

CALIFORNIA COASTAL COMMISSION

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



Th5c

Filed: January 5, 2010
49th Day: February 23, 2010
180th Day: July 4, 2010
Staff: Gabriel Buhr - SD
Staff Report: April 20, 2010
Hearing Date: May 12 – 14, 2010

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-10-001

Applicant: San Elijo Lagoon Conservancy **Agent:** Doug Gibson, Barry Lindgren
CA Department of Fish and Game Tim Dillingham

Description: The proposed project includes restoration and protection of existing coastal dune habitat located within the outer basin of San Elijo Lagoon. Proposed development includes the removal, control and monitoring of invasive plant species, installation of a post and cable style fence to delineate and protect the sensitive habitat, and signage to describe the restoration efforts.

Site: The project site is located approximately 2,000 feet north of Ocean Street (Solana Beach), directly east of Pacific Coast Highway and west of the LOSSAN rail corridor within the San Elijo Ecological Reserve, Cardiff, Encinitas, San Diego County.

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing removal of invasive vegetation, installation of fencing and signage, and the ongoing monitoring and maintenance of a coastal dune habitat. The major issues with this development involve construction methods and timing, and potential impacts on visual resources.

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with **Four (4) special conditions** addressing: **1)** construction methods; **2)** construction timing; **3)** fence design; and **4)** submittal of a final signage plan.

LIST OF EXHIBITS

1. Location Map
 2. Assessor's Parcel Map
 3. Site Plan
 4. Fence Design
 5. Signage Design
-

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following 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 RECOMMENDATION TO ADOPT CONSENT CALENDAR:

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.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. **Construction Methods.** No construction involving the use of heavy equipment shall be utilized for the installation of the proposed fence and attached signage. Fence poles shall be installed using hand construction methods.

The permittee shall undertake development in accordance with the approved construction restrictions. Any proposed changes to the approved construction plans shall be reported to the Executive Director. No changes to the approved construction plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Timing of Construction.** To avoid potential impacts to the California Least Tern and Western Snowy Plover breeding period, construction will not be permitted between the dates of February 15th and September 15th of any year, unless written approval is received from USFWS and CDFG and provided to the Executive Director for review.

3. Fence Design. The applicant shall conform to the submitted fence design plans dated March 29th, 2010 (Exhibit 4), by Merchants Metals, consisting of a post and cable type fence with a maximum height of 51 inches above grade.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit amendment unless the Executive Director determines that no additional amendment is legally required.

4. Final Sign Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit final plans for the interpretive sign. Said plans shall be in substantial conformance with the plans dated April 20, 2010 (Exhibit 5) by Artefact, and shall be subject to the review and written approval of the Executive Director. The dimensions of the final sign design shall not exceed 4 feet x 3 feet and the sign shall not extend above an elevation of greater than 3 feet above the existing grade of the adjacent portion of Pacific Coast Highway.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit amendment unless the Executive Director determines that no additional amendment is legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. The subject site is in the City of Encinitas (San Diego County) and is located along the western edge of the outer basin of San Elijo Lagoon, approximately 2,000 feet north of Ocean Street, and directly east of the Pacific Coast Highway (Exhibit 1 and 2). The subject site contains the only existing coastal dune habitat in the San Elijo Lagoon Ecological System. The coastal dune habitat is one of the most disturbed and limited habitat types within Southern California and hosts several rare, native, dune plant and animal species as well as providing nesting sites for the listed bird species the California Least Tern (*Sterna antillarum browni*) and the Western Snowy Plover (*Charadrius alexandrinus nivosus*).

The primary goal of the proposed project would be to protect and restore the biodiversity of the existing coastal dune habitat. The applicant proposes to remove and control invasive plant species currently occurring within the subject site, and additionally proposes the removal of a monotypic stand of desert arrowweed (*Pluchea sericea*), a plant species native to California but more typically associated with upland scrub plant communities and not with coastal dune habitats. The existing arrowweed stand removal is proposed to enhance available tern and plover nesting opportunities. The proposed

project also includes the installation of 1,370 linear feet of fencing proposed to delineate the restoration area and to protect the sensitive habitat from pedestrian and bicycle traffic (Exhibit 3). The proposed fencing would be a post and cable type fence. Associated informational signage is also proposed to identify the proposed coastal dune restoration project and would be located at the southern boundary of the restoration site (Exhibit 3).

The applicant proposes future monitoring of both vegetation and avifaunal communities and to document active nesting and roosting of resident and migrant bird species. Ongoing invasive species control and systematic trash and debris removal are also a part of the submitted restoration plan.

The proposed development is located within the City of Encinitas; however, it is located within the Commission's area of original jurisdiction and as such, the standard of review is Chapter 3 policies of the Coastal Act, with the City's LCP used as guidance.

B. Biological Resources. Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized. The proposed project as designed would protect an already rare and sensitive coastal dune habitat from pedestrian and vehicular traffic, and would include the removal of non-native and invasive plant species from the subject site. The proposed post and cable style fence and signage as designed would not provide perching opportunities for raptors that might effect potential nesting success for California Least Terns and Western Snowy Plovers (**Special Condition #3**). Signage is also included to further discourage traffic through the habitat and to inform the public about the ongoing restoration project.

Construction for the proposed project is restricted to occur outside of the nesting season for the California Least Tern and Western Snowy Plover (**Special Condition #2**), and construction activities are limited to only hand construction methods, the use of heavy machinery would be prohibited from use in order to protect the surrounding sensitive habitats and to limit impacts to the adjacent coastal waters (**Special Condition #1**).

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 drainage controls will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Community Character /Visual Quality. The applicant proposes to install a post and cable style fence with a maximum height of 51 inches above grade. The fence is designed as a seven-wire fence with twenty foot intervals between posts in order to reduce any visual disruption (**Special Condition #3**). The proposed project also includes informational signage to identify for the public the ongoing coastal dune restoration effort. The signage design has been sited and minimized to the greatest extent possible in order to reduce potential visual impairments while still providing identification of the restoration project (**Special Condition #4**). The proposed development, as conditioned, will be compatible with the character and scale of the surrounding area and will not

impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. Public Access/Parking. The proposed fence would serve to delineate the sensitive habitat area and restrict access through the coastal dunes. The adjacent Pacific Coast Highway provides parallel access to several beach access points that would remain available to the public after the proposed fence is installed. 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.

E. Local Coastal Program. While the City of Encinitas has a fully certified local coastal program, 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 Encinitas to continue to implement its certified LCP.

F. California Environmental Quality Act. 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.

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 or 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.

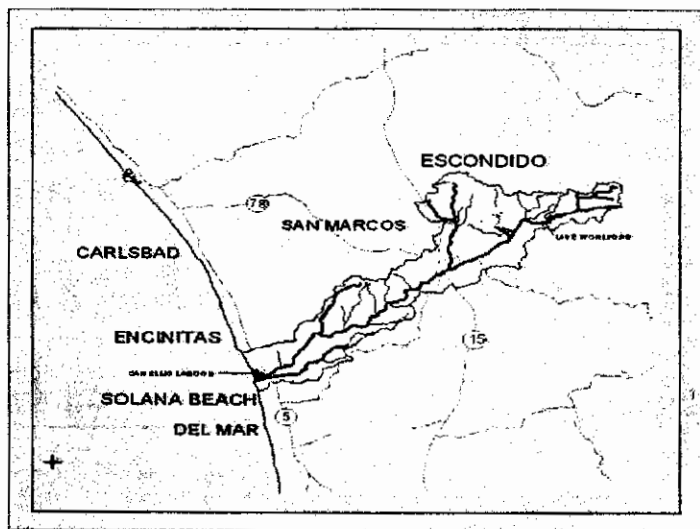
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California Coastal Commission
San Diego County Office

6-10-001

Dune Habitat Restoration: Project Area Location



San Elijo Lagoon and the Escondido Creek Watershed
San Diego County, CA



Coastal Strand Habitat in the West Basin of San Elijo Lagoon

Exhibit I

EXHIBIT# 1

Page 1 of 2

Application Number:

6 - 1 0 - 0 0 1



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City of Encinitas

Central Basin, San Elijo Lagoon

Parcel APN 2630113400
Owned by CA Dept of Fish & Game

South Carlsbad State Beach


City of Solana Beach

EXHIBIT# 1

Page 2 of 2

Application Number:

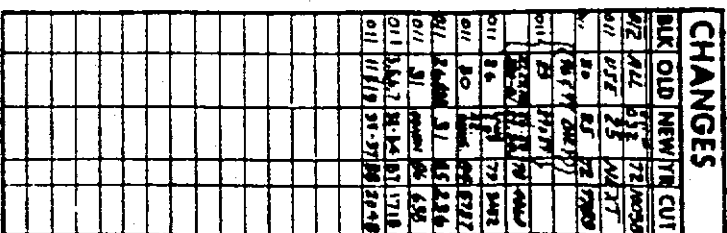
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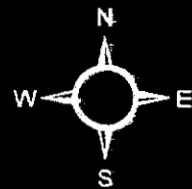


MAP 11108 - CO. OF SD TCT. NO. 4370-1 (CONDM)
SEC 34 - T135 - RAW - POR
SEC 35 - T135 - RAW - POR W 1/4
ROS 7048, 8545, 8883

Maximum extent of proposed fence line



Proposed Location of Interpretive Signage



EXHIBIT# 3

Page 1 of 1

Application Number:

6 - 1 0 - 0 0 1



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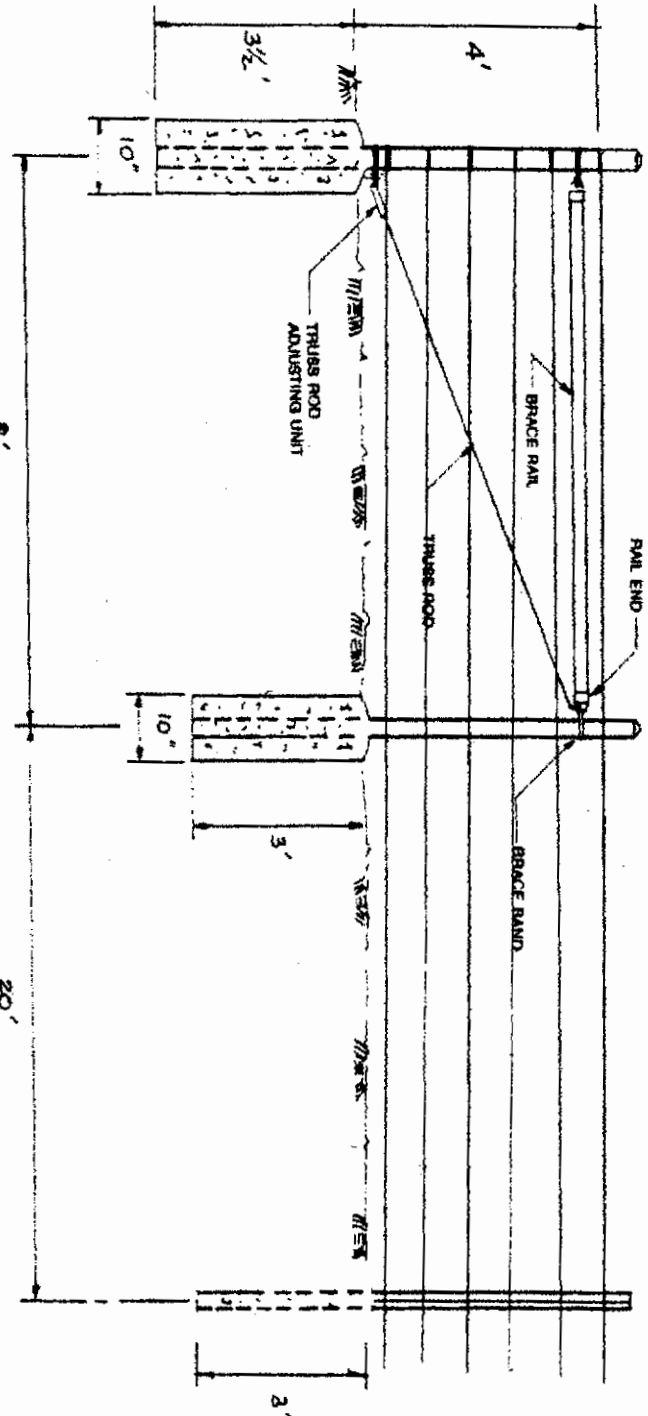
New_DuneFence

• **New_DunePost**

Dune_EA

JOB SPECIFICATIONS

FABRIC	MESH	GAUGE	SERIAL
TENSION WIRE	QA	TOP	BOTT
BARBED WIRE	TYPE	3 STR	6 STR
FRAMING	OD	WALL	18S / LF
TOP RAIL			
TIME POSTS		1.33 #	PER FT
BRACE RAIL	1 5/8"	5340	1.936
CORNER POSTS	3"	5340	4.64
END POSTS	3"	5340	4.64
BRACE POSTS	3"	5340	4.64
GATE FRAME			
GATE TYPE			
NOTES			



UNSUBMITTED BY
DAVID HULTON
VISTA FENCE CO.

SUBMITTED TO
BERRY LINDGREEN
SAN ELISO LAGOON
CONSERVACY

TYPICAL FENCE ELEVATION
TOP RAIL / TRUSSED BRACE RAIL
8 STRAND MAX TEN WIRE
JOB / PROJECT
CARDIFF STATE BEACH

CONTRACTOR
VISTA FENCE CO.
ARCHITECT
DAVID HULTON
ENGINEER

STANDARD
DETAIL
MERCHANTS METALS

COMPLETED BY
T.M.

DWG. NO.
1

DATE
3/29/2010

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OF

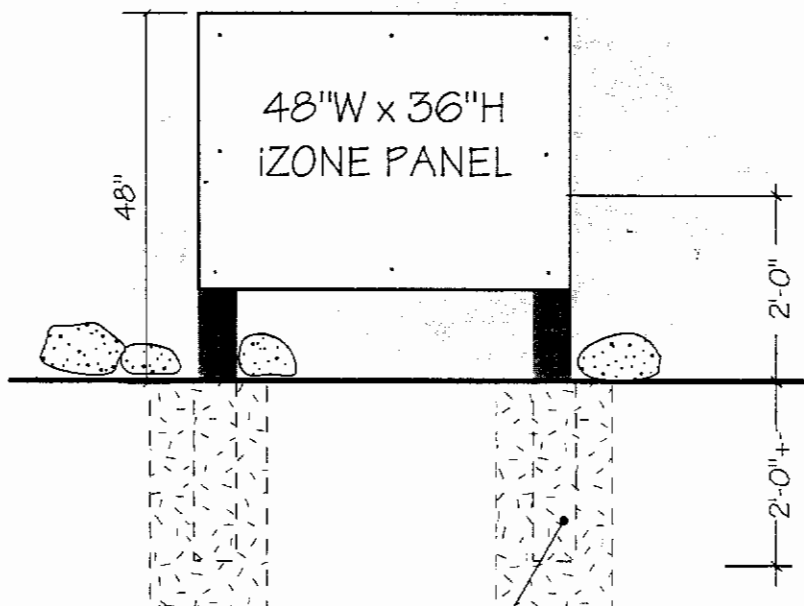
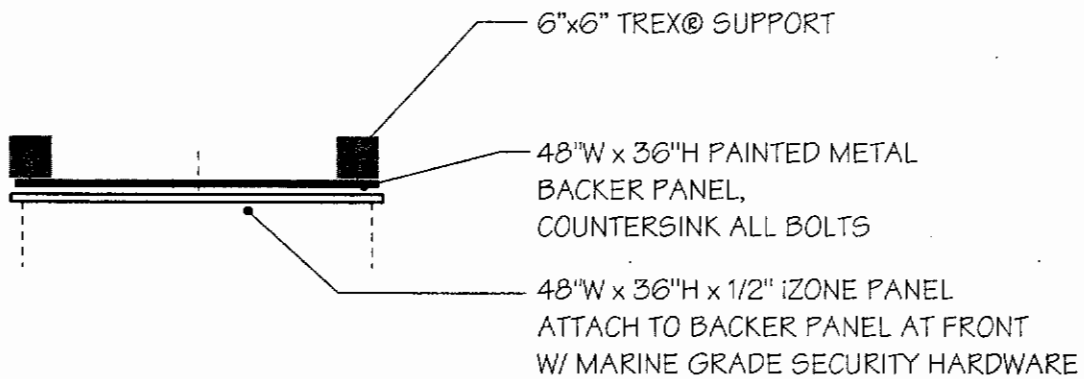
EXHIBIT# 4

Page 1 of 1

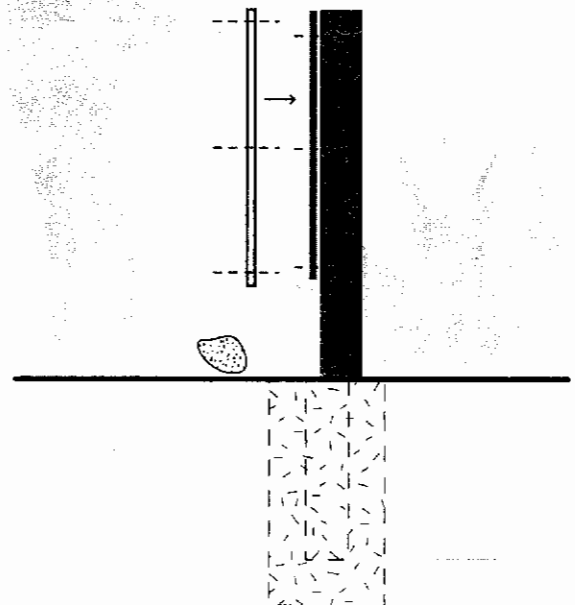
Application Number:
6-10-001



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TREX® SUPPORT SET IN
CONCRETE OR ROCK/D.G.



EXHIBIT# 5

Page 1 of 1

Application Number:

6 - 1 0 - 0 0 1

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ARTEFACT DESIGN

2130 NEWCASTLE AVE
CARDIFF, CA 92007

TEL 760 944-3502
FAX 760 944-1443

PROJECT NAME

SAN ELIJO LAGOON CONSERVANCY

Dune Restoration Signage

DRAWING TITLE

SIGN TYPE

SCALE

1/2" = 1'-0"

DATE

20/APR/10

SHEET NO.

ST.01