#### CALIFORNIA COASTAL COMMISSION

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# Th<sub>16</sub>c

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Staff Report:	1/22/15
Hearing Date:	2/13-15/15

## **STAFF REPORT: REGULAR CALENDAR**

Application No.:	6-14-1782
Applicant:	City of Del Mar
Agent:	Adam Birnbaum, Planning Manager, City of Del Mar
Location:	Camino del Mar Right-of-Way, from 21 <sup>st</sup> Street to Via de la Valle, Del Mar, San Diego County.
Project Description:	Installation of a 10-in. sewer-line in the Camino del Mar right-of-way from 21 <sup>st</sup> Street to Via de la Valle over the San Dieguito Lagoon River mouth, Del Mar, San Diego County.
Staff Recommendation:	Approval with conditions.

#### SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed project with one special condition. The project consists of installation of a new 10-inch sewer-line extending north from the City's sewer lift station at Camino del Mar and 21st Street, along the Camino del Mar public right-of-way (and

over the San Dieguito Lagoon River mouth), to a connection point with existing sewer lines in the Via de la Valle public right-of-way within the City of Del Mar. The purpose of the project is to reroute the majority of Del Mar's sewer flow north, through existing City of Solana Beach facilities for treatment at the San Elijo Joint Power Authority's (JPA) water reclamation facility in the City of Encinitas. This rerouting will allow the majority of the City of Del Mar's sewage to receive secondary treatment (and produce recycled water), rather than advanced primary treatment as currently provided at the City of San Diego's Point Loma wastewater treatment plant. Thus, the proposed project is expected to result in improved water quality treatment. No increase in the capacity of the sewer line is proposed.

The majority of the sewer-line will be trenched within the paved area of the Camino del Mar right-of-way, but will require approximately 650 linear feet of ductile iron pipe to be bolt-strapped to the underside of the Camino del Mar Bridge. The attachment of the pipe to the bridge will be performed from the bridge deck and no work will be executed within the waterway below. The sewer-line will be attached to the east elevation of the underside of the bridge, beneath a larger existing gas line; therefore, public views of the ocean will not be impacted by the proposed new sewer-line. <u>Special Condition No. 1</u> also requires implementation of a Construction Pollution Prevention Plan (CPPP) and water quality Best Management Practices (BMPs) plan in order to ensure all impacts to the quality of the adjacent lagoon waters from construction activities are avoided. Annual line inspections will be performed from the bridge, so no impacts to the lagoon are expected from on-going maintenance. The bridge will remain open to through traffic throughout the four week construction period (for the bridge portion of the sewer-line), so only minor, short-term impacts to public access are anticipated.

Commission staff recommends **approval** of coastal development permit application 6-14-1782, as conditioned.

The standard of review for the subject development is the Chapter 3 policies of the Coastal Act.

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### **APPENDICES**

<u>Appendix A – Substantive File Documents</u>

### **EXHIBITS**

Exhibit 1 – Project Location Map Exhibit 2 – Bridge Plans Exhibit 3 – Site Photos

## I. MOTION AND RESOLUTION

#### Motion:

*I move that the Commission* **approve** *Coastal Development Permit* 6-14-1782 *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 6-14-1782 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. Construction/Water Quality BMPs Plan.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit for the review and approval of the Executive Director, two (2) sets of a Construction Pollution Prevention Plan (CPPP) prepared and signed by licensed engineer that, at a minimum, includes the following:

B. Best Management Practices (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project. Such measures shall include:

- (a) No demolition or construction materials, equipment, debris, or waste shall 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) Any and all debris resulting from demolition or construction activities, and any remaining construction material, 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 or storm drains.
- (d) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction.
  BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters.
- (e) Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone.
- (f) If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity.

- (g) Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- (h) Non-buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.
- (i) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (j) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (k) 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.
- (1) All construction materials stockpiled on site, excluding lumber, shall be covered and enclosed on all sides to ensure that the materials are not discharged to a storm drain inlet or receiving waters.
- (m)Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. If thinners, petroleum products or solvents must be used on site, they shall be properly recycled or disposed after use and not be discharged into stormdrains, sewers, receiving waters or onto the unpaved ground.
- (n) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (o) 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 designated area shall be equipped with spill control materials and located to minimize the risk of spills reaching receiving waters, stormdrains, sewers or unpaved ground.
- (p) Best Management Practices (BMP's) and Good Housekeeping Practices (GHP's) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- (q) All BMP's shall be maintained in a functional condition throughout the duration of construction activity.

C. 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 a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

#### IV. FINDINGS AND DECLARATIONS

#### **A. PROJECT DESCRIPTION**

The City of Del Mar proposes to install a 10-inch, approximately 1-mile long, sewer-line extending north from the City's sewer lift station at Camino del Mar and 21st Street, along the Camino del Mar public right-of-way (and over the San Dieguito Lagoon River mouth), to a connection point with existing sewer lines in the Via de la Valle public right-of-way within the City of Del Mar.

The purpose of the project is to reroute the majority of Del Mar's sewer flow north, through existing City of Solana Beach facilities, for treatment at the San Elijo Joint Power Authority's (JPA) water reclamation facility in the City of Encinitas. This rerouting will allow the majority of the City of Del Mar's sewage to receive secondary treatment and produce recycled water, rather than advanced primary treatment as currently provided at the City of San Diego's Point Loma wastewater treatment plant. Thus, the proposed project is expected to result in improved water quality treatment. No increase in the capacity of the sewer line is proposed.

As proposed, the realigned sewer pipe will be installed in a trench within the paved area of the public right-of-way at all locations with the exception of the Camino del Mar Bridge. For this portion of the Camino del Mar public right-of-way, a 10-inch ductile iron pipe (versus PVC for the rest of the sewer-line) will be bolt-strapped to the underside of the bridge, on the east elevation, beneath where an existing 12 <sup>3</sup>/<sub>4</sub> inch gas utility line is already installed. Two valves will be installed approximately 20 feet either side of the Camino del Mar Bridge to allow for emergency shutoff of the sewer line. All proposed work to install the sewer pipe to the underside of the bridge will be performed from the existing bridge deck, with no work to be done from the waterway below. The proposed staging area for construction materials is the pump station parking lot at 21<sup>st</sup> Street and Camino del Mar.

Much of the proposed sewer-line falls within the Coastal Commission's original jurisdiction, which, relative to the Camino del Mar public right-of-way, begins at the intersection of 21<sup>st</sup> Street and Camino del Mar and ends approximately 120 feet south of the Via del la Valle public right-of-way. The remaining portion of the sewer-line that falls outside of the Coastal Commission's jurisdiction is subject to the City of Del Mar's Coastal Development Permit (CDP) review process, and is ultimately appealable to the Commission. The standard of review for the subject development is the Chapter 3 policies of the Coastal Act.

#### **B. BIOLOGICAL RESOURCES / WATER QUALITY**

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act requires protection and maintenance of the biological productivity of coastal waters 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 entrapment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitats 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.

The proposed sewer-line will be located along the Camino del Mar public right-of-way, starting at the City pump station at 21<sup>st</sup> Street and Camino del Mar (which is approximately 800 feet inland of the coast, and roughly half-a-mile south of the Camino del Mar Bridge) and will extend north up to the Via de la Valle public right-of-way (approximately one quarter-mile north of the bridge). The majority of the work will take place within the developed (paved) right-of-way, and no existing sensitive vegetation or biological impacts are expected to occur in association with the trenching. The new pipe will also be routed over the Camino del Mar Bridge, which spans the San Dieguito River near the mouth of the inlet.

The San Dieguito River inlet is the seaward most segment of the San Dieguito Wetland Restoration Plan required by Coastal Development Permits #6-81-330 and 6-04-088 to mitigate adverse impacts to the marine environment occurring through operation of the San Onofre Nuclear Generating Station (SONGS) Units 2 and 3. Southern California Edison (SCE), the principal owner of SONGS, was required to provide approximately 150 acres of new, or significantly restored, wetland habitat. Maintenance of the lagoon tidal inlet was considered a key component of the restoration plan and SCE agreed to maintain the inlet in an open condition in perpetuity. The river in this location is tidal salt marsh, and the San Dieguito River and lagoon support numerous sensitive bird and vegetation communities.

As proposed, the 10-inch sewer-line will be bolt-strapped (in the form of a ductile iron pipe) to the underside of the east elevation of the bridge, beneath an existing 12 <sup>3</sup>/<sub>4</sub> inch gas line, but above the lowest point of the existing underside of the bridge structure. The proposed placement of the sewer line on the bridge raises the concern that any future leaks or breaks in the line could adversely impact water quality and sensitive habitat, or that on-going maintenance on the line could require disturbance to the lagoon water or adjacent wetland vegetation.

During the planning phase, the City of Del Mar considered alternative routes and methods for construction of the sewer-line. Directional drilling was considered, whereby a drill rig (requiring a large pit at the entry point) repeatedly drills out a hole below the bottom of the river channel to allow for flexible High Density Polyethylene (HDPE) pipes to be fused together and pulled into the bored hole. Soil spoils extracted from the hole would be hauled away for disposal. However, the HDPE pipeline would be significantly longer than the ductile iron pipe proposed for this project as the drilled hole would not extend from bridge abutment to bridge abutment, but would begin a significant distance north and end a significant distance south of the bridge abutments (due to the fact that the drilled hole would need to extend well below the bottom of the river channel and there are limits to how sharply the drill rig equipment can bend). Thus, in this project, the use of HDPE would be much more invasive environmentally than the proposed solution of attaching the pipeline to the existing bridge, as well as being considerably more expensive. Additionally, the City considered extending the sewer-line northbound along Jimmy Durante Boulevard, across the Jimmy Durante Boulevard Bridge (over the San Dieguito Lagoon River) up to Via de la Valle. This would have used a similar bolt-strapping method to attach the pipeline to the aforementioned bridge. However, this route was rejected by the City because of the increased linear run of the pipeline and the associated disruption of a greater extent of public right-of-way improvements, as well as increased costs. In addition, moving the pipe to a different river crossing would not reduce potential environmental impacts.

The proposed project is designed to reroute the majority of Del Mar's sewer flow north, through existing City of Solana Beach facilities for treatment at the San Elijo Joint Power Authority's (JPA) water reclamation facility in the City of Encinitas. This rerouting will allow the majority of the City of Del Mar's sewage to receive secondary treatment (and produce recycled water), rather than advanced primary treatment as currently provided at the City of San Diego's Point Loma wastewater treatment plant. Thus, the proposed project is expected to result in improved water quality treatment. Annual maintenance and inspection of the line will occur through internal cleanings using a "pigging system," whereby a "pig" (a bullet-shaped or cylindrical plastic/metal object) is inserted into the pipeline via a pig trap, which includes a launcher and receiver at either end of the line being cleaned. Without interrupting flow, the pig is then forced through it by the flow within the pipeline, sweeping the line by scraping the sides of the pipe and pushing the debris ahead. There are a number of functions the pig can perform, from clearing the

line to inspecting the interior. This maintenance does not involve any intrusion into the lagoon water beneath the bridge, as the actions of this activity are confined to the interior of the pipeline.

In addition, while the proposed sewer-line will be bolt-strapped beneath an existing gas pipeline on the east elevation of the bridge, it will not extend below the existing bridge structure. Consequently, the proposed sewer pipeline will not impede the flow of flood water traveling underneath the existing bridge.

In order to ensure that water quality is protected during construction, <u>Special Condition No. 1</u> would establish a Construction Pollution Prevention Plan (CPPP) and water quality Best Management Practices (BMPs). This would include measures to prevent runoff and construction materials from entering the lagoon waters, as well as prohibiting the use of equipment within the waterway.

In summary, while there is some risk associated with installation of a sewer line over the San Dieguito River, the proposed route is the least environmentally damaging feasible alternative, all work is proposed to take place outside of the waterway, and the staging area for construction equipment and materials will be located roughly half-a-mile south of the river. The project will upgrade existing water treatment in the City, and on-going maintenance will minimize the risk of spills. The proposed project is not expected to have any direct or indirect impacts on the San Dieguito River or adjacent habitat. Therefore, the proposed project, as conditioned, is consistent with the water quality and resource protection policies of the Coastal Act.

### **C. PUBLIC ACCESS**

Section 30211 of the Coastal Act states:

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

#### Section 30604 of the Coastal Act states, in part:

[...]

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

The Camino del Mar public right-of-way is the first public road inland of the sea and a major coastal access route. The road is an important access route to the beach and offers spectacular views of the Pacific Ocean. Any potential closure of this right-of-way (due to construction) would adversely impact public access to the beach and restrict views of the ocean – especially given that a portion of this right-of-way is the Camino del Mar Bridge.

However, using a flagman system, the bridge will remain open to both northbound and southbound traffic throughout the duration of the proposed construction. Additionally, construction for the bridge portion of the project is expected to take only four weeks. Therefore, public access to the beach and ocean views will be maintained at all times.

In summary, the proposed project will not prohibit public access. Therefore, the Commission finds that all access and resource concerns associated solely with the development approved herein are adequately addressed, and that the proposed development is consistent with the Chapter 3 policies of the Coastal Act.

#### **D. VISUAL RESOURCES**

Section 30251 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. [...]

As previously stated, the Camino del Mar public right-of-way is the first public road inland of the sea and offers prime views of the Pacific Ocean. The proposed 10-inch sewer line would be bolt-strapped to the east elevation of the underside of the existing bridge, beneath an existing 12 <sup>3</sup>/<sub>4</sub> inch gas pipeline. Therefore, the proposed placement of the sewer-line will not block any public views to the ocean from Camino del Mar, and will not be a significantly visible feature on the bridge.

Therefore, the Commission finds that all public views and scenic resource concerns associated solely with the development approved herein are adequately addressed, and that the proposed development is consistent with the Chapter 3 policies of the Coastal Act.

#### **E. GROWTH INDUCEMENT**

Section 30250 states, in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. [...]

The proposed sewer-line is located within an existing public right-of-way, which is surrounded by largely built-out urban communities. The proposed sewer-line is intended to reroute the majority of Del Mar's sewer flow north for treatment at the San Elijo Joint Power Authority's (JPA) water reclamation facility in the City of Encinitas, for a more comprehensive water treatment process. System capacity is not being increased, which is consistent with Section 30250 of the Coastal Act.

Therefore, the Commission finds that growth of the City of Del Mar is not being further induced by the proposed development approved herein, and that the proposed development is consistent with the Chapter 3 policies of the Coastal Act.

#### F. 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 City of Del Mar has a LCP that has been certified by the Commission, however, much of the proposed sewer-line project falls within the Coastal Commission's original jurisdiction, which, relative to the Camino del Mar public right-of-way, begins at the intersection of 21st Street and Camino del Mar and ends approximately 120 feet south of the Via del la Valle public right-of-way. The standard of review for this portion of the proposed development is the Chapter 3 policies of the Coastal Act. The remaining portion of the proposed sewer-line that falls outside of the Coastal Commission's jurisdiction is subject to the City of Del Mar's Coastal Development Permit (CDP) review process, and is ultimately appealable to the Commission. The City of Del Mar's LCP designates Camino del Mar as a public right-of-way and installation of a sewer-line within the right-of-way is consistent with the LCP.

#### G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

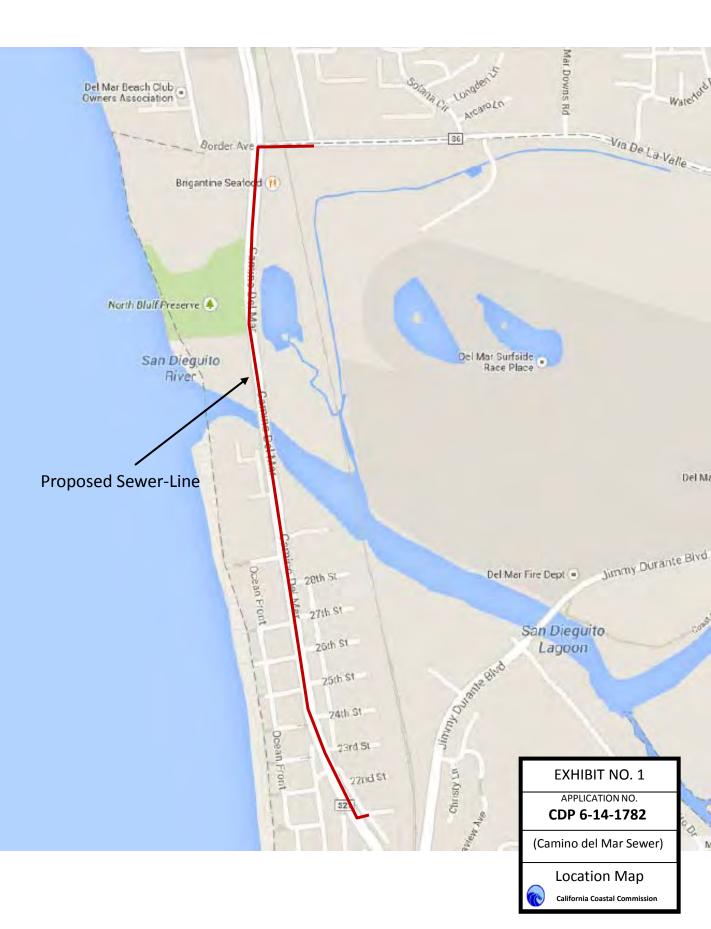
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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.

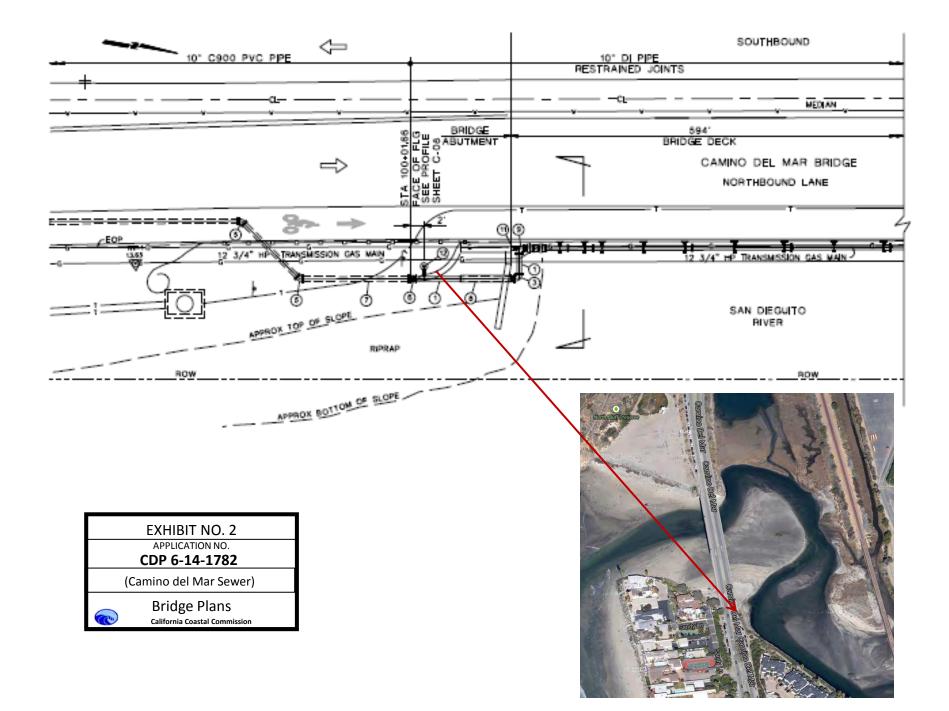
The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing water quality will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible 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.

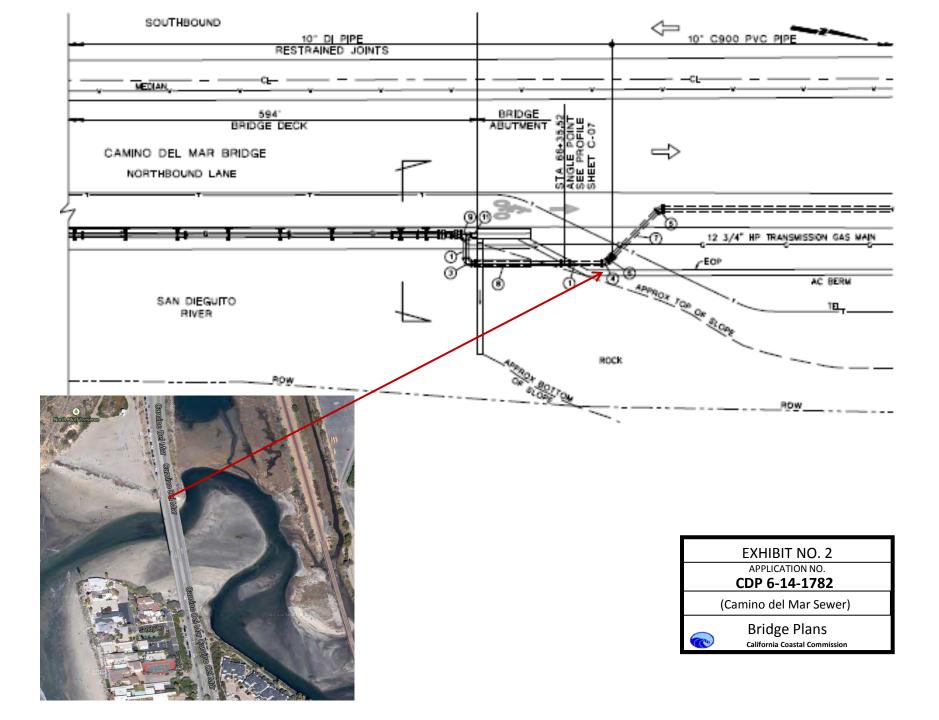
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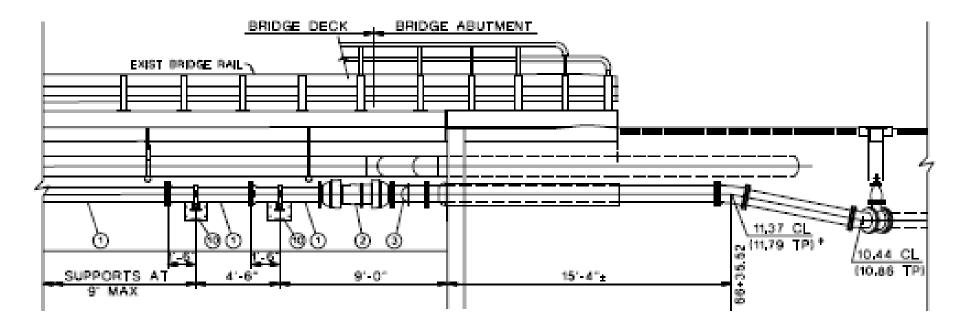
## **APPENDIX A SUBSTANTIVE FILE DOCUMENTS**

- Certified City of Del Mar LCP
- CDP #6-81-330
- CDP #6-04-088















# Anticipated lowest point of proposed sewer pipe

THERN CALIFOR

EXHIBIT NO. 3 APPLICATION NO. CDP 6-14-1782

(Camino del Mar Sewer)



Site Photos California Coastal Commission