

CALIFORNIA COASTAL COMMISSION

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



W7a

Filed: 2/20/13
180th Day: 8/19/13
Staff: E. Stevens-SD
Staff Report: 3/21/13
Hearing Date: 4/10/13

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-12-027

Applicant: City of Solana Beach

Agent: Jim Greenstein

Location: Dirt access road to pump station located adjacent to San Elijo Lagoon, beginning at north end of Rios Avenue, Solana Beach, San Diego County (263-11-028)

Project Description: Installation of concrete pavers at two locations on an existing sewer pump station dirt access road (after-the-fact) and restoration of an approximately 0.03 acre area adjacent to the San Elijo Lagoon

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project includes the placement of permeable pavers (after-the-fact) on a dirt access road within the San Elijo Lagoon Preserve and the restoration of an adjacent area within the Preserve. The pavers are necessary in order to allow year round access to a sewer pump station at the terminus of the dirt access road as the road periodically is flooded and washes out in two locations. Installation of the pavers resulted in some

6-12-027 (City of Solana Beach)

minor impacts to native habitat (non-ESHA) that the applicant has documented could not be avoided or further minimized. The restoration project proposed by the applicant will restore an area three times larger than the habitat area impacted by the placement of the permeable pavers. Proposed special conditions require that the applicant undertake development in accordance with the approved restoration and monitoring plan and that initial planting of the restoration area be undertaken within 270 days of approval of the coastal development permit. With these conditions, the proposed development is consistent with applicable Chapter 3 policies of the Coastal Act.

Commission staff recommends **approval** of coastal development permit application 6-12-027 as conditioned.

TABLE OF CONTENTS

I.	MOTION AND RESOLUTION	4
II.	STANDARD CONDITIONS	4
III.	SPECIAL CONDITIONS	4
IV.	FINDINGS AND DECLARATIONS	5
	A. PROJECT DESCRIPTION.....	5
	B. BIOLOGICAL RESOURCES.....	6
	C. VISUAL QUALITY.....	6
	D. UNPERMITTED DEVELOPMENT.....	6
	E. PUBLIC ACCESS/PARKING.....	7
	F. LOCAL COASTAL PLANNING.....	7
	G. CALIFORNIA ENVIRONMENTAL QUALITY ACT.....	7

APPENDICES

[Appendix A – Substantive File Documents](#)

EXHIBITS

Exhibit 1 – PROJECT LOCATION - 1

Exhibit 2 – PROJECT LOCATION - 2

Exhibit 3 – IMPACT AREA - BEFORE

Exhibit 4 – IMPACT AREA - AFTER

Exhibit 5 – RESTORATION LOCATION

Exhibit 6 – PROJECT TIMELINE

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. **Restoration and Monitoring Plan.** The permittee shall undertake development in accordance with the approved final Restoration and Monitoring Plan by the San Elijo Lagoon Conservancy dated November 08, 2012. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the

approved plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Condition Compliance.** WITHIN 270 DAYS OF APPROVAL OF THIS CDP, or within such additional time as the Executive Director may grant for good cause, the applicant shall have completed weed eradication and completed the initial planting in conformance to the approved final Restoration and Monitoring Plan. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The applicant proposes to place permeable pavers in two locations on and adjacent to an existing sewer pump station dirt access road (after-the-fact) within the San Elijo Lagoon Ecological Preserve. The San Elijo Lagoon is located adjacent to the coast at the northern border of Solana Beach. The subject dirt road is the only way to access the pump station located at its terminus. Placement of the permeable pavers is necessary to prevent the access road from washing out during large winter storms. The sewage pump station conveys 90% of the City's sewage across the San Elijo Lagoon en route to the sewage treatment plant on Manchester Avenue and thus, it is essential that year-round vehicle access be maintained to this facility. The location of the pavers was chosen due to the presence of an existing overflow pond and an existing drainage area located adjacent to the access road. In addition, two shallow 18" diameter sewer pipes are located beneath the access road and if exposed could cause a major sewage spill (Exhibits 1-4).

Installation of the pavers will result in approximately 440 sq. ft. of impacts to native habitat that the Commission's ecologist has indicated is not ESHA. To mitigate for the impacts, the applicant is proposing to restore approximately 0.03 acre of Coastal Sage Scrub habitat within the southwest portion of the preserve. The proposed restoration area is equal to a 3:1 mitigation ratio to the habitat impacted, and is thus acceptable. The restoration area is located on preserve property adjacent to an open space deed restricted area that is subject to a 0.15 acre restoration recently required by the Commission (6-90-290-A2/Tully) (Exhibit 5). The proposed restoration plan indicates that the restoration will be achieved by removing invasive exotic species and revegetating the area with native species which are consistent with the desired native habitat. The applicant does not propose grading of the project site in conjunction with the proposed restoration project. The initial planting for this restoration project is proposed to occur in November 2013, in order to take advantage of winter rainfall.

Monitoring for restoration success is proposed to occur over a five year period and will include photographic monitoring and mortality counts (Exhibit 6). If during monitoring,

dead native plants or the spread of invasive plants within the restoration area is detected, any dead native plants will be replaced and any invasive plants will be removed. The City of Solana Beach is providing funding for the purchase of native plants and will be responsible for the success of the restoration area and annual monitoring reports for the first five years. The applicant will submit monitoring reports to the Commission annually for a period of five years beginning in November 2014. The San Elijo Lagoon Conservancy will undertake all planting and monitoring for the five year period proposed in the Restoration and Monitoring Plan. Following the five year monitoring period, the San Elijo Lagoon Conservancy has agreed to take over maintenance of the restoration area and will ensure that ice plant and other non-native plants do not invade into the restoration area and that the native plants continue to succeed.

Alternatives considered included concrete/asphalt crossings, placement of gravel, and doing nothing. Based on the alternatives analysis, placement of permeable pavers was determined to have the least impact on coastal resources while at the same time providing the desired and necessary access. The project site is located within the City of Solana Beach; 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

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. Special Condition 1 requires the applicant to undertake the proposed restoration of the adjacent habitat area consistent with the approved Restoration and Monitoring Plan.

The project will not have a significant adverse impact on any sensitive habitat, and will not result in erosion or adverse impacts to water quality. Thus, the project, as conditioned, is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. VISUAL QUALITY

The development is located adjacent to an existing wetland and sensitive habitat area (San Elijo Lagoon) and, as conditioned, will be compatible with the character 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. UNPERMITEED DEVELOPMENT

Development has occurred on the subject site without required coastal development permits including, but not limited to, placement of permeable pavers on and adjacent to a dirt access road. As conditioned, approval of the subject application will authorize retention of the pavers and restoration of an adjacent habitat area within the San Elijo Lagoon Ecological Reserve. To ensure that the proposed restoration is undertaken in a

timely manner, Special Condition 2 requires that the applicant complete weed eradication and initial planting within 270 days of Commission action on this CDP amendment (completion date is based on the project timeline provided by the applicant).

Although development occurred prior to the submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on these permit applications does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject sites without a coastal permit.

E. 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.

F. 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 local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

G. 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.

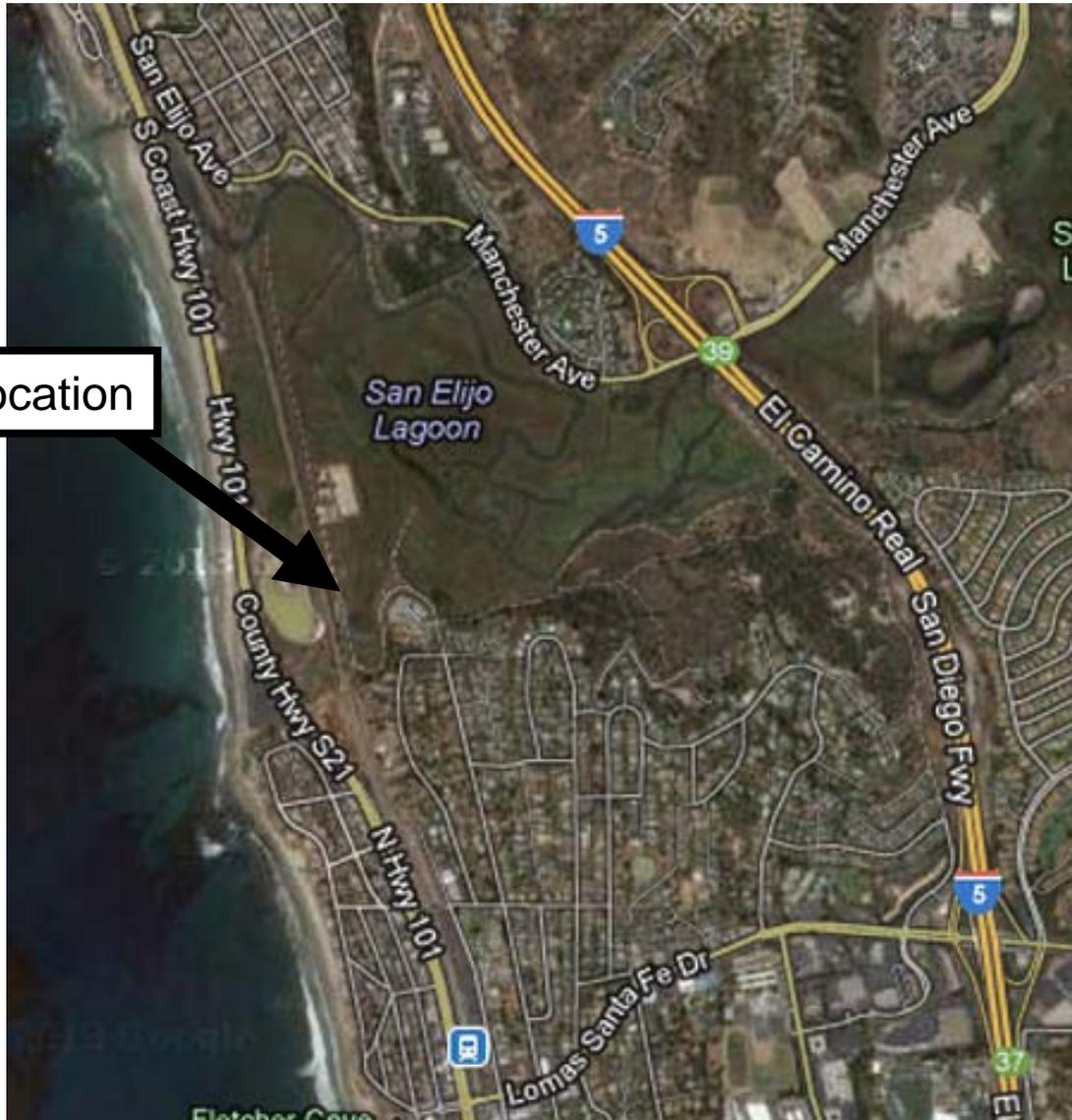
APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

- City of Solana Beach General Plan and Zoning Ordinances;
- Final Restoration and Monitoring Plan for the City of Solana Beach dated 11/08/2012;
- Final Restoration and Monitoring Plan for 815 & 819 Seabright Lane Parcel 3 Solana Beach, California dated 2/14/2012;
- CDP Nos. 6-90-290 and 6-90-290-A1;

(G:\San Diego\Reports\2012\6-12-027 City of Solana Beach Pavers Consent Stf Rpt.docx)

PROJECT LOCATION - 1



Project Location



Google Maps

EXHIBIT NO. 1
APPLICATION NO. 6-12-027
Project Location - 1
 California Coastal Commission

PROJECT LOCATION - 2



Figure 1. Site location in North Coastal San Diego County

EXHIBIT NO. 2

APPLICATION NO.

6-12-027

Project Location - 2

 California Coastal Commission

IMPACT AREA - BEFORE



Figure 2. Impact area along the roadside calculated at $40' \times 5'$ and $40' \times 6' = 440$ sq. ft. At a ratio of 3:1, the restoration area should = **~0.03 acres (1,320 sq. ft.)**

IMPACT AREA - AFTER

LOOKING NORTH - LAGOON SIDE



LOOKING NORTH - DESILTATION BASIN SIDE



EXHIBIT NO. 4
APPLICATION NO. 6-12-027
Impact Area - After
 California Coastal Commission

RESTORATION LOCATION



Figure 3. Location of restoration site in relation to the Tully restoration site

EXHIBIT NO. 5

APPLICATION NO.

6-12-027

Restoration Location



California Coastal Commission

PROJECT TIMELINE

10.0 Project Timeline

Table 4. Project Timeline, Winter 2013 through Spring 2018

Date	Activity
February 2013	Set monitoring transects Pre-treatment photomonitoring
February 2013	Initial treatment
November 2013	Initial planting Fall monitoring
April 2014	Re-treatment
April 2014	Spring monitoring Gnatcatcher monitoring
May, 2014	Contract additional plants Year 1 reporting
November, 2014	Re-planting Fall monitoring
March, 2015	Retreatment
March 2015	Gnatcatcher monitoring Endangered species monitoring
November, 2015	Retreat, Replant, and Veg Monitoring
Spring, 2016	Gnatcatcher monitoring Endangered species monitoring
November 2016	Monitor
April 2017	Spring monitoring
April 2018	Final Monitoring
May 2018	Final reporting

EXHIBIT NO. 6

APPLICATION NO.

6-12-027

Project Timeline

 California Coastal Commission