

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 7575 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4402
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RECORDED AND INDEXED COPY

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Filed: February 19, 2003
 49th Day: April 9, 2003
 180th Day: August 18, 2003
 Staff: DL-SD
 Staff Report: April 16, 2003
 Hearing Date: May 6-9, 2003

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-03-22

Applicant: San Diego County Regional Airport Authority Agent: Ted Anasis

Description: Replacement of approximately 1,000 feet of an existing 24-inch storm drain with a new 48-inch storm drain, reconstruction of 60 to 80 linear feet of riprap-lined embankment with 120 cubic yards of 100 pound stones and 50 cubic yards of 1-inch stone filter gravel, and replacement of deteriorated headwall at storm drain outlet.

Zoning CC – Commercial Community
 Plan Designation Right-of-Way between Metropolitan Wastewater
 Department and Regional Public Safety Training Institute

Site: Right-of-way in Spruance Road, former Naval Training Center, San Diego, San Diego County. APN 450-790-07.

Substantive File Documents: Certified NTC Precise Plan and Local Coastal Program;
 Certified Port Master Plan.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed storm drain upgrade. The project will upgrade an existing substandard storm drain to current City standards, which include current water quality Best Management Practices. The Commission previously reviewed and approved the sewer upgrade for the portion of the project located with the San Diego Port District's jurisdiction (which has now been transferred to the newly created Airport Authority) through Port Master Plan #28. The project has been conditioned to ensure no impacts to sensitive biological resources or water quality result from the development.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-03-22 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. Eelgrass Impacts. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a final mitigation program in accordance with the *Southern California Eelgrass Mitigation Policy* (July 31, 1991), and which includes the following provisions:

a. A pre-construction survey of the existing eelgrass beds shall be completed to establish the pre-impact conditions of the eelgrass beds and the density of the beds prior to implementation of the proposed project. The survey shall be submitted to the Executive Director before commencement of construction and shall indicate the length, width, and density of the eelgrass beds.

- c. A post-construction survey shall be completed within 14 days following construction to determine the actual footprint of eelgrass impact. Within 30 days after completion of the post-construction survey, the permittee shall submit a report to the Executive Director that includes the post-construction survey. The report shall identify the amount of eelgrass impacted by the project based upon comparison of the pre- and post-construction surveys. The report shall also include a restoration schedule and an estimate of the square footage of area to be replanted if necessary.
- d. Eelgrass impacts shall be mitigated by replanting eelgrass at the project site at a ratio of 1.2 square feet of mitigation area for each square foot of area impacted.
- e. Prior to commencement of the mitigation/transplant, the applicant shall obtain final approval for the method of transplant from the Army Corps of Engineers (ACOE).

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

2. Monitoring Program for Eelgrass Mitigation. If the post-construction report required by Special Condition #1 of CDP #6-03-22 identifies eelgrass impacts, the applicant shall submit to the Executive Director for review and written approval, a final monitoring program approved by the Army Corps of Engineers and which will include the following provisions:

- a. The mitigation monitoring program, as proposed, shall occur over a five-year period to ensure establishment and to verify that minimum coverage and density requirements are achieved.
- b. After each monitoring survey, the applicant shall submit a summary report to the California Coastal Commission, U.S. Army Corps of Engineers, National Marine Fisheries Service, and the U.S. Fish and Wildlife Service within 30 days of completion of the monitoring.
- c. In the event the monitoring reports indicate that the mitigation efforts have not been successful, the applicant shall implement remedial measures to assure the successful establishment of eelgrass beds in the project vicinity.

The monitoring program shall be submitted concurrent with any mitigation plan required pursuant to Special Condition #1 of CDP #6-03-22. The permittee shall undertake development in accordance with the approved monitoring program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without an amendment to this coastal

development permit unless the Executive Director determines that no amendment is legally required.

3. Construction Period for Nesting Season of Sensitive Bird Species. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final construction schedule to the Executive Director for review and written approval. The schedule shall include a specific restriction on all in-water construction activity between April 1 and September 15 of any year.

Any exceptions to the construction schedule must be reviewed and approved in writing by the Army Corps of Engineers. The permittee shall undertake development in accordance with the approved construction schedule. Any proposed changes to the approved schedule shall be reported to the Executive Director. No changes to the approved schedule shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Temporary Erosion Control/Construction BMPs. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a plan for temporary erosion controls and construction Best Management Practices (BMPs), which shall be incorporated into construction bid documents, to the Executive Director for review and written approval. The plan shall have been approved by the City of San Diego, and shall incorporate the following requirements:

- a. Temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized to minimize soil loss during construction.
- b. All areas disturbed by excavation shall be restored to pre-construction conditions immediately following project completion.

The permittee shall undertake development in accordance with the approved temporary erosion control plans. Any proposed changes to the approved erosion control 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. Proposed is the replacement of an existing 24-inch storm drain and headwall with a 48-inch drain and associated improvements. The existing approximately 975 foot long storm drain is located within the paved right-of-way of Spruance Road, an internal road located on the former Naval Training Center (NTC) property transferred to the City of San Diego as part of the disposal of the NTC site.

Removal and replacement of the storm drain will occur entirely within the paved street right-of-way or within the alignment of the existing drain. There is an existing headwall and energy dissipater alongside the San Diego Bay Boat Channel that will be removed, and approximately 60-80 linear feet of existing riprap-lined embankment will be reconstructed with 120 cubic yards of 100-pounds stone. A new headwall will be constructed in approximately the same location as the existing headwall.

The proposed project drains a paved airport employee parking area that was approved under a coastal development permit issued by the San Diego Unified Port District, prior to the establishment of the Airport Authority. In June 2001, the Commission approved Port Master Plan Amendment #28, which included designating a 20-acre area for the 1,200-space employee parking lot. The amendment approved, in concept, the subject upgrade of the existing storm drain to 48 inches, and installation of an underground oil/water separator at the corner of McCain and Spruance to collect surface runoff from the parking lot. Only the portion of the storm drain from northeast of Kincaid Road to the boat channel is within the Commission's original jurisdiction as public trust land. The portion of the storm drain located between McCain Road and Kincaid is within the City of San Diego's permit jurisdiction, and will require separate review and approval from the City (see Exhibit #2).

The proposed project is located on a site that was previously a U.S. Naval Training Center under the jurisdiction of the federal government. The majority of the site has now been transferred to the City of San Diego. However, the subject site will remain within the Commission's original coastal permit jurisdiction as public trust lands. Therefore, Chapter 3 of the Coastal Act is the standard of review.

2. Environmentally Sensitive Habitat Area/Water Quality. Section 30230 of the Coastal 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.

The proposed project involves replacement of an existing drainage headwall and reconstructing 60-80 feet of an existing rock-lined embankment with approximately 120 cubic yards of stone. The project will not result in an expansion of rock or structures into areas of shoreline or water that are not currently occupied by structures. The U.S. Army Corps of Engineers has reviewed the project and determined that the proposed project complies with terms and conditions of nationwide permit NW07, which contains requirements for outfall structures.

As proposed, all construction of the headwall and energy dissipater will occur at low tide to prevent impacts to water quality. Any material accidentally introduced into the water will be removed. All heavy equipment will remain outside of jurisdictional waters. A silt curtain will be placed approximately 40-50 feet from the outlet. The California Regional Water Quality Control Board has issued a permit for the proposed storm drain replacement. Special Condition #4 requires that the applicant submit a plan to control runoff and implement Best Management Practices (BMP) during the construction phase of the development.

The applicant has proposed that as a BMP for the proposed parking lot, an oil/water separator will be constructed in the northwest corner of the parking area. In addition, at the time the Commission approved the proposed project at the Port Master Plan level, the Port agreed to incorporate project specific BMPs in the coastal development permit for the project. These BMPs were to include the following requirements:

Preparation of a drainage and runoff control plan for the site by a licensed engineer that includes the following requirements:

1. Drainage from all parking lot areas used for motor vehicle parking shall be directed through BMPs or suites of BMPs (such as oil/water separators, vegetative swales, or other media filter devices) effective at removing and/or mitigating pollutants of concern including petroleum hydrocarbons, heavy metals, and particulates. Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the stormwater runoff from each runoff event up to and including the 85th percentile, 24-hour runoff event for volume based BMPs and/or the 85th percentile, 1 hour event, with an appropriate safety factor, for flow-based BMPs.
2. Parking lots susceptible to stormwater should be swept with a vacuum regenerative sweeper on a regular basis
3. The plan shall include provisions for maintaining the drainage and filtration systems, including BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or

subsurface drainage/filtration or BMP structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area.

The Commission's water quality staff reviewed the parking lot project and these conditions, and determined that the Best Management Practices (BMPs) would adequately mitigate any potential impacts to the environmental quality of San Diego Bay. Therefore, the employee parking lot has been designed in such a manner that the discharge through the subject drainage pipe will not have an adverse impact on water quality. In addition, all construction work will occur within existing paved street right-of-ways, and there will be no increase in impervious surfaces that could increase runoff or erosion.

Although all work will be located in areas with existing rock or structures, there is still a potential that some work could impact eelgrass. Eelgrass (*Zostera marina*) is an aquatic plant consisting of tough cellulose leaves that grow in dense beds in shallow, subtidal or intertidal unconsolidated sediments. Eelgrass is protected by Coastal Act Sections 30230 and 30231 because it functions as important habitat for a variety of fish and other wildlife, according to the Southern California Eelgrass Mitigation Policy (SCEMP) adopted by the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFG). For instance, eelgrass beds provide areas for fish egg laying, juvenile fish rearing, and waterfowl foraging. Sensitive species, such as the California least tern, a federally listed endangered species, utilize eelgrass beds as foraging grounds.

As proposed, (and conditioned by the Army Corps) a qualified biologist will perform pre- and post-construction eelgrass surveys of the project area in accordance with the Southern California Eelgrass Mitigation Policy. This policy establishes mitigation requirements, mapping criteria, and monitoring performance standards. If it is determined by the post-construction survey that there was a loss of eelgrass habitat, mitigation will be performed in accordance with the Southern California Eelgrass Mitigation Policy. Special Condition #1 requires that the applicant perform a pre- and post-eelgrass survey, and mitigate for any impacts that occur. Special Condition #2 requires that, should mitigation be necessary, that the mitigation be monitored to ensure the mitigation is successful.

In addition, the Corps has required that no in-water work occur during the California least tern nesting season from April 1 to September 15, to avoid construction impacts to this federally-listed-as-endangered species, which is known to utilize habitat in the vicinity of the project. Therefore, Special Condition #3 requires the applicant to submit a construction schedule showing that no in-water work will occur during the tern nesting season.

Thus, as conditioned, the proposed project is not expected to have any adverse impacts on water quality or sensitive biological resources. The Commission's water quality staff has reviewed the project and determined that, as conditioned, the project will be consistent

with the water quality protection policies of the Coastal Act. Therefore, as conditioned, the proposed project is consistent with the resource protection policies of the Coastal Act.

3. Public Access. Many policies of the Coastal Act address the provision, protection and enhancement of public access to and along the shoreline, in particular, Sections 30210, 20211, 30212.5, 30221, 30223 and 30252. These policies address maintaining the public's ability to reach and enjoy the water, preventing overcrowding by providing adequate recreational area, protecting suitable upland recreational sites, and providing adequate parking facilities for public use. In addition, Section 30604(c) requires that a specific access finding be made for all development located between the sea and first coastal roadway. In this case, such a finding can be made.

The subject storm drain will be located in the street right-of-way between the City of San Diego Metropolitan Wastewater Department Laboratory (currently under development) and the City's Regional Public Safety Training Institute, and will discharge into the San Diego Bay Boat Channel. The development and maintenance of public access to and along the boat channel has been made a condition of approval for all development at the former NTC, and the proposed project will not adversely impact any public access requirements for the site. No impacts to public access or recreation will result from the project, consistent with the Chapter 3 requirements of the Coastal Act.

4. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The proposed project is located on a site that was previously a U.S. Naval Training Center under the jurisdiction of the federal government. The majority of the site has now been transferred to the City of San Diego. However, the subject site will remain within the Commission's original coastal permit jurisdiction as public trust lands.

As discussed above, the proposed project is consistent with the public access, biological resources and water quality protection policies of the Coastal Act. As conditioned, no impacts to coastal resources will result from the proposed storm drain. Therefore, the Commission finds that approval of the proposed development will not prejudice the ability of the City of San Diego to continue implementing its certified Local Coastal Program for the area.

5. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, 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 eelgrass monitoring, water quality and the 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 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.

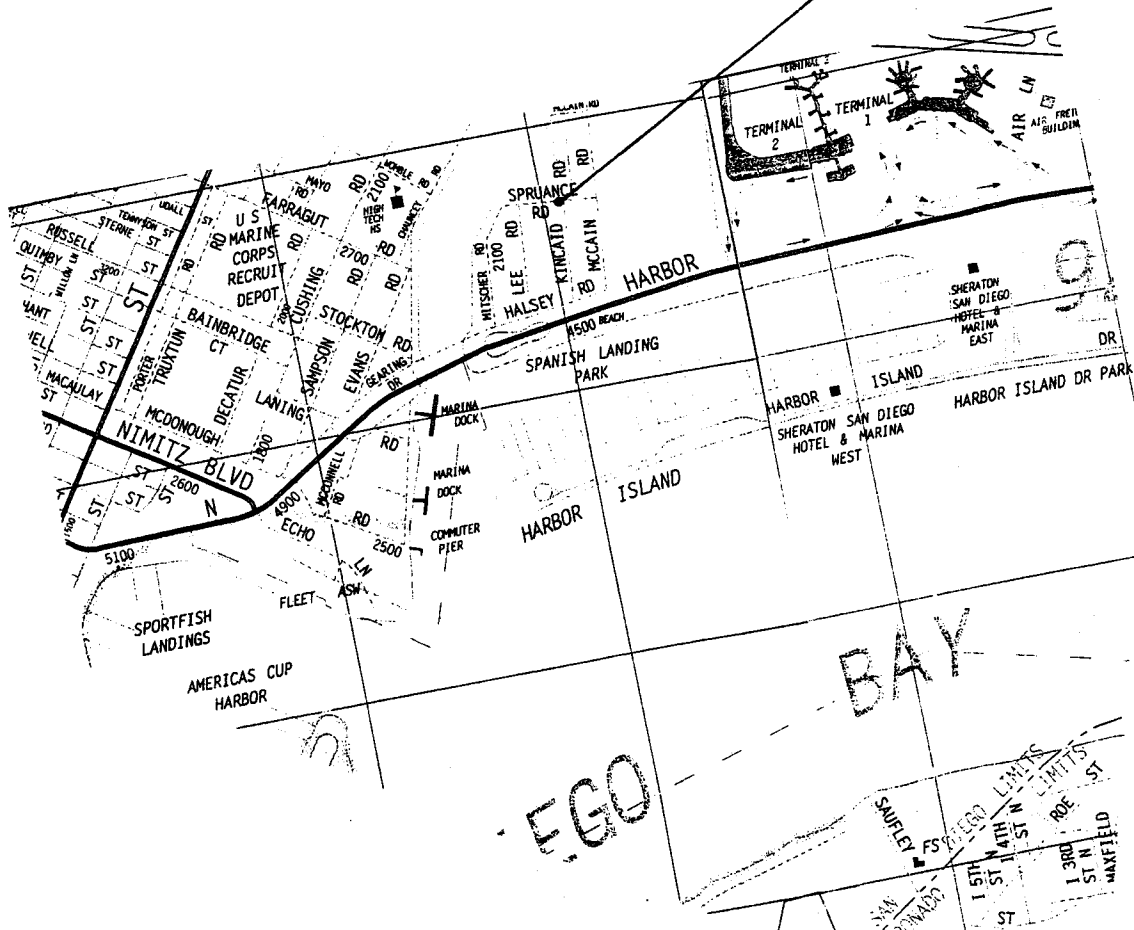
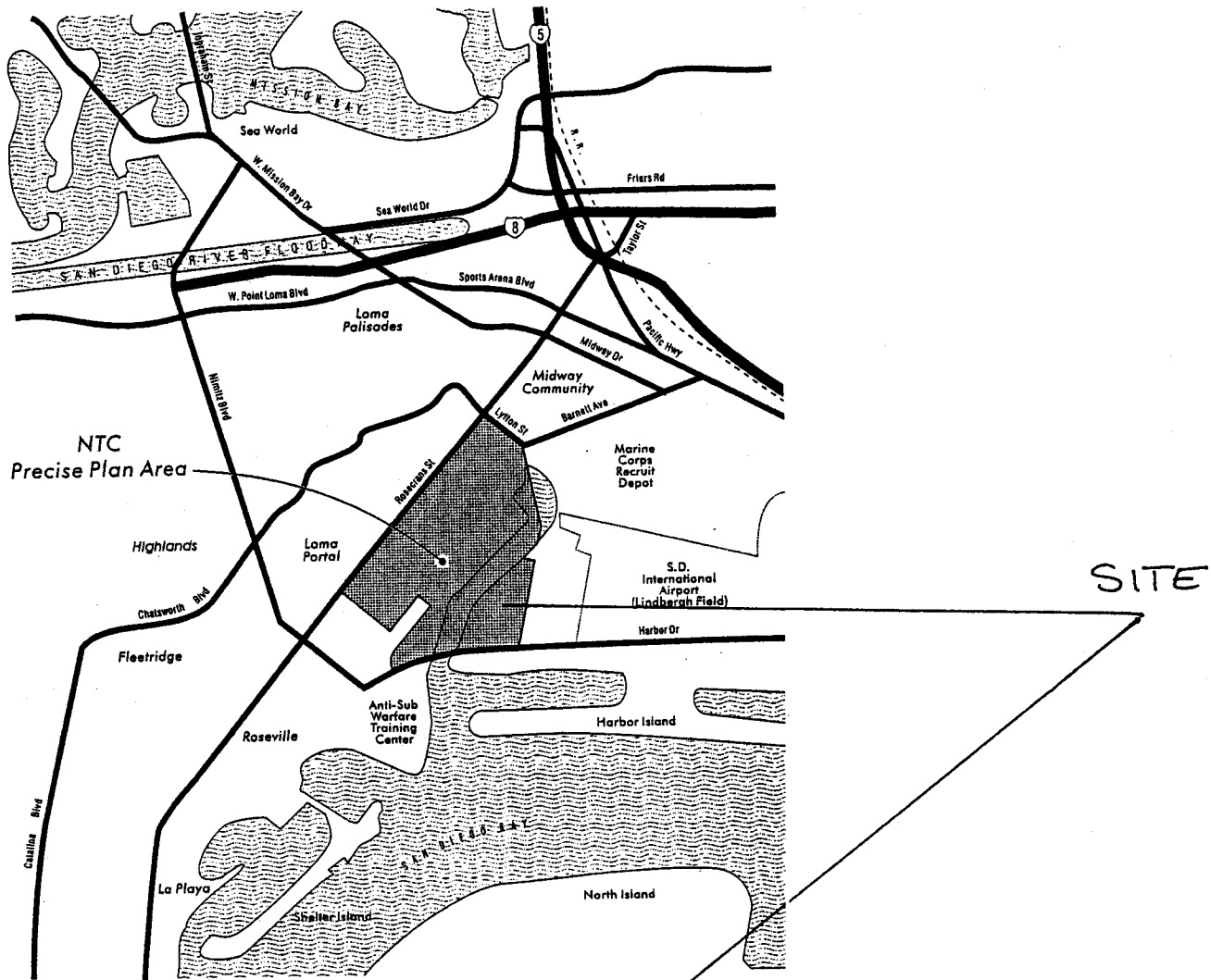
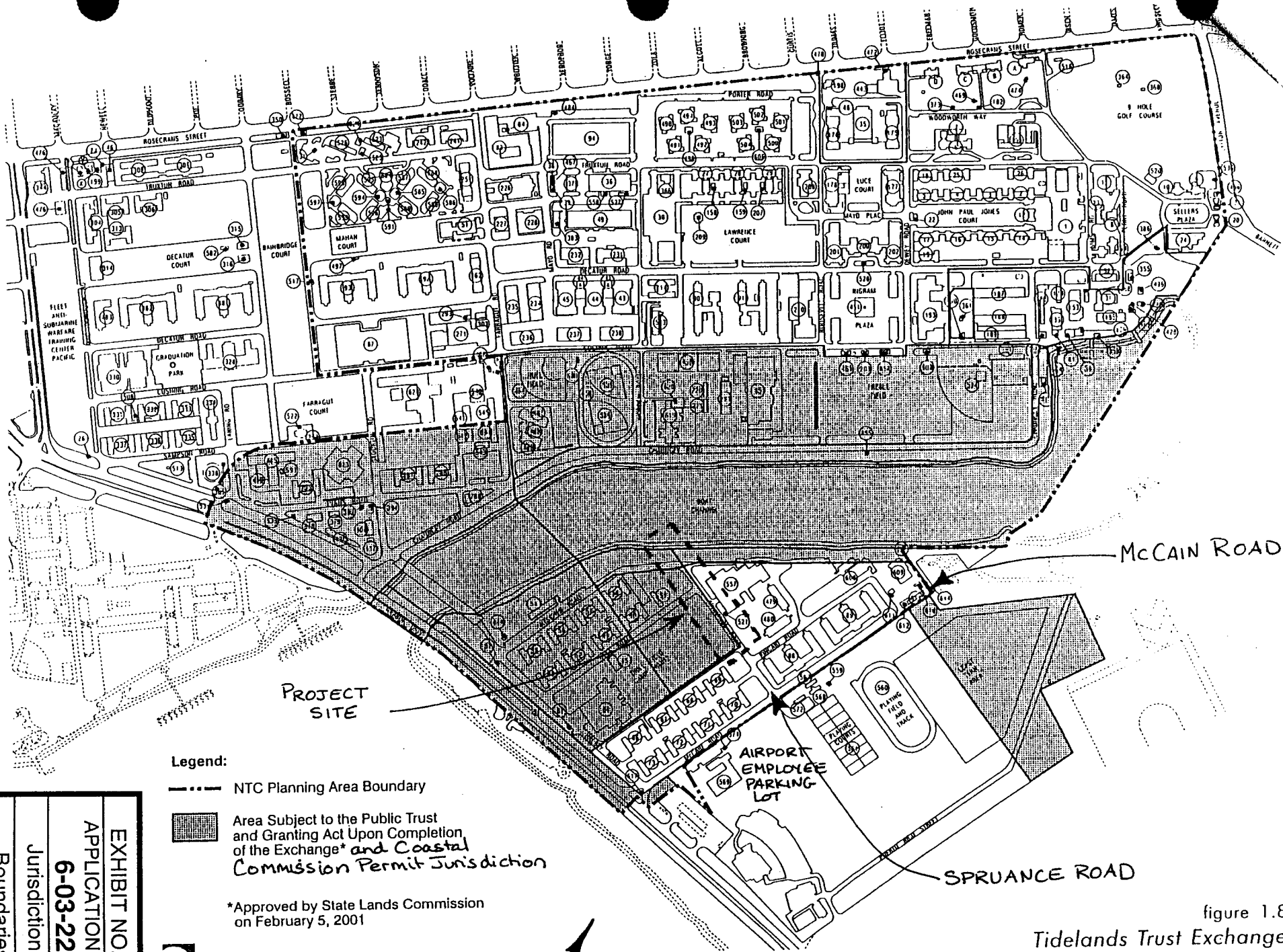




EXHIBIT NO. 1
 APPLICATION NO.
 6-03-22
 Location Map





Legend:

-  NTC Planning Area Boundary
-  Area Subject to the Public Trust and Granting Act Upon Completion of the Exchange* and Coastal Commission Permit Jurisdiction

*Approved by State Lands Commission on February 5, 2001



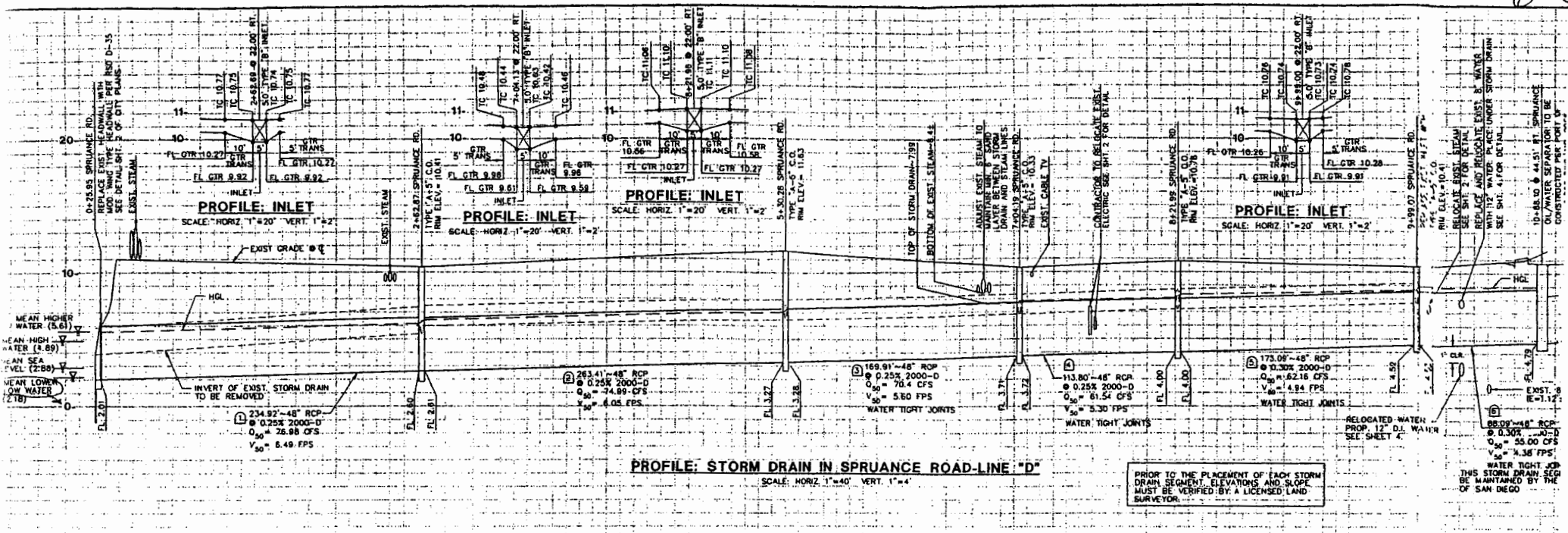
Scale in Feet (approx.)
 200 100 0 200 400 600 800 1000
 Rick Planning Group 04-27-01

McCain Road

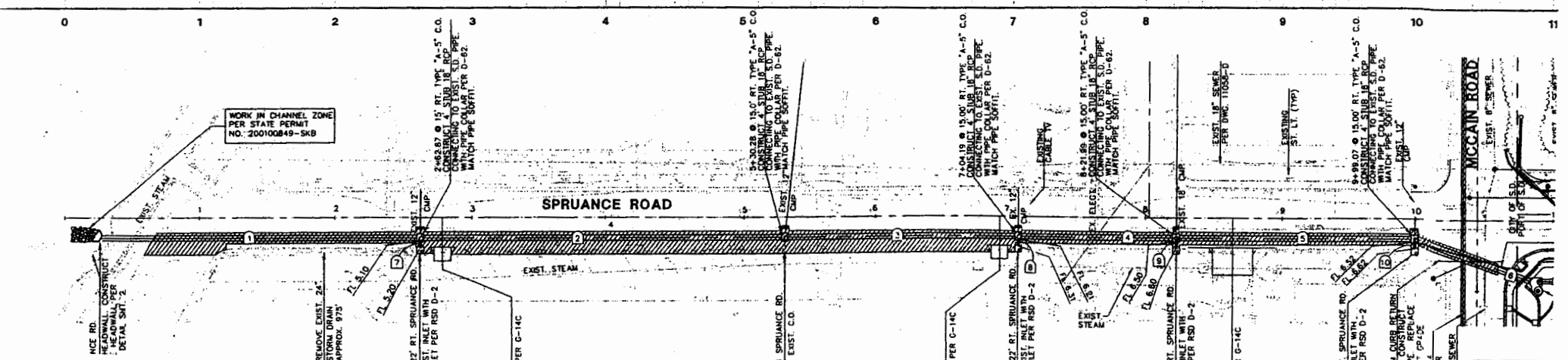
Spruance Road

figure 1.8
 Tidelands Trust Exchange
 NTC Precise Plan

MEAN HIGHER WATER (5.61)
MEAN HIGH WATER (3.89)
MEAN SEA LEVEL (2.89)
MEAN LOWER LOW WATER (2.16)



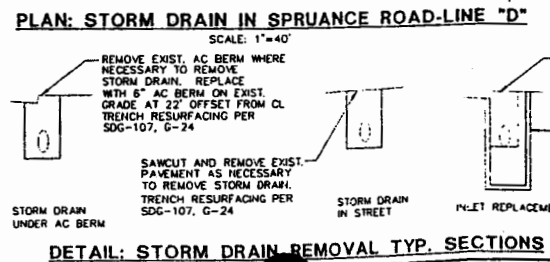
PRIOR TO THE PLACEMENT OF EACH STORM DRAIN SEGMENT, ELEVATIONS AND SLOPE MUST BE VERIFIED BY A LICENSED LAND SURVEYOR.



California Coastal Commission
Cross-Sections
EXHIBIT NO. 3
APPLICATION NO.
6-03-22

NO	BRG/DELTA	RADIUS	LENGTH	REMARKS
1	N82°29'30"W	--	234.92'	48" RCP 2000-D
2	N82°29'30"W	--	263.41'	48" RCP 2000-D
3	N82°29'30"W	--	169.91'	48" RCP 2000-D
4	N82°29'30"W	--	113.80'	48" RCP 2000-D
5	N82°29'30"W	--	173.09'	48" RCP 2000-D
6	N62°54'58"W	--	88.09'	48" RCP 2000-D
7	N07°38'47"E	--	4.75'	18" RCP 2000-D
8	N08°03'47"E	--	4.75'	18" RCP 2000-D
9	N07°49'10"E	--	4.75'	18" RCP 2000-D
10	N07°30'30"E	--	4.75'	18" RCP 2000-D

** STORM DRAIN TO BE MAINTAINED BY PORT OF SAN DIEGO
** WATER TIGHT JOINTS (SEE DETAIL ON SHEET 2)

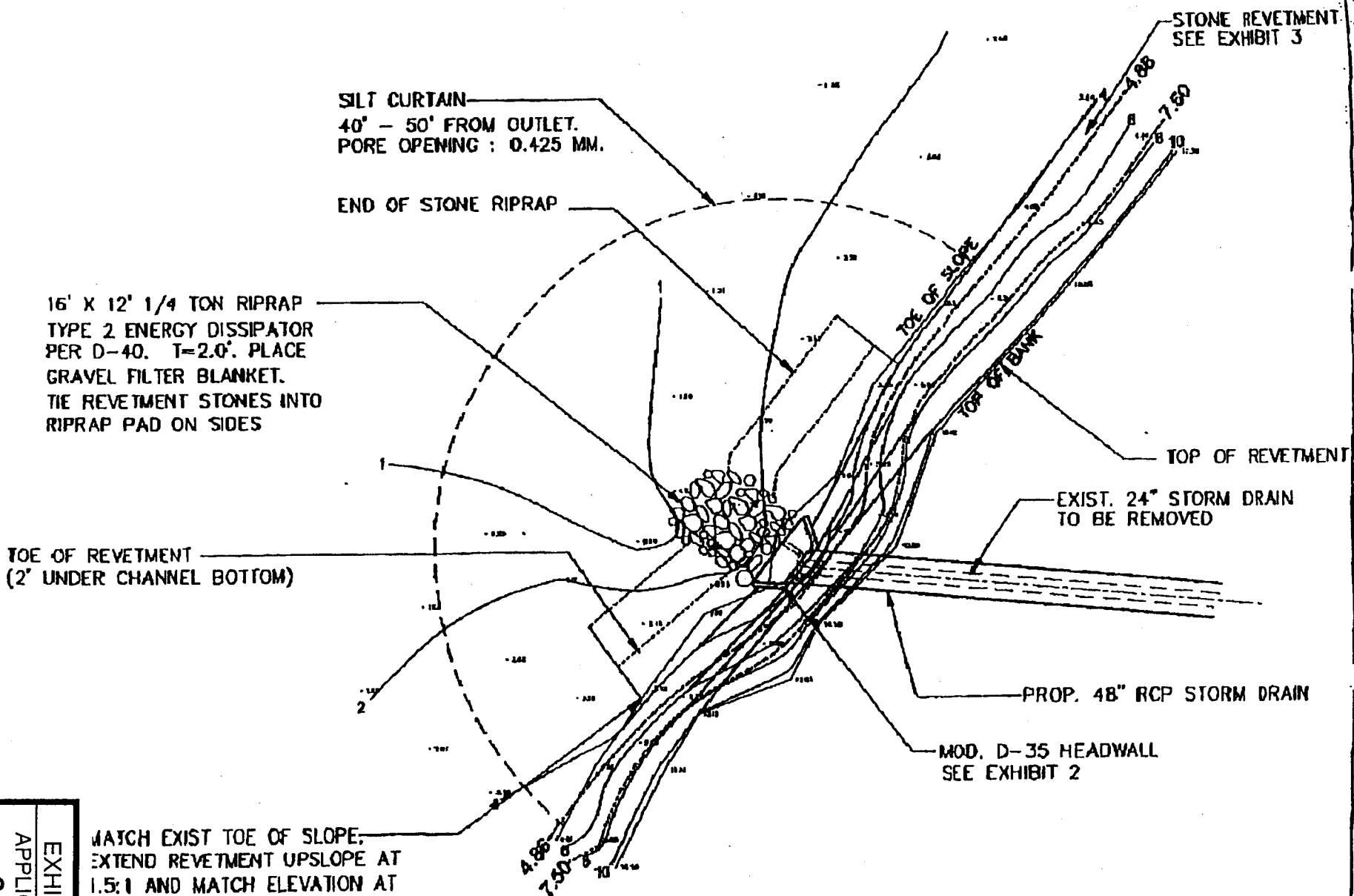


BENCH MARK
BRASS DISK, USGAC "P-721" AT THE NORTHWEST CORNER OF THE ESTUARY BRIDGE
ELEV. 25.038 DATUM: MEAN LOWER LOW WATER RECORD, SAN DIEGO UNIFIED PORT DISTRICT BENCH LEVELS.

ENGINEER OF WORK
SAMUEL LAKE MCWHORTER R.C.E. 61788 DATE

PORT OF SAN DIEGO
IMPROVEMENT
CITY OF SAN DIEGO
FOR CITY ENGINEER
DESCRIPTION
ORIGINAL
CONTRACTOR INSPECTOR

02; -> usace regulatory branch; Page 4
 Oct 30 2002 9:38 P.04
 Fax:8586745388



SILT CURTAIN
 40' - 50' FROM OUTLET.
 PORE OPENING : 0.425 MM.

END OF STONE RIPRAP

16' X 12' 1/4 TON RIPRAP
 TYPE 2 ENERGY DISSIPATOR
 PER D-40. T=2.0'. PLACE
 GRAVEL FILTER BLANKET.
 TIE REVETMENT STONES INTO
 RIPRAP PAD ON SIDES

TOE OF REVETMENT
 (2' UNDER CHANNEL BOTTOM)

STONE REVETMENT
 SEE EXHIBIT 3

TOP OF REVETMENT

EXIST. 24" STORM DRAIN
 TO BE REMOVED

PROP. 48" RCP STORM DRAIN

MOD. D-35 HEADWALL
 SEE EXHIBIT 2

MATCH EXIST TOE OF SLOPE.
 EXTEND REVETMENT UPSLOPE AT
 1.5:1 AND MATCH ELEVATION AT
 TOP OF SLOPE. FILL AS NEEDED
 BEHIND REVETMENT TO MATCH
 EXIST.


ATIONS
 AN HIGH WATER = 4.86
 NUAL HIGH WATER = 7.50

HEADWALL AND REVETMENT DETAIL

1"=20'

EXHIBIT 1

March 20, 2001

 California Coastal Commission	Headwall & Riprap
	APPLICATION NO. 6-03-22
	EXHIBIT NO. 4

