

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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RECORD PACKET COPY



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49th Day: August 17, 2004
180th Day: December 26, 2004
Staff: DL-SD
Staff Report: November 17, 2004
Hearing Date: December 8-10, 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. **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 final maintenance and monitoring program to ensure that restoration of all impacts to existing sensitive upland species is successful. The plan shall cover a 120-day plant establishment period and a 25-month maintenance, monitoring and reporting period and at a minimum shall include the following:

A. Slope Restoration

1. The slope that was impacted shall be restored and revegetated with native plant material. No irrigation is required. Plant Palette will include those that are listed on "Table 7.1-2. Plant Materials List for Restoration, Enhancement and Buffering" of the Famosa Slough Enhancement Plan. The plant palette is as follows:

San Diego sea-dahlia (*Coreopsis maritima*)

Coastal saltgrass (*Distichlis spicata*)

Ladies-fingers dudleya (*Dudleya edulis*)

Chalk-lettuce (*Dudleya pulverulenta*)

Cliff spurge (*Euphorbia misera*)

Bluff buckwheat (*Eriogonum parvifolium*)

Toyon (*Heteromeles arbutifolia*)

San Diego sand aster (*Lessingia filaginifolia*)

California box thorn (*Lycium californicum*)

Coastal prickly-pear (*Opuntia littoralis*)

California sea-blite (*Suaeda esteroa*)

2. Any dead or dying plants shall be replaced. Specifically, approximately 25 dead or dying plants that have already been placed on the site will be replaced on the existing slope. Most of the plants to be replaced consist of California sagebrush (*Artemisia californica*) and California encelia (*Encelia californica*). The dead plants will be cut at the base, crushed and spread over the soil, leaving the roots in place to avoid soil disturbance and maintain structural subsoil components.
3. Due to the difficulty of measuring vegetation cover for a scattered array of 25 container plant replacements, 100% container stock survival will be the performance criteria. With 100% survival of the container plantings, the native vegetation cover overall will be at least 75%.

4. 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 within 5 feet of the replacement plantings.
5. Native seeds collected from the area will be propagated to produce up to 35 one-gallon plants for the site, which will be planted in winter, 2004/2005 but no later than February, 2005.

B. 120-Day Plant Establishment Period

1. During this time frame, the slope will be monitored every other week by the project biologist. Maintenance will consist of weeding and hand-watering as-needed.
2. A status letter shall be submitted to the California Coastal Commission at the end of this time assessing the status of the plant establishment including recommendation for any remedial actions deemed necessary.

C. Years 1 and 2: Maintenance, Monitoring and Reporting:

1. All weeds will be controlled on site as-needed by hand or with an approved herbicide per the City Park and Recreation Department.
2. Qualitative biological monitoring will be done on a quarterly basis. Plant survival, plant health, and overall conditions of the restoration site will be assessed and recorded. Reports will be submitted to the Coastal Commission with the fourth report serving as the Annual Report.

The permittee shall undertake development in accordance with the approved program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program 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. 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 implementing 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. 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.

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

Water Line
FAMOSA BOULEVARD

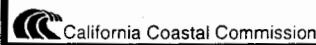

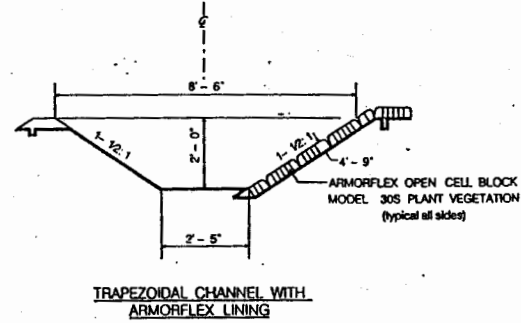
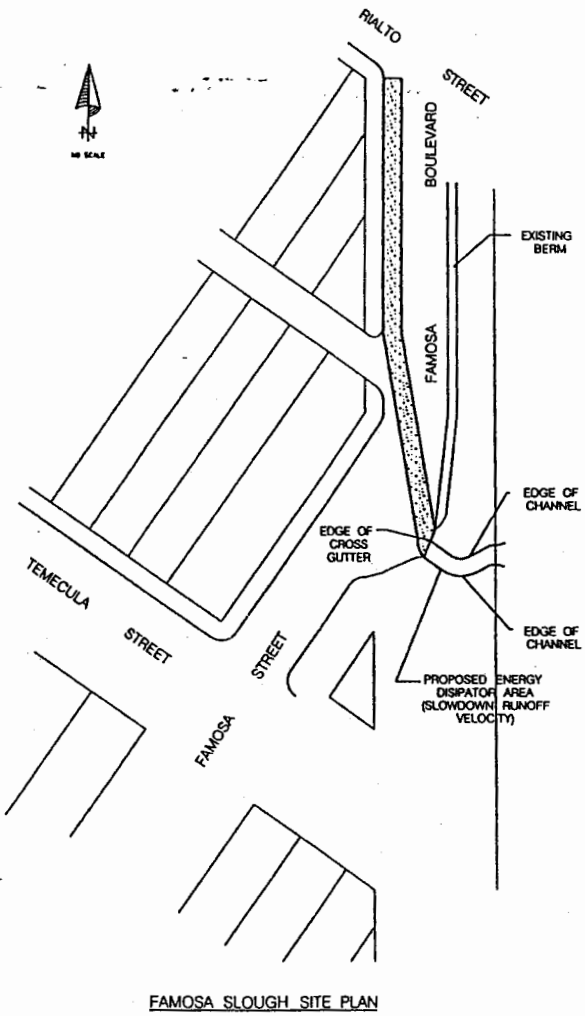


EXHIBIT NO. 2
APPLICATION NO.
6-04-43
Site Plan

"DEVELOPMENT PERMIT SITE PLAN"
FAMOSA SLOUGH
DRAINAGE CHANNEL IMPROVEMENTS

CITY OF SAN DIEGO, CALIFORNIA
 SHEET OF SHEETS

WATER P.L. 00000
 SHEET NO. 00000-00-0

REVISION	DATE	APPROVED	DATE	FILED
ORIGINAL				

DESIGNER: [] DATE: []
 CHECKED BY: []
 PROJECT: []
 CONTRACTOR: [] DATE STARTED: [] DATE COMPLETED: []

DRAWING STATUS				COMMENTS				ENGINEER OF WORKS			
NO.	DATE	REVISION DESCRIPTION	CHKD	APP'D	PK						

WATER DEPARTMENT
 City of San Diego



SCALE: []
 DATE: []
 PROJECT: []
 AS-BUILT ONLY