

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



Tue 3a

Filed: September 19, 2006
49th Day: November 7, 2006
180th Day: March 18, 2007
Staff: Toni Ross-SD
Staff Report: October 23, 2006
Hearing Date: 11/14-17/06

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-06-059

Applicant: San Diego Gas and Electric **Agent:** Taschia Houston

Description: Relocation of existing wooden utility pole (Pole Z24500) located in the San Elijo Lagoon Ecological Reserve. Project will consist of cutting and removal of original pole and associated guy wires, and installation of new pole within access road, and its associated anchors and guy wires. Project will result in no permanent impacts to wetlands.

Site: At the northern terminus of an existing unpaved utility access road within the San Elijo Lagoon Ecological Reserve, Cardiff, Encinitas, San Diego County. APN 261-190-34.

Substantive File Documents: City of Encinitas certified Local Coastal Program, CDP 6-05-078, Essex Environmental Pole Repair Field Survey dated April 22 and September 2, 2005.

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. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and written approval, final construction plans for the permitted development. Said plans shall be in substantial conformance with the plans submitted by Conde, Klausenstock and Torre, dated April 7, 2005 with the exception of the following alterations as described in correspondence received on September 19, 2006:

- a. The replacement utility pole shall be placed within the existing access road approximately 4-6 feet to the east of the original proposed location.
- b. The replacement pole shall be a 2-foot-diameter wood pole.

The permittee shall undertake 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 approved final plans shall occur without an amendment to the coastal development permit unless the Executive Director determines that no amendment is legally necessary.

2. Other Permits. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, the applicant shall submit to the Executive Director for review and written approval, copies of all other required discretionary permits for the construction authorized by CDP #6-06-059. The applicant shall inform the Executive Director of any changes to the project required by other such bodies. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this permit, unless the Executive Director determines that no amendment is legally required.

3. Sensitive Species/Timing. To avoid potential impacts to the California least tern and western snowy plover breeding period, construction will not be permitted between the dates of March 1st to August 31st of any year.

4. Post Construction Survey. The existing condition of the wetland vegetation and substrate at the power pole site has been documented. The extent of impacts to the vegetation and substrate shall be assessed and documented in a post-construction survey 90 days after the completion of the project to determine actual impacts. If no impacts have occurred, no mitigation will be necessary. This will allow for the potential of natural restoration. Mitigation measures will be necessary if any impacts are detected by the 90-day post-construction survey.

- a. If the 90-day post-construction survey identifies that temporary impacts remain, the area shall be revegetated at a 1:1 ratio.
- b. If the 90-day post-construction survey identifies that permanent wetland impacts have occurred, a permit amendment is required to address the identified impacts. Mitigation shall be provided for any identified permanent wetland impacts at a ratio of not less than 4:1.
- c. The following goals, objectives, and performance standards for any necessary restoration:
 - 1. Full restoration of all wetland impacts that are identified as temporary, beyond the 90 self-recovery period. Restoration of temporarily impacted areas shall include at a minimum, restoration to before-impact hydrology, removal of all non-native plant species, and replanting with locally collected native wetland species.
 - 2. Success criteria and final performance monitoring shall provide at least a 90% coverage of areas disturbed by construction activities within 1 year of completion of construction activities.
 - 3. The final design and construction methods that will be used to ensure the restoration sites achieve the defined goals, objectives, and performance standards.
 - 4. Submittal, within 30 days of initial restoration work, of post-restoration plans demonstrating that the revegetated areas have been established in accordance with the approved design and construction methods.
 - 5. A survey taken 1 year after revegetation identifying the quantity and quality of the restored plants. If the survey demonstrates the revegetation has been unsuccessful, in part or in whole, the survey shall include a plan for remediation and further surveys / reports until the site(s) are fully restored.
- d. All surveys, reports or other documentation of the post-construction impacts shall be submitted to the San Diego office of the Coastal Commission within 30 days of completion.

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

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. San Diego Gas and Electric (SDG&E) proposes the replacement of pole Z24500 and its associated anchors and guy wires within San Elijo Lagoon. One of the existing pole's anchors has broken free, and both pole and anchors are eroding due to saltwater influx. The construction site is located immediately south of the lagoon's main tidal flow channel. The existing pole is located on Tie Line 660, in the northwest corner of San Elijo Lagoon (ref. Exhibit #2 attached) and is currently accessed by an unimproved dirt road that ends at this pole. The proposed wooden replacement pole, 2 feet in diameter, is to be installed in the bare ground region of the access road approximately 17 feet east of the existing pole. Because of the placement of the new pole within the existing access road, no permanent wetland impacts are anticipated. However, 167 sq ft. of temporary impacts are estimated for the installation of the anchors and the movement of equipment and people over the vegetated region.

A truck mounted auger will be used to excavate the new pole hole. A metal collar will be installed and non-hazardous drilling mud (bentonite) will be used to help stabilize the hole. All drilling mud will be cleaned up, properly stored, sampled, and analyzed prior to off-site transport and disposal. Concrete will be poured around the buried pole to further stabilize it. The two anchors and associated guy wires will be installed approximately 15 feet east and 15 feet west of the pole. Both anchors will be installed within the vegetated region of the salt marsh. The applicant has proposed the use of the Manta Ray anchor system; a system that involves forcing anchors into substrate using a 10-ton fast-acting jackhammer. No excavation will be required for the installation of these anchors. The existing access road, which runs south to north into the lagoon, is manmade, consisting of fill material with a dirt and gravel top. The access road is raised above the surrounding wetland. All equipment and personnel will access the site through this road

A bucket truck and crew truck will be used to remove the hardware and line from the existing pole and then attach to the replacement pole. The preceding pole will then be cut off at or near ground level and removed by crane. The pole stump and anchor plates will be left in the ground in order to minimize disturbance.

San Elijo lagoon, is a tidal lagoon / salt marsh composed primarily of pickleweed (*Salicornia* sp.), alkaline heath (*Frankenia salina*), saltbush (*Atriplex triangularis*), and goosefoot (*Chenopodium* sp.). The applicant has submitted a detailed environmental analysis of the surrounding habitat, and the potential impacts associated to this site. There are a number of sensitive animal species documented within the region, including the Belding's savannah sparrow, California least tern, and western snowy plover. As conditioned, no construction will take place between the dates of March 1st and August 31st to avoid potential impacts to the least tern and snowy plover breeding period. Because of the placement of the pole, no permanent wetlands impacts are proposed and

167 sq ft. and temporary impacts are predicted for the installation of the anchors and the movement of equipment/people over the vegetated region. In previous permits regarding the replacement of similar utility poles, temporary impacts to wetland vegetation has re-established itself within 90 days of project completion. Special Condition #4 requires the applicant to conduct a post-construction survey 90 days after the completion of the proposed project. If any temporary impacts remain, they will be mitigated for at a ratio of 1:1. If any permanent impacts are documented, an amendment to this permit will be required and the applicant is put on notice that these impacts will be required to be mitigated at a ratio of not less than 4:1.

Numerous additional efforts have been made to minimize the impacts to the lagoon, its vegetation, and its inhabitants. A biologist will be on hand during all phases of construction and post-construction survey. A metal collar will be used to keep the displaced soil isolated during excavation; a vacuum truck will be on-site to remove any excess water or bentonite from the pole hole to prevent the water and silt from entering the salt marsh. All equipment will be placed on visquene to prevent oil and gasoline spillage. Plywood boards will be placed in the vegetated regions to disperse the weight of the equipment and crew. All equipment and personnel will access the site through the above-described manmade road.

The City of Encinitas has a certified LCP and issues coastal development permits within its jurisdiction. The city's zoning designation for San Elijo Lagoon is Ecological Reserve/Open Space/Park. However, the subject site is located within an area of the Commission's original jurisdiction, and the standard for review for this development is Chapter 3 policies of the Coastal Act. As conditioned, this project is found in conformance with all applicable Chapter 3 policies 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. As conditioned, the project will not have an adverse impact on any 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. Community Character /Visual Quality. The replacement pole is of same size and height as the existing pole and will be placed in generally the same location and thus, will not result in any addition visual impacts. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. 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 Encinitas to continue to implement its certified LCP.

E. California Environmental Quality Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect 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. **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.

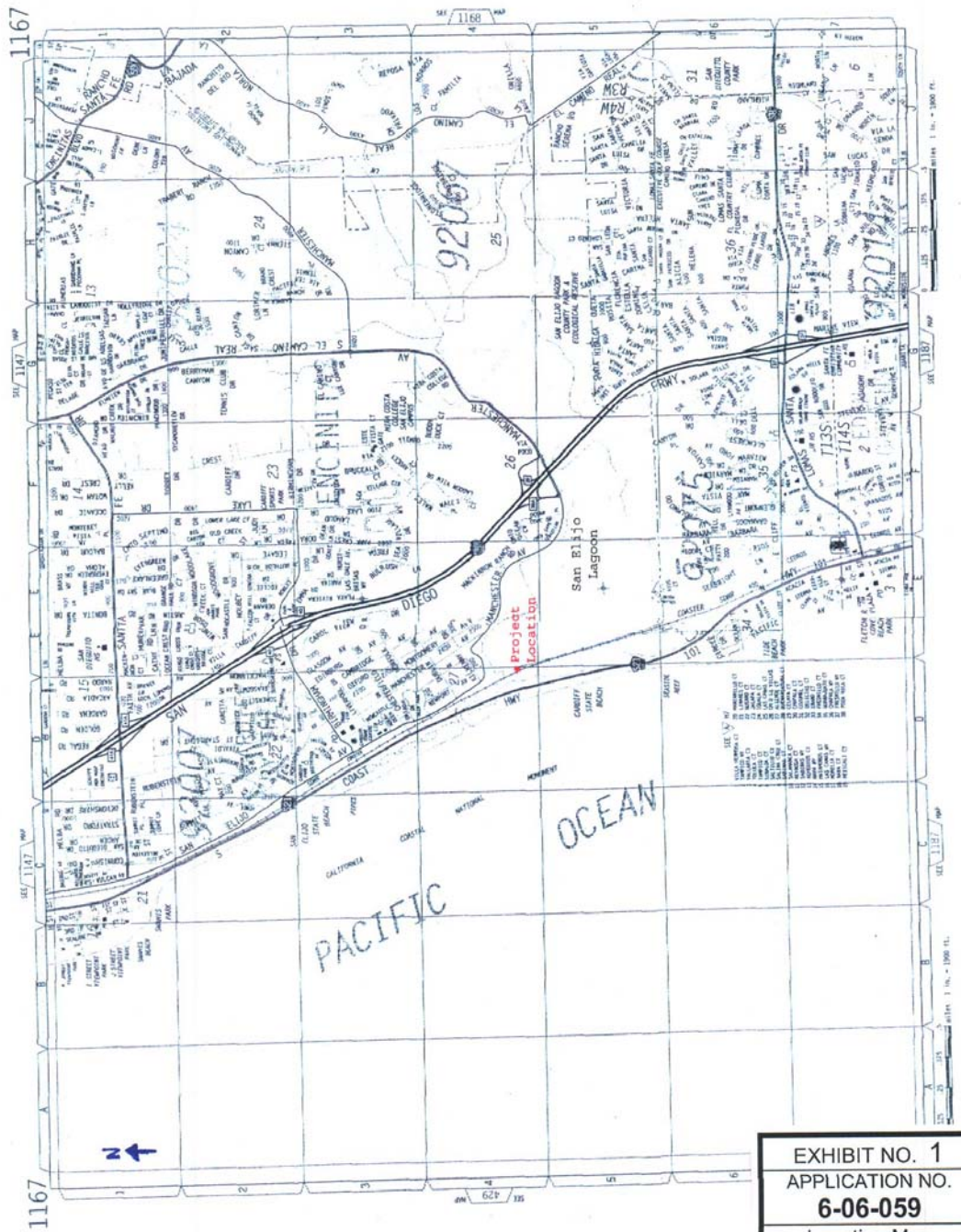


EXHIBIT NO. 1
APPLICATION NO.
6-06-059
Location Map
 California Coastal Commission





EXHIBIT NO. 3
APPLICATION NO.
6-06-059
Pole Locations
 California Coastal Commission



New Draulic Tools Inc.

Est. 1965

A World Wide Manufacturer
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STANLEY
Hydraulic Tools

ProLine
Tools



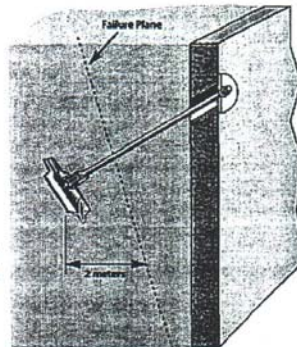
Manta Ray Earth Anchor Systems

MANTA RAY PERFORMANCE Revolutionizes Anchoring Technology

MANTA RAYs are driven into the ground, not augured or torqued, nor is a hole dug or drilled. There is "no disturbance" or "displacement" of soil. Unlike other anchoring systems, MANTA RAY actually compacts the soil around itself - a clean, safe and simple operation.

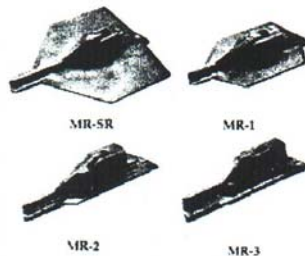
The anchors are driven with conventional hydraulic/pneumatic equipment that is readily available worldwide. Once driven to the proper depth, the rod/tendon attached to the anchor is pulled to rotate the anchor into undisturbed soil - like a toggle bolt. This is called "ANCHOR LOCKING" the anchor (using the MANTA RAY Anchor Locker). The anchor is pulled upon to reach the holding capacity required which is measured by a gauge on the "ANCHOR LOCKER." Each anchor is immediately proof loaded to the exact capacity required. No other system offers this feature.

After installing the MANTA RAY to the proper depth, an upward pull rotates the anchor into the anchor lock position in undisturbed soil, like a toggle bolt in the earth.



The beautifully simple, effective and low cost MANTA RAY anchor system represents a major breakthrough in "anchoring technology" with a multitude of uses in the Utility, Civil Engineering and Construction Markets for:

- UTILITY POLES
- RETAINING WALLS
- SHEET PILES
- SEAWALLS
- PIPELINES
- EROSION CONTROL
- UNDERWATER APPLICATIONS



MANTA RAY offers cost reduction for repair of existing walls, sheet piles and seawalls. Many of our customers utilize MANTA RAY shore-up, stabilize and repair walls with superb economic advantages. The bottom line is

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EXHIBIT NO. 4
APPLICATION NO.
6-06-059
Anchor System

California Coastal Commission



MR-4



MR-88

There are six MANTA RAY anchors with light to super heavy duty holding capacities. All MANTA RAY anchors are made of galvanized ductile iron, can be driven with the drive steel set (except the MR-88), and can be tested to the desired holding capacity with the anchor locker.

MANTA RAY is the solution to all your anchoring problems.

Unconditional guarantee for free replacement if any MANTA RAY anchor breaks during installation using the manufacturer's recommended equipment and procedures. Plus, Foresight warrants all its installation equipment; drive steel, and anchor lockers. No other anchoring system offers this complete guarantee and warranty protection.

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