

CALIFORNIA COASTAL COMMISSION

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



W29

Prepared January 7, 2021 (for the January 13, 2021 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 January 2021**

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 January 13, 2021. 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 January 13th.

As a result of the COVID-19 emergency and the Governor's Executive Orders [N-29-20](#) and [N-33-20](#), this Coastal Commission meeting will occur virtually through video and teleconference. Please see the **Coastal Commission's Virtual Hearing Procedures** posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

With respect to the January 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 January 13, 2021 (see attached)

Immaterial Extensions

- 6-86-699-A3-E1 Barczewski Fill Removal and Habitat Restoration (San Diego)

Emergency Permits

- G-6-21-0001-W San Elijo Lagoon Culvert Maintenance (Encinitas)

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December 15, 2020

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

Notice is hereby given that Barczewski Family Trust has applied for a one year extension of 6-86-699-A3 granted by the California Coastal Commission on November, 8, 2018.

for: Removal of approximately 900 cubic yards of unpermitted fill and creation/restoration of up to 14.3 acres of wetlands and 0.37 acres of upland.

at: 13307 Caminito Mendiola, San Diego, San Diego County APN 305-040-15, 16

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 cursive script, appearing to read "Toni Ross".

Toni Ross
Coastal Program Analyst

cc: Commissioners/File

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January 7, 2021

Jayne Timberlake
Coastal Zone Program Administrator
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024

Re: Request for Emergency Action at San Elijo Lagoon #G-6-21-0001-W

Dear Ms. Timberlake:

On December 14, 2020, the Executive Director received your request for an emergency permit for excavation and removal of sediment from around and downstream of an existing culvert that flows under Manchester Avenue into the San Elijo Lagoon that has been clogged with debris. The uncontrolled backing up of stormwater had already caused flooding and left sediment within a nearby residential community and parking garage, as well as on both lanes of Manchester Avenue and the southbound offramp from the I-5 freeway in this area. The City determined that immediate action was necessary to remove the sediment causing the overflow and backing up of the stormwater system and threatening additional flood damage.

Emergency work began on December 21 and was completed on December 23, outside of the nesting/breeding season. The work consisted of removal of approximately 250 cubic yards of material. Approximately 160 cubic yards of suitable debris was placed on the back-beach of Moonlight Beach to supplement areas that had eroded out with recent rain and wind events, and approximately 90 cubic yards of non-suitable debris was loaded into dump trucks and hauled offsite to an approved disposal location. A City-owned access and staging area on the south side of Manchester Avenue, located outside of the San Elijo Lagoon boundaries, was utilized to access the work area, and the City cleared the debris using a mini dozer, mini excavator, and a skid-steer.

The vegetation communities in and near the excavation work limits consists of Diegan Coastal Sage Scrub, Southern Coastal Salt Marsh and Southern Riparian Woodland; no California Coastal Gnatcatchers have been observed using the habitat in the project area, either recently or in the past. A biological monitor was present for the entirety of the project, including the delineation of the work area with silt fence ahead of any mobilization and throughout the sediment removal process. No trimming of sensitive vegetation was necessary to remove sediment; the only impact to vegetation resulting from the action was to a small area of fresh-water marsh vegetation located directly adjacent to the blocked

channel. This vegetation is expected to naturally restore, and the City will monitor the site for one-year after the work is completed to ensure that the freshwater marsh species in and near the project area are able to grow back to pre-project conditions. If after one year the vegetation has not grown back on its own, the City shall replant the area with freshwater marsh vegetation.

The City has committed to increasing maintenance of all upstream City-maintained sediment catch basins and to vacuum accumulated sediment in upstream storm drains that connect to the Manchester Avenue culvert. Through the rainy seasons, the City will assume weekly site checks and as-needed basin and storm drain maintenance to prevent additional sediment deposition in San Elijo Lagoon.

After discussions with the City about the work proposed to alleviate the emergency situation and the potential for impacts to coastal resources, Commission staff has determined that this project qualifies for a Coastal Act Section 30611 Emergency Permit Waiver for the following reasons:

1. Immediate action by a public agency, the City of Encinitas, is necessary to protect life and public property and maintain public utilities, and the proposed work is the minimum necessary to alleviate the emergency condition.
2. There will be no permanent erection of any structure valued at more than \$25,000.
3. The project is the minimum amount of work necessary to clear the existing culvert and downstream area, and minimal impacts to public access and recreation will occur during construction.

Because the development qualifies for an Emergency Permit Waiver under Section 30611 of the Coastal Act, a follow-up coastal development permit is not required to authorize the work. The work will be reported to the Coastal Commission at the next Commission meeting on January 13-14, 2021.

Sincerely,



Cort Hitchens
Coastal Program Analyst