

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CALIFORNIA 92108-4402  
(619) 767-2370 FAX (619) 767-2384  
WWW.COASTAL.CA.GOV



# W12

**Prepared September 6, 2017 (for the September 13, 2017 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, San Diego Coast District Deputy Director  
**Subject:** San Diego Coast District Deputy Director's Report for September 2017

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the San Diego Coast District Office are being reported to the Commission on September 13, 2017. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's San Diego Coast District Office in San Diego. Staff is asking for the Commission's concurrence on the items in the San Diego Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on September 13th.

With respect to the September 13th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on September 13, 2017 (see attached)**

---

**Waivers**

- 6-17-0639-W, Solana Mar LLC Parking Lot Improvements (Solana Beach)

**Immaterial Extensions**

- 6-14-1033-E2, Hitzke Affordable Housing (Solana Beach)

**Emergency Permit Waivers**

- G-6-17-0008-W, Famosa Slough Water Main Leak (San Diego)

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CALIFORNIA 92108-4402  
PH (619) 767-2370 FAX (619) 767-2384  
[WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)



August 28, 2017

## **Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-17-0639-W

**Applicant:** Solana Mar, LLC

**Location:** 309 Solana Hills Drive, Solana Beach (San Diego County) (APN: 263-421-02)

**Proposed Development:** Demolition of existing carports and trash enclosures and construction of thirteen, freestanding, 11-foot tall carports of varying size, ranging from approximately 800 sq. ft. to 4,800 sq. ft., and construction of three, approximately 6-foot tall, 100 sq. ft. detached trash enclosures on a 6.1 acre lot with an existing 2-story, multi-unit residential building. Other development that is proposed that does not require a permit consists of restriping the existing parking lot with no change in the number of spaces.

**Rationale:** The proposed project is consistent with the High Residential land use designation and High Density Residential Zoning. The proposed development is located on an existing developed lot within an established residential neighborhood consisting of single- and multi-family residences. The development will not block any public views or impact public access and is not subject to any of the special overlays in the City of Solana Beach certified Land Use Plan. The project is consistent with all Chapter 3 policies of the Coastal Act and no impacts to coastal resources are expected.

This waiver will not become effective until reported to the Commission at their September 2017 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Acting Executive Director

A handwritten signature in black ink, appearing to read "Kaitlin".

Kaitlin Carney  
Coastal Program Analyst



**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CALIFORNIA 92108-4402  
PH (619) 767-2370 FAX (619) 767-2384  
[WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)



## **NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT**

July 26, 2017

Notice is hereby given that Hitzke Development Corporation has applied for a one year extension of 6-14-1033 granted by the California Coastal Commission on October 8, 2014.

for: Construction of a 17,089 sq. ft., 3-story, 35-ft, tall mixed-use building including 759 sq. ft. of commercial office space, 10 low-income housing residential units, 53 subterranean and ground level public/private parking spaces, landscaping, sidewalk improvements, and 5,1000 CY of grading on an existing 14,721 sq. ft. paved public parking lot with 31 parking spaces.

at: 500 South Sierra Ave, Solana Beach (San Diego County) (APN(s): 298-211-81)

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,

John Ainsworth  
Executive Director

A handwritten signature in black ink, appearing to be "Kaitlin Carney".

Kaitlin Carney  
Coastal Program Analyst

cc: Commissioners/File



## CITY OF SOLANA BEACH

FAX (858) 792-6513 / (858) 755-1782

635 SOUTH HIGHWAY 101 • SOLANA BEACH • CALIFORNIA 92075-2215 • (858) 720-2400

July 12, 2017

California Coastal Commission  
c/o John Ainsworth, Executive Director  
San Diego District Office  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4402

**SUBJECT: EXTENSION OF COASTAL DEVELOPMENT PERMIT 6-14-1033 FOR A 10-UNIT AFFORDABLE HOUSING PROJECT AT 500 SOUTH SIERRA AVENUE IN SOLANA BEACH, CA (APN 298-21-810)**

Dear Mr. Ainsworth,

This letter is written in support of the extension of Coastal Development Permit (CDP) 6-14-1033 issued to Hitzke Development Corporation ("Applicant") for a proposed 10-Unit Affordable Housing Project located at 500 South Sierra Avenue in Solana Beach (APN 298-21-810). On December 9, 2015, the City Council unanimously adopted Resolution 2015-138 (attached) granting a time extension of the project entitlements including a Development Review Permit and a Structure Development Permit (City of Solana Beach Case File #17-11-05).

After the project approval on April 23, 2014, Seascape Surf Estate Management Corporation filed a Writ of Mandate Petition to challenge the approvals by the City of Solana Beach. The City and the Applicant diligently and successfully defended the challenge in Superior Court. On August 17, 2015, the Superior Court ruled in favor of the City and the Applicant and the judgment was entered by the Court on September 7, 2015. Subsequently, Seascape Surf Management Corporation filed an appeal on September 28, 2015. The Appellate Court again ruled in favor of the City on December 13, 2016.

The City of Solana Beach respectfully requests that the California Coastal Commission approve the requested time extension of CDP 6-14-1033, which will help the City meet its affordable housing obligations and its Regional Housing Needs Allocation (RHNA) goals. If you have any questions, please feel free to contact City Manager Greg Wade at (858) 720-2431 or by email at [gwade@cosb.org](mailto:gwade@cosb.org).

Sincerely,

Mike Nichols, Mayor  
City of Solana Beach

6-14-1033-E2  
Letter of Support



7/17/17

RECEIVED

JUL 24 2017

Kaitlin Carney  
California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Dear Ms. Carney:

I am writing to request that the Coastal Commission support the extension of the Coastal Development Permit for of the Pearl in Solana Beach. The Pearl will provide 10 units of very much needed affordable housing for Solana Beach. Housing is considered affordable when 30% of the household income goes toward rent and utilities. Within San Diego County more than 55% of working families spend more than 30% of their income on rent and utilities. Affordable housing is necessary within Solana Beach in order to provide a safe and stable home for our lower income residents and working families.

The homes within The Pearl will be well-managed, sustainably built and constructed within a well-designed and attractive building. Further, The Pearl manages to preserve all of the existing public parking spaces that currently exist on the site, so access to the beach for visitors and residents will not be impacted.

Affordable housing is in short-supply within Solana Beach and the San Diego Region. The Pearl manages to provide 10 units of that housing in a carefully designed and well thought out project. I urge you support the extension of the CDP for the Pearl.

Sincerely,

Yukari Nishino

RECEIVED

AUG 03 2017

**From:** Bill Stewart  
**To:** Carney, Kaitlin@Coastal  
**Subject:** Objection to Coastal Commission extension request (6-14-1033)  
**Date:** Thursday, August 03, 2017 1:09:02 PM

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

August 3, 2017

To the Coastal Commission:

I am the owner of 521 S. Sierra Ave. #174 in Solana Beach, which is directly across the street from 500 S. Sierra Ave. (APN: 298-211-81) where a project is proposed that is the subject of this letter.

Following up on my telephone conversation with Ms. Carney in the Coastal Commission office earlier today, I want to go on record as objecting to the request by Hitzke Development Corp. for another one-year extension of the Coastal Commission's approval of project 6-14-1033 at 500 S. Sierra Ave. This would be the second or third extension that Hitzke has requested, as the project was originally proposed in 2014.

The project will take over a small parking lot (31 spaces) needed by surfers and other beachgoers that's across the street from and a short walk to a very nice public beach in Solana Beach. In its place they propose to put 10 residential units and commercial office space on a piece of land that's much too small to accommodate all that. I was truly surprised when such a ridiculous project was approved in the first place and now is the time to put an end to it by denying the extension.

Thank you for your consideration of this request.

Albert William Stewart  
phone: 858-675-9493  
email: aws00@yahoo.com

6-14-1033-E2  
Letters of Opposition

Paul Merritt P.O. Box 9145 Laguna, California 92652

mgr. Cardiff Bay, llc.

August 1<sup>st</sup> 2017

RECEIVED

AUG 03 2017

attn. KAITLAN CARNEY

California Coastal Commission via U.S. Mail zip code 92108- 4402

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

re. **Opposition of Extension for Development**

ref 500 South Sierra av. Solana Beach, CA. APN [s] 298 211 81

**Dear Analyst Carney and HON. COASTAL COMMISSIONERS',**

For your review is our timely filed OBJECTION to the Extension on the above-referenced permit[s]. The applicant permitted is; Hitzke Development Corp. We are directly adjacent land holders of record to this project, and supporter[s] of the tourist vacation serving Solana Beach, Ca. Community. We have previously objected to this issued prior permit.

Our new grounds objecting to the extended permit is simply that since the approval application and in the direct vicinity of the Project several other properties have been active and permitted and broken ground for affordable low-cost housing. The endless ongoing extension[s] without hearing proves in part... the developer was disingenuous in the initial submission for Permit and the criteria [now not evident] of the urgency and deficiency of local Solana Beach Affordable housing.

This Opposition further contends, among other **CODE provision[s] that a new permit application is required** under the Coastal ACT. [eg Public Resources Code - PRC

**DIVISION 20. CALIFORNIA COASTAL ACT [30000 - 30900]**

*( Division 20 added by Stats. 1976, Ch. 1330. )*

**CHAPTER 3. Coastal Resources Planning and Management Policies [30200 - 30265.5]**

*( Chapter 3 added by Stats. 1976, Ch. 1330. )*

**ARTICLE 6. Development [30250 - 30255]**

*( Article 6 added by Stats. 1976, Ch. 1330. )*



(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.** In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments **or at selected points of attraction for visitors.**

*Additionally, other persons in our household have since the issuance of the Permit become extremely physically disabled.* **The common public pathway to the beach is by the developer to be removed and eliminated for egress to the coastal lookout point.**

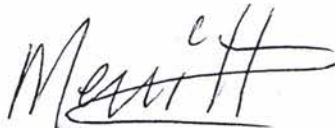
**No mitigation is available for the Objector[s].**

Third the developer density [admitted by the applicant] is pushed to a zero lot line,

Finally, the developer applicant is obtuse on the issue of "added 53 parking spaces", in that the Commission may choose to obtain and extract from the "added" space[s] more or, some for the Coastal visitor-serving public. The current permit removes parking for visitors, adjacent owners and tourists.

For the above reasons and others for hearing the Objector asks the Commission not to Extend the permit, again!

Respectfully submitted.



Paul Merritt mgr. Cardiff Bay ,llc.



RECEIVED

AUG 03 2017

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

July 31, 2017  
Calif. Coastal Comm.

California Coastal Commission  
San Diego Coast District Office  
7575 Metropolitan Drive Suite 103  
San Diego, CA. 92108.4402

again I am writing to ask that request  
by Hitzka Development Corp. be denied

I have been a time share owner since  
1983. please do not allow this Co. to  
spoil this for people who have families  
that enjoy staying at Sand pebbles.

These buildings would take over parking  
space needed by people who enjoy the  
beach. plus it is used by young people  
training to be lifeguards.

Who wants a neighbor hood with  
a lot of noise when you are paying  
for a week or so to relax & enjoy  
yourself.

We have been fighting this for a  
few years.

Thank you  
Wilma Cox

## Outlook Mail

Paul Davis

Search Mail and People

Send Attach Discard

## Folders

## Inbox

Junk Email 137

Drafts 16

Sent Items

Deleted Items

Archive

Boomerang

**Error:** The message can't be sent because at least one of the addresses isn't formatted correctly.  
www.coastal.ca.gov

To W www.coastal.ca.gov

Gran dated 6-14-1033 for 500 South Serra Ave., Solana Beach,(San Diego County)(APN(s):298-211-81)

Mr. John Ainsworth,

I received a letter dated 26July2017 stating this Coastal Development Permit has been extended.

I am a owner of the Sand Pebbles Timeshare that abuts to the east of this project.

I would like to know the reason for the extension.

This project has been ~~and~~ a nuisance and eye sore to our owners and guests.

How long do you intend this project to extend? If they can't obtain the finances why do you keep extending it? The interest rates are not going down. As the interest rates keep going up the feasibility of the project will keep going down. Competition for labor and materials will rise. Government fees and taxes won't decrease. I'm sure of that. The project had to be planned on set rental rates. People aren't going to be able to pay more. What does this result in? The government supporting the project more.

As a tax payer and a member of the board of Sand Pebble, I will certainly be making sure all our members are aware of this, as well as, my elected officials.

Keep this in mind, when another extension is requested.

Sincerely,

Paul Davis, Treasurer  
Sand Pebbles Timeshare

**LIMITED  
TIME  
OFFER**

**SeaWorld**

**TICKETS  
FROM ONLY  
\$59<sup>99</sup>**

**BUY NOW**

Restrictions Apply. ©SeaWorld.

Remove ads

Upgrade to Premium

Send

Discard

**RECEIVED**

AUG 07 2017

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT



California Coastal Commission  
San Diego Coast District Office  
7575 Metropolitan Drive, Suite 100  
San Diego, CA 92108-4402  
Fax Number: (619) 767-2384  
Phone Number: (619) 767-2370

Attn: John Ainsworth Executive Director and Kaitlin Carney, Program Analyst

August 7, 2017

RECEIVED

AUG 07 2017

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Re: Hitzke Development Corporation Extension - 500 S. Sierra Ave, Solana Beach APN(s) 298-211-81

Dear California Coastal Commission:

This letter is a formal objection to the one year extension (requested by the Hitzke Development Corporation) of 6-14-1033 granted by the California Coastal Commission (the "Commission") on October 8, 2014.

The objection is based on the Commission's responsibility to uphold the requirements of Chapter 3 of the California Coastal Act which includes many sections that are applicable to new development including the following:

Section 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

A multiple number of proposed/approved developments including a luxury resort at the corner of South Sierra Ave and Border (600 yards from the 500 South Sierra Development) and the mixed use development at the corner of South Sierra Ave and Dahlia (275 yards from the 500 South Sierra Development) are in progress and/or under consideration. The Coastal Act requires new developments be evaluated as to impact on beach access and recreation including those in the foreseeable future.

Parking and demand for low cost rentals in the area must be taken into consideration as the 500 South Sierra development replaces a beach access parking lot approximately 74 yards from Cherry Hill Beach pathway and home to the Junior Lifeguard Program. The impact of the loss of the parking lot for the single purpose of beach access parking is more significant given the new/proposed developments impacting the immediate area. As an example a 3 story parking garage with an underground level would provide approximately 120 spaces or beach access to several hundred members of the public daily versus the Coastal Commission's approval in 2014 to use the beach access parking lot for 10 housing units instead.

As a reminder, 500 South Sierra is a parking lot identified in Chapter 2 of the City of Solana Beach's LCP as an existing public parking lot available to Beach Users. Its current uses include the following:

- Public Beach Parking for the Public Beach Access and Staircase to Cherry Hill Beach utilized year-round as the major surfing site in Solana Beach.
- Home to the Junior Lifeguard Program which many Moms and Dads are familiar with as this beach parking lot is where their children hang out after drop off and before pick up for the Junior Lifeguard program during the summer months.

6-14-1033-E2  
17 copies of the form  
letter received

- Public Parking for the Scenic Resource, a viewing area is identified as #3 on the map and accompanying view snapshot in Chapter 6 of the City's LUP). This Parking Lot is less than 200 feet from the beach access to the public viewing site on the bluff overlooking the Pacific Ocean.
- Back-Up Parking and overflow parking for visitors to the Design District on Cedros Ave. There are currently significant parking issues on Cedros Ave and in fact the City has held public parking meetings to address the issues.
- The Parking Lot also provides parking for numerous events which while not adjacent to this Parking Lot are within walking distance. These events include but are not limited to the Del Mar Fair, the Del Mar Races and the Solana Beach Fiesta del Sol and Concerts and Movies at Fletcher Cove. The Parking Lot also provides overflow parking at peak hours for the Solana Beach fitness center (Fit Gym formerly Frog's Gym) which sponsors many beach-related fitness activities on the beach and provides a dual purpose for those looking to engage in both indoor/outdoor physical activities for their workouts.

The Del Mar Fairgrounds has recently announced plans to add a concert hall on their grounds which will obviously impact parking year round parking overflow.

Finally, in order for the executive director to even consider the application for extension, the "Applicant" must provide evidence of their "legal interest" in the property. The legal entity controlling this property is the City of Solana Beach. Despite signing a Disposition, Development, and Loan Agreement with the City, the City of Solana Beach currently hold all of legal rights until certain conditions are met. At minimum, given the change in economic circumstances including but not limited to the availability of funding and the increasing cost to build, the executive director should require that the Developer provide a current financing plan before making a finding that the Developer has provided evidence of "legal interest".

Respectfully submitted,

Robert Marraccini  
597 S. Sierra Ave #55  
Solana Beach, CA 92075



August 5, 2017

RECEIVED

AUG 11 2017

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

John Ainsworth, Executive Director  
California Coastal Commission  
757 Metropolitan Drive, Suite 103  
San Diego, California 92108-4402

Dear Mr. Ainsworth:

I objected to this proposal in the beginning and I still object to it. The property is too small for the proposed building in this location. The original proposal, as I remember, was for low income residences and now includes commercial office space. Ten low income housing units are hardly enough to justify the inconvenience and the problems it will create to meet government requirements.

Ten families (and possibly those they invite to live with them) in these units will most likely include 3 -5 children each (30-50). There is nothing in your plans to include recreation areas for them. What will they do--play on the sidewalks, in the parking lots, or try to get into the Sand Pebbles? Hispanic people typically drop trash where ever they are. The occupants of the west wing of the Sand Pebbles will have to put up with noise at nights just outside their units since they will be in such close vicinity. Combined public and private parking can cause problems for both groups.

The value of the Sand Pebbles property will go down.

I hope you will reconsider this project and look for property large enough to make it worth while to house sufficient workers for the area.

Thank you.

  
Barbara Roemmich  
Sand Pebbles Time Share owner  
920 South Hoytsville Road  
Coalville, UT 84017  
[broemmic@allwest.net](mailto:broemmic@allwest.net)

*KE  
Hitzke*  
August 7, 2017

RECEIVED

AUG 11 2017

San Diego Coast District Office  
7575 Metropolitan Drive, Suite 100  
San Diego, CA 92108-4402

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Attn: John Ainsworth, Executive Director and Kaitlin Carney, Program Analyst

Re: Hitzke Development Corporation Extension  
500 S. Sierra Ave, Solana Beach APN(s) 298-211-81

Ladies and Gentlemen:

A multiple number of proposed/approved developments, including the Ritz Carlton Hotel at the corner of South Sierra Ave and Border (600 yards from the 500 South Sierra Development) and the mixed-use development at the corner of South Sierra Ave and Dahlia (275 yards from the 500 South Sierra Development), are currently in progress or under consideration. The Coastal Act requires new developments be evaluated as to impact on beach access and recreation including on an accumulative basis. This was not done in 2014. It is my opinion that all new/proposed developments impacting parking, and the demand for low cost rentals in the area, must be taken into consideration as this development replaces a beach access parking area approximately 74 yards from the Cherry Hill Beach pathway that is home to the Junior Lifeguard Program.

The Coastal Commission approval in 2014 was subject to several conditions which would require the property owner, the City of Solana Beach, to take additional action including possible changes to ordinances. The lack of action by the City, including deed restricting this property, demonstrates that this project is no longer supported by the City. In order for the executive director to even consider the application for extension, the "Applicant" must provide evidence of their "legal interest" in the property. The legal entity controlling this property is the City of Solana Beach. Despite signing a Disposition, Development, and Loan Agreement with the City, the City of Solana Beach currently holds all legal rights. At minimum, given the change in economic circumstances including but not limited to the availability of funding and the increasing costs to build, the executive director should require that the Developer provide a current financing plan before making a finding that the Developer has provided evidence of "legal interest."

Thank you for your consideration to this request.

*Marylyn Rinaldi*

Marylyn Rinaldi  
509 South Sierra Ave., #148  
Solana Beach, CA 92075

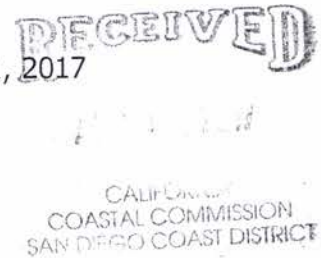


California Coastal Commission  
San Diego Coast District Office  
7575 Metropolitan Drive, Suite 100  
San Diego, CA 92108-4402  
Fax Number: (619) 767-2384  
Phone Number: (619) 767-2370

Attn: John Ainsworth Executive Director and Kaitlin Carney, Program Analyst



August 11, 2017



Re: Hitzke Development Corporation Extension - 500 S. Sierra Ave, Solana Beach APN(s) 298-211-81

Dear California Coastal Commission:

We object to Hitzke Development Corporation's ("Hitzke") second application for a one year extension of time for Coastal Development Permit 6-14-1033 granted by the California Coastal Commission (the "Commission") on October 8, 2014. The Coastal Development Permit authorizes development of 10 affordable housing units and public parking on what is currently a public parking lot located at 500 South Sierra.

We have two objections to the application.

First, the Coastal Commission Regulations do not authorize more than one extension of time. The Regulations only authorize the executive director to grant an extension of time "...not to exceed an additional one year period." The Coastal Commission granted Hitzke a one-year extension of time in 2016 and Hitzke is now asking for a second one-year extension of time. The Executive Director does not have authority to grant Hitzke a second one-year extension of time.

Second, there are changed circumstances that may affect the consistency of the development with the policies of Chapter 3 of the Coastal Act. The project site is identified in Chapter 2 of the City of Solana Beach's Land Use Plan (the "LUP") as an existing public parking lot available to beach users. Its current uses include the following:

- Public Beach Parking for the Public Beach Access and Staircase to Cherry Hill Beach utilized year-round as a major surfing site in Solana Beach.
- Home to the Junior Lifeguard Program.
- Public Parking for the LUP designated viewing area is identified as #3 on the LUP scenic resource map in Chapter 6 of the City's LUP. This Parking Lot is less than 200 feet from the beach access to the public viewing site on the bluff overlooking the Pacific Ocean.
- Back-Up Parking and overflow parking for visitors to the Design District on Cedros Ave. There are currently significant parking issues on Cedros Avenue and the City has held public parking meetings to address the issues.
- The Parking Lot also provides parking for numerous events including the Del Mar Fair, the Del Mar Races and the Solana Beach Fiesta del Sol and Concerts and Movies at Fletcher Cove, and overflow parking at peak hours for the Solana Beach fitness center (Fit Gym formerly Frog's Gym) which sponsors many beach-related fitness activities.



The Coastal Act policies specified in Chapter 3 include:

Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.5: Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30214(a): The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: ... (2) The capacity of the site to sustain use and at what level of intensity. ...

Section 30222: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry

Section 30223: Upland areas necessary to support recreational uses shall be reserved for such uses, where feasible.

The Coastal Act's policies are implemented by Solana Beach's LUP, as certified by the Coastal Commission.

Parking areas are necessary to support recreational uses and beach access. Since the Coastal Commission approved the coastal development permit, beach access in Solana Beach has only worsened due to a lack of public parking in the area. There has been a substantial increase in visitors to the area but the City has not added any additional beach access parking. The increase in visitors is due in part to the increased use of VRBO and Airbnb and by owners, many of which live on South Sierra, who rent out their homes and move their cars to street parking during the beach season to free up their off-street parking space for VRBO and Airbnb renters. Although the City has a 7-day residential rental minimum, they have no enforcement mechanism in place to ensure compliance.

Finally, changed circumstances also include the *Kalnel Gardens, LLC v. City of Los Angeles* decision, which held that the Coastal Act trumps both the Density Bonus Act and the Mello Act. Accordingly, projects in the state's coastal zone cannot be approved unless they are consistent with the Coastal Act and local coastal programs that implement the Act. Like the affordable housing project addressed in the Kalnel Gardens decision, the Hitzke project included more units, greater mass and scale, and a parking space reduction using the Density Bonus Act that are inconsistent with the Solana Beach LUP. The parking requirements are imposed by Solana Beach's certified LUP to ensure new development does not impact (reduce) public parking, such as street parking. The underparking of the Hitzke project combined with new development in the immediate area will reduce the availability of street parking and off-street public parking. These waivers/incentives conflict with the Kalnel Garden's decision and the Coastal Act's policies.

Respectfully submitted,

*Tamara Kushner*  
Tamara Kushner  
President, Save Our Beach Access

P.O. Box 118  
(561 So Sierra Ave Unit 40)  
Solana Beach CA 92075  
tkushner@comcast.net



California Coastal Commission  
7575 Metropolitan Drive  
San Diego, CA 92108-442

Transmitted Via Email August 11, 2017  
Email Address: [kaitlin.carney@coastal.ca.gov](mailto:kaitlin.carney@coastal.ca.gov)

Attn: John Ainsworth, Acting Executive Director and Kaitlin Carney, Coastal Program Analyst

RECEIVED

Re: October 8, 2014 Commission Meeting, Item 12b: Application No. 6-14-1033

AUG 11 2017

Dear Executive Director, Program Analyst and California Coastal Commission:

This email summarizes objections to the one-year extension (requested by the Hitzke Development Corporation) of 6-14-1033 granted by the California Coastal Commission (the "Commission") on October 8, 2014. These objections are based on changes in circumstances that impact the proposed development being consistent with Chapter 3 of the California Coastal Act including the following sections:

Section 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.5: Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

The Coastal Commission approval to replace a beach access parking lot in the City of Solana Beach (the "City") with a 3-story mixed-used (10 affordable housing units and 1 commercial office space) development was made by the Commission on the basis that having affordable housing at the beach trumped Chapter 3 of the California Coastal Act (Chapter 3). As a reminder, 500 South Sierra is a parking lot identified in Chapter 2 of the City of Solana Beach's LCP as an existing public parking lot available to Beach Users. The parking lot which currently provides 31 large parking spaces has the capacity to provide up to 124 public parking spaces (148 plus if you shrink the parking spaces to the size provided under the approved mixed-used development). The mixed use development will eliminate the ability to add additional public parking now and in the future as demand has increased and continues to increase.

Subsequent to the Commission's decision in 2014, the ruling In Kalnel Gardens, LLC v. City of Los Angeles (filed 9/29/16), the Second District Court of Appeal reminded localities and developers that the Coastal Act trumps both the Density Bonus Act and the Mello Act. It is clear from both Commissioners' comments and testimony (available in the written and oral record from the 2014 hearing) that the decision by the Commission to approve this development in 2014 would have been impacted by this ruling.

There are a number of additional changes in circumstances since 2014 which impact the public rights to beach access and recreation (primarily based on the need for public parking for there to be public access to the beach and recreation opportunity at the beach) including the following:

First, in the 3 years since the approval, there have been substantial changes in the area as to who owns property, the usage of properties including both businesses and residential. These changes obviously alter the impact the development has on parking and recreation in the area. In addition, approving a second one-year extension denies new citizens the right to object or raise issues including issues such as impact on their views, beach and other related safety issue as well as parking and traffic issues.



California Coastal Commission  
7575 Metropolitan Drive  
San Diego, CA 92108-442

Attn: John Ainsworth, Acting Executive Director and Kaitlin Carney, Coastal Program Analyst

*Transmitted Via Email August 11, 2017*

*Email Address: [kaitlin.carney@coastal.ca.gov](mailto:kaitlin.carney@coastal.ca.gov).*

Second, the area (South Sierra Ave, a small street in Solana Beach that provides the only access to the beaches in the City of Solana Beach) has been greatly impacted by the increased use of residential properties for short term rentals. Businesses such as Homeaway, VRBO and AIRBNB provide homeowners the ability to supplement their incomes by renting out their residences. Even permanent residents are doing this when they will be away for a weekend or on vacation. In fact, most owners who live on South Sierra who rent out their homes in this manner move their cars to street parking during the beach season to allow their private parking spots to be used for by the seasonal and weekend renters.

The Coastal Commission's initial decision to grant the permit in 2014 seemed to be based on the premise that affordable housing trumped beach access. It defies common sense to assume that very low income residents who can make \$200 to \$600 per night renting out their unit during beach and racing season will not do so. As a reminder, this property is just a few hundred yards to a popular surfing beach (Cherry Hill Beach), is within walking distance to all other beaches in Solana Beach as well as those in the City of Del Mar and is within walking distance to the Del Mar Fairground (which sponsors the Del Mar Fair June-July, Del Mar Racing July - September and November). There is available evidence emerging that affordable housing in popular beach locations is often not used for affordable housing as the units can easily be and are sublet regardless of local ordinances.

The increased activity of rentals has become so problematic that both the City of Solana Beach and the City of Del Mar have had to address and reevaluate their ordinances and enforcement. The recent action by the City of Del Mar to rule that short term rentals were not allowed in the City and so far is proposing only 30 day rentals obviously changes the rental activity in the City of Solana Beach (adjacent to Del Mar) which allows for short term rentals subject to a 7 day minimum. Although the City of Solana Beach has a 7-day residential rental minimum, they have no enforcement mechanism in place to ensure compliance, thus daily and weekend rentals are common especially during beach season (May thru September). In fact, I would invite you to go right now to Homeaway, VRBO and AIRBNB and find advertisements for daily and 3- or 4-day rentals.

All of the above changes in circumstances have impacted beach access parking for the general public's right to access the beaches. The beach access issues in Solana Beach have only worsened and most are related to access to public parking in the area. The City has added no additional beach access parking despite the substantial increase demand for public parking.

In summary, there is ample evidence of changed circumstances that may affect the consistency of the development to warrant a rejection of the Developer's request for an extension and to require a new hearing on whether or not this development complies with the requirements of the Coastal Act to preserve the public's right to beach access.

Sincerely,



Marilyn Jones  
567 S. Sierra Ave #84  
Solana Beach, CA 92075



RECEIVED

AUG 11 2017

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

August 4, 2017

California Coastal Commission  
San Diego Coast District Office  
7575 Metropolitan Drive, Suite 103  
San Diego, California 92108-4402

Attn: John Ainsworth, Executive Director and Kaitlin Carney, Coastal Program Analyst

RE: Hitzke Development Corporation Extension – 500 S. Sierra Ave, Solana Beach APN(s) 298-211-81

We are writing to inform you of our objection to Hitzke Development Corporation's Extension Request of a one year extension of 6-14-1033 granted by the California Coastal Commission on October 8, 2014.

Your July 26, 2017 notice to us of this Extension Request says that "Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act."

However, the Coastal Act requires that new developments be evaluated as to their impact on beach access and recreation including on an accumulative basis. Also, all new/proposed developments impacting parking and demand for low cost rentals in the area must be taken into consideration when making this evaluation as the Hitzke development replaces beach access parking approximately 74 yards from the Cherry Hill Beach pathway.

Since the October 8, 2014 approval of 6-14-1033, there have been a number of new proposed and/or approved developments along South Sierra Avenue which are proximate to Hitzke Development's property at 500 S. Sierra Avenue in Solana Beach.

Specifically, there is a Request for a Development Review Permit and Structure Development Permit by American Assets Trust for Project #17-14-08 for mixed use development on property located at the northeast corner of South Sierra Avenue and Dahlia Street. A Notice of Permit Application has been posted on said property which is a mere 275 yards from the Hitzke Development Corporation property at 500 South Sierra Avenue.

Additionally, the proposed Ritz Carlton Hotel project at the corner of South Sierra Avenue and Border Street is under consideration or is in progress and is located approximately 600 yards from Hitzke Development's property at 500 South Sierra Avenue.

Accordingly, we respectfully request that the Coastal Commission re-evaluate the impact on beach access and recreation of the proposed Hitzke development while also considering the impact of these aforementioned more recently proposed and/or approved projects before concluding that "there are no changed circumstances affecting the proposed development's consistency with the Coastal Act" and before issuing the requested extension.

Thank you for your immediate attention to this matter.

Sincerely,



Elizabeth F. Warne, Member  
Seascape Surf, LLC  
597 South Sierra Ave, Unit 56  
Solana Beach, CA 92075



James E. Warne, III, Member  
Seascape Surf, LLC  
597 South Sierra Ave, Unit 56  
Solana Beach, CA 92075

RECEIVED

AUG 11 2017

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

To whom it may concern:

Re: Hitzke Development Corporation Extension - 500 S. Sierra Ave, Solana Beach APN(s) 298-211-81

This project was allowed to move forward many years ago based on the unforeseen needs and requirements of the Solana Beach coastal area.

Since that time, many changes have and will be occurring. A new high-rise to be built three blocks away to the north. To the south, a very large Hotel is under consideration. Either one of these two changes will make a huge impact on the coastal area of Solana Beach.

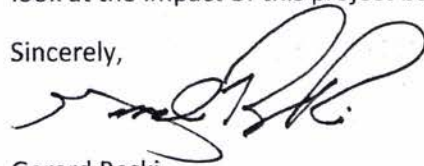
Based on these changes and possible changes, I feel it would be wise to re-evaluate the situation regarding street capacity, location and design of the structure.

Another question is, will the exemptions given to this project (Hitzke Development Corporation Extension) need to be granted to these future project?

The future changes to the beach area of Solana Beach needs to be reevaluated closely. I feel Solana Beach should count itself lucky that this project can be reevaluate.

Nothing good will come from allowing this property to wait another year before going to construction based on old out date city plans. The city and the coastal commission need to step back and take a fresh look at the impact of this project based on new information/upcoming changes.

Sincerely,



Gerard Reski  
579 S. Sierra Ave.  
Unit 12  
Solana Beach CA. 92075



RECEIVED

AUG 11 2017

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

August 8, 2017

California Coastal Commission  
San Diego Coast District Office  
7575 Metropolitan Drive, Suite 100  
San Diego, CA 92108  
Phone: (619) 767-2370  
Fax: (619) 767-2384

Attn: John Ainsworth, Executive Director and Kaitlin Carney, Program Analyst

Re: Hitzke Development Corporation Extension- 500 S. Sierra Ave.,  
Solana Beach; APN(s) 298-211-81

Dear California Coastal Commission:

Please allow this letter to serve as a formal objection to the one year extension requested by the Hitzke Development Corporation originally granted by the California Coastal Commission (the "commission" on October 8, 2014.

The basis for the objection is the great change of circumstances on S. Sierra Ave. since the project was first approved by the commission.

The major parallel roadway to S. Sierra Ave. is Highway 101. Since the time the commission approved the project vehicle traffic on Highway 101 has increased significantly. I have lived in the area for over 20 years. In the last few years we now have congested traffic and traffic jams every day of the week. The increased traffic is most likely due to a rise in new businesses and tourism.

As a result cyclists, pedestrians and runners are using Sierra Avenue as alternate route to Highway 101. For many Sierra is the safe street. Building an underground parking lot where cars and trucks will be blindly exiting from underground and popping out onto Sierra Ave is not worth the risk.

I would rather be making this objection to the project now then an op ed "I told you so" piece in response to news of a cyclist, a runner or pedestrian being hit by a car.

The impact of this project is too obvious, the danger to beachgoers and non vehicle users of Sierra Ave. too great.

Looking ahead, by the time the proposed project was completed the safety risks would be even greater than they are today.

Respectfully ,

A handwritten signature in black ink, appearing to be 'Martin Schmidt', written in a cursive style.

Martin Schmidt



**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



September 8, 2017

Dirk Smith  
Senior Planner  
City of San Diego Public Utilities Department  
9192 Topaz Way, M.S. 901A  
San Diego, CA 92123

Re: Response to Notice of Emergency Action at Famosa Slough CDP #G-6-17-008-W

Dear Mr. Smith:

On June 16, 2016, the Executive Director received your notice of emergency action taken to repair a leaking 24-inch RCSC (Reinforced Concrete Steel Cylinder) water main pipe located at the southwest edge of Famosa Slough, just east of the Temecula Street and Camulos Street intersection on the west side of the Slough. The City determined that the leak could potentially burst causing a major leak into the Slough and affecting water service of nearby residences.

The work that occurred consisted of excavation of the pipe, laying down traps and filter fabric to contain the spoils from the excavation; set-up of a temporary sedimentation basin to contain sediment; bringing in temporary pumps to dewater the repair area; and replacement of the broken flange on the pipe with a new flange. A detailed post-impact biological report for the emergency work was submitted on August 1. Impacts to 0.009 acres of freshwater marsh and 0.028 acres of coastal salt marsh resulted from the repair work. These areas will be restored to preexisting contours and the vegetation is expected to naturally regenerate within a (or one) year. The City will monitor the site and if revegetation does not occur naturally, will develop a restoration plan to ensure the impact area is returned to pre-project conditions.

Because the work involved does not include the erection of structures valued at more than \$25,000, the development qualifies for an Emergency Permit Waiver under Section 30611 of the Coastal Act. Thus, a follow-up coastal development permit is not required to authorize the work.

The work will be reported to the Coastal Commission along with a summary of the facts at the next Commission meeting in September 13-15 in Cambria. Thank you for providing notice of the City's action.

Sincerely,

A handwritten signature in blue ink that reads "Diana Lilly".

Diana Lilly  
Senior Planner

## MEMORANDUM

---

**To:** Dirk Smith - City of San Diego PUD  
**From:** Scott Gressard - Dudek  
**Subject:** Post-Impact Report Memorandum for the Famosa Slough Emergency Water Leak Repair Project in the City of San Diego, California  
**Date:** July 17, 2017  
**cc:** Shawn Shamlou, Andrew Talbert, Brad Comeau – Dudek  
**Attachment(s):** Figures 1-3; Att. A: Photodocumentation Report

---

This memorandum serves as a post-impact report for the City of San Diego's (City) Famosa Slough Emergency Water Leak Repair Project (project) and outlines the excavation and pipe repair work that occurred within the southwest edge Famosa Slough, as shown in attached Figures 1 through 3 and in the Photodocumentation Report (Attachment A), as well as the proposed project mitigation measures.

### PROJECT LOCATION AND DESCRIPTION

The water main that was in need of emergency repair runs beneath the Famosa Slough preserve in Point Loma, California. Famosa Slough connects to the San Diego River to the north, and is bound entirely on all sides by residential development. The project site is located within the U.S. Geological Service (USGS) 7.5-minute Point Loma quadrangle map, just east of the Temecula Street and Camulos Street intersection on the west side of the slough (Figures 1 and 2). The entire project site is within the City's Multi-Habitat Planning Area (MHPA) and Coastal Zone boundary, and is comprised of Environmentally Sensitive Lands (ESL).

On June 14, 2017, the City's Public Utilities Department (PUD) received notice that a water pipe beneath the slough was experiencing a leak and, under the damaged condition, could potentially burst causing a major leak into the Slough. Due to this threat from a major leak as well as to the water service of nearby residences, City PUD staff determined that repairing the water main constituted an emergency repair activity. Therefore, the appropriate PUD crews and biological monitors were mobilized immediately to conduct 24-hour repair work in the slough to relieve threat from the leaking main.



## Memorandum

*Subject: Post-Impact Report for the Famosa Slough Emergency Pipe Repair Project in the City of San Diego, California*

---

At the start of work, crews transferred the mini excavator onto the project site using a crane staged in the parking lot behind the private residence at 2727 Camulos Street and began repair activities (Figure 3). The crane operator was directed by Dudek biologist Paul Lemons to place the mini excavator on a flat area near the pipeline repair location. The mini excavator was then driven over rubber mats to the water leak location, in order to protect native vegetation to the maximum extent practicable. As excavation to uncover the source of the water leak began, Dudek biologist Jeff Priest directed crews to implement additional impact minimization methods, including storing all spoils on visquene mats, hand removal of cut vegetation, and filtering out sediment from water that had been pumped from the repair site to allow access to the pipe location. Initially, the water filtration method that used filter fabric over two stacked straw rolls was inadequate, but it was improved by creating larger retention basins for sediment to settle within. Excavation occurred within freshwater marsh habitat and the visquene spoil area and sediment filtration basins were located on the adjacent coastal salt marsh habitat. During work, it was determined that the temporary basins were not filtering water fast enough, so the decision was made for water to be pumped into the nearby sewer system instead as an emergency measure approved by City of San Diego staff. When the source of the leak was discovered at approximately 10:00 pm on June 14, water service to the area was shut off while crews waited for additional parts for the repair to arrive. Pipe repair resumed in the afternoon of June 15, a new pipe cap was installed, and the repair was completed at approximately 6:30 pm that same day. Following completion of repair work, Dudek biologist Shana Carey monitored as crews transferred previously excavated sediment back into the project site as backfill. Project site cleanup and backfill activities were completed the morning of June 16, and the excavator was removed by crane. No unauthorized impacts occurred and all work took place within proposed work limits.

**Table 1**  
**Daily Monitoring**

Date	Time	Personnel	Survey Conditions
06/14/2017	14:00-15:15	Paul Lemons	76°/61°F, Sunny, Wind 0-3 mph
6/14/2017	15:15-20:15	Jeff Priest	76°/61°F, Sunny, Wind 0-2 mph
6/14/2017	20:15-24:00	Shana Carey	76°/61°F, Partial Clouds, Wind 0-2 mph
6/15/2017	24:00-05:20	Byron Bigrigg	79°/62°F, Partial Clouds, Wind 0-3 mph
6/15/2017	05:20-12:30	Jeff Priest	79°/62°F, Sunny, Wind 0-3 mph
6/15/2017	12:30-19:30	Susan Carlton	79°/62°F, Partial Clouds, Wind 0-1 mph
6/15/2017-6/16/2017	19:30-05:30	Shana Carey	79°/62°F, Partial Clouds, Wind 0-3 mph
6/16/2017	05:30-10:40	Jeff Priest	83°/62°F, Sunny, Wind 0-1 mph

*Memorandum*

*Subject: Post-Impact Report for the Famosa Slough Emergency Pipe Repair Project in the City of San Diego, California*

---

## **BIOLOGICAL SURVEY METHODS**

Prior to initiating construction activities, a biological reconnaissance and clearance survey for wildlife or avian species was conducted on June 14, 2017 by Dudek biologist Paul Lemons with particular attention paid to identifying least Bell's vireo (*Vireo belii pusillus*) and Ridgways's rail (*Rallus obsoletus*). The biological survey was conducted in accordance with the City's Guidelines for Conducting Biological Surveys (Appendix II, City of San Diego 2012) and included the mapping of vegetation communities and land covers present in the study area. Due to the high priority nature of the emergency work, protocol level surveys were not able to be conducted prior to the pipe repair. A follow up survey was conducted on June 22, 2017 by Dudek biologist Scott Gressard in order to assess the extent of project impacts following completion of construction activities.

**Table 2**  
**Survey Conditions**

Date	Time	Personnel	Survey Conditions
06/14/2017	14:00-14:30	Paul Lemons	Sunny, 75 F, Winds 0-2 mph
06/22/2017	13:00-13:45	Scott Gressard	Sunny, 77 F, Winds 0-1 mph

## **Jurisdictional Resources**

Hydrology and vegetation were examined throughout the study area and because the entire site was located in the Famosa Slough, hydric soils were assumed present; thus, no data station pits were evaluated, and no formal wetland determination data forms were recorded. The Project study area supports aquatic resources subject to regulation and review by the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), California Department of Fish and Wildlife (CDFW), and the California Coastal Commission, which includes wetland habitat composed of coastal salt marsh and freshwater marsh. All of these resources are considered jurisdictional wetland waters of the U.S. by the USACE acting under Section 404 of the federal Clean Water Act; the RWQCB acting under Section 401 of the federal Clean Water Act and the Porter-Cologne Water Quality Control Act; the CDFW acting under Sections 1600–1607 of the California Fish and Game Code; the California Coastal Commission (CCC) acting under the California Coastal Act (1976); and the City of San Diego acting under the San Diego Land Development Code Biology Guidelines (City of San Diego 2012).



## Memorandum

Subject: Post-Impact Report for the Famosa Slough Emergency Pipe Repair Project in the City of San Diego, California

---

## RESULTS

### Clearance Survey

During the clearance survey mentioned above, no wildlife or avian species (including Ridgway's rail (*Rallus obsoletus*)) were detected within the study area.

### Vegetation Communities/Land Cover Types Impacted by the Project

Four native vegetation communities and two land cover types were identified within the study area (project area plus 300-foot buffer; Figure 3). As shown in Table 3, these included freshwater marsh, coastal salt marsh, coastal sage scrub, riparian scrub (southern willow scrub), urban/developed land, and open water. Also included in Table 3 is the designation of vegetation community sensitivity, based on rarity and ecological importance, as identified by the City's Land Development Biology Guidelines (City of San Diego 2012).

The vegetation communities and land cover type recorded in the study area are described in detail below and their spatial distributions are presented on the Biological Resources Map (Figure 3).

**Table 3**  
**Vegetation Communities and Land Cover Types in the Project Study Area**

Vegetation Community/Land Cover Type	Subarea Plan Tier <sup>1</sup>	Acreage
<i>Native Vegetation Communities</i>		
Freshwater Marsh	Wetland	0.93
Coastal Salt Marsh	Wetland	0.62
Coastal Sage Scrub	II	0.37
Riparian Scrub (Southern Willow Scrub)	Wetland	0.23
<i>Land Covers</i>		
Urban/Developed Land	N/A	2.45
Open Water	Wetland	1.88
<b>Total</b>		<b>6.48</b>

1 Vegetation Tiers are defined by the City's Land Development Biology Guidelines (City of San Diego 2012).

### *Coastal and Valley Freshwater Marsh*

According to Holland (1986), freshwater marsh is a wetland habitat type that develops where the water table is at or just above the ground surface, such as around the margins of lakes, ponds,

## *Memorandum*

*Subject: Post-Impact Report for the Famosa Slough Emergency Pipe Repair Project in the City of San Diego, California*

---

slow-moving streams, ditches, and seepages. Due to being permanently flooded by water there is an accumulation of deep, peaty soils. It typically is dominated by species such as cattail (*Typha* sp.), wooly sedge (*Carex lanuginosa*), yellow nutsedge (*Cyperus esculentus*), and bulrush (*Scirpus* spp.).

In this location, the water is brackish and this wetland habitat type was the only vegetation type within the limited pipe repair location. The broken pipe may have contributed to the presence of this habitat type in this location, however the evidence of this is not definitive. The area excavated for the repair was primarily composed of cattails (*Typha* spp.). Freshwater marsh is considered a wetland waters of the United States/state and as such would be regulated by the USACE, RWQCB, CDFW, and CCC.

### ***Coastal Salt Marsh***

Coastal salt marsh is defined by productive, herbaceous and suffrutescent, salt tolerant hydrophyte species. These salt adapted species typically form moderate to dense communities and can grow up to 1m tall (Holland 1986). Regular tidal inundation by salt water for at least part of the year yield hydric soils with common species that include California cordgrass (*Spartina foliosa*), salt grass (*Distichlis spicata*), and pickleweed (*Salicornia pacifica*) (Holland 1986).

Coastal salt marsh within the emergency repair staging and spoils area consisted primarily of salt grass and pickleweed. Coastal salt marsh is considered a wetland waters of the United States/state and as such would be regulated by the USACE, RWQCB, CDFW, and CCC.

### ***Riparian Scrub (Southern Willow Scrub)***

Southern willow scrub is often described as a dense, broad-leafed, winter-deciduous riparian thicket dominated by several species of willow (Holland 1986). Most stands are too dense to allow much understory development (Holland 1986). Southern willow scrub is found along stream channels on loose, sandy, or fine gravelly alluvium deposits. This habitat is considered seral due to repeated disturbance/flooding and is, therefore, unable to develop into the taller southern riparian forest (Holland 1986).

There is a small section of southern willow scrub present directly north of the project site. This community is dominated entirely by Goodding's willow (*Salix gooddingii*). Southern willow scrub is considered a Wetland per the City's Land Development Manual Biology Guidelines (City of San Diego 2012) and no impacts to this vegetation type occurred during emergency maintenance.



*Memorandum*

*Subject: Post-Impact Report for the Famosa Slough Emergency Pipe Repair Project in the City of San Diego, California*

---

***Coastal Sage Scrub***

Coastal sage scrub is composed of a variety of soft, low shrubs, characteristically dominated by drought-deciduous species such as sagebrush (*Artemisia californica*), flat-top buckwheat (*Eriogonum fasciculatum*), sages (*Salvia* spp.), California encelia (*Encelia californica*), with scattered evergreen shrubs, including lemonade sumac (*Rhus integrifolia*) and laurel sumac (*Malosma laurina*). The native community typically grows on sites with low moisture availability, steep, xeric slopes, or clay-rich soils that are slow to release stored water (Holland 1986).

Coastal sage scrub was identified along the western portion of the 300ft project buffer area and consisted California sagebrush (*Artemisia californica*), lemonade berry (*Rhus integrifolia*), bush sunflower (*Encelia californica*), and flat-top buckwheat (*Eriogonum fasciculatum*). Coastal sage scrub is ranked as Tier II habitat per the City's Land Development Manual Biology Guidelines (City of San Diego 2012), however no impacts to this vegetation type occurred from the emergency repair activities.

***Urban/Developed Land***, according to Oberbauer et al. 2008, represents areas that have been constructed upon or otherwise physically altered to an extent that native vegetation communities are not supported. This land cover type generally consists of semi-permanent structures, homes, parking lots, pavement or hardscape, and landscaped areas that require maintenance and irrigation (e.g., ornamental greenbelts). Typically, this land cover type is unvegetated or supports a variety of ornamental plants and landscaping. Urban/developed land is not regulated by the environmental resource agencies and is often considered a disturbed category. This land cover is not ranked in the City's Land Development Manual Biology Guidelines (City of San Diego 2012) and therefore no mitigation would be required for any impact.

Within the 300ft project area buffer, urban/developed land included homes and existing paved parking areas.

***Open Water***, as characterized in Oberbauer et al. 2008, is a subset of Unvegetated Habitat with less than 2% cover of herbaceous species and less than 10% cover of tree or shrub species. Areas of open water are either completely or consistently inundated with water, of which can include marine, bay, estuarine, and freshwater systems over a wide range of depth and salinity.

The tidally-influenced open water present in Famosa Slough is located east of the pipeline repair location within the project's 300 foot buffer and no impacts to this land cover occurred.

## Memorandum

*Subject: Post-Impact Report for the Famosa Slough Emergency Pipe Repair Project in the City of San Diego, California*

---

### IMPACTS

**Direct Impacts** may include both the permanent loss of on-site habitat and the plant and wildlife species that it contains and the temporary loss of on-site habitat. Direct impacts were quantified by overlaying the emergency impact alignment onto the biological resources map and evaluating the impacts by vegetation community. Construction activities which resulted in direct impacts to biological resources included excavation of sediment to expose leak location, hand cutting and removal of vegetation around excavation site, and placement of sediment filtration basins and visquene spoils area.

Implementation of the project resulted in temporary direct impacts to 0.009 acres of freshwater marsh (*Typha*-dominated) and temporary impacts to 0.028 acres of coastal salt marsh. These impacts would not result in the permanent loss of wetland habitat and therefore would not be considered significant. Table 4 provides a summary of these impacts. Vegetation communities temporarily impacted are expected to regenerate within one year, minimizing the potential for invasive plant species to establish (**BIO-1**).

**Table 4**  
**Vegetation Communities and Land Cover Types Directly Impacted by the Project**

Vegetation Community/Land Cover Type	Subarea Plan Tier <sup>1</sup>	Temporary Impact Area
Freshwater marsh	Wetland	0.009
Coastal salt marsh	Wetland	0.028
Total		0.037

1 Vegetation Tiers are defined by the City's Land Development Biology Guidelines (City of San Diego 2012).

**Indirect Impacts** refer to impacts to adjacent resources that do not result in the loss of on site-habitat. This may include off-site and on-site effects that can be short-term (i.e., temporary) due to project construction or long-term (i.e., permanent) as a result of project design. For this project, it is assumed that the potential indirect impacts resulting from construction activities may have included noise, construction-related soil erosion and runoff, lighting, and general increase in human presence that could temporarily disrupt species and habitat vitality. Typical construction BMPs, such as sand bags and trash receptacles being placed onsite, were implemented during construction and limited the effect from runoff and the spread of trash. Short term indirect impacts from lighting used during the 24-hour emergency construction activities may have had an indirect impact on any adjacent wildlife, however this impact was minimized by directing all light sources onto the excavation site during night work (Attachment A). All other short term indirect impacts from the emergency work were not considered significant and no additional mitigation measures were necessary.



*Memorandum*

*Subject: Post-Impact Report for the Famosa Slough Emergency Pipe Repair Project in the City of San Diego, California*

---

No long-term indirect impacts occurred as the project did not result in a change of existing land use, noise, or human presence. The change in the water main condition through repair and replacement of the compromised cap is expected to improve conditions immediately adjacent to the project area, which would be at risk from being adversely affected by further erosion and inundation from failure of the damaged pipe. The change from the installed project is beneficial and, therefore, no adverse long-term indirect impacts will result from the project.

**MITIGATION**

**BIO-1** As part of the emergency repair activities, temporary impacts to wetland waters of the U.S. subject to regulation by the USACE, RWQCB, CCC, and CDFW included direct, temporary impacts to 0.009 acre of freshwater marsh and 0.028 acre of coastal salt marsh due to project implementation. Pipe repair activities that resulted in direct impacts to biological resources include excavation of sediment to unearth the location of the leak, visquene spoil area and sediment filtration basin placement, and cutting of vegetation around the excavation site.

**MM-1** Mitigation for direct, temporary impacts to 0.009 acre of freshwater marsh and 0.028 acre of coastal salt marsh will include restoring the temporarily impacted areas in-place to pre-construction contours and conditions.

The City will monitor the regeneration of the temporarily impacted site for a 25-month period (quarterly in year one and biannually in year two) in order to ensure that the freshwater marsh and coastal salt marsh vegetation communities regenerate successfully. If at the end of year one, vegetation communities have not returned to natural and functional wetland conditions or invasive species not present prior to emergency repair activities have established in the impact area, the City will develop a Restoration Plan in accordance with the City of San Diego Landscape Standards under the direction of the Project Biologist to ensure that the impact area is returned to pre-project conditions. Although freshwater marsh does occur on the site and in other locations around Famosa Slough, it is possible that the leaking potable water (prior to the repair) may have contributed to the establishment of cattails at this location. Now that the repair has been performed, the site may no longer be suitable for freshwater marsh species due to an increase in salinity of the water and soils. Therefore, it will be necessary to conduct soil salinity tests in order to determine the appropriate species pallet for the Restoration Plan, if necessary, prior to the installation of any plants.

*Memorandum*

*Subject: Post-Impact Report for the Famosa Slough Emergency Pipe Repair Project in the City of San Diego, California*

---

Please feel free to contact me at [sgressard@dudek.com](mailto:sgressard@dudek.com) should you have any questions or concerns regarding this report or the attached documents.

Sincerely,



---

Scott Gressard M.S.  
Environmental Specialist/Biologist

*Figures 1-3*

*Attachments:*

*A – Photodocumentation Report*

## **LITERATURE CITED**

City of San Diego. 2012a. San Diego Land Development Code Biology Guidelines. Amended April 23, 2012 by Resolution No. R-307376.

Holland, R. F. 1986. *Preliminary descriptions of the terrestrial natural communities of California*. Nongame-Heritage Program, California Department of Fish and Game.

Oberbauer, T., M. Kelly, and J. Buegge. 2008. *Draft Vegetation Communities of San Diego County*. March 2008. Accessed September 12, 2012. <http://www.sdcanyonlands.org/canyon-groups/canyon-group-resources/canyon-enhancement-guide/189-canyon-enhancement-planning-guide-materials>.









SOURCE: Bing Maps, 2017; USFWS, 2017; CDFW, 2017

**FIGURE 2**

MHPA, Coastal Zone, USFWS/CNDDDB Occurrence Data

**DUDEK**

Emergency Maintenance





**FIGURE 3**

**Biological Resources**

**DUDEK**

SOURCE: Bing Maps, 2017; USFWS, 2017; CDFW, 2017

Famosa Slough Emergency Water Leak Repair Project