

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Staff: Ellen Lirley-SD
Staff Report: April 16, 2008
Hearing Date: May 7-9, 2008

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-08-022

Applicant: City of San Diego, Attn: Brian Bartow

Description: Construction of an underground sewer pump station including pump and motor rooms, storage tank, and emergency overflow storage tank; installation of approx. 3,600 lineal feet of eight-inch sewer force main; and demolition of the existing above-ground sewer pump station.

Site: 2723 De Anza Road, San Diego, San Diego County. APN 760-035-01.

Substantive File Documents: Certified Mission Bay Park Master Plan

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. **Construction Timing/Staging Areas.** **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval a detailed construction schedule, incorporated into the construction bid documents, identifying the approximate timeframe required to complete the project, and a plan identifying the location of staging areas. The schedule shall include, at a minimum, the following:

- a. Construction activities shall not occur between Memorial Day Weekend and Labor Day of any year.
- b. Replanting of relocated trees, and planting of new trees where necessary to reach a minimum of eight trees, shall occur within sixty day of completion of demolition of the existing pump station.
- c. Any new trees shall be a minimum 24-inch box size, and shall be native to the San Diego area.

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

A. Detailed Project Description/History. The City is proposing to replace a sewer pump station located in the northeast portion of Mission Bay Park. The existing pump station is an above-ground structure, whereas the proposed pump station will be primarily underground. The proposed pump station will include pump and motor rooms, storage tanks, and an emergency overflow storage tank. The project also includes placement of 3,600 linear feet of 8-inch sewer force main. Because the existing station must remain in operation until the new station is ready to accept sewage flows, the new station is proposed to be located just east of the existing site. When the new station is complete and in operation, the old one will be demolished and that area revegetated.

The site is within the northeastern corner of Mission Bay Park referred to as De Anza Cove Park, which includes a crescent of sandy beach, picnic tables, and a large expanse of open lawn area with several shade trees. The pump station location is at the western edge of the lawn area, and eight non-native trees, in various stages of maturity, will be removed and/or relocated to construct the project and demolish the existing station. The

trees that are removed will be replaced upon completion of the project. Special Condition #1 assures that replanting occurs in a timely manner, and that any new trees to make a total of not less than eight, shall be native.

There are no natural vegetation communities or native habitat areas on the immediate site. However, Rose Creek, the Kendall-Frost Preserve and the City's Northern Wildlife Preserve are only about 1/2-mile away from the pump station site. The salt marsh habitats in these locations are home to the endangered light-footed clapper rail and Belding's savannah sparrow, as well as many other common bird species and animals who live in the salt-marsh environment. Although the two endangered bird species have similar breeding seasons of roughly March through August, the Commission is not prohibiting work during these months. The distance between the project site and the areas where the birds nest (approximately 1/2 mile) far exceeds any buffer typically required in past permits, which has generally been more in the range of 500 feet.

The project site is within Mission Bay Park, which is an area of deferred certification in the City's LCP. Although a master plan has been certified for Mission Bay Park, no implementation plan has yet been completed. Thus, the Commission retains permit jurisdiction over proposed development in these areas, and the legal standard of review is Chapter 3 policies of the Coastal Act, with the certified LCP used as guidance.

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.

The proposed development will not have an adverse impact on any sensitive habitat, and, as conditioned, will not result in erosion or adverse impacts to water quality, as complete revegetation of the site will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Community Character /Visual Quality. The development is located within an existing public park and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. Public Access/Parking. As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities since construction during the summer months is prohibited. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

E. Local Coastal Program. The LUP for the Mission Bay Park LUP segment of the City of San Diego LCP was certified on May 11, 1995, but no implementation plan has been developed as yet, 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 and with the certified Land Use Plan for the area. Approval of the project, as

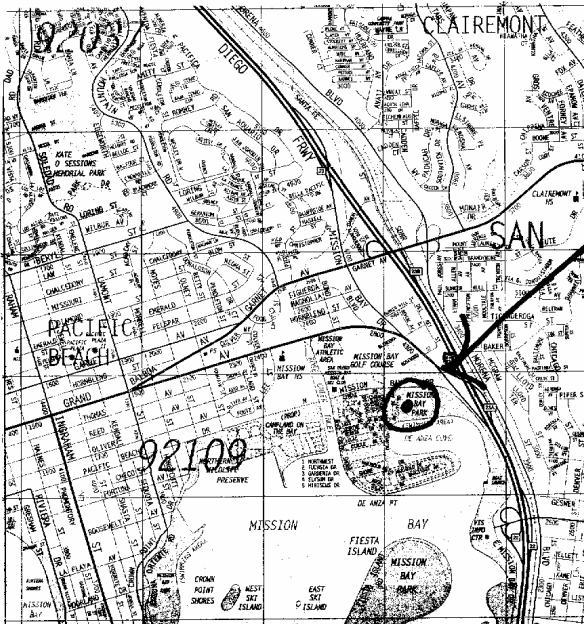
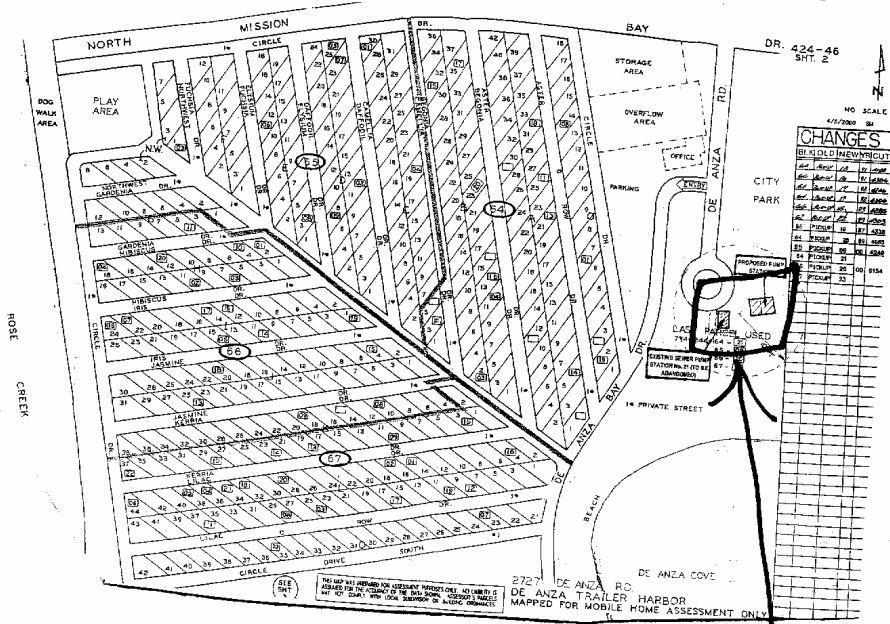
conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program for Mission Bay that is in conformity with the provisions of Chapter 3.

F. 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. 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.

6-08-022



Site

EXHIBIT NO. 1
 APPLICATION NO.
 6-08-022
 Location Map

California Coastal Commission

6-08-022

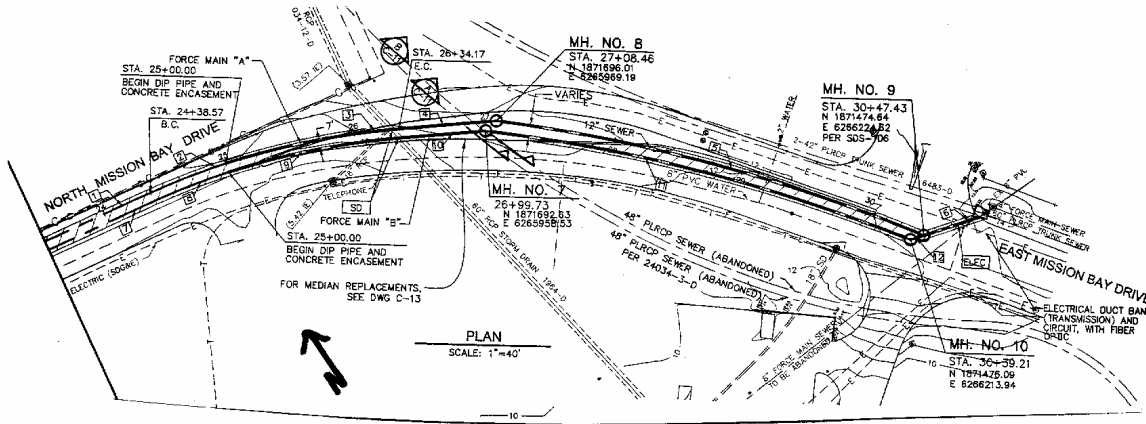
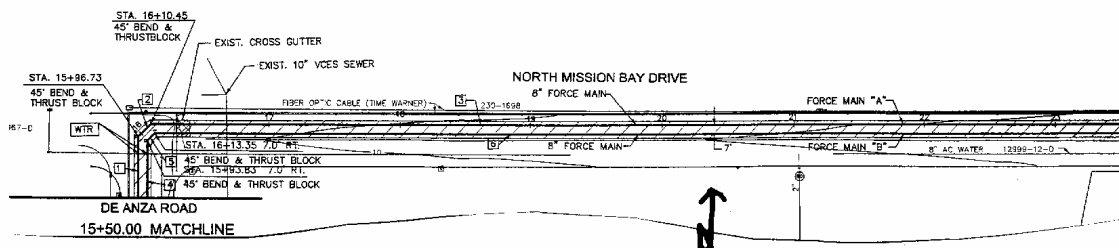
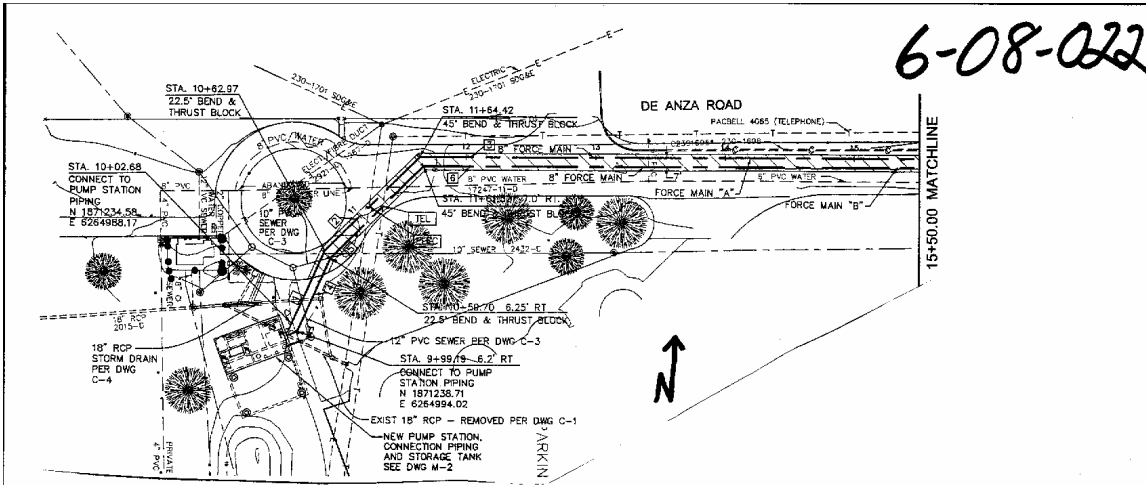


EXHIBIT NO. 3
 APPLICATION NO.
6-08-022
 Pipeline Site Plan

California Coastal Commission