the project manager prior to construction.</p> <p>If construction is required during the bird breeding season, the appropriate surveys will be conducted by a qualified biologist prior to construction. The project manager will ensure they are complete and that compliance with this project feature occurs.</p>			

PrC = Preconstruction; C = Construction; PoC = Postconstruction

**San Diego Office Complex Sewer Pipeline, Monitoring and Reporting Program,
Continued.**

Project Feature	Timing	Monitoring Method	Verification of Compliance		
			Initial	Date	Remarks
<p>All areas of native habitat that would be affected will be revegetated in-kind or with habitats of higher ecological value (i.e., replace affected nonnative riparian vegetation with native species). Non-native species will not be used for the revegetation. The sewer pipeline replacement project will include a revegetation component for the construction corridor. This revegetation will provide for a compensation ratio of 2:1 for the disturbed southern willow scrub and disturbed mulefat scrub and 1:1 for the disturbed riparian scrub (areas dominated by Brazilian pepper tree with some native understory species), which will ensure a no net loss of riparian habitat.</p> <p>A conceptual revegetation plan detailing methods, planting stock, seed mix, responsibilities and success criteria, will be written and submitted to CDFG. The revegetation plan will include a monitoring component. It is anticipated that monitoring will be required for a 3-5 year period, depending upon when success criteria are met. Detailed success criteria will be provided in the revegetation plan, and will include standards based on percentage of native cover, non-native cover, noxious weeds, and erosion conditions. Monitoring will occur more intensively during the plant establishment period (90-days). After the plant establishment period, monitoring will occur at least twice a year.</p>	PrC, PoC	<p>A qualified biologist will prepare the revegeation plan prior to construction.</p> <p>The revegetation plan will be implemented once construction is complete. Monitoring by a qualified biologist will begin after the planting has occurred for a 3-5 year period.</p>			
<p>A site-specific Storm Water Pollution Prevention Plan (SWPPP) will be developed and best management practices (BMPs) will be implemented in accordance with the existing National Pollutant Discharge Elimination System (NPDES) permit. In addition, the site will be dewatered as necessary. DGS will update the SWPPP and monitor the success of the BMPs throughout the construction and operation of the project.</p>	PrC, C	<p>The SWPPP will be developed prior to construction. The project manager will verify that the SWPPP has been prepared prior to construction.</p> <p>The construction contractor will oversee implementation of the SWPPP during construction.</p>			

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