

pole with a cap of vegetation removed during excavation for the new pole. The recovery of wetland habitats temporarily impacted by construction work will be monitored and reported to the Commission.

The major Coastal Act issues associated with the proposed project include potential adverse impacts to wetlands and sensitive bird species that nest within the lagoon system. These impacts would be caused by construction activities, as well as the permanent fill of a 2 square foot area of coastal wetlands. Commission staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with **three (3) special conditions** addressing these potential adverse impacts. **Special Conditions 1 and 2** address biological concerns related to impacts from the proposed construction activities by requiring post construction surveys and monitoring be completed by the applicant and submitted to the Commission for review. **Special Condition #3** protects sensitive bird species by restricting construction to periods outside of identified bird nesting seasons.

Standard of Review: The site is located within the City of San Diego, which has a fully-certified Local Coastal Program (LCP); however, the work occurs within San Dieguito Lagoon, in an area of the Commission's retained permit jurisdiction. As such, the coastal development permit must be processed through the Coastal Commission utilizing the Chapter 3 policies of the Coastal Act as the standard of review and the City's LCP as guidance.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....	4
II. STANDARD CONDITIONS.....	4
III. SPECIAL CONDITIONS.....	5
IV. FINDINGS AND DECLARATIONS.....	7
A. DETAILED PROJECT DESCRIPTION/HISTORY.....	7
B. BIOLOGICAL RESOURCES.....	8
C. COMMUNITY CHARACTER/VISUAL QUALITY.....	9
D. LOCAL COASTAL PROGRAM.....	9
E. CALIFORNIA ENVIRONMENTAL QUALITY ACT.....	9

APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Location Map

Exhibit 2 – Vicinity Map

Exhibit 3 – Site Photos

Exhibit 4 – Staging Location

I. MOTION AND RESOLUTION

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 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

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.

III. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. **Post Construction Survey/Temporary Impacts.** 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, as follows.
 - 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 (other than at the vegetation plug addressed in Special Condition #2), 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 shall apply for any necessary restoration:
 - d. Full restoration of all wetland impacts that are identified as temporary, beyond the 90 day 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.
 - e. 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.
 1. The final design and construction methods that will be used to ensure the restoration sites achieve the defined goals, objectives, and performance standards.
 2. 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.
 3. 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.

- f. 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 applicant shall undertake the development in accordance with the approved mitigation/monitoring 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. **Post Construction Survey/Permanent Impacts.** To assure that the vegetative plug regenerates successfully, the site is to be monitored quarterly for one year. If the quarterly surveys identify that the revegetated plug has not established and 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 and shall be subject to the goals, objectives, and performance standards identified in Special Condition #1 of this CDP. The quarterly surveys shall be submitted to the San Diego office of the Coastal Commission within 30 days of completion.

The applicant shall undertake the development in accordance with the approved mitigation/monitoring 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.

3. **Timing of Construction.** To avoid potential impacts to coastal California gnatcatcher, Belding's savannah sparrow, light-footed clapper rail, California least tern and western snowy plover, during their nesting season, construction activities will not be permitted between the dates of February 15th and September 15th of any year; unless written permission from the California Department of Fish and Game and US Fish and Wildlife Service is provided to the Executive Director for review and approval.

IV. FINDINGS AND DECLARATIONS

A. DETAILED PROJECT DESCRIPTION/HISTORY

The applicant proposes to replace an existing 70-foot high, wooden electrical transmission pole located within the San Dieguito Lagoon system with a new wooden pole of similar dimensions. The replacement site is located directly adjacent to and within three feet of the existing utility pole location, approximately 500 feet north of 1600 Racetrack View Drive (Exhibit #1 and 2). The applicant has identified that the subject pole is in need of immediate replacement to comply with safety and reliability requirements mandated by the California Public Utilities Commission, however it has also been acknowledged that alternatives to relocate this stretch of electrical transmission facilities from the lagoon system are currently under investigation, and that the replacement of this singular pole in no way influences or predetermines any potential alternatives from being developed.

The subject site is located on a small island within the lagoon system and is inaccessible by foot (Exhibit #3). In order to minimize potential impacts caused by accessing the site, the applicant proposes to transport work crews and supplies as well as to perform the removal of the damaged pole and delivery of the replacement pole all via helicopter. The helicopter and other construction materials will be staged at a dirt parking lot located southwest of the lagoon (Exhibit #4). Once on the island, the construction team will move a drilling rig over plywood boards to the excavation site. The above-ground portions of the existing pole will be completely removed and underground portions will also be removed if feasible. If removal of the entire existing pole proves to be unsafe, the existing pole will be cut at the base, and underground portions left in place. The new pole installation will also be conducted via helicopter and all other assembly work will be done by a three to four person work crew, using climbing tools, replacement parts, grounding wire, and hand power tools.

The project area is surrounded by high-quality southern coastal salt water marsh. Section 30233 of the Coastal Act limits activities in wetlands to only eight allowed uses. One allowed use is an activity that is for incidental public services purposes. The proposed project is routine maintenance of an existing power pole, which, in this particular case can be considered an incidental public service project under Section 30233 of the Coastal Act. Thus, the proposed use is allowed to occur in wetlands pursuant to the Coastal Act. The applicant proposes to minimize impacts to the maximum extent feasible through mitigation in the event of impacts to the wetland vegetation.

The applicant estimates there will be approximately 765 square feet of temporary wetland impacts in order to perform the required pole replacement resulting from construction activities. Impacts to surrounding vegetation are considered temporary due to the brief construction period (approximately 2 days) and the utilization of plywood boards to better distribute weight from the drilling rig. The applicant proposes to withdraw 765 square feet of credit from the SDG&E NCCP mitigation bank in order to mitigate for these temporary impacts. Additionally, **Special Condition #1** requires that post construction surveys and monitoring be conducted to ensure that the surrounding

vegetation communities recover from the temporary construction impacts. In the event that the surrounding coastal salt marsh does not recover to pre-construction conditions, additional remediation would be required.

Installation of the new pole will require that the construction crew dig a 2-foot wide diameter by 9-foot deep hole for the new pole. The plug of wetland vegetation removed to install the new pole will be preserved during the operation, and then used to cap the hole where the old pole was removed. The applicant also proposes to mitigate the small permanent impacts to coastal wetlands through the withdrawal of an additional 4 square feet of credit from the SDG&E NCCP. To ensure that the vegetative plug regenerates successfully, **Special Condition #2** requires that the vegetative plug be monitored quarterly for one year.

San Dieguito Lagoon is home to several sensitive bird species, and recently a large scale lagoon restoration project was conducted that included the construction of nesting islands that are located in relatively close proximity to the subject site. In order to ensure that any noise or activity associated with the proposed project would not disrupt nesting activities for avian lagoon species, **Special Condition #3** restricts the timing of construction activities so that they would only occur outside of the nesting season for coastal California gnatcatcher, Belding's savannah sparrow, light-footed clapper rail, California least tern and western snowy plover.

The proposed development, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act. It will continue an existing public utility function (i.e., transmission of electrical power), and all work will occur within an existing utility easement. There will be no significant alteration of landforms (no grading) and no more impact on visual resources other than what already occurs with the existing overhead transmission lines.

The City of San Diego has a certified LCP and issues coastal development permits within its jurisdiction. However, the subject site is located within an area of the Commission's original jurisdiction, and the standard of review for this development is 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 PROGRAM

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.

E. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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.

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

1. Coastal Development Permit # 6-11-088 (SDG&E), approved April 2012.

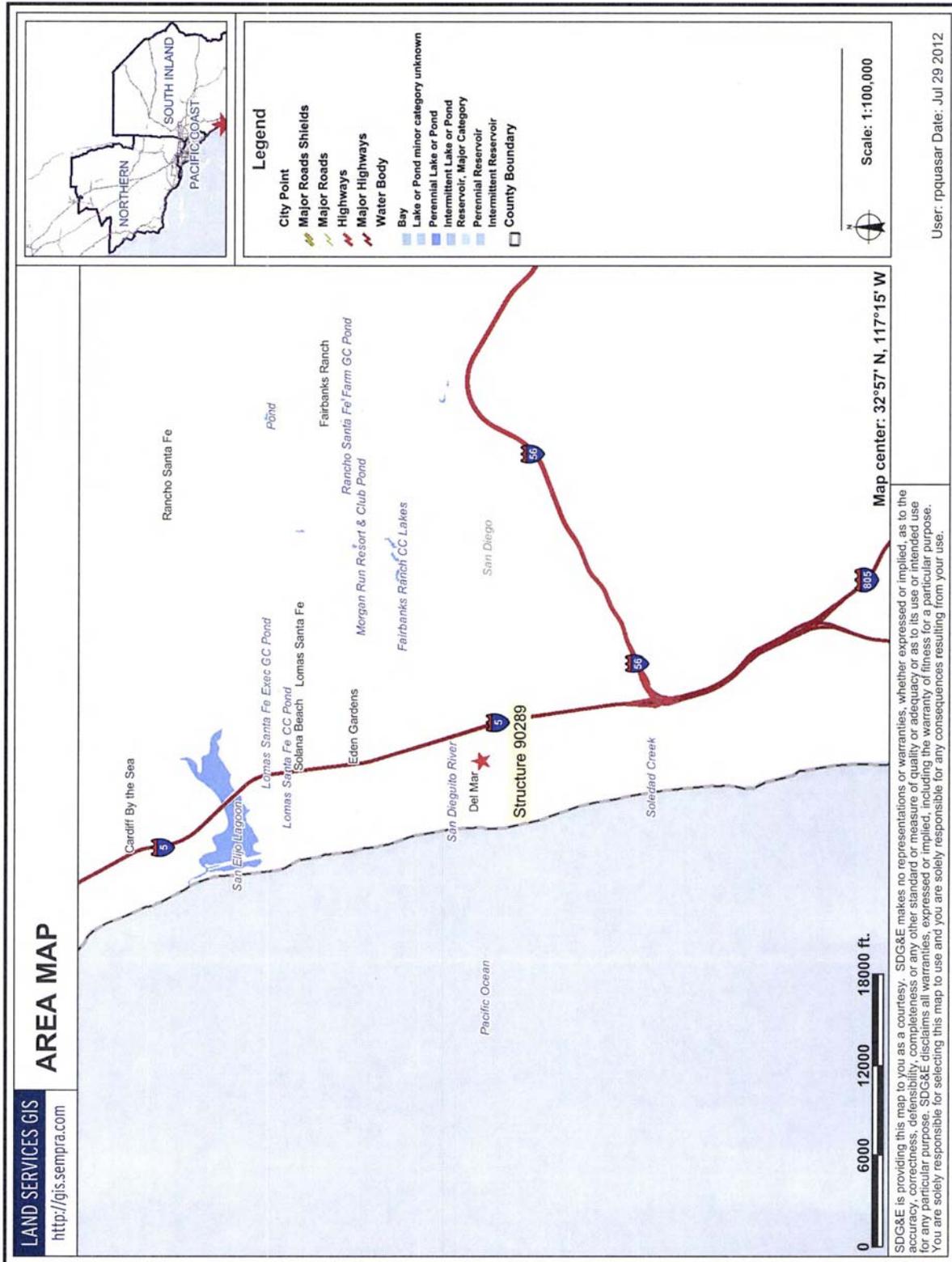


EXHIBIT NO. 1
APPLICATION NO.
6-12-058
Location Map
California Coastal Commission

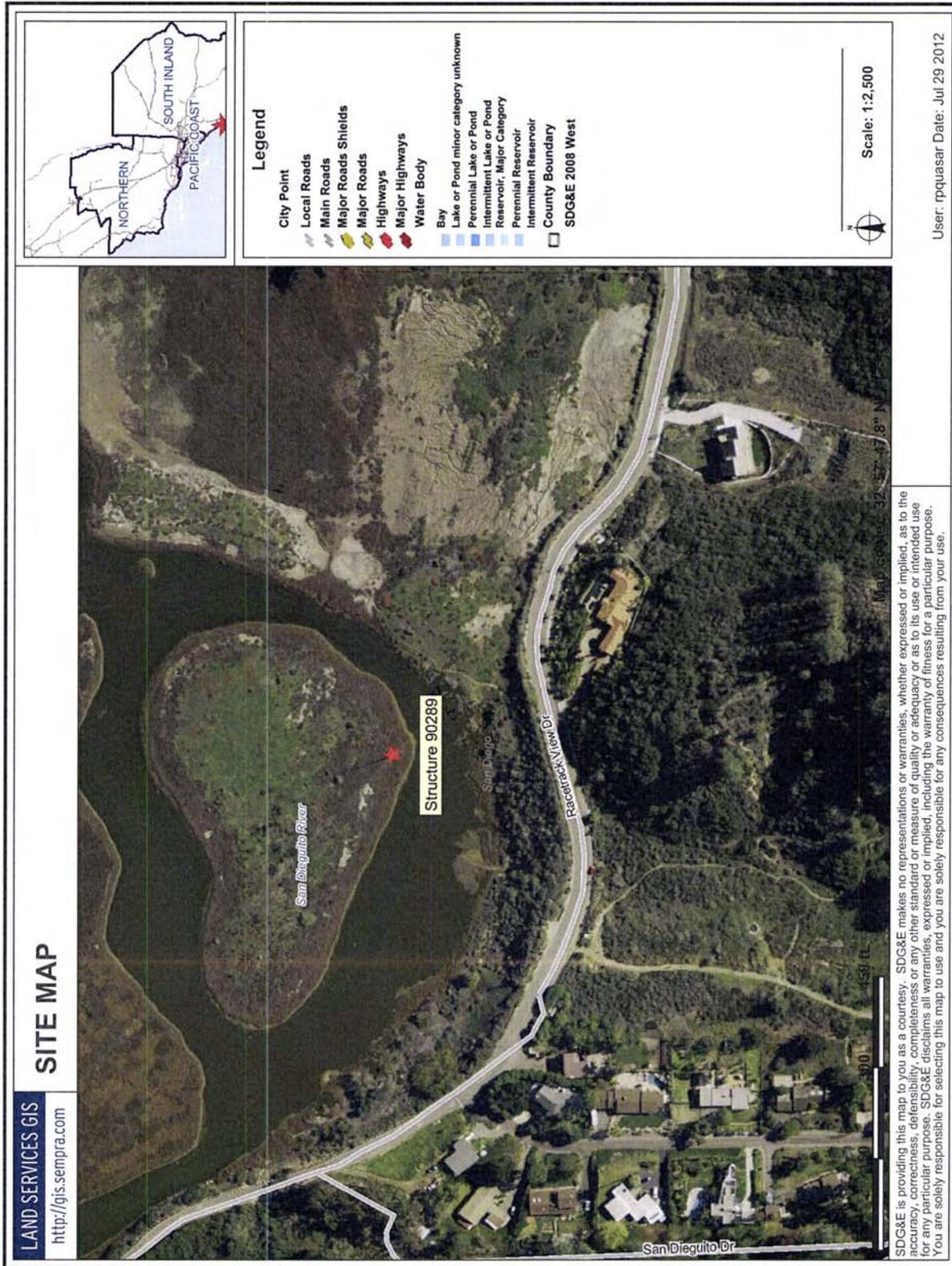
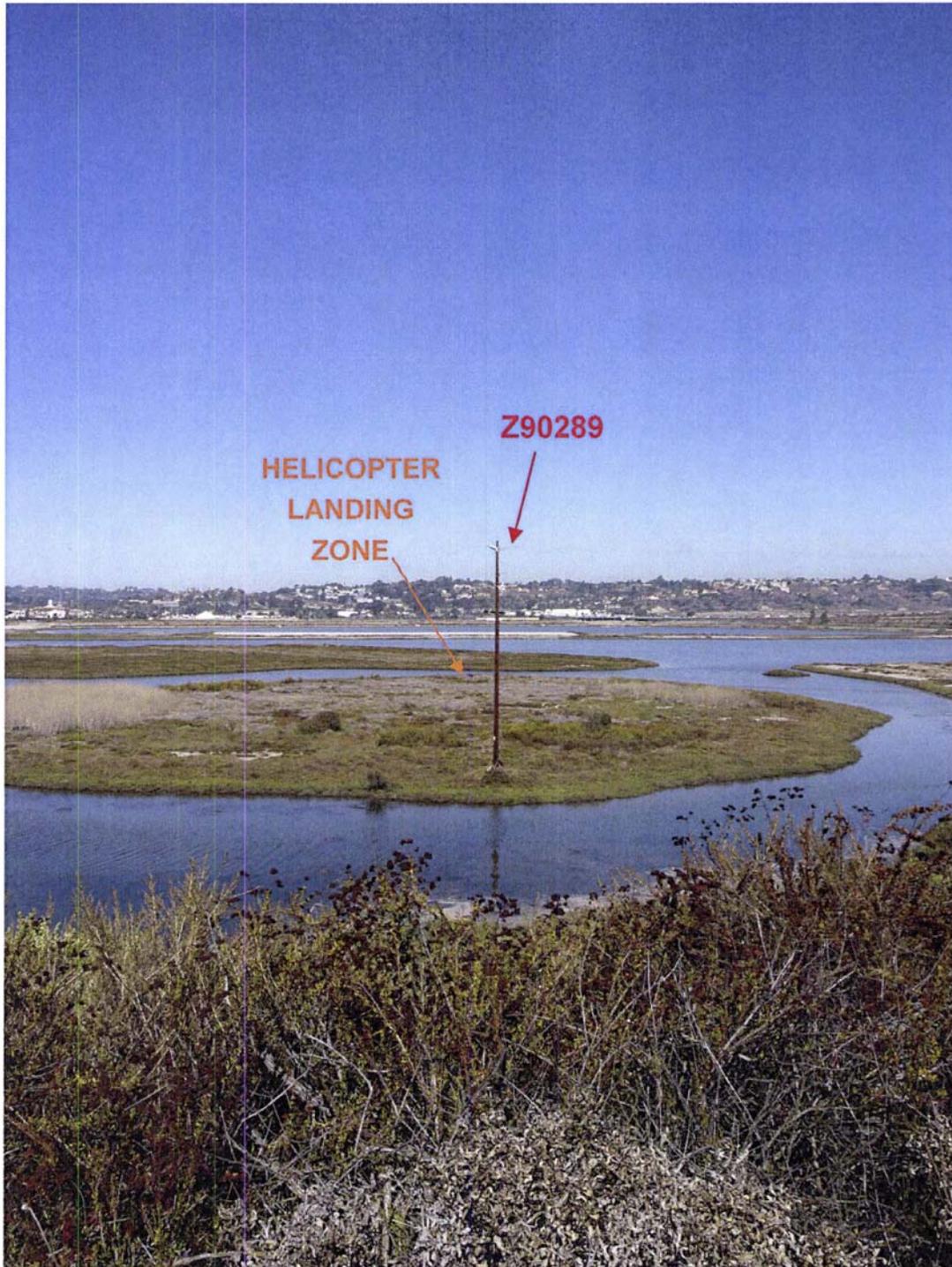


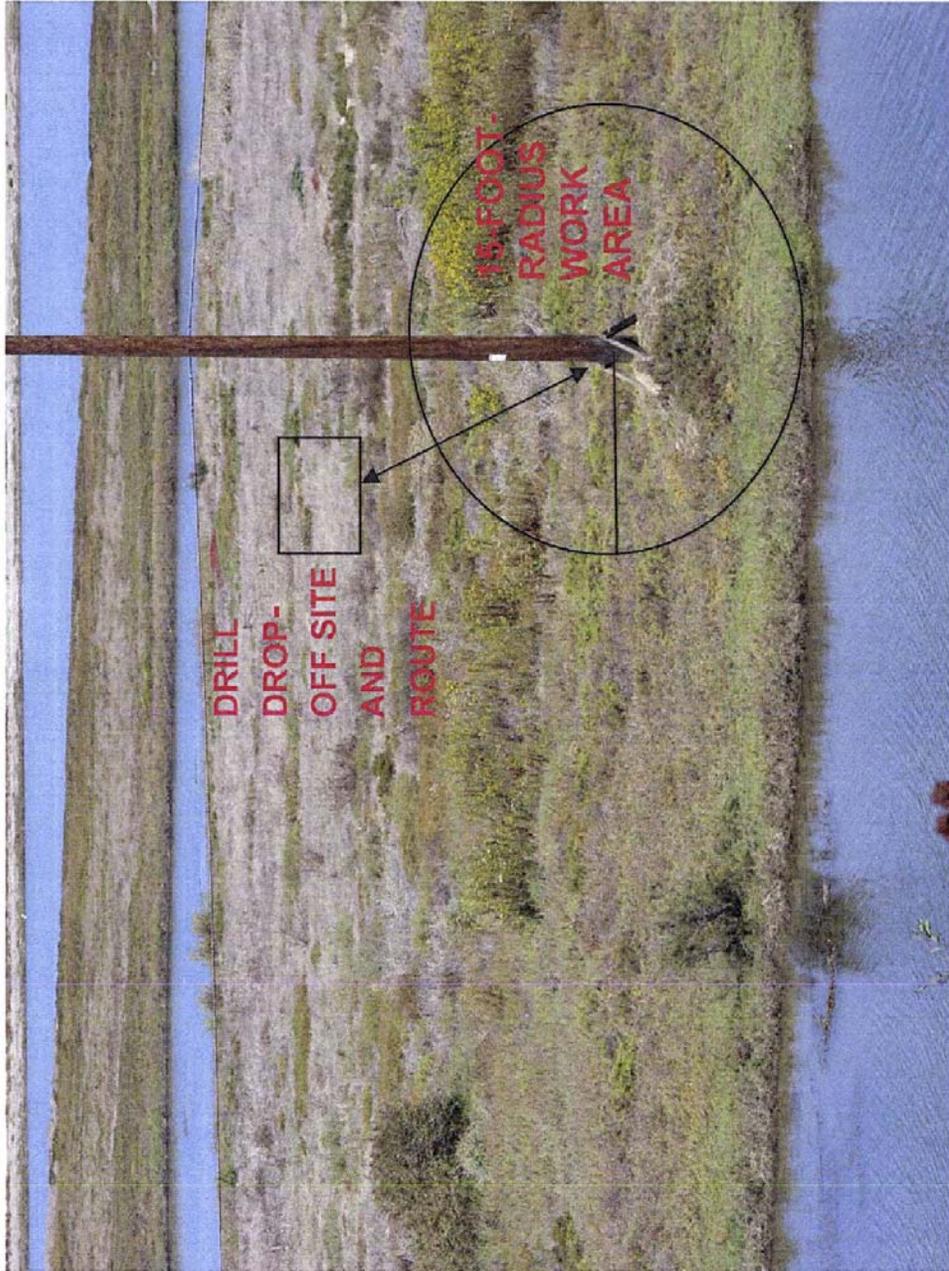
EXHIBIT NO. 2
APPLICATION NO.
6-12-058
Vicinity Map

California Coastal Commission



PHOTOGRAPH 1: View of existing Pole Z90289 and helicopter landing zone, looking north. New pole will set immediately west (left) of existing pole, in line with the existing overhead transmission line.

EXHIBIT NO. 3
APPLICATION NO. 6-12-058
Site Photos
 California Coastal Commission



PHOTOGRAPH 2: Pole Z90289, 15-foot-radius proposed work area around pole, drill drop-off site and proposed route for drill to the pole. Picture is taken with view to the north.

EXHIBIT NO. 3
APPLICATION NO. 6-12-058
Site Photos
 California Coastal Commission



EXHIBIT NO. 4
APPLICATION NO.
6-12-058
Staging Location
 California Coastal Commission