

**CALIFORNIA COASTAL COMMISSION**

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# W8a

Filed:	9/28/17
180th Day:	3/27/18
Staff:	S. Richmond-SD
Staff Report:	11/22/17
Hearing Date:	12/13/17

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-16-1076

**Applicant:** San Diego Gas & Electric Co. (SDG&E)

**Agent:** Hilary Haskell

**Location:** Torrey Pines State Ecological Reserve, east of LOSSAN railroad corridor and approximately 0.6 miles northeast of intersection of Sorrento Valley Road and Carmel Mountain Road, San Diego, San Diego County (APN #301-140-1300)

**Project Description:** Perform work on two anchors and replace wire grip on another anchor at electrical distribution Pole Z90247

**Staff Recommendation:** Approval with Conditions

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### SUMMARY OF STAFF RECOMMENDATION

The proposed project is necessary maintenance of an existing electrical distribution pole located in a portion of the Torrey Pines State Ecological Reserve that contains wetland vegetation. The site will be accessed by helicopter to minimize impacts to wetlands, but the work crew will temporarily impact approximately 436 sq. ft. of wetlands. The project represents an incidental public service activity allowable in wetlands under Section 30233 of the Coastal Act, and impacts have been minimized to greatest extent feasible. The project will be scheduled at low-tide and will be completed in one day. A biological

6-16-1076 (San Diego Gas & Electric Co. (SDG&E))

monitor will also be present to assist the crew as needed in avoiding impacts to wetland habitat.

The Commission's staff biologist reviewed the project and determined that the vegetation will most likely easily recover from the helicopter landing and minor trampling associated with the work crew walking around the anchors to install the rod extensions and replace the preform. Furthermore, **Special Condition #2** requires that the applicant document existing and post-project wetland conditions to determine if impacts have occurred. In addition, **Special Condition #3** requires the project be conducted outside of bird nesting season to minimize risk to wildlife resources. As conditioned, the project will be consistent with biological protection policies of Chapter 3 of the Coastal Act, and no adverse impacts to coastal resources are anticipated.

Commission staff recommends **approval** of coastal development permit application 6-16-1076 as conditioned.

## TABLE OF CONTENTS

<b>I. MOTION AND RESOLUTION</b> .....	<b>4</b>
<b>II. STANDARD CONDITIONS</b> .....	<b>4</b>
<b>III. SPECIAL CONDITIONS</b> .....	<b>4</b>
<b>IV. FINDINGS AND DECLARATIONS</b> .....	<b>6</b>
A. PROJECT DESCRIPTION .....	6
B. BIOLOGICAL RESOURCES .....	7
C. LOCAL COASTAL PLANNING.....	7
D. CALIFORNIA ENVIRONMENTAL QUALITY ACT .....	8

## APPENDICES

[Appendix A – Substantive File Documents](#)

## EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Site Photo](#)

[Exhibit 3 – Work Area](#)

## **I. MOTION AND 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**

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.**
  - (a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and written approval of the Executive

Director, final project plans that conform with the plans submitted to the Commission prepared by ICF, titled Overall Work Areas at Existing Structures, dated September 25, 2017.

- (b) The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. **Biological Surveys and Monitoring.**

- (a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a final monitoring plan for impacts to sensitive biological resources. Said plan shall include the following:

- (i) The applicant shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications to document the existing condition of the wetland vegetation and substrate at the pole site.
- (ii) After completion of the project, the environmental resources specialist shall document the condition of the wetland vegetation and substrate at the pole site to determine if impacts have occurred. The applicant shall submit documentation, including photographs of the site before and after the work is complete, to the San Diego office of the Coastal Commission within 30 days of completion of the project. If documentation indicates that no impacts have occurred, and the Executive Director concurs with this determination, then no further monitoring will be necessary.
- (iii) If impacts have occurred, a 1-year post-project survey must be submitted to document the extent of natural restoration. If the 1-year post-project survey demonstrates that natural restoration has been unsuccessful, in part or in whole, the survey shall include a plan to fully restore the site.

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

3. **Timing of Development.**

To avoid potential impacts to nesting birds, development activities may not occur from February 15<sup>th</sup> to August 31<sup>st</sup> of any year, unless written permission from the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service is obtained and provided to the Executive Director for review and approval.

## IV. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION

The proposed project involves installation of rod extensions on two anchors and replacement of the preform on another anchor at electrical distribution Pole Z90247 as part of SDG&E's on-going operations and maintenance program. Rod extensions are metal bars that connect to the existing anchor rod to extend it higher above ground, and the preform is a U-shaped, connective wire grip that attaches the guy wire to the anchor rod. The risk is that the pole will fall over without the project. The pole is located in Torrey Pines State Ecological Reserve, east of LOSSAN railroad corridor and approximately 0.6 miles northeast of intersection of Sorrento Valley Road and Carmel Mountain Road in the City of San Diego ([Exhibits #1-2](#)).

A biological survey submitted by the applicant determined that the pole is located in salt marsh habitat vegetated with pickleweed (*Salicornia pacifica*) and alkali heath (*Frankenia salina*). There are no existing footpaths or roads to reach the pole. The nearest road to the pole is the northern portion of Sorrento Valley Road, which is closed to motor vehicles and open to pedestrian and bicycle uses. However, this road is approximately 750 feet from the pole, and due to the inundation of the area between this road and the pole, driving to the pole is not safe and would result in wetland impacts. Thus, in order to access the site in a way that minimizes wetland disturbance, a small helicopter will be used to transport the crew and equipment to the pole location. The helicopter was originally going to land in a nearby salt panne, but after discussions with staff, the applicant agreed to the helicopter landing in a vegetated wetland area. Salt pannes have a delicate salt crust and can form pools during the winter, which would also not be safe for a helicopter to land in. Therefore, the helicopter landing site is in salt marsh habitat approximately 200 feet from the subject pole. This landing area maintains a safe distance from the existing pole and anchors while also minimizing the distance the crew must walk to access the pole.

The helicopter will only be landing on wetland vegetation twice (once to drop off the crew and once to pick up the work crew). Materials and equipment will be transported in a basket using a long-line from the helicopter. Once at the site, the crew will walk to the anchors. The work itself consists of removing the existing guy wires from the associated anchors, replace the preform on the western anchor, install anchor rod extensions onto the northern and southern anchors, and re-attach the guy wires ([Exhibit #3](#)). Pole top work may be required in order to replace the guy wires. No ground disturbance is proposed other than the helicopter landing and trampling associated with foot traffic.

In total, approximately 436 sq. ft. of wetlands will be temporarily impacted by the construction activities. However, the project is necessary to maintain the pole in safe working condition, and the work has been designed to minimize wetland impacts to the greatest extent feasible. The project will be scheduled at low-tide and will be completed in one day. A biological monitor will be present to take before and after photographs of

the site and assist the crew as needed in avoiding impacts to wetland habitat. Thus, the project is the least environmentally damaging alternative.

The Commission's staff biologist reviewed the project and determined that the vegetation will most likely easily recover from the helicopter landing and work crew walking around the anchors to install the rod extensions and replace the preform. Furthermore, **Special Condition #2** requires that the applicant document existing and post-project wetland conditions to determine if impacts have occurred. In addition, **Special Condition #3** requires the project be conducted outside of bird nesting season to minimize risk to wildlife resources.

The applicant has completed other electrical distribution pole removal projects in wetland areas (e.g., CDPs #6-00-140; 6-11-088; 6-12-058; 6-15-2087). The proposed project involves a smaller area of work and a shorter duration of work than past projects. As in the subject application, the Commission has not previously required mitigation for temporary wetland impacts because vegetation subject to minor, short-term impacts typically recovers without intervention.

Although the site is located within the City of San Diego, which has a fully-certified Local Coastal Program (LCP), the work occurs 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 with the City's certified LCP used as guidance.

## **B. BIOLOGICAL RESOURCES**

Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized. 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. 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 biological protection policies of Chapter 3 of the Coastal Act.

## **C. LOCAL COASTAL PLANNING**

The City of San Diego has a fully certified LCP, but the proposed project 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 with the City's certified LCP used as guidance. Approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP.

**D. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

California Department of Parks and Recreation found that the proposed project was categorically exempt pursuant to CEQA Guideline, Section 15301 (existing facilities). 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.

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APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Coastal Development Permit # 6-15-2087 (SDG&E), approved May 2016
- Coastal Development Permit # 6-12-058 (SDG&E), approved October 2012
- Coastal Development Permit # 6-11-088 (SDG&E), approved April 2012
- Coastal Development Permit # 6-00-140 (SDG&E), approved August 2001
- Revised Aquatic Summary Report: ETS 31145 – TL 666, Z90247 anchor rod extensions, Torrey Pines State Park Jurisdictional Assessment received August 11, 2017