

**CALIFORNIA COASTAL COMMISSION**

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# W7c

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 Staff: L. Schlembach-SD  
 Staff Report: 8/24/17  
 Hearing Date: 9/13/17

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-17-0440

**Applicant:** City of San Diego

**Agent:** Casey Crown

**Location:** East/West road segments from Reed Avenue to Toulon Court and Mission Boulevard, Mission Beach, San Diego, San Diego County (City of San Diego Right-of-Ways)

**Project Description:** Upgrade 8,936 linear feet of existing 4 to 8-in. asbestos cement water pipes with new 8 to 12 in. PVC water pipes; install 1,227 linear feet of new 8 to 12-in. PVC water pipes; abandon 600 linear feet of existing 4 to 8-inch asbestos cement water pipes, rehabilitate and replace 1,953 linear feet of existing 8-inch vitrified cement sewer pipes with 8-inch PVC and ductile iron sewer pipes, and install of 778 linear feet of 8-inch PVC and ductile iron sewer pipes.

**Staff Recommendation:** Approval with Conditions

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## SUMMARY OF STAFF RECOMMENDATION

The primary issues raised by this project relate to potential impacts to coastal access and water quality. The project will take place in the narrow east/west roadways of the north Mission Beach peninsula, as well as on Mission Boulevard, which is the main accessway into

6-17-0440 (City of San Diego)

and out of the Mission Beach community and to the ocean and bayfront beaches. The presence of workers, equipment, and the temporary loss of parking in such a densely populated, popular beach area will have a temporary impact on public access by occupying public parking spaces for construction and storage or blocking public right-of-ways to and along the beach and the public boardwalks, especially during the summer months when beach use is at its peak ([Exhibits 2 and 3](#)). In addition, because the work is occurring on roadways adjacent to the beach, there is the potential for adverse impacts to water quality.

To minimize adverse impacts to coastal access, **Special Condition 1** prohibits construction and staging during peak summer months (Memorial Day to Labor Day). The condition also requires the work on Mission Boulevard to occur only between October and April of any year. **Special Condition 2** requires submittal of a Water Pollution Control Plan and implementation of a suite of water quality best management practices.

Commission staff recommends **approval** of coastal development permit application 6-17-0440 as conditioned.

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### **EXHIBITS**

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial Image](#)

[Exhibit 3 – Site Plan](#)

## **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. **Timing of Construction.**
  - (a) No construction shall take place for the project from Memorial Day to Labor Day of any year. Construction shall protect and maximize public access, including by:

- i. Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes.
  - ii. One northbound and one southbound lane of vehicular traffic on Mission Boulevard shall remain open at all times during construction of the approved project.
  - iii. Construction on Mission Boulevard shall take place only between October 1 and April 30 of any year.
- (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. **Final Construction Water Pollution Control Plan.**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and written approval of the Executive Director, one set of a final Water Pollution Control Plan for the project, prepared and signed by licensed engineer. The final Plan shall demonstrate that all construction, including, but not limited to, clearing, grading, staging, storage of equipment and materials, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces, complies with the following requirements:

- (a) 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:
  - i. 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;
  - ii. 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;
  - iii. 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;

- iv. 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;
- v. During construction, development shall avoid the use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers), in order to minimize wildlife entanglement and plastic debris pollution;
- vi. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- vii. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- viii. 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;
- ix. All construction materials stockpiled on site shall be covered and enclosed on all sides to ensure that the materials are not discharged to a storm drain inlet or receiving waters;
- x. 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 storm drains, sewers, receiving waters or onto the unpaved ground;
- xi. The discharge of any hazardous materials into any receiving waters shall be prohibited;
- xii. 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, storm drains, sewers or unpaved ground;

- xiii. 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;
  - xiv. All BMP's shall be maintained in a functional condition throughout the duration of construction activity.
- (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.

## IV. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION

The proposed project is to upgrade 8,936 linear feet of existing 4 to 8-in. asbestos cement water pipes with new 8 to 12 in. PVC water pipes; install 1,227 linear feet of new 8 to 12-in. PVC water pipes; abandon 600 lf of existing 4 to 8-in. asbestos cement water pipes; rehabilitate and replace 1,953 lf of existing 8-in. vitrified cement sewer pipes with 8-in. PVC and ductile iron sewer pipes; and install 778 linear feet of 8-in. PVC and ductile iron sewer pipes within City right-of-ways and City utility easements within the Mission Beach and Pacific Beach communities of the City of San Diego ([Exhibit 3](#)). The project also includes the following improvements: installation of curbside ramps, laterals, cleanouts, water meters, water boxes; rehabilitation of existing manholes; installation of new manholes; traffic controls, and slurry seal street resurfacing.

The Mission Beach community is a densely populated, popular beach area with limited public parking, especially during the summer months when beach use is at its peak. The project will occur on and immediately adjacent to Mission Boulevard, which constitutes the first public roadway and is the main accessway into and out of the Mission Beach community and to the ocean and bayfront beaches in Mission Beach. However, the project has been designed to minimize traffic and circulation impacts. All of the proposed work on Mission Boulevard will be conducted in a single, approximately two-month phase, which as conditioned, would occur between October and April, thus limiting impacts to public access. During that time, only one lane at a time will be closed to allow for traffic flow. The project will block existing, public street parking in the area where work is occurring; however, there will be no permanent loss of parking.

To limit impacts to public access and recreation, **Special Condition 1** prohibits construction and staging during peak summer months (Memorial Day to Labor Day), and limits construction on Mission Boulevard to between October and April of any year.

The proposed project is not intended to increase capacity of the existing sewer and water lines, but to upgrade the facilities to current standards, which should reduce the risk of spills, thereby reducing potential impacts to water quality. However, since much of the work will occur to streets adjacent to the shoreline, construction water quality best management

practices (BMPs) are necessary. Therefore, **Special Condition 2** requires the implementation of a suite of water quality best management practices (BMPs) and submittal of a final Water Pollution Control Plan (WPCP) prior to the beginning of any construction. The WPCP requires the use of BMPs and the creation of rain plan for use during rain events.

## **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.

The Commission's water quality staff have reviewed the City's draft WPCP and determined it will sufficient protect water quality. Therefore, the proposed development will not have an adverse impact on any sensitive habitat, and, as conditioned, will not result in erosion or adverse impacts to water quality, as adequate temporary erosion controls (construction BMPs) will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

## **C. PUBLIC ACCESS/PARKING**

As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

## **D. LOCAL COASTAL PLANNING**

The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Mission Beach community.

## **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The City of San Diego prepared Mitigated Negative Declaration No. 255100 and an Addendum to Mitigated Negative Declaration No. 255100 for four, near-time pipeline projects as well as any subsequent future pipeline projects. The MND and Addendum to the MND identified potential impacts to archaeological resources, historical resources, paleontology, and land use (for projects located within 100 ft. of a Multi-Species Conservation Plan/Multi-Habitat Planning Area). The City created a Mitigation, Monitoring, and Reporting Program, which requires a pre-construction meeting with all necessary consultants and on-site monitoring.

The Coastal Commission has identified potential, adverse impacts to coastal access and water quality. Therefore, the permit has been conditioned to prohibit construction and staging on public streets and ROWs between Memorial Day and Labor day, in order to avoid impacts to traffic and circulation. In order to prevent impacts to water quality the permit has also been conditioned to require the use of Best Management Practices during construction.



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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