

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4421

767-2370

RECORD PACKET COPY

**Fri 7b**

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Staff: LRO-SD
Staff Report: 5/20/04
Hearing Date: 6/9-11/04

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-04-27

Applicant: City of San Diego

Agent: Dirk Smith

Description: Construction of a 90' x 160' concrete pad for cleaning of digesters, grading and installation of drainage improvements, grading and hydroseeding of existing slopes on an unimproved pad on the plant site.

Lot Area	76,200 sq. ft.
Zoning	Unzoned
Plan Designation	Public Utility

Site: Point Loma Wastewater Treatment Plant, Peninsula, San Diego, San Diego County. APN 532-520-06

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff recommends that the Commission approve the proposed project with special conditions. The proposal raises potential concerns regarding geologic stability and water quality. The proposed development (concrete pad) will be sited a distance of 60-80 feet away from the bluff edge. However, the proposed improvements are minor and will not affect blufftop stability. The concrete pad will be used as a staging area for the cleaning of on-site digesters associated with the treatment plant. In addition, drainage improvements adjacent to the roadbed are also proposed so that runoff is directed to the storm drain system. To further assure no impacts occur to water quality the applicant has proposed a number of BMPs. Most of all the runoff associated with the digester cleaning will be directed to the plant for treatment. Runoff for the pad, when not in use will be directed to a filtered storm drain system. With the attached special conditions, the proposed development can be found consistent with all applicable Chapter 3 policies of the Coastal Act.

Substantive File Documents: Certified Peninsula Land Use Plan and City of San Diego LCP Implementation Ordinances; General Report of Geotechnical Evaluation Point Loma Wastewater Treatment Plan Trailer Complex by Ninyo & Moore Geotechnical and Environmental Sciences Consultants dated 2/18/94; Update to same dated 8/31/01; CDP #s 6-89-217, 6-92-84, 6-95-159, 6-95-159-A1, 6-96-137 and 6-96-137-A1, 6-97-124, 6-00-110, 6-01-101, & 6-02-134.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-04-27 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. Best Management Practices. The applicant shall comply with the plans and BMPs proposed by the Metropolitan Wastewater Department/City of San Diego date stamped 5/5/04.

Any proposed changes to the submitted 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 amendment unless the Executive Director determines that no additional amendment is legally required.

2. Protection of Accessory Structures.

A. In the event that erosion or bluff failure threatens the proposed concrete pad, it shall be removed. The proposed concrete pad is authorized to remain in place only until it is threatened by erosion or bluff failure. The approval of this permit shall not be construed as creating a right to shoreline protection under Coastal Act section 30235. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code section 30235. Prior to removal of the concrete pad, the permittee shall obtain a coastal development permit for such removal unless the Executive Director determines that no permit is required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the construction of an approximately 90' x 160 ft. concrete pad for use as a staging area for digesters' cleaning. The site is currently unimproved and vacant. Grading to level the site will consist of 700 cy. of balanced cut and fill. In conjunction with the proposed improvements, the City also proposes several other related improvements including grading to provide appropriate drainage. The proposed drainage improvements include the construction of a new storm drain system including new cast in place inlet with commercial grade, a 12" diameter stainless steel pipe to be connected to the existing storm drain cleanout, etc. Also proposed is a new 18" x 18" precast concrete stormdrain box to be connected to an existing 6-inch drain pipe. Also proposed is the grading, irrigation and hydroseeding of the existing slopes, including installation of water and electrical utilities. Last, the applicant proposes to grade and place a 4-inch thick class II base for the area along the west side of Gatchell Road near the proposed concrete pad (northeast corner of Gatchell Road and Third Street) for drainage improvements along the west side of the Gatchell Road. Positive drainage toward the street will be provided per the plans. Low spots will be filled with dirt and the 3" class II base will be placed as a final grade.

There have been a number of past coastal development permits on the treatment plant site. One of the most recent permits was CDP #6-01-101. As part of several improvements approved pursuant to that permit, the applicant was proposing a 60-space parking lot (which was intended to provide a temporary location for some relocated construction trailers on the plant site and ultimately parking for plant employees and visitors) in the location where the concrete pad is currently proposed to be constructed. At the time, the City was proposing that the pad would double as an area for cleaning of

the treatment plant digesters. However, the City never built the parking lot nor paved that area and, as such, the subject area is currently unimproved and vacant.

Access to the Point Loma Treatment Plant is gained from an existing roadway (Gatchell Road) which also provides access to a public tidepool area associated with the Cabrillo National Monument, naval facilities and a Coast Guard station and lighthouse. Gatchell Road is commonly referred to as the "South Access Road" by the City treatment plant staff. The road extends in a southerly direction off Cabrillo Memorial Drive and descends the steep, western face of the peninsula toward the Coast Guard Point Loma Lighthouse entrance, at which point it makes a hairpin turn and then continues in a northern direction to the treatment plant. Just past the security gate entrance to the plant site, there are three primary roads on which the majority of the existing treatment plant improvements are situated. First Street is the road furthest to the west and closest to the coastal bluffs. Second Street is more inland to the east, and Third Street is the easternmost street. The proposed improvements will be situated at the plant entrance (Gatchell Road), at the northeast intersection of Gatchell Road with Third Street.

The Point Loma Wastewater Treatment Plant is located in the Peninsula community in an area that was not included in the City of San Diego's certified Local Coastal Program. As such, the Commission retains permit jurisdiction over the site at this time and the Chapter 3 policies of the Coastal Act are the standard of review.

2. Geologic Hazards and Shoreline Hazards. Coastal Act Sections 30253 and 30235 state:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30235

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

The entire Point Loma Wastewater Treatment Plant is sited on a broad shelf, midway down the bluff-face from the top of the Point Loma peninsula. Some of the existing facilities are in close proximity to the bluff edge, and the outfall itself extends seaward down the bluff then underwater several miles or more out to sea. It has been documented in earlier permits of this site that the entire facility is located in an area which is extremely environmentally and geologically sensitive. Any improvements to the facility must be reviewed carefully in order to assure that impacts do not occur to fragile coastal resources.

The proposed development consists of grading an unimproved area on the treatment plant site and pouring a concrete pad which will be used to clean the treatment plant digesters which are located nearby. The project site is immediately south of Digester No. 8. In addition, drainage improvements and landscaping will also be installed. No retaining walls are proposed. The applicant has indicated that the proposed concrete pad will be located approximately 60-80 feet away from the coastal bluff edge. A site-specific geotechnical investigation has not been performed for the subject project due to the relatively minor nature of the work proposed. In any case, the City of San Diego's certified LCP is used for guidance in the review of blufftop development and contains specific requirements for setbacks for landscape and accessory features. Specifically, pursuant to the Coastal Bluffs and Beaches Guidelines, it is stated:

Section 143.0143(f) Distance from Coastal Bluff Edge of Sensitive Coastal Bluffs

Development proposed on a sensitive coastal bluff, including primary and accessory structures, and grading, shall be located at least 40 feet landward from the coastal bluff edge, except as follows:

[...]

3. A distance of 5 ft. from the coastal bluff edge may be granted for landscape features and accessory structures that are located at grade so that they are not elevated at the base or constructed with a raised floor and are capable of being relocated. Permitted features and structures include landscaping, paved walkways, at-grade decks, unenclosed patios, open shade structures, lighting standards, fences and walls, seating benches, and signs....

As the proposed development is sited a distance of 60-80 feet away from the coastal bluff edge, is consistent with the blufftop setback requirements. The majority of the shoreline seaward of the treatment plant is already armored consisting of an existing seawall/bluff retaining structure with the exception of a few areas. Although there is currently no shoreline protection immediately seaward of the subject project site, approximately 700 feet north of the plant entrance, and in close proximity to the project site, there is an area on the treatment plant site referred to as the North Sea Cove. A portion of the cove was originally protected with a tie back wall and revetment in 1990-91 pursuant to CDP #6-89-217. The wall protects the plant infrastructure and access along Gatchell Road. In a recent meeting with City staff, it was mentioned that additional shoreline protection will

be proposed in the future in this cove area to protect this portion of Gatchell Road (as well as other unprotected areas of this roadway on the treatment plant site). Although the proposed project is consistent with the bufftop setback requirements described above, due to its proximity to the bluff edge, there is a concern that if the proposed improvements are threatened in the future, shoreline protection might be sought. However, the proposed concrete pad is considered an accessory structure which is an improvement that is not considered worthy of protection should it become subject to threat from erosion or geologic instability in the future. In addition, it is not existing development. Section 30235 only applies to existing development. Shoreline protection would not be permitted for new development, as that proposed. Also, there are other improvements seaward of the project site (between the shoreline and project site) which would necessitate shoreline protection before the subject development would require any protection. Furthermore, the proposed concrete pad is fully capable of being removed. Therefore, Special Condition #2 puts the applicant on notice and states that, should the improvements become threatened in the future, the development shall be removed rather than construction of shoreline protection.

In summary, since the proposed improvements are being proposed substantially landward of the bluff edge, and as conditioned to require that the concrete pad be removed and that no shoreline protection is warranted, the project should not result in any geologic hazards, consistent with Section 30253. Therefore, as conditioned, the proposed project is consistent with Sections 30235 and 30253.

3. Water Quality. Sections 30230 and 30231 of the Coastal Act are applicable to the proposed development and state the following:

Section 30230

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.

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.

Because the applicant is proposing to construct a concrete pad which will be used for washing of the wastewater treatment digesters, there is the potential for runoff to adversely affect the adjacent coastal areas. To address this concern, the applicant has indicated that the proposed project will incorporate the following measures to address water quality:

The process of digester cleaning will occur on the concrete pad and be as follows:

- a. During digester cleaning, the wastewater from the process such as washing trucks' tires and concrete pad will drain to a new sump.
- b. The sump has a valve located in the new sump that will prevent wastewater from draining to the existing storm drain system.
- c. The digester cleaning contractor will pump out the wastewater from the sump during the process of digester cleaning and send it to the influent channel where it will get treated with the raw sewage at the Plant.
- d. After the contractor finishes cleaning a digester, they will clean the whole concrete pad and inlet sump making sure that any residual wastewater is sent to the influent channel. Once this cleaning is completed, the contractor will open the valve to the existing storm drain system. When the valve is open only storm water will be allowed in the storm drain system.

Note: digester cleaning usually occurs about once every two years for up to two months and will not occur during major rain events.

These measures have been reviewed by the Commission's water quality technical staff and have been found to be acceptable to prevent any adverse impacts to water quality from polluted runoff. In addition, these measures will assure that the wash water will be contained and treated appropriately and that rainwater will be prevented from mixing with the wash water or picking up pollutants left on the pad. In addition, the applicant has indicated that precautions taken will prevent wastewater from entering the storm drain system including a filter that will be provided at the new sump-inlet to filter the storm water. The filter will be removed during digester cleaning, and maintained as recommended by the vendor. The usual construction-phase BMPs will be incorporated, as well. This includes the construction-phase BMPs included in the Water Pollution Control Plan that will be part of the contract documents for the project. As noted above, the digester cleaning occurs once every two years for up to two months. Even though this duration is short-term, the City has indicated that a pad is necessary for digester cleaning since the operation cannot be performed on dirt (sludge cannot be placed/mixed with dirt). In the past, the City would have an area paved with asphalt and then have it removed after each digester cleaning. However this was too costly since it needs to be done every two years. A permanent concrete pad more easily facilitates the digester cleaning process, will be easier to clean and will last longer than an asphalt pad.

Special Condition No. 1 is attached in order to ensure compliance with the submitted plans and BMP's proposed. Other components of the project include the installation of landscaping that will help to filter runoff from other portions of the plant site. Therefore, the Commission finds the proposed development, as conditioned, consistent with the cited policies of the Coastal Act.

4. Visual and Scenic Resources. Coastal Act Section 30251, provides, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

As noted earlier, the project encompasses miscellaneous improvements to the Point Loma Wastewater Treatment Plant. The proposal largely consists of the construction of a concrete pad for the washing of adjacent digesters. Several other miscellaneous related improvements including drainage and landscaping area also proposed. The proposed improvements will be compatible with the character of the surrounding area. The proposed concrete pad is flat and will not be visible from offshore. In addition, two of the adjacent slopes (on the east and west sides of the concrete pad) will be hydroseeded and landscaped which should serve to help to improve the visual quality of the project site from offshore.

Although the treatment plant site is visible from the west by off-shore ships and boats and other recreational uses, the proposed improvements are minor in nature and will not be visible from offshore. In summary, the proposed improvements, will not impact existing public views toward or from the ocean or scenic areas and can be found visually compatible with the character of the surrounding area. Therefore, the project can be found consistent with Section 30251 of the Act.

5. Shoreline Access. Coastal Act Section 30211 provides:

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

In addition, Section 30212 states, in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, ...

Currently, there is no direct public access to the shoreline from the plant site. At the wastewater treatment plant, the shoreline presently consists of rocky headlands interspersed with the previously constructed revetments. Due to the revetments and the rocky headlands, lateral access opportunities have been relatively non-existent since the time of plant construction. Also, due to the nature of the sewage treatment facility, public use of the area is restricted. With the proposed improvements, physical shoreline access by the public will not be reduced beyond that which currently exists.

Additionally, to the north of the project site are Navy owned lands which prohibit public access along the shoreline. To the south is the Cabrillo National Monument which encourages public access to the tip and westerly side of Point Loma. Parking lots and shoreline viewing areas are available at the Monument and along the access road south of the treatment plant facility, but only limited access to the shoreline is allowed because of the sensitive marine resources found at the base of the bluffs. The Monument offers guided tours of the tide pools at the base of the bluffs which allows the public the opportunity to view inter- and sub-tidal marine life.

With regard to potential construction impacts, none are expected to occur. Access to the treatment plant and other facilities, etc. will be required to remain open. Staging of equipment will occur on-site. Therefore, the Commission finds the proposed project fully consistent with Sections 30211 and 30212 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. As conditioned, such a finding can be made for the subject development.

The Point Loma Wastewater/Sewage Treatment Plant is located within an unzoned geographic area included in the Peninsula Community Plan segment of the City of San Diego Local Coastal Program where it has existed since 1963. This area was not included in the City of San Diego's certified Local Coastal Program, and the Commission retains permit jurisdiction over the site at this time. In addition, the Peninsula LCP Land Use Plan acknowledges ongoing maintenance, and assumes some potential future improvements. However, the proposed development would be in keeping with the LUP policy of maintaining and enhancing public services. In addition, the Commission has found that the proposed development, as conditionally approved, will be consistent with the policies in Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed project, as conditioned, will not result in adverse impacts to coastal resources nor prejudice the ability of the City of San Diego to continue implementation of its fully certified LCP or to extend the coverage of its LCP over this area.

7. 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 water quality, geologic hazard, shoreline hazard and public access policies of the Coastal Act. Mitigation measures, including conditions addressing conformance with submitted plans for Best Management Practices/water quality and no future shoreline protection, 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

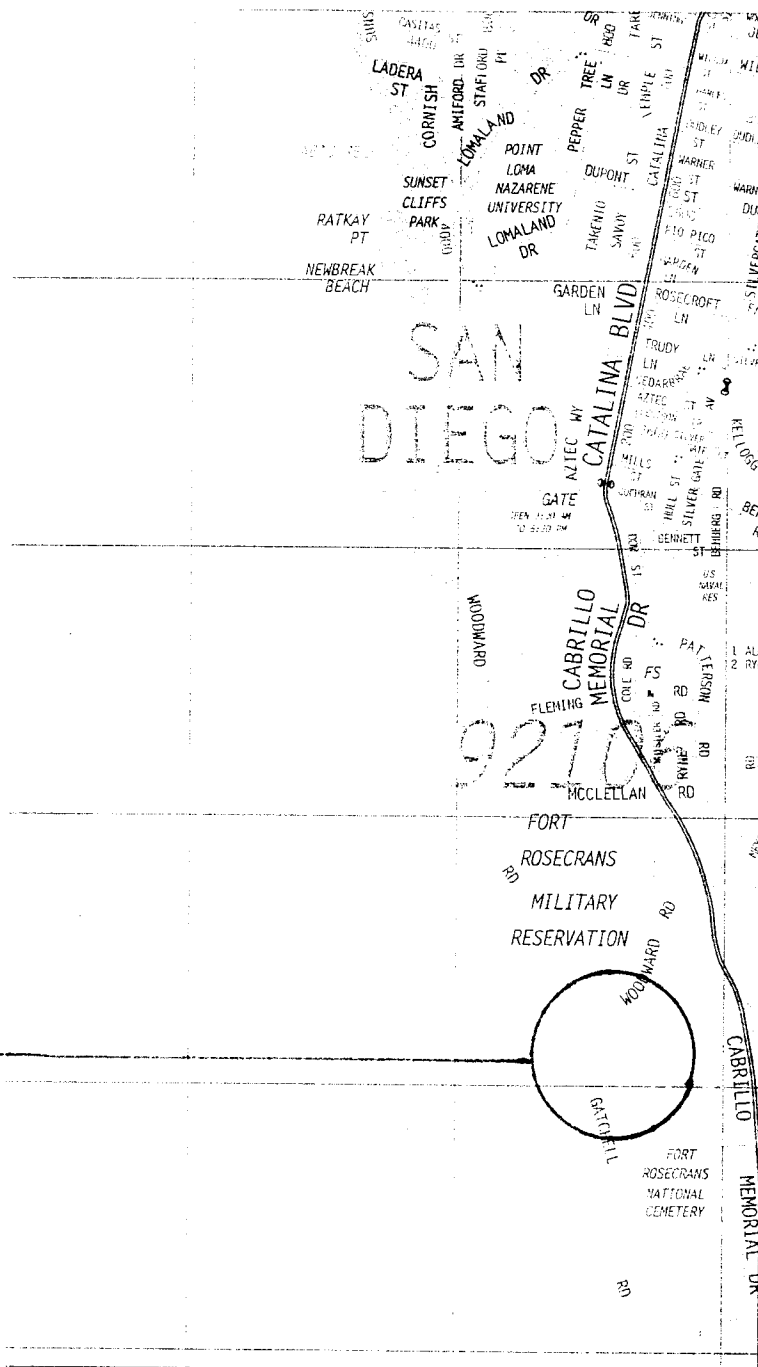


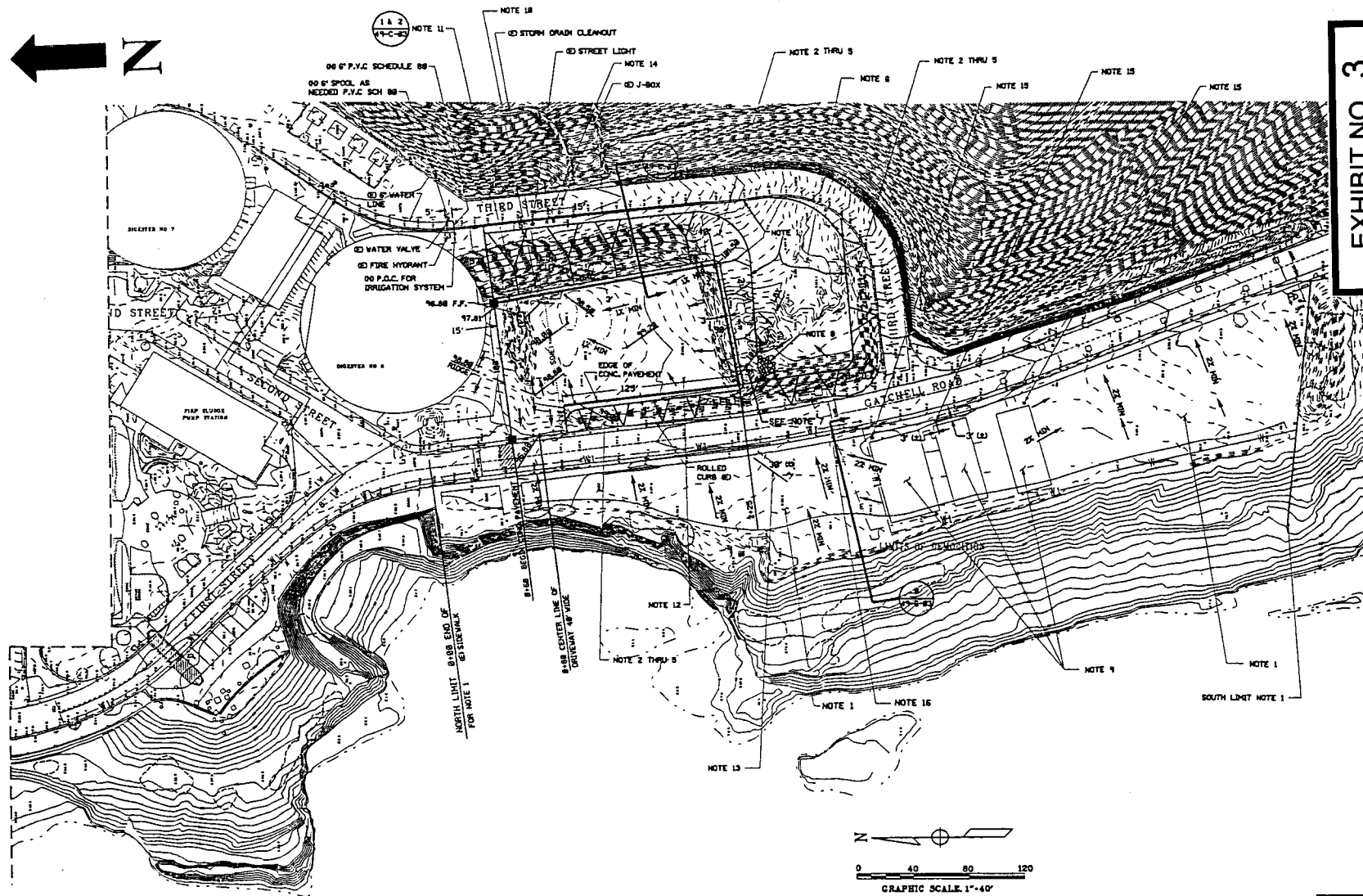
EXHIBIT NO. 1
APPLICATION NO.
6-04-27
Location Map

SITE

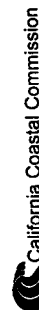


EXHIBIT NO. 2
APPLICATION NO.
6-04-27

Overall Site Plan for
PLWTP



Site Plan



California Coastal Commission

ABBREVIATIONS:

- (N) NEW WORK TO BE PERFORMED BY THIS CONTRACT
(X) EXISTING

DRAWING NO.
49-C-02

SHEET NO.
2

CF NO.
46-199.2

SPECIFICATION NO.
04-008



WARNING

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IF THIS BAR DOES
NOT MEASURE 1"
THEN DRAWING IS
NOT TO SCALE.

SCALE

HORIZONTAL
VERTICAL

**METROPOLITAN WASTEWATER
DEPARTMENT**
City of San Diego



DRAWING STATUS

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