

CALIFORNIA COASTAL COMMISSION

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 Staff: DL-SD
 Staff Report: October 28, 2004
 Hearing Date: November 17-19, 2004

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-04-43

Applicant: City of San Diego Water Department **Agent:** Mike Gonzales

Description: Temporary and permanent repairs to slopes, pedestrian trail and drainage channel adjacent to Famosa Slough damaged by water line breaks, including installation of erosion control measures, placement of concrete lining in storm drain, and replanting native vegetation.

Site: Famosa Slough at intersection of Famosa Boulevard and Rialto Street, Peninsula, San Diego, San Diego County. APN 449-870-02.

Substantive File Documents: "Evaluation of Famosa Boulevard Water Line Breaks," Helix Environmental Planning, 2/26/03; "Restoration for Famosa Boulevard Water Line Breaks," letter to Cathy Cibit by Amy Bridgeman, Helix Environmental Planning, 2/26/03; adopted Famosa Slough Enhancement Plan, City of San Diego Local Coastal Program

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a YES vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Wetland/Upland Restoration Maintenance and Monitoring. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, AND WITHIN 60 DAYS OF COMMISSION APPROVAL OF CDP #6-04-43, the applicant shall submit a detailed final maintenance and monitoring program to ensure that restoration of all impacts to existing wetlands and sensitive upland species is successful. The plan shall cover a 25-month period and at a minimum shall include the following success criteria:

1. Slope Restoration:

A. California sagebrush, San Diego Goldenbush, Laurel Sumac, and Lemonadeberry shall each be present with at least 10 percent ground cover.

B. The total ground cover of native species shall be at least 75 percent.

C. There shall be no more than 15 percent cover of non-native species and zero percent cover of non-native invasive species as identified by the California Department of Fish and Game, California Exotic Pest Plant Council, or other authority.

2. Sediment Basin.

A. There shall be at least 80 percent cover of native plants. Salt grass shall constitute at least 75% of the vegetative cover in the bottom of the basins and San Diego Marsh Elder shall constitute at least 75% of the vegetative cover around the rim of the basins.

B. There shall be no more than 15 percent cover of non-native species and zero percent cover of non-native invasive species as identified by the California Department of Fish and Game, California Exotic Pest Plant Council, or other authority.

The permittee shall undertake monitoring in accordance with the approved restoration/monitoring plans, except that the timelines required herein may be extended by the Executive Director for good cause. Any proposed changes to the approved restoration/monitoring plans shall be reported to the Executive Director. No changes to the approved final 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. Permit Expiration and Condition Compliance

Because some or all of the proposed development has already commenced, this coastal development permit shall be deemed issued upon the commission's approval and will not expire. Failure to comply with the special conditions of this permit may result in the institution of an action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. The proposed project consists of repairs to a slope, pedestrian trail, and drainage channel adjacent to Famosa Slough as a result of three water line breaks in the City of San Diego's Loma Portal neighborhood. The City notified the Commission of the water breaks and the necessary emergency repairs. All work has been completed at this time. The subject permit is to authorize the emergency work that has been completed.

The three breaks occurred in the same pipe segment on September 28 and October 3, 2002. As a result of the breaks, water flowed over the top of the curb on Famosa Street, severely eroding an approximately 30-foot long section of a 6-foot-high iceplant covered slope and pedestrian trail, creating gullies and carrying soil and sediment east into the lagoon and the surrounding vegetation. The slope erosion exposed a pipeline and undermined a small street sign and threatened the stability of a utility pole at the edge of the road.

A variety of emergency repairs, remedial actions and temporary erosion controls were undertaken immediately and in the days following the breaks. These measures included repairing the broken pipes in the street, placing gravel bags on the street surface, placement of sandbags, silt fencing and straw wattle along the pedestrian trail and stabilizing the trail with geotextile fiber mats, removing soil and sedimentation from vegetated areas with hand tools, manually placing imported dirt (a mix of high-fiber, low-nitrogen topsoil) into the eroded slope, removing non-native vegetation from the area. Boards were used to minimize disturbance to vegetated areas during restoration, and buckets were used to transport removed sediment from the vegetated areas. The undermined street sign and utility pole were removed.

Subsequently, the newly repaired portions of the drainage channel were lined with Armorflex, an open cell concrete lining that allows for the growth of vegetation through each individual cell. The pedestrian trail has also been rebuilt.

Approximately 2,500 sq.ft. of vegetation (upper salt marsh) was affected by the deposition of sedimentation, much of which was removed shortly thereafter. The Commission's wetland coordinator has reviewed the project and concluded that there is

no indication that there was permanent damage to saltmarsh vegetation that would require mitigation. Prior to the water line break, the eroded slope was covered with a mix of sparse coastal sage scrub species and large patches of non-native species.

The City has developed a restoration plan to restore native habitat at the eroded slope and at the drainage channel/sedimentation basin. Coastal sage scrub will be planted on the slope, and native plants consistent with the plant species listed in the Famosa Slough Enhancement Plan will be planted in and around the drainage channel. The City is also in the process of developing a 25-month maintenance and monitoring program for the restoration. Special Condition #1 requires that the City submit a final maintenance and monitoring program to ensure restoration efforts are successful, using criteria developed by the Commission's ecologist. Because the development is already underway, Special Condition #2 informs the applicant that failure to comply with the special conditions of this permit could result in enforcement action.

Famosa Slough is designated as Open Space in the certified Peninsula Community Plan and zoned as Park. The proposed improvements are fully consistent with those designations. The site is within the Commission's area of original jurisdiction, and is being reviewed under Chapter 3 of the Coastal Act.

B. Biological Resources. Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized. Section 30233 limits development in open coastal waters, wetlands, estuaries, and lakes to specific permitted uses where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

The proposed development is an incidental public service project permitted under Section 30233. The project will not have any permanent impacts to wetlands or any adverse impacts to sensitive habitat, and will not result in erosion or adverse impacts to water quality. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Local Coastal Planning. The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Peninsula community.

D. California Environmental Quality Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the

identified impacts, 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
3. 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.
4. 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.

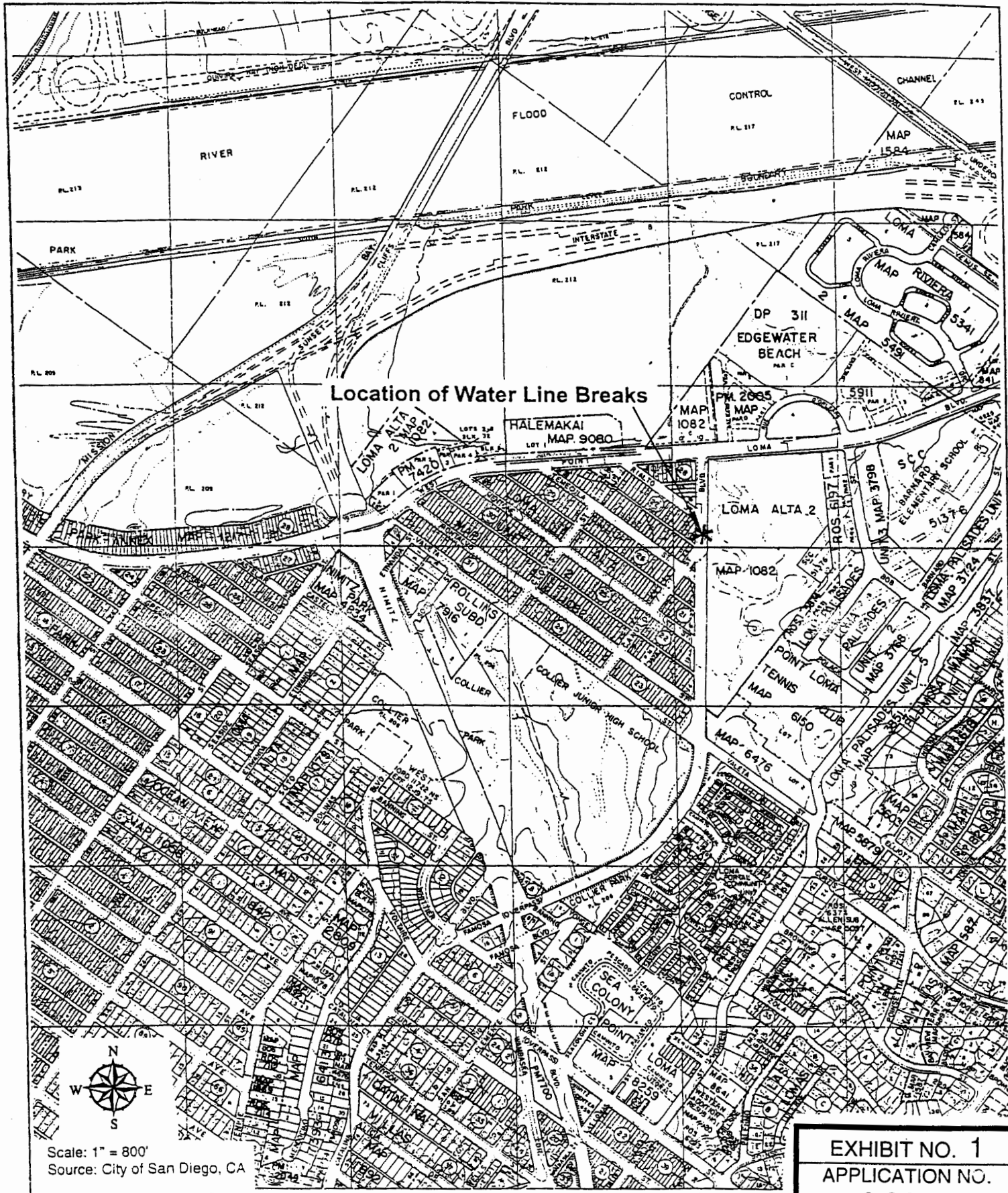
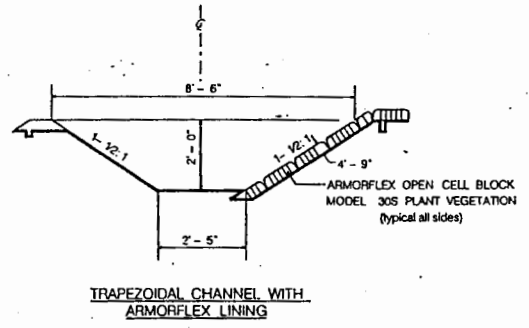
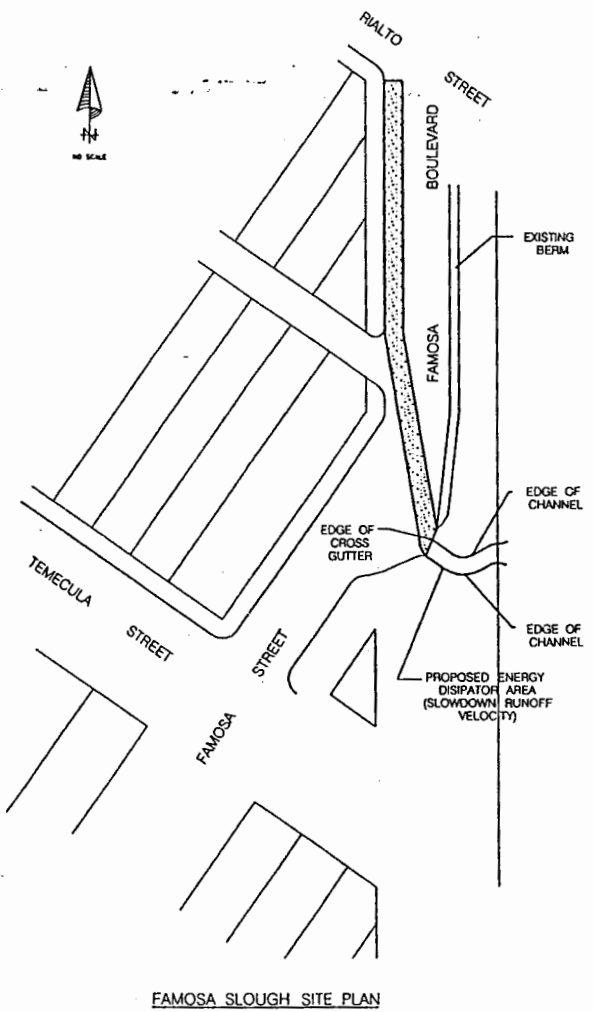


EXHIBIT NO. 1
APPLICATION NO.
6-04-43
Location Map

Water Line
FAMOSA BOULEVARD

EXHIBIT NO. 2
APPLICATION NO.
6-04-43
Site Plan



"DEVELOPMENT PERMIT SITE PLAN"
 FAMOSA SLOUGH
 DRAINAGE CHANNEL IMPROVEMENTS

CITY OF SAN DIEGO, CALIFORNIA
 SHEET OF SHEETS

WATER N.O. 00000
 CONTRACTOR: _____ DATE STARTED: _____ DATE COMPLETED: _____

NO.	DATE	REVISION DESCRIPTION	DWG.	CHK.	APP.	DATE

CONSULTANT: _____ ENGINEER OF WORK: _____
 DATE: _____

WATER DEPARTMENT
 City of San Diego

