CALIFORNIA COASTAL COMMISSION
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STAFF REPORT: REGULAR CALENDAR

Application No.:	**6-14-1761**
Applicant:	**San Diego Gas & Electric (SDG&E)**
Agent:	Richard Quasarano
Location:	East of Santa Helena Drive, south of Santa Victoria Drive, Solana Beach, San Diego County. APNs 263-291-20 and 263-291-21
Project Description:	Slope stabilization and habitat restoration of a portion of a 2.1-acre historic burn dump site including construction of a retaining wall, drainage channels, vegetation clearing, placement of top soil and native seed mix, and paving the existing maintenance road.
Staff Recommendation:	Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **approval** of the proposed development with special conditions to minimize impacts to biological resources, steep slopes, and water quality.

The subject site is located east of Santa Helena Drive and south of Santa Victoria Drive in the City of Solana Beach, about a half-mile east of Interstate 5 and within a quarter-

mile of the San Elijo Lagoon in San Diego County. The proposed project is intended to cap the remaining exposed burn ash and debris at this 2.1-acre site used as a burn dump from 1946 to 1966, and to arrest erosion of the existing steep slope where most of the exposed burn ash is located. Project components include clearing existing vegetation in the area of project disturbance, construction of a retaining wall, installation of a rodent deterrent barrier, covering the exposed burn ash and debris with two feet of top soil, hydroseeding the slope with a native seed mix, construction of drainage channels, and paving the existing maintenance road. The proposed development will occur primarily on the slope of the eastern side of an existing maintenance road, as the western side of the subject site has previously been capped and hydroseeded and is now covered by dense vegetation that does not require further restoration.

The primary Coastal Act issues associated with this project relate to environmentally sensitive habitat and water quality. As proposed, the development will result in 875 sq. ft. of permanent impacts and 2,900 sq. ft. of temporary impacts to coastal sage scrub. In addition, there will be approximately 330 cubic yards of grading at the toe of the eastern slope and placement of an additional approximately 1,763 cubic yards of top soil on the slope face to create a 2:1 gradient. The proposed development will result in removal of existing non-native and disturbed vegetation, capped burn ash and debris, and establishment of new coastal sage scrub habitat from hydroseeding a 12,400 to 15,000 sq. ft. area. The eastern slope is currently very steep, exacerbating the potential for erosion and temporary impacts to water quality during construction. Furthermore, the on-site coastal sage scrub is potential habitat for the California gnatcatcher. However, the Commission's staff ecologist has reviewed the proposed project and determined that while there is native vegetation present on the subject site, it is not EHSA, as it is too small and fragmented. In addition, the retaining wall is proposed to provide slope stabilization so the finished slope will not erode and therefore allow the hydroseeded vegetation to establish. Runoff from the proposed paved access road and drainage channels will be directed to where all runoff from the site currently dissipates—into a vegetated topographical depression off the burn dump portion of the site, at the northern end of the property. The site is not visible from any scenic area and no public coastal views will be blocked by the development. Lastly, the applicant proposes to have a qualified biologist present during construction activities to ensure impacts to coastal sage scrub are minimized to the greatest extent possible, as well as conduct a pre-construction survey to identify any active gnatcatcher nests in the vicinity of the project area.

To further minimize potential adverse impacts, Commission staff is recommending several special conditions that would require **(1)** final plans; **(2)** a pre-construction survey to ensure any identified active gnatcatcher nests are avoided during construction; **(3)** a vegetation mitigation and monitoring plan to ensure the vegetation establishes, with required remediation if set success criteria are not met; **(4)** final drainage plans; and **(5)** an erosion control and construction best management practices (BMPs) plan to protect and maintain water quality on and surrounding the subject site during construction.

Therefore, as conditioned, the proposed developments will not have any adverse impacts on coastal resources. Commission staff recommends **approval** of coastal development permit application 6-14-1761 as conditioned. The motion is found on page 4.

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APPENDICES

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-14-1761 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves coastal development permit 6-14-1761 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

This permit is granted subject to the following 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 of 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

This permit is granted subject to the following special conditions:

1. **Final Plans. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and written approval, full-size final plans for the permitted development that are in substantial conformance with the revised project plans dated January 2015 submitted by SDG&E.

The applicant 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. Such reportable changes include any alteration that could potentially affect the kind, location, intensity or other substantive aspect of the approved development, or any avoidance, minimization or mitigation measure to be employed in conjunction with the approval.

In the event that the proposed change will require modification of the development approved by this permit, or modification of the mitigation measures required under the terms of this permit, the permittee shall submit a timely request for Executive Director review of materiality, as provided by Commission Regulations (Section 13166(b)). If the change is determined to be material, then the permittee shall apply for an amendment to the permit and the application shall be reviewed in accordance with the process prescribed for amendments of coastal development permits, as detailed in Commission Regulations, Sections 13164 & 13166.

2. **Sensitive Species Monitoring. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT,** a qualified biologist shall conduct a site survey for evidence of active coastal California gnatcatcher nests in all on-site vegetation. **PRIOR TO ANY CONSTRUCTION ACTIVITES** during gnatcatcher breeding/nesting season (February 15th through August 15th), a qualified biologist shall conduct a site survey for active nests no more than 72 hours prior to any development. If an active nest is located, then a qualified biologist shall monitor the nest daily until project activities are no longer occurring within 300 feet of the nest or within 500 feet of active gnatcatchers, or until the young have fledged and are independent of the adults or the nest is otherwise abandoned. The monitoring biologist shall halt construction activities if he or she determines that the construction activities may be disturbing or disrupting the nesting activities. The monitoring biologist shall make practicable recommendations to reduce the noise or disturbance in the vicinity of the active nest or gnatcatcher. This may include recommendations such as (1) turning off vehicle engines and other equipment whenever possible to reduce noise, and (2) working in other areas until the young have fledged. The monitoring biologist shall review and verify

compliance with these avoidance boundaries and shall verify that the nesting effort has finished in a written report. Unrestricted construction activities may resume when no other active nests are found. The results of the site survey and any follow-up construction avoidance measures shall be documented by the monitoring biologist and submitted to the San Diego office of the California Coastal Commission.

3. **Native Upland Vegetation Mitigation and Monitoring Plan**. **PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT,** the applicant shall submit a detailed native vegetation mitigation and monitoring plan to the Executive Director for review and written approval. Said plan shall include at a minimum the following elements:

a. A detailed site plan of the impact area that substantially conforms to the revised project plans dated January 2015 submitted by SDG&E and the "Vicinity Map" dated December 11, 2014 submitted by SDG&E. The final plan must delineate all impact areas and the exact acreage of impact, both permanent and temporary.

b. A detailed site plan of the hydroseeded area that substantially conforms to the revised project plans dated January 2015 by SDG&E and the "Vicinity Map" dated December 11, 2014 by SDG&E. The plan shall show the type, size, extent and location of all plant materials used, as applicable.

c. Specific ecological performance criteria shall include standards for species diversity and vegetative cover. Success criteria shall insure that the major structure-producing species that characterize the habitat are present and that there is an appropriate diversity of species in both the shrub and herbaceous vegetation layers. Success criteria shall include achieving 80% native coverage in three years. In three years, the presence of exotics on the restoration site shall be comparable to an identified SDG&E Subregional Natural Community Conservation Plan (NCCP) reference site.

d. Only species native to southern California and typical of Coastal Sage Scrub habitats shall be used. No plant species listed as problematic or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. *Atriplex glauca*, *Isocoma menziesii*, and *Baccharis pilularis* shall be prohibited from the seed mix, and *Encelia farinosa* shall be replaced with *Encelia californica*.

e. Seeds or cuttings used for planting materials shall come from within 10 miles of the coast of Los Angeles, Orange, or San Diego Counties.

f. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of the construction project.

g. A maintenance plan for the planted area that shall describe the herbicide, pesticide and fertilizer practices as well as list the chemical pesticides and fertilizers that will be used on site, including the expected frequency and volume of each application. The selected chemicals shall not be toxic to fish or wildlife or shall not persist in the environment. All herbicides and pesticides used shall be applied by hand application or by other means that will prevent leakage, percolation, or aerial drift into adjacent lagoon, wetland and upland areas. If supplemental watering is planned, the method and timing of watering should be described and shall avoid erosion impacts. All irrigation infrastructure must be removed by the end of the monitoring period.

UPON COMPLETION OF CONSTRUCTION:

h. Monitoring reports shall be produced annually and biennially as required by SDG&E's NCCP for a three year period. Five years after the completion of construction, a final monitoring report that evaluates whether and how success criteria have been met shall be submitted for review and approval by the Executive Director. If the Executive Director determines that the success criteria have not been met, the permittee, or successors in interest, shall submit a revised or supplemental mitigation and monitoring plan for the review and written approval of the Executive Director. The revised mitigation and monitoring plan shall be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee shall undertake development in accordance with the approved mitigation plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **Final Drainage Plans. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and written approval by the Executive Director, drainage plans for the proposed development. Said plans shall be in substantial conformance with the revised plans dated January 2015 submitted by SDG&E, and shall reflect the following:

a. The proposed drainage channels and paved maintenance road shall direct runoff flow into a topographical depression or well-vegetated area for infiltration.

b. The concrete for the proposed upper drainage channel shall be colored to match the surrounding earth tones.

The permittee shall undertake development in accordance with the approved final drainage plans. Any proposed changes to the approved final drainage plans shall be reported to the Executive Director. No changes to the approved final drainage plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. **Erosion Control and Construction BMPs Plan. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for review and approval of the Executive Director, an Erosion Control and Construction Best Management Practices Plan, prepared by a licensed professional such as a California Registered Professional Civil Engineer, Geologist, Engineering Geologist, Hydrogeologist, or Landscape Architect. The licensed professional shall certify in writing that the Erosion Control and Construction Best Management Practices (BMPs) Plan includes the following items:

I. Erosion Control Plan.

a. The plan shall delineate the areas to be disturbed by grading or construction activities as well as areas where existing vegetation will be protected, and shall include any temporary access roads, staging areas and stockpile areas.

b. A report describing all temporary run-off and erosion control measures to be used during construction.

c. The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.

d. The plan shall specify that if grading takes place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, or silt fencing as needed; stabilize any stockpiled fill with geofabric covers or other appropriate cover; install geotextiles or mats on all cut or fill slopes; and close and stabilize open trenches as soon as possible. Only loose-weave natural fiber netting shall be used for erosion control to avoid trapping birds and animals.

e. The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations, and shall be maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.

f. If grading or site preparation ceases for a period of more than 30 days, the plan shall specify temporary erosion control measures, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes, with geotextiles or mats, sand bag barriers, silt fencing; temporary drains and swales, or sediment basins. Only loose-weave natural fiber netting shall be used for erosion control to avoid trapping birds

and animals. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored daily and maintained until grading or construction operations resume.

II. Construction Best Management Practices

a. No demolition or construction materials, debris, or waste may be placed or stored where it may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.

b. All debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.

c. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.

d. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.

e. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.

f. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

g. All stock piles and construction materials shall be contained so that materials cannot be conveyed to drain inlets and any waterway, and shall not be stored in contact with the soil.

h. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.

i. The discharge of any hazardous materials into any receiving waters shall be prohibited.

j. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

k. The applicant shall provide a map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).

The final Erosion Control and Construction Best Management Practices Plan shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The proposed project is intended to cap the exposed burn ash and debris at a site previously used as a burn dump and arrest erosion of the steep eastern slope. Project components include clearing existing native and non-native vegetation in the area of project disturbance, construction of a retaining wall with gabion baskets to provide slope stabilization, installation of a rodent deterrent barrier, covering the exposed burn debris with top soil, hydroseeding an approximately 12,400 to 15,000 sq. ft. area with a native seed mix, construction of an unlined and a concrete-lined drainage channel, and paving the existing maintenance road (Exhibit 3).

The proposed development requires approximately 330 cubic yards of grading to prepare for construction of the proposed retaining wall, which with approximately 1,763 cubic yards of imported soil will create a two-foot thick, 2:1 final gradient top soil layer. The rodent deterrent barrier is a mesh layer that will be installed prior to the top soil layer, with the intention of preventing animal burrowing activity that would kick up the burn ash and debris. The proposed retaining wall will be 250 feet long and will range from 6 to 12 feet tall and from 4.5 to 9 feet wide. The proposed development will occur primarily on the slope on the eastern side of the existing maintenance road, as the western side is already covered by dense vegetation and does not require further restoration.

The subject site is located east of Santa Helena Drive and south of Santa Victoria Drive, approximately a quarter-mile south of the San Elijo Lagoon, east of Interstate 5 in the City of Solana Beach (Exhibit 1 and Exhibit 2). Surrounding the subject site is the Lomas Santa Fe Executive Golf Course and a residential area. This 2.1-acre site was part of an approximately 35-acre area utilized for burn dump operations from 1946-1966, when the site was frequently used to burn residential, commercial, and agricultural waste. In 1957, the subject site was acquired by SDG&E from the County, after which the burn dump operations continued for several more years away from the subject site. The subject site currently contains an eastern slope and western slope divided by an unpaved maintenance road with native and non-native vegetation. The site also contains an inactive subterranean Kinder Morgan fuel pipeline and several SDG&E transmission lines that

will be completely avoided by the proposed development. The site is currently used as a maintenance access route for the SDG&E transmission lines and the Kinder Morgan pipelines, and is enclosed by a chain link fence with a locked entrance. Public access to the site is prohibited. Staging for the proposed construction will occur within the fenced site.

The County of San Diego Solid Waste Local Enforcement Agency (LEA) oversees operating and closed solid waste facilities and disposal sites in San Diego County, including the subject site. The LEA has required SDG&E to cap the exposed burn ash and debris at this historic burn dump site, which was done effectively in the 1990's on the site's western slope using a layer of top soil and hydroseeding. The eastern slope, however, has not yet been effectively capped, likely due to its very steep gradient. The eastern slope has been hydroseeded twice in the last approximately ten years and the vegetation did not successfully establish, thus requiring SDG&E to install BMPs as a temporary measure, including gravel bags and straw wattles. The current proposal is intended to be a permanent measure to cap the remaining exposed burn ash and debris on the site. The proposed development will result in removal of existing non-native and disturbed vegetation and capped burn ash and debris, and establishment of new coastal sage scrub habitat from hydroseeding a 12,400 to 15,000 sq. ft. area.

The City of Solana Beach has a certified Land Use Plan (LUP), which is used for guidance. The City has not yet completed, nor has the Commission reviewed, any implementing ordinances. Thus, the City's LCP is not certified and the standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, with the City's LUP used as guidance.

B. ENVIRONMENTALLY SENSITIVE HABITAT

Section 30240 of the Coastal Act addresses environmentally sensitive habitat, and states:

> *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
>
> *(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Although the subject site contains exposed burn ash and debris and is surrounded by a developed golf course and residential area, it also contains an isolated community of native coastal sage scrub (CSS) as well as non-native and invasive vegetation including iceplant. The on-site native vegetation is located primarily on the western slope, which was capped and hydroseeded sometime in the late 1990's and will not be affected by the proposed project, with several small isolated patches of CSS on the flatter portions of the eastern slope where development is currently proposed. The City's certified LUP maps the subject site as partially eucalyptus woodland, which is dominated by non-native

eucalyptus trees, and partially Diegan CSS, which is not designated by the LUP as environmentally sensitive habitat area (ESHA) in this location. The site is within a quarter-mile of the San Elijo Lagoon, which is an environmentally sensitive habitat area that provides habitat for several State or Federal-listed threatened or endangered birds including the California gnatcatcher, California least tern, the light-footed clapper rail, Belding's savannah sparrow, and the western snowy plover. As such, potential adverse impacts on sensitive resources as a result of activity surrounding the lagoon could be significant. However, there is poor connectivity between the on-site native vegetation and the nearest large expanse of native habitat adjacent to the lagoon.

As proposed, the site's eastern slope will be capped with a two-foot thick layer of clean top soil and hydroseeded with a native seed mix, based on the on-site CSS species composition, over a 12,400 to 15,000 sq. ft. area that will ensure cover over the adjacent bare-ground areas as well. Also proposed is a retaining wall to provide slope stabilization, a new unlined drainage channel above the retaining wall, a new concrete-lined drainage channel to replace the existing concrete channel, and paving of the existing maintenance road.

The proposed development will result in permanent impacts to approximately 875 sq. ft. of CSS; to approximately 4,330 sq. ft. of disturbed habitat, which is characterized by invasive, non-native species such as thistles and non-native grasses that are introduced and established through human action; and to approximately 1,625 sq. ft. of ornamental vegetation, which is similarly characterized as disturbed habitat by the applicant but primarily consists of iceplant. The permanent impacts will be caused by vegetation removal and grading within the footprints of the proposed retaining wall, the concrete drainage channel, and the existing maintenance road (Exhibit 4). In addition, the proposed development will result in temporary impacts to approximately 2,900 sq. ft. of CSS, approximately 1,250 sq. ft. of disturbed habitat, and approximately 8,250 sq. ft. of ornamental vegetation as a result of trampling, installation of a final graded slope above the retaining wall, and staging vehicles and equipment. The applicant has proposed to have a biological monitor present during construction activities to ensure that impacts to CSS from trampling or trimming are minimized to the greatest extent possible. Any trimmed vegetation will be mulched and left onsite to preserve the local native seed bank.

A biological survey and pre-activity study report (PSR) was conducted and prepared for the subject proposal, and determined that while several sensitive plant species including wart-stemmed ceanothus, Encinitas baccharis, Del Mar manzanita, and coast wallflower have been known to occur within one mile of the subject site, none were observed within the bounds of the subject site. In addition, while several sensitive animal species including the Belding's savannah sparrow, California least tern, western snowy plover, coastal California gnatcatcher, and light-footed clapper rail have been known to occur within one mile of the subject site, none were observed within the bounds of the subject site during the survey. Of these, only the coastal California gnatcatcher has the potential to occur within the subject site due to the presence of suitable CSS habitat within and adjacent to the site. To minimize potential biological impacts, the applicant has proposed to have a pre-construction survey conducted by a qualified biologist to identify any active gnatcatcher nests in the vicinity of the project area.

The Commission's staff ecologist has reviewed the biological survey, development plans, and other pertinent information and has determined that the native vegetation onsite is small and isolated, and is therefore not considered ESHA, but is nonetheless considered a coastal resource that should be protected from significant adverse effects.

As cited above, Section 30240 of the Coastal Act limits development within ESHA to uses that are dependent on the ESHA resources. In this case, no impacts to ESHA are proposed as there is none on-site. Section 30240 also requires that development *adjacent* to ESHA shall be sited and designed so as to not adversely impact the ESHA. While the native vegetation contained on-site is too small and fragmented to support nesting birds, because of its proximity to the San Elijo Lagoon, the habitat may still provide ancillary benefits to gnatcatchers or similar avian species. Thus, while the on-site native habitat is not considered ESHA, it is a coastal resource and impacts from the project may affect adjacent ESHA.

As conditioned, the proposed development is the least environmentally damaging alternative to achieve a permanent cap of the exposed burn ash and debris and arrest erosion of the eastern slope. The applicant has indicated that lesser alternatives have been tried without success, including hydroseeding the eastern slope and using temporary erosion control BMPs. However, the slope is currently too steep for any vegetation to establish, and the slope continues to erode. Therefore, a retaining wall is proposed as necessary to hold the topsoil in place so that vegetation may establish. It will be sited and designed to provide slope stabilization and prevent erosion. Although there will be permanent and temporary impacts to the native CSS from this slope stabilization project, the proposed development will in fact significantly restore native vegetation on the subject site by hydroseeding a maximum 15,000 sq. ft. area, and thus will mitigate for the proposed impacts. Thus, the impacts to native vegetation will be mitigated on-site through the establishment of new native vegetation and there will be no impacts to adjacent ESHA, consistent with Section 30240 of the Coastal Act and the certified LUP.

To prevent potential impacts to the coastal California gnatcatcher, **Special Condition #2** requires that the results of the proposed pre-construction survey for active gnatcatcher nests are submitted to the Coastal Commission's San Diego District Office, and that any active nests or gnatcatchers observed are monitored by a qualified biologist until construction activities are no longer occurring within 300 feet of an active nest or 500 feet of a gnatcatcher, or until the young have fledged or the nests have been otherwise abandoned, with measures taken to reduce noise and disturbance as necessary.

To ensure the vegetation will establish after the proposed project is completed, **Special Condition #3** requires the applicant to submit and adhere to a mitigation and monitoring plan. The plan shall include specific success criteria and monitoring reports to be produced as required by SDG&E's Subregional Natural Community Conservation Plan (NCCP) for three years, following the completion of the proposed project, with a final summary report to be submitted for review and approval of the Executive Director after five years. If the success criteria are not met after five years, a supplemental or revised mitigation and monitoring plan must be submitted to remediate those portions of the

original plan that failed or were not in conformance with the original approved plan. With this mitigation and monitoring program and requirement for future remediation if necessary, the proposed impacts to native vegetation will be properly mitigated. In addition, while the applicant has submitted preliminary project plans, **Special Condition #1** requires the submission of final plans for the review and written approval of the Executive Director prior to the issuance of the coastal development permit, to ensure they are in substantial conformance with the preliminary plans.

Therefore, as conditioned, the proposed development will not result in any adverse impacts to environmentally sensitive habitat or coastal biological resources and can be found consistent with all applicable policies of the Coastal Act.

C. WATER QUALITY

Section 30231 of the Coastal Act addresses coastal water quality, and states:

> *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.*

The Commission's water quality staff have reviewed the proposed project, and determined that as conditioned, the project will not adversely impact coastal waters. The proposed project includes grading and an increase in impervious surface at the subject site. As described above, the proposed 330 cubic yards of grading and placement of 1,763 cubic yards of top soil and hydroseeding will occur primarily on the eastern slope of the subject site. The grading will occur at the toe of the slope to prepare the area for the proposed retaining wall. The imported top soil will effectively cap the exposed burn ash and debris on the eastern slope above the retaining wall, and will be installed and compacted so as to create a finished 2:1 gradient. The retaining wall will then function to hold the top soil layer in place, as the primary issue with previous attempts to cap and vegetate this slope has been erosion.

The proposed project also includes construction of a concrete drainage channel at the top of the eastern slope, as the existing concrete channel is overrun with vegetation and will be covered by the top soil layer. Since the initial application submittal, the applicant has revised the proposal to include an additional but unlined drainage channel above the proposed retaining wall to provide additional slope stability. The concrete is necessary for the channel proposed on top of the slope to provide erosion control, due to the slope's steepness. With the proposed retaining wall, concrete drainage channel, and paved maintenance road, the amount of proposed new impervious surface is approximately 6,830 sq. ft. While this is a significant increase in impervious surface at an undeveloped

site, the site's natural hydrology allows all runoff to collect in a vegetated topographical depression at the northern end of the site on the other side of the fenced burn dump area, where runoff is able to dissipate and infiltrate (Exhibit 4 and Exhibit 5). In addition, the subject site does not collect a significant amount of runoff, as the surrounding residences and golf course infiltrate most of their runoff. Additionally, as the site is closed to public access, the only traffic on the maintenance road is from the SDG&E and Kinder Morgan vehicles, and any pollutants in the road runoff will be insignificant in amount and will properly infiltrate in the topographical depression without impacting coastal water quality, consistent with Section 30231 of the Coastal Act.

To further prevent any impacts to coastal water quality during and after construction of the proposed development, **Special Condition #4** requires the applicant to submit final drainage plans and **Special Condition #5** requires the applicant to submit and adhere to an erosion control and construction BMPs plan.

Therefore, as conditioned, the proposed development will not result in any adverse impacts to coastal biological resources or water quality and can be found consistent with all applicable policies of the Coastal Act.

D. VISUAL RESOURCES

Section 30251 of the Coastal Act addresses visual resources, and states, 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.*

While the subject site is located within the City's Scenic Area Overlay Zone, it is not located within a designated view corridor and does not provide any public coastal views. Most of the proposed development is at ground level and will be generally screened by existing vegetation surrounding the subject site, so views will remain essentially as they are without the proposed development. The proposed retaining wall will be 250 feet long and will range from 6 to 12 feet tall and from 4.5 to 9 feet wide, and will not block any public coastal views as none are available. As conditioned, the concrete drainage channel shall be colored to match the surrounding earth tones to further reduce visual impacts. Capping the exposed burn debris with the proposed retaining wall, top soil, seeding, and paved access road will improve the overall visual quality of the subject site, especially as the restored native vegetation establishes and increases available habitat.

Therefore, as proposed, the Commission finds the proposed development consistent with Section 30251 of the Coastal Act.

E. 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. In this case, such a finding can be made.

The Commission approved and certified the City's Local Coastal Program Land Use Plan (LUP) in March 2012. The City of Solana Beach was awarded an LCP Assistance Grant of $120,000 in January 2014 by the Coastal Commission to be used for LCP preparation and certification. However, the City has not yet completed, nor has the Commission reviewed, any implementing ordinances. Thus, the City's LCP is not fully certified. Therefore, Chapter 3 of the Coastal Act is the standard of review for this proposal, with the City's LUP used as guidance.

The location of the proposed project is designated for open space/recreation in the City of Solana Beach LUP and zoned as open space/recreation in the Solana Beach Municipal Code. As proposed, the development is consistent with the land use designation and zoning requirements. As described in the above findings, the proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act.

Therefore, the Commission finds the proposed development, as conditioned, will not prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program.

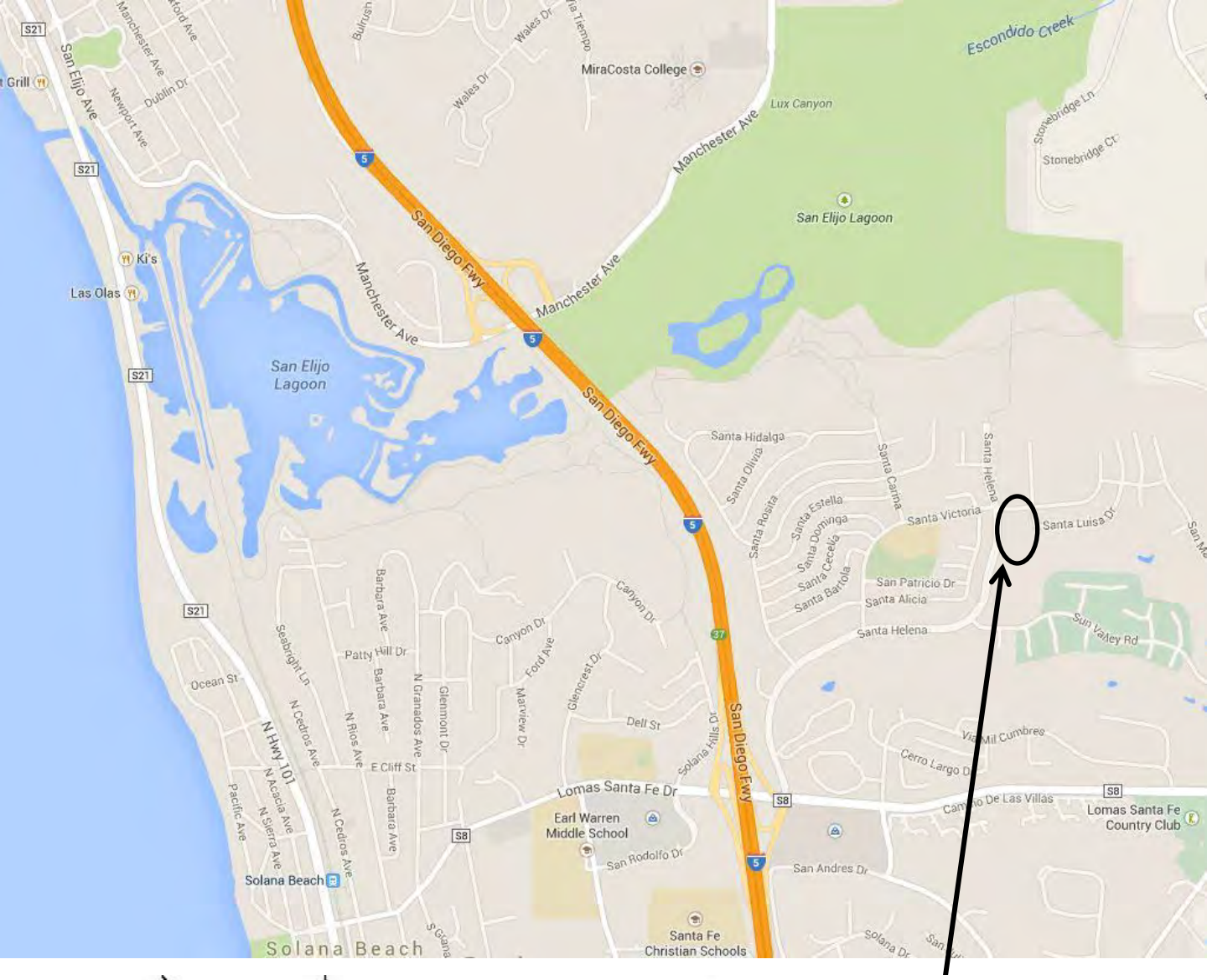
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing the protection of environmentally sensitive habitat and water quality and a native vegetation mitigation and monitoring plan 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A
SUBSTANTIVE FILE DOCUMENTS

- Solana Beach Land Use Plan
- Solana Beach Municipal Code
- SDG&E Subregional Natural Community Conservation Plan



Subject Site

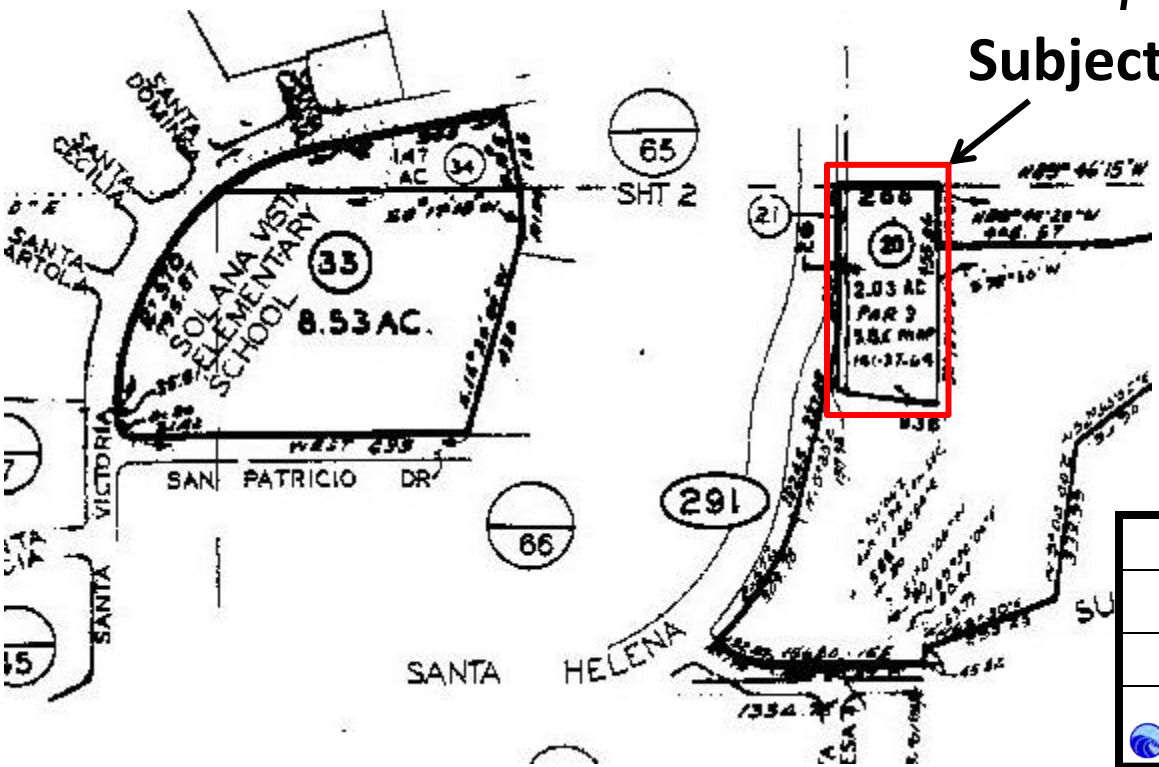


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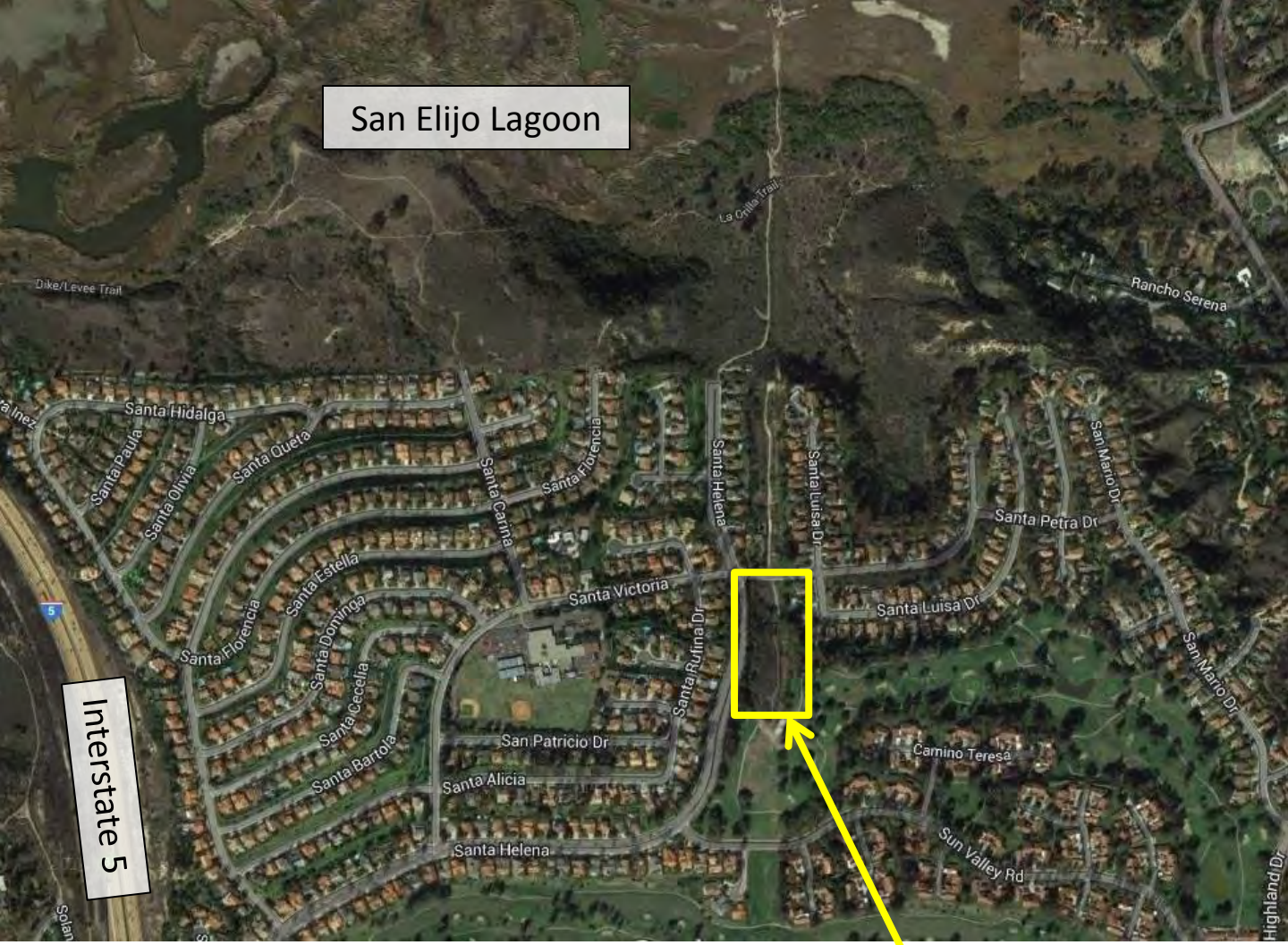
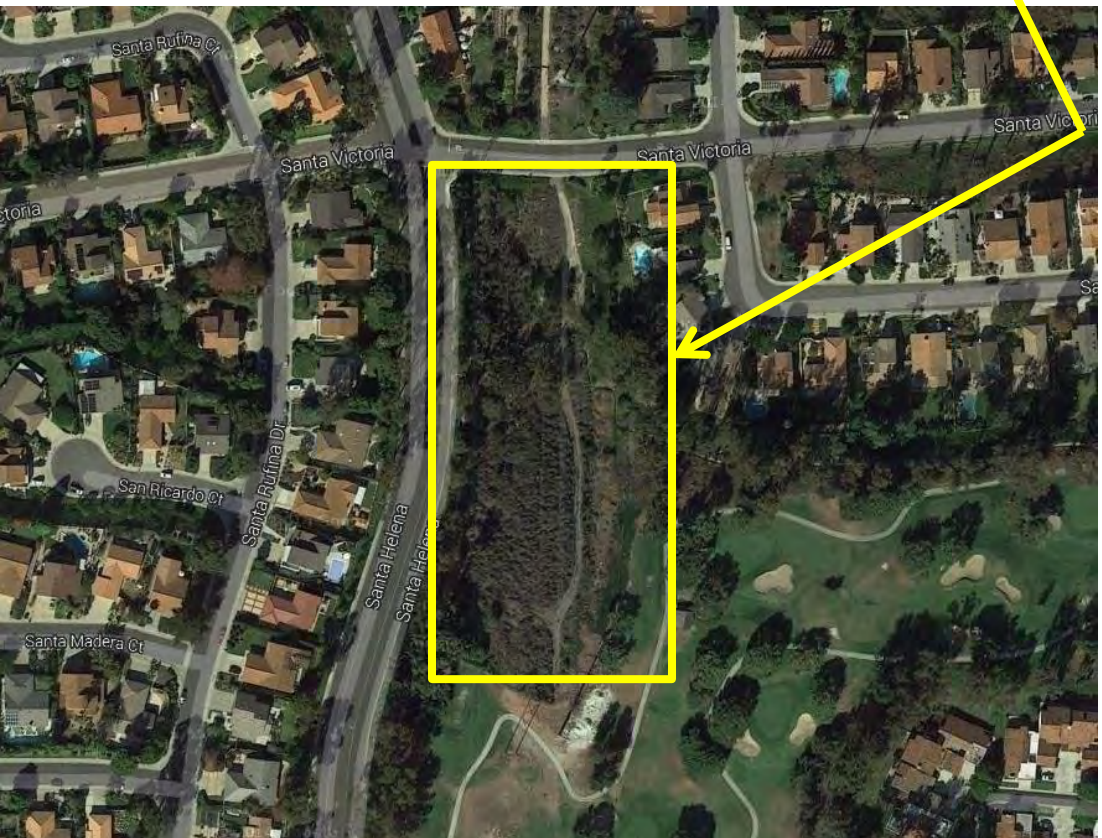
EXHIBIT NO. 1

APPLICATION NO.
6-14-1761

Vicinity Map

California Coastal Commission





Subject Site

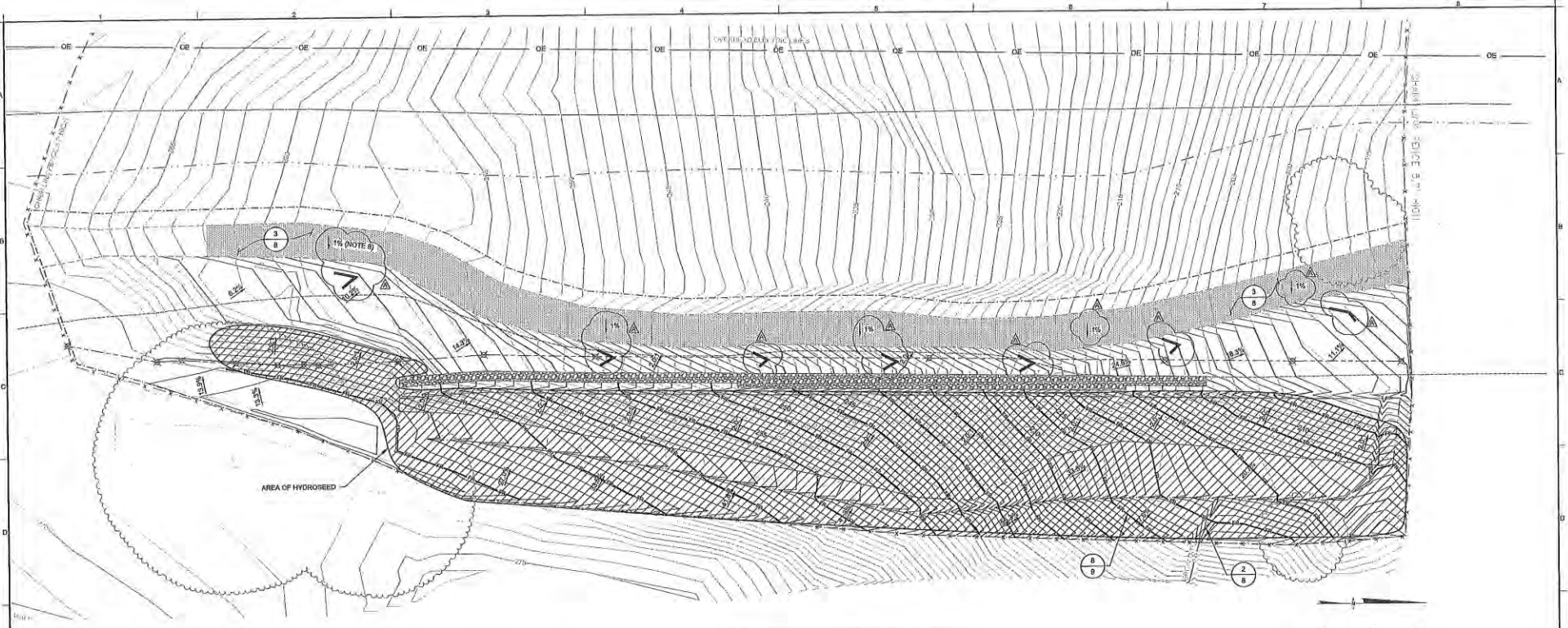
N

EXHIBIT NO. 2

APPLICATION NO.
6-14-1761

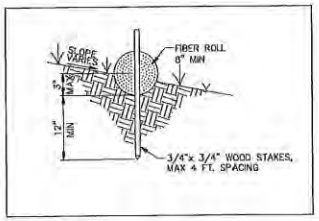
Aerial View

California Coastal Commission



LEGEND

- EXISTING GROUND MAJOR CONTOUR (5')
- EXISTING GROUND MINOR CONTOUR (1')
- BROW DITCH FLOW LINE
- HYDROSEED AREA
- FIBER ROLL
- EXISTING FENCE
- OVERHEAD ELECTRIC LINES
- EXISTING DIRT ROAD
- TREE LINE
- PROPOSED GRADING MAJOR CONTOUR (5')
- PROPOSED GRADING MINOR CONTOUR (1')
- PROPOSED GRADING LIMIT
- GABION WALL
- APPROXIMATE PIPELINE ALIGNMENT
- APPROXIMATE PIPELINE LOCATION
- ROC PAVEMENT
- LOCATION OF 30" SDG&E HP GAS LINE
- LOCATION OF 16" KMEP FUEL LINE
- LOCATION OF 10" KMEP FUEL LINE
- GRAVEL CHEVRON ADJACENT TO ROAD 3 FOOT LONG AT LOWPOINT



8/9 DETAIL
TYPICAL FIBER ROLL INSTALLATION
SCALE: N.T.S.

0 15' 30'
SCALE IN FEET

NOTES

1. PLACE CONTRUCTION ENTRANCE AT NORTH END OF SDG&E DIRT ACCESS ROAD ADJACENT SANTA VICTORIA.
2. GRADE ACCESS ROAD TO DRAIN AT 1% TO THE EAST.

REV	DATE	DESCRIPTION	DRN	APP
A	1/13/15	ADDED EROSION CONTROL NOTES	MH	SF
A	12/11/14	ADDED STORMWATER CONTROL	MH	SF

Geosyntec consultants
10975 RANCHO BERNARDO RD, SUITE 200
SAN DIEGO, CA 92127
PHONE: 858.674.5550

SDGE
A Sempra Energy utility

TITLE: POST - CONSTRUCTION STORMWATER MANAGEMENT PLAN

PROJECT: ENGINEERED CAP FOR SOLANA BEACH BURN DUMP SITE

SITE: ASSESSOR PARCEL NOs.263-291-20 AND 21, IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

THIS DRAWING MAY NOT BE ISSUED FOR PERMIT, TENDER OR CONSTRUCTION, UNLESS SIGNED.

SIGNATURE
1/13/15
DATE

REGISTERED PROFESSIONAL ENGINEER — No. 25011 — Exp. 6/30/15 — STATE OF CALIFORNIA

DESIGN BY:	SF	DATE:	JANUARY 2015
DRAWN BY:	MC	PROJECT NO.:	SC0820
CHECKED BY:	SF	FILE:	SC0820-10
REVIEWED BY:	SF	DRAWING NO.:	10
APPROVED BY:	SF	OF	10

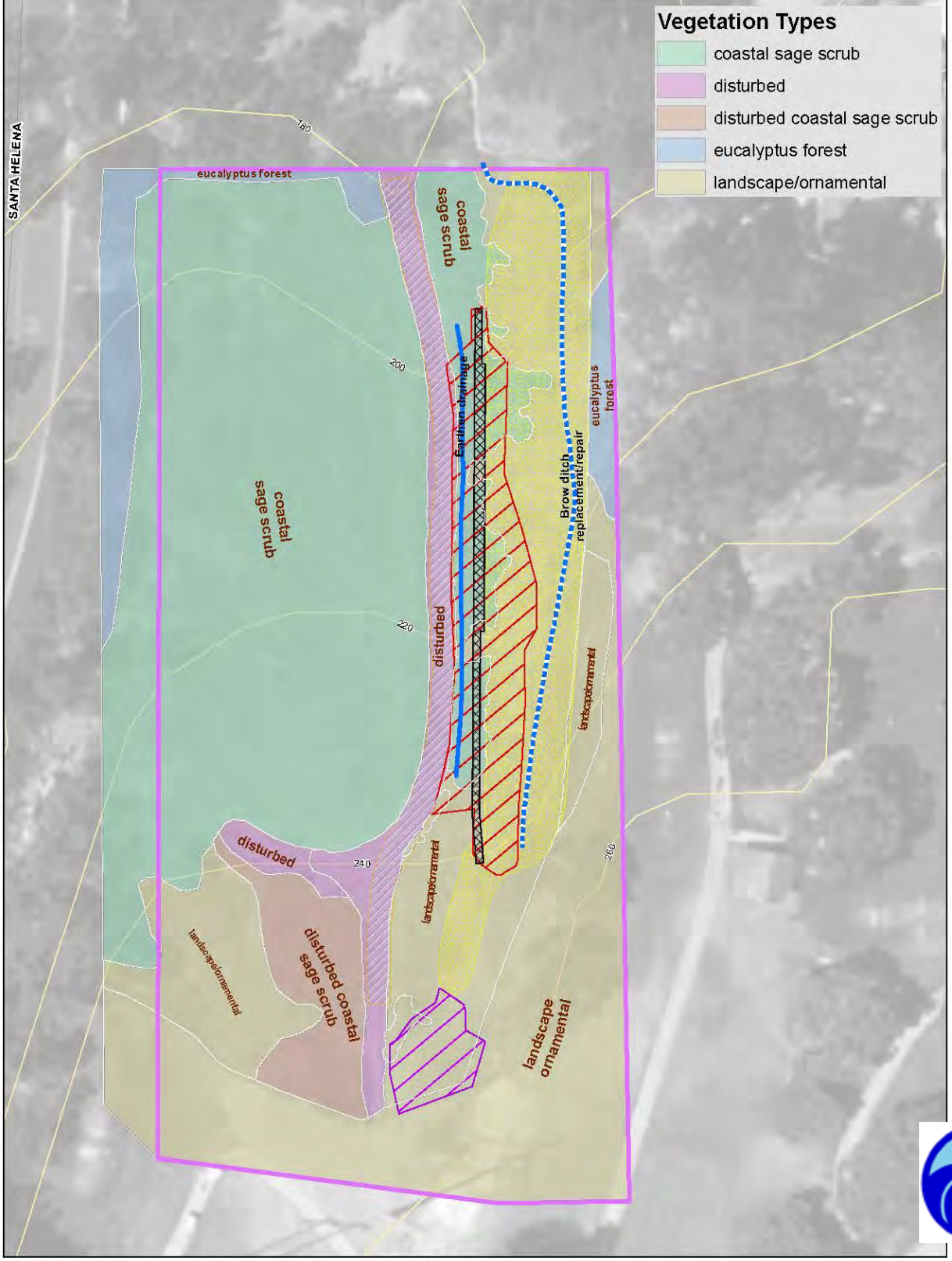
San Diego Gas & Electric Company
Reviewed By: Colleen Fino
Land Management Representative
Date 1-14-15
Valid for 18 months from date of signature

SCALE IS BASED ON 22" X 34" NON-REDUCED SHEET SIZE (BORDER = 21" X 33")

N

EXHIBIT NO. 3
APPLICATION NO.
6-14-1761
Site Plan

California Coastal Commission



Project Data

- Proposed Excavation Limit
- Temporary Staging Area
- Gabion Wall
- Hydroseed/Excavation Area
- PCC Pavement
- 20 ft Elevation Contour
- Brow ditch replacement/repair
- Earthen drainage

ETS 8882

Cap for Solana Beach Burn Dump

Vicinity Map

Version Date: 12/11/2014

1 inch = 40

0 20 40

Requested by: De

M:\Projects\Environme

N

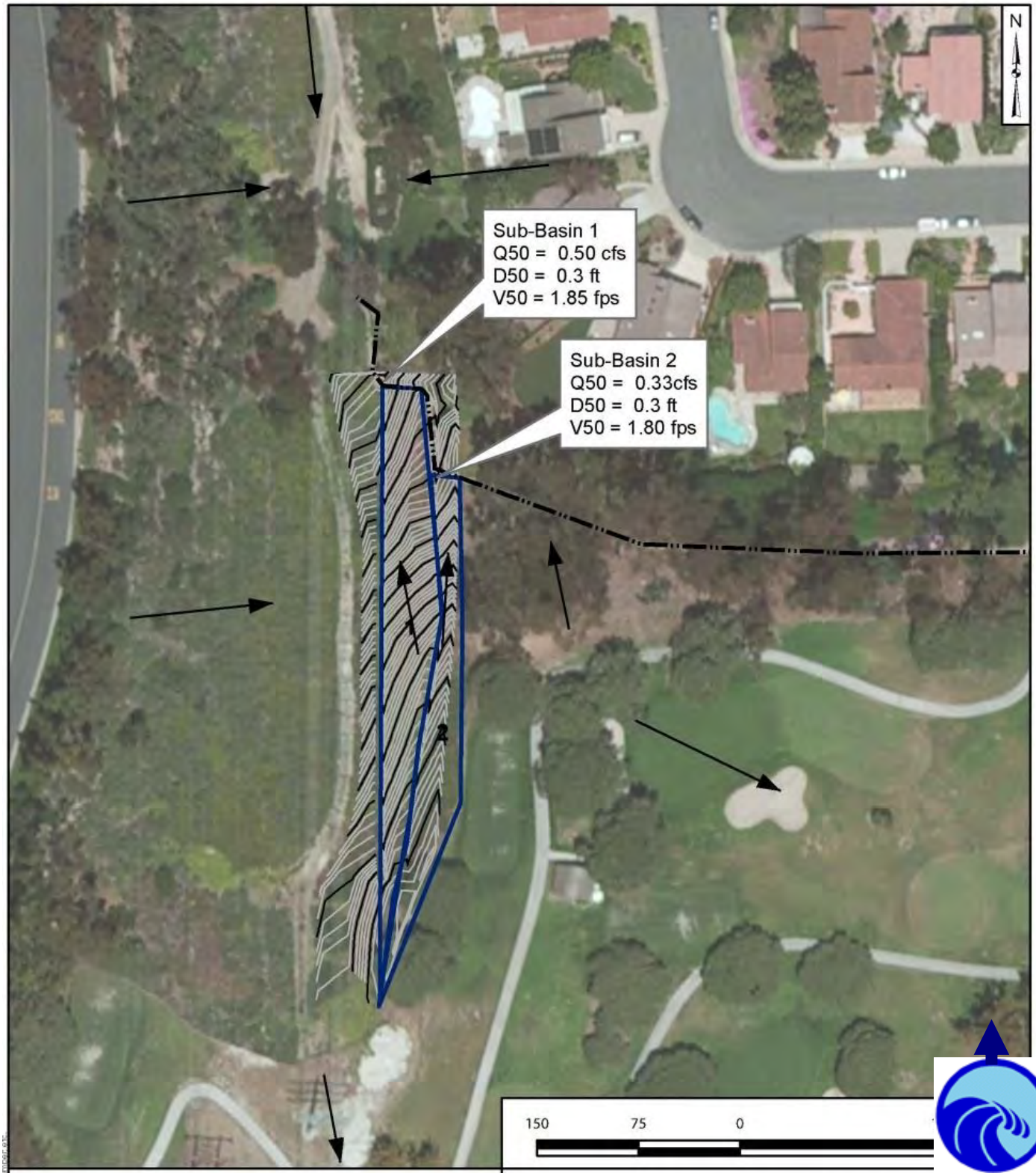
EXHIBIT NO. 4

APPLICATION NO.

6-14-1761

Habitat Impact Map

California Coastal Commission



Legend

- Flow Direction
- Exisitng Brow Ditch
- Subbasins
- 5' Contour
- 1' Contour

Q50: Flow (50 yr storm)
D50: Depth (50 yr storm)
V50: Velocity (50 yr storm)

Solana Beach Burn Dump
Hydrology Ex
Solana Beach,

Geosyntec consultants

San Diego, CA

DECEM

N

EXHIBIT NO. 5
APPLICATION NO.
6-14-1761
Hydrology Map

California Coastal Commission