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STATE OF CALIFORNIA—THE RESOURCES AGENCY

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CALIFORNIA COASTAL COMMISSION

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REGULAR CALENDAR STAFF REPORT AND PRELIMINARY RECOMMENDATION

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Application No.: 6-95-128

Applicant: City of San Diego,
Parks and Recreation

Agent: Robin Stribley

Description: Enhancement of Famosa Slough including installation of fencing, interpretive signage, trail improvements, removal of exotic vegetation, planting of native habitat, and replacement of hydraulic gates.

Site: North and south of West Point Loma Boulevard, between Famosa Boulevard and Adrian Street, Peninsula (and portion of Mission Bay Park), San Diego, San Diego County. APNs 449-870-03, 441-090-44

Substantive File Documents: Famosa Slough Enhancement Plan (draft) - July '92;
Negative Declaration/DEP NO. 93-0191 - 7/27/93.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project with special conditions which require final plans for installation of fencing, landscaping/revegetation, and hydraulic gates; a comprehensive sign program; revised plans for the proposed trail alignment; and, a condition which addresses timing of construction to avoid impacts to sensitive bird species.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to

the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans/Fencing. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final fence plans. The fencing adjacent to West Point Loma Boulevard shall consist of wooden poles with black vinyl-coated chain link and shall not exceed a height of four feet. All other fencing around the perimeter of the Slough shall consist of a black vinyl-coated chain link fence with metal supports and poles not to exceed a height of six feet. Fencing for pathway control shall consist of a chain and post fence not to exceed three feet in height. Fencing shall be installed in accordance with the final fence plans. No fencing shall be permitted within any sensitive habitat areas or result in any fill, dredging, or other disruption of any wetlands.

2. Revised Plans for Trail Alignment. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final plans for the proposed trail alignment. The final plans shall show the trail alignment as it is shown on pp. 156-157 of the Famosa Slough Enhancement Plan except that the trail shall not include the two turnout areas for construction of an observation overlook and an access easement for an SDG&E utility power line. The plan shall indicate the trail shall be composed of a hard surface consisting of wood or stabilized clay along that portion adjacent to West Point Loma Boulevard and for a distance of approx. 800 linear feet adjacent to Famosa Boulevard in a southerly direction. The remainder of the trail adjacent to Famosa Boulevard shall be consist of decomposed granite. The restricted access paths on the west side of the Slough shall be composed of compacted soil and decomposed granite. The trail shall be constructed consistent with the final plans. The trail improvements shall not result in any fill, dredging, or other disruption of any wetlands.

3. Comprehensive Sign Program. Prior to the issuance of the coastal development permit, the applicant shall submit a comprehensive sign program to the Executive Director for review and written approval. Said program shall document that all proposed interpretive signage be installed only on the improved trails and disturbed areas. No signage shall be permitted within any sensitive habitat areas or in any wetlands. The program shall provide that prior to installation of the signage, the final location of the proposed signage shall be staked by the applicant and approved in the field by the Executive Director, in consultation with, the U.S. Fish and Wildlife Service and the Department of Fish and Game.

4. Landscaping Plan. Prior to the issuance of the coastal development permit, the applicant shall submit a detailed landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features of the proposed native habitat to be planted in the areas where exotic vegetation will be removed. Drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible. Said plan shall be submitted to, reviewed and approved in writing by the Executive Director.

5. Final Plans for Hydraulic Gates. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final plans for the installation of the hydraulic gates. The final design shall assure that the installation of the headwall shall be constructed at an elevation above +12 feet NGVD to accommodate access for operational and maintenance purposes during periods of flooding. In addition, the plans shall indicate that the gates shall remain open at all times except in the event of flooding.

6. Construction Period. Construction shall occur consistent with final construction plans. Prior to the issuance of the coastal development permit, the applicant shall submit final construction plans to the Executive Director for review and written approval. The plans shall prohibit construction activities within the period of March 1 - May 30 of each year to prevent disturbance to the endangered or threatened bird species (i.e., light-footed clapper rail) which nests at the site.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. Proposed is a project by the City of San Diego to implement various work elements contained in the draft Famosa Slough Enhancement Plan (FSEP or Plan) in order to improve the biological and hydrological quality of Famosa Slough. Famosa Slough is located at the southeast corner of West Point Loma Boulevard and Famosa Boulevard, in the Peninsula community planning area (Point Loma). A narrow channel on the north side of West Point Loma Boulevard which runs north to the San Diego River channel, is also part of the Slough, which is within the Mission Bay Park planning area. Development adjacent to the Slough consists almost entirely of multi-family residential development but also borders with commercial development at its northeastern edge and a public school to the south.

The enhancement plan was sponsored by the City of San Diego and funded by the California Coastal Conservancy with the stated goal being "...to restore and preserve the Slough and Channel as a natural habitat, to provide sanctuary for wildlife, and to educate the public in the appreciation of the plants and animals that comprise a wetland system." Famosa Slough is 20.5 acres in size and adjoins an 11-acre flood channel that provides water to the site via the San Diego River. The applicant indicates the proposed project is needed to improve water quality and protect wetland habitat and wildlife. The scope of work involved and described in the Plan document exceeds that which is

proposed under the subject permit. The City has stated that the various elements of the plan will be funded through grants which will be applied at the time they are offered for a particular plan element. The overall enhancement plan is a balance of alternatives considered and preserves saltwater pond, significantly expands salt marsh habitat into areas of disturbed non-native uplands, emphasizes improving tidal flushing and water quality, and provides a number of trails, scenic overlooks and interpretive features which are designed to avoid impacts to wildlife activity. At the completion of all the elements identified in the Plan, there will be an overall net gain in wetland habitat of 4.05 acres of wetland.

The City is seeking approval, in concept, of the overall intent and goal of the enhancement plan with the understanding that those elements of the plan which do not contain enough specificity at this point in time, will be subject to a separate coastal development permit in the future. While the Commission is not endorsing all of the plan elements, the concept of improving the hydrological and biological quality of the Slough appears consistent with resource policies of the Coastal Act. However, since many elements are long-range, and do not now contain the level of information necessary to assess potential impacts associated with those work proposals, they cannot be permitted herein. For this reason, the City has narrowed the scope of the proposed work for the subject coastal development permit. The elements of the plan which are sufficiently described in the Plan and proposed as part of the subject permit include: 1) exotic plant removal; 2) revegetation with native habitat; 3) installation of trails and signage; 4) installation of fencing; and, 5) replacement of Interstate-8 tidal hydraulic flap gates.

All other work proposed under the Famosa Slough Enhancement Plan would be subject to a separate coastal development permit. For the permit record, the following major elements, in part, will be subject to a future permit and are not herein approved: construction of settling ponds and treatment wetlands; dredging of new channel configuration to enhance tidal flushing and water quality (9 locations); grading and removal of fill from south side of W. Point Loma Boulevard; and, installation of a "splitter" to change directional flow within the Slough.

Famosa Slough is an area of original jurisdiction and the standard of review is, therefore, Chapter 3 of the Coastal Act. The Commission has certified an LUP applicable to Famosa Slough which is referenced as the Peninsula Community Plan. This plan provides guidance to the Commission in its review of development in Famosa Slough. The proposed permit, thus, represents the first of possibly several permits which will be proposed by the City to perform the various elements of the Famosa Slough Enhancement Plan, on an as-needed basis.

2. Environmentally-Sensitive Habitat Areas. Section 30233 of the Act states the following, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less

environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities....

In addition, Section 30240 of the Act states the following:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

In addition, the Peninsula Community Plan contains the following policy:

"Obtain Famosa Slough as a wetland park". The plan further calls for the Slough to be designated for open space, dedicated as a park and restored as a wetland habitat. This goal has been halfway met in that the City has purchased the Slough; now it is proposed to be restored and enhanced, pursuant to the policies and goals of the LUP.

According to the Negative Declaration approved for the FSEP, the study area includes both the Famosa Slough (south of West Point Loma Boulevard) and the Famosa Channel (north of West Point Loma Boulevard). Information in the Negative Declaration states that while many sensitive bird species have been documented to forage and loaf at the Slough, there is no evidence that any of the avian species breed or nest at the wetland. However, since the time of the writing of the Negative Declaration, it has been documented that the endangered light-footed clapper rail nests at the Slough. For this reason, the project has been designed to avoid construction during the nesting season of this sensitive bird species between March 1 to May 31 of any year. In addition, other bird species which have been seen at the Slough include the western snowy plover (uncommon resident), California least tern (foraging), Black Skimmer (common visitor), Belding's savannah sparrow (uncommon visitor), Caspian Tern (common visitor), elegant tern (common visitor), and Foster's tern (common visitor).

With regard to sensitive biological habitat, the FSEP study area supports several habitat types: salt pond/open water (10.14 ac.), intertidal mudflat (2.54 ac.), salt marsh (2.48 ac.), coastal salt panne (2.48 ac.), coastal brackish marsh (2.2 ac.), coastal freshwater marsh (1.86 ac.), and southern willow scrub (0.69 ac.). In addition, disturbed fields consist of 6.39 ac. and urban disturbed/exotic planting consists of 4.91 ac. The City has indicated that there will be no direct impacts to any of the existing wetlands as a result of the proposed fencing, signage, exotic plant removal, and native vegetation plantings.

Specifically, Section 30233 of the Act permits the diking, filling or dredging of wetlands only when there is no feasible less environmentally damaging alternative, when mitigation has been provided, and only for certain types of development. Those types of development include restoration purposes and nature study. The enhancement plan is intended to restore and improve the quality of the Slough and to improve nature study and interpretive facilities to educate the public about the unique ecosystem associated with the subject isolated wetland.

As originally proposed, there would have been some impacts to salt panne (along Famosa Boulevard, in two areas, for an observation overlook and access road to a utility line). In addition, although there would be no impacts to wetlands associated with the hydraulic structures (I-8 tidal flap gates), the improved tidal exchange will result in changes to the composition of wetlands in the Slough. Both of these points will be addressed further in the appropriate subheadings below.

a) Fencing - The City proposes to install a variety of fencing at the Slough which will go around the entire perimeter of the Slough and adjacent

to some areas of the proposed trail system. At the northern end of the Slough the fence will be located adjacent to the roadbed of West Point Loma Boulevard. For the remainder of the Slough, the fencing will be located behind proposed pedestrian trails and adjacent to the surrounding residential and commercial development. Along the east side of Famosa Boulevard closest to West Point Loma Boulevard, which is generally regarded to be the entrance into the Slough, there is no fencing proposed at all. The interpretive pedestrian trails are proposed to commence at this location and will go in both a south and east direction around the Slough. Chain link fencing is also proposed around the perimeter of the Channel on its east side.

According to the Plan, in specific areas that are highly visible to the public, such as along West Point Loma Boulevard at the northern edge of the Slough, a low four to six-foot high fence will be installed composed of wood poles or posts and rails with black vinyl-coated chain link fencing. In most cases, the Commission prefers an open-type of fence (as opposed to chain link fencing) as a preferred means of fencing because it maximizes public views and is more aesthetically pleasing. This is especially so in scenic areas or at public viewpoints. The City considered an alternative design composed of welded wire mesh, however, the City prefers chain link fencing over solid walls due to cost, aesthetics and greater success in restricting feral animals and people from entering the sensitive habitat areas. Therefore, in this particular situation, the Commission finds that the proposed fence consisting of wood poles with black vinyl coated chain link can be permitted in lieu of a post with rope or wire mesh or rail fence because it will serve as a better barrier to prevent unauthorized access into the sensitive habitat areas. In addition, such fencing will also prevent domestic pets and feral animals from entering the Slough which prey on the sensitive bird species that nest and forage there. As described in the Plan, the fencing will be secured by a metal stake and hook to prevent the burrowing of both domestic and feral animals.

However, because the section of fencing near West Point Loma Boulevard is highly visible from the public roadway, the Commission finds the maximum height permitted shall be four feet, as opposed to six feet, in order to protect public views toward the Slough. Furthermore, the primary access/entry way into the Slough on the east side of Famosa Boulevard, south of West Point Lomas Boulevard will remain open in nature without fencing, thus, preserving public views. In those remaining areas of the Slough where fencing will be installed, which are not as visible from public views, or in areas of "low visibility" as the City notes, generally, a standard 6-foot high galvanized chain link fence with metal supports and poles will be permitted. In all cases, such fencing will be located behind proposed pedestrian trails and will thus preserve the visual quality of the area. No impacts to existing sensitive vegetation will occur as a result of the proposed fence installation.

Fencing will also be installed adjacent to the proposed pathways to further control pedestrian access consisting of a chain and post fence. The average height of the proposed fence would not exceed a maximum of three

feet in height. The post would consist of a 4-inch diameter with a small hole for a black galvanized security chain. Although the FSEP describes in detail the sizes and composition of the proposed fencing, it does not include specific information as to where which types of fences will be installed. As such, the project has been conditioned (Special Condition No. 1) for final fence plans which document that no fencing will be installed in sensitive areas or result in adverse impacts to wetlands. In addition, the condition further requires that the fence plan be revised to indicate that the proposed wood post fence with black vinyl-coated chain link along West Point Loma Boulevard shall not exceed a height of four feet and that all chain link fencing be black vinyl-coated to reduce visibility.

b) Trails and Interpretive Signage - The City's proposed trail system addresses access for recreation, maintenance, and access for persons with disabilities. All public trails are proposed to be located adjacent to West Point Loma Boulevard, Famosa Boulevard, and along the west side of the Slough. Restricted access trails (i.e., trails for maintenance purposes) are located on the east side of the Slough. In addition, to accommodate disabled individuals, a certain percentage of the trails will be capable of supporting wheelchairs. Most trails are proposed to be four to six feet wide. Trails to accommodate the disabled would be constructed of either concrete or wood planks. Where limited trail use will be expected and where handicapped-accessible improvements are not proposed, a soft surface trail consisting of decomposed granite will be used. The trail will consist of compacted soil or decomposed granite. The width would be no greater than four feet with the exception of trails shared with maintenance vehicle access along the east side of the Channel.

In addition, access will be required to all areas of Famosa Slough by security personnel, maintenance workers, and vector control officers. The restricted access trails noted above, on the east side of the Slough, would also be used by special permission for limited field trips, monitoring requirements, and special research based educational uses. The restricted access trails would be based on existing trails only and would be a minimum of two feet wide and a maximum of three feet wide.

While the trail will be continuous along the western perimeter of the Slough, the Plan depicts two "turnouts". The first leads to a proposed bridge above middle saltmarsh to a proposed observation overlook. The second turnout is for access to an existing San Diego Gas and Electric utility power line. However, these areas are clearly shown on the plan as containing salt panne habitat. The City has indicated that the direct impacts to salt panne as a result of the construction of the two turnouts would be approx. .18 acres. Since the impacts are avoidable and the City has not demonstrated that these impacts satisfy the requirements of Coastal Act Section 30233, the City has revised the project description to exclude construction of the pedestrian trail in two areas which would impact salt panne habitat. In so doing, the two areas have been excluded from the subject proposal. Special Condition No. 2 has been attached which requires final plans to this effect. As such, no impacts to wetlands will result

from approval of the proposed trails.

With regard to signage, the Famosa Slough Enhancement Plan calls for the installation of two new entry signs, one near a future treatment pond (which is not a part of this permit) and one at a secondary entry point at Temecula Street. In addition, installation of additional kiosks of a design similar to the existing kiosks at the Slough is also proposed. These facilities will be installed in areas of high public use, where the kiosk will not block public views, and where larger maps or graphics are needed. Also proposed are freestanding interpretive signs. The freestanding signs would consist of a plaque approx. 20" X 30" angled at thirty degrees on a post rail approx. three to four feet high. Other signage includes rail mounted interpretive signs, and fence mounted interpretive signs. A de minimis waiver (CDP #6-95-154/W #1441) by a member of the Boy Scouts of America (and City of San Diego) was recently granted by the Commission in December 1995 for installation of 22 species indicator and regulatory signs, in conformance with the FSEP, along the pedestrian trails. That work has already been completed.

It should also be noted that the proposed sign program includes both interpretive and regulatory signage. A spokesperson for the Friends of Famosa Slough has indicated that the installation of signage which warns the public to stay away from the sensitive areas to protect wetland habitat and sensitive bird species is a critical component of the subject project. The City has acknowledged that such signage is a part of the proposed interpretive signage and will contain information about the sensitive nature of the surrounding area.

Since the Plan document describes the proposed signage in detail, but does not indicate the proposed locations of the signs, the project has been conditioned for submittal of a comprehensive sign program. The program shall document that all proposed interpretive signage will be restricted to the existing and proposed trails and disturbed areas and shall not result in the disturbance of any wetland areas or public view blockage. The City shall stake the location of the signage prior to its installation which will be field checked by the Executive Director, in consultation with, the U.S. Fish and Wildlife Service and the Department of Fish and Game.

c) Removal of Exotic Vegetation/Revegetation with Native Habitat - The City proposes to remove exotic plants from the Slough primarily consisting of: Field Mustard, Hottentot-fig, Castor Bean, Giant Cane, Pampas Grass, Bermuda Grass and Dallis Grass. Also proposed is removal of several exotic trees such as Pepper trees, Fan Palms, Naigo and Wattles. Approximately 4.42 acres of exotic/invasive ornamental vegetation will be removed and replanted with native vegetation. In addition, approx. 6.39 acres of disturbed fields will also be planted with native vegetation. Removal of as much of the root of the exotic vegetation as is possible will be crucial to reducing the need for future eradication work. Monitoring is proposed to continually assure that exotic plants do not regrow on site. Methods proposed for removal of the aforementioned plants include saws, pruning shears, hand-clearing and mowing. The use of herbicides will be avoided

due to the possibility of contaminants or toxins entering the adjacent tidal system. The Plan contains detailed information with regard to the types of exotic plants to be removed as well as the proposed eradication methods, etc.

The planting of upland restoration sites involves both seeding and use of container stock. However, desirable marsh species are usually difficult to obtain. Therefore, it is expected that any marsh plant materials which are used in the restoration efforts will require contract propagation. As noted in the Plan, there is limited information with regard to the long-term adverse effects of mixing populations of plant species. For this reason, it is desirable to restrict the introduction of plant materials from distant populations. At Famosa Slough, searches for native vegetation to plant in the Slough will be focused on the following areas in order of preference: Mission Bay, watersheds feeding Mission Bay and Famosa Slough such as Rose Creek, Tecolote Creek and the San Diego River, and 3) the closest wetlands to Mission Bay. The Plan contains a detailed listing of the proposed planter materials for restoration, enhancement and buffering purposes.

Although the FSEP contains detailed information on plant species proposed to be planted where exotic vegetation is removed, sizes of the proposed species, and general location (zones) where the vegetation is proposed to be planted, it does not include information as to the quantities and final locations of the proposed plantings. For this reason, Special Condition No. 4 has been attached which requires submittal of final landscaping/revegetation plans which includes the quantities and final location of all plant materials.

d) Hydraulic Tidal Gate Replacement - The City also proposes to replace the Interstate-8 (I-8) hydraulic flap gates which would involve the removal of existing flap gates, installation of new manually-operated gates, modification of the existing concrete headwall to accommodate the new gates and access improvements for operation and maintenance purposes. New gates are necessary because the existing gates are old and no longer function. They presently remain in a stuck position and are only partly opened. Because the construction method for replacement of the tidal gates would result in the placement of mechanized equipment within 20 feet of coastal waters, the proposed gate replacement is not a repair and maintenance activity that does not require a coastal development permit.

According to the Plan document, the presently partially-opened gates allow circulation of water from the San Diego River into the wetlands of Famosa Slough. However, the gates do not allow for optimal water circulation and they presently are a safety hazard to the wetlands. The partial opening restricts the volume of tidal exchange and the gates cannot be closed in the event of high water in the San Diego River. Optimal exchange has not occurred for at least 60 years, according to the Plan document. The most critical factors have been human modifications such as damming and channelization of the San Diego River, and the restriction of tidal flows into the Famosa system by the construction of dikes. According to the Plan

history, channelization of the San Diego River from Presidio Park westward in the 1950's and dredging of False Bay that created Mission Bay resulted in massive losses of wetland habitats. The channelization also involved the installation of tidal flood gates to control flooding of the Famosa Slough area circa 1949. Between 1949 and 1950, 15 acres of coastal marshland and mud flats were filled and dredged. Changes in the hydrology of the Slough and its channel are documented in aerial photographs dating back to 1968. Construction of Interstate-8 westward into Ocean Beach resulted in additional wetlands being filled in 1968-69.

The City proposes to replace the gates with a system which will permit maximum opening most of the time to allow sufficient flow in and out of the Slough from the San Diego River during most periods. The design also allows for complete closure when high water in the river represents a flood hazard which would allow Slough drainage, but block inflow to prevent flooding of developed areas adjacent to the Slough. On a related point, the findings of the Negative Declaration addressed potential flood hazards. It was concluded, based on a hydrologic study, that even during a 100-year rainstorm, the water surface elevation of the Slough would be well below the lowest residential housing in the surrounding area (approx. 10.7 MLLW and 12.8 ft. MLLW, respectively). As such, the water level does not pose a flood hazard to surrounding properties. Nevertheless, flooding of the Slough has the potential to damage existing habitat. For this reason, it is important that the gates are functioning and can be closed in the event of flooding/storm conditions.

Manual side flap gates at the existing gate concrete headwall are proposed. The existing headwall modifications include raising the wall by approx. three to five vertical feet, providing an access catwalk, with fence and access gate. The water gates would be opened or closed using a manual crank on a stem riser which would project about three feet above the access walk. This would permit access to the gates as long as water levels remain below 12 feet. The Plan stipulates that the access gates could be raised even higher, if found necessary. One potential concern identified is that in the event flood levels in the river exceed the level of the proposed access walk and crank, the only way the gate could be opened would be by boat. For this reason, the Plan specifies that the operation/management system must ensure that this does not occur. As such, Special Condition No. 5 has been attached which requires submittal of final plans for the installation of the tidal gates which assures that they are constructed at an elevation above +12 ft. NGVD to accommodate access for operational and maintenance purposes during period of flooding. Furthermore, the plans shall specify that the gates shall remain open throughout the year except when flooding occurs.

As a result of the proposed improvements to the Slough, there will be a general increase in salt marsh habitat with a decrease in brackish and freshwater marsh. The purpose of the enhancement plan for the Slough is to restore the hydrological quality and improve the biological habitat associated with the wetlands. As a result of the enhancement plan there will be a significant expansion of salt marsh habitat into areas of

disturbed non-native uplands. This will primarily occur from the installation of the proposed hydraulic gates which will improve and increase tidal exchange. This change in habitat type has been endorsed by the U.S. Fish and Wildlife Service and the California Department of Fish and Game as an improvement in the overall quality of habitat within the Slough. In addition the proposed impacts to freshwater marsh and brackish marsh are allowable under Section 30233 (a)(7) because the sole purpose for these impacts is restoration and overall enhancement of the habitat quality within the Slough. In addition, these improvements also propose use for nature study, consistent with Section 30233(a)(8).

As noted earlier in this report, the City has indicated the installation of the new hydraulic gates will result in indirect wetland impacts consisting conversion of 1.27 acres of brackish marsh and 1.35 acres of freshwater marsh as a result of greater tidal fluctuation. No direct impacts are anticipated to occur from construction or installation of the gates themselves since the area where the proposed work to the headwall is located contains either exotic vegetation or no vegetation at all. So although there will be a decrease in brackish and freshwater marsh, there will be an increase in salt marsh. The total amount of wetland habitat will not decrease as a result of the proposed project. The project also will not result in any removal of existing salt marsh. The City has also stated that it is possible that installation of the new hydraulic gates will provide sufficient tidal exchange for the Slough such that the proposed dredging identified in the FSEP, may never need to be performed.

Therefore, in summary, since there will be no net decrease or reduction in habitat amount and the project represents only a change in the tidal regime which will occur over time (areas that are currently brackish and freshwater marsh will become salt water marsh), the proposed project can be found consistent with Sections 30233 and 30240 of the Act.

3. Visual Impacts. Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. The project site, consisting of an isolated wetland, is surrounded mostly by residential development. While some adverse visual impacts may occur during construction, the development will not have any permanent adverse impacts on the scenic resources of the Slough or the nearby residential communities. The project is intended to improve the resource and habitat quality of the wetland and therefore will improve the visual quality of this natural resource. Fencing will be designed in a manner to preserve views to the Slough. As noted earlier in the report, the project has been conditioned such that the proposed fencing along West Point Loma Boulevard will be restricted to a maximum height of four feet in order to preserve public views from the adjacent roadway toward the Slough. In addition, the major entryway into the Slough, south of West Point Loma Boulevard and on the east side of Famosa Boulevard, will not contain any fencing at all, thus preserving and maintaining public views of the wetland. The project has been further conditioned to assure that any interpretive signage that is installed adjacent to the paths or on the fences, will not result in any public view blockage.

Construction impacts, while unavoidable, will be low in magnitude since the improvements themselves, consisting of fence installation and trail and signage improvements, will not likely generate the need for much heavy construction equipment, with the exception of the tidal gate replacement. Any construction-related impacts should be fairly short term. Therefore, the Commission finds the proposal, as conditioned, consistent with Section 30251 of the Act in that it will not have significant or permanent adverse impacts on existing public views or the surrounding areas.

4. Public Access. With respect to public access, and the purpose of the project is to improve and enhance pedestrian access in the area via the improvement of nature trails and installation of interpretive signage. A portion of the access trails will also be designed to accommodate disabled persons. The proposed signage will enable public access to this unique ecosystem while still protecting those areas which are sensitive and contain wetland habitat and wildlife species by warning the public which areas are off-limits. As such, the proposed development can be found consistent with the public access and recreation policies of the Coastal Act.

5. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. Such a finding can be made for the subject proposal, as conditioned.

The physical construction proposed will occur within the Peninsula segment of the City of San Diego's LCP, at an isolated wetland, south of the San Diego River channel. The work proposed is within the Coastal Commission's area of original jurisdiction. The proposed improvements, as conditioned, are fully consistent with the open space and public park land use designations and policies of the Peninsula Community Plan. As conditioned, the project can be found consistent with all applicable Chapter 3 policies of the Coastal Act, and will provide public benefits in the form of improved quality of wetland resources and public access to those resources. In so doing, the overall amenities of Famosa Slough will be enhanced. Therefore, the Commission finds that the approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to implement its certified land use plan for the Peninsula segment.

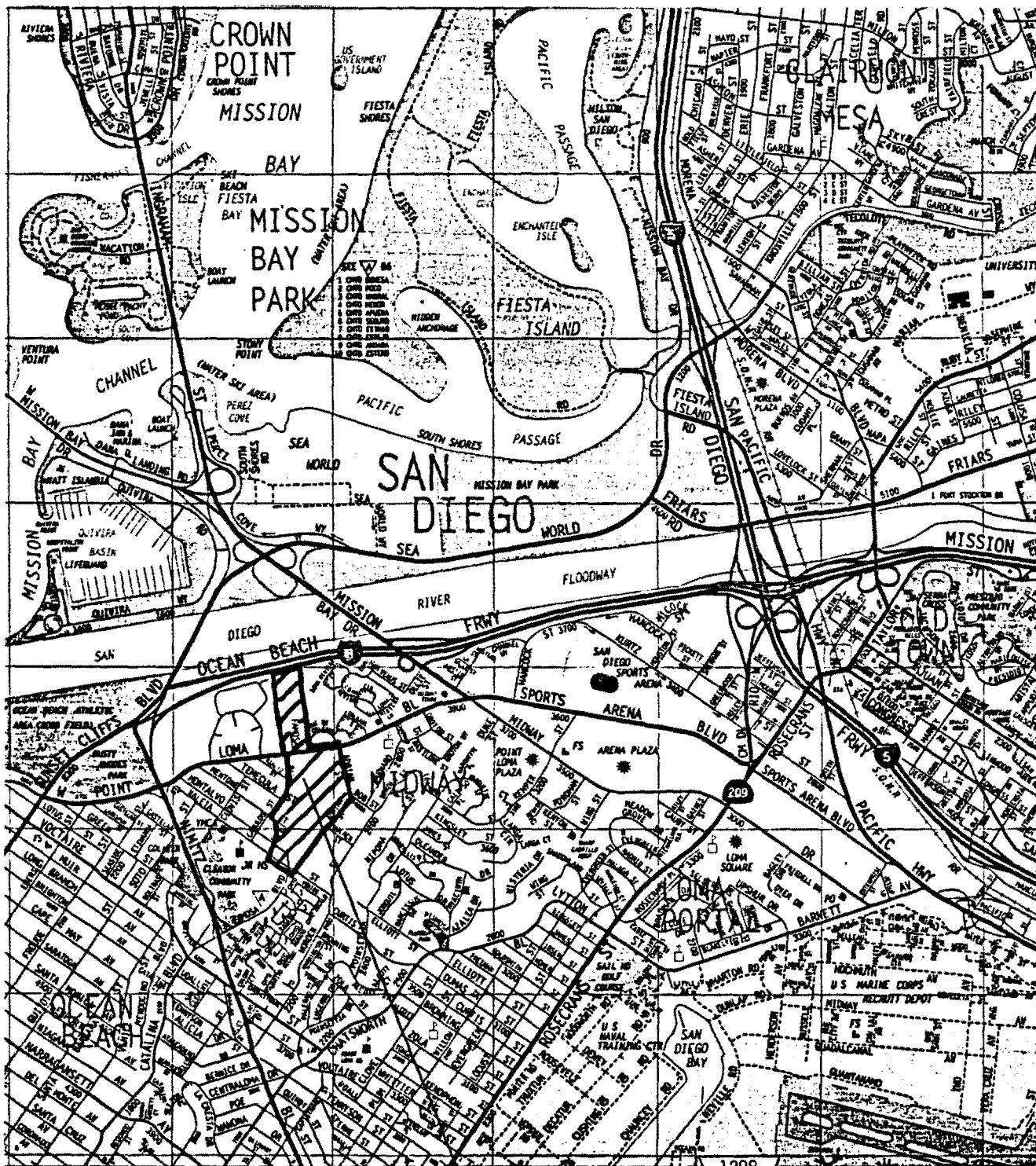
6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the public access policies of the Coastal Act. Mitigation measures, including conditions addressing planting of native habitat vegetation, location of interpretive signage, final alignment of pedestrian trails, design of hydraulic gates, and timing of construction to avoid the nesting season of sensitive bird species will minimize all adverse environmental impacts associated with the wetlands and hydrology of Famosa Slough. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

(5128R)



SITE

EXHIBIT NO. 1

APPLICATION NO.
6-95-128

Location Map

California Coastal Commission

Figure 6.2-1

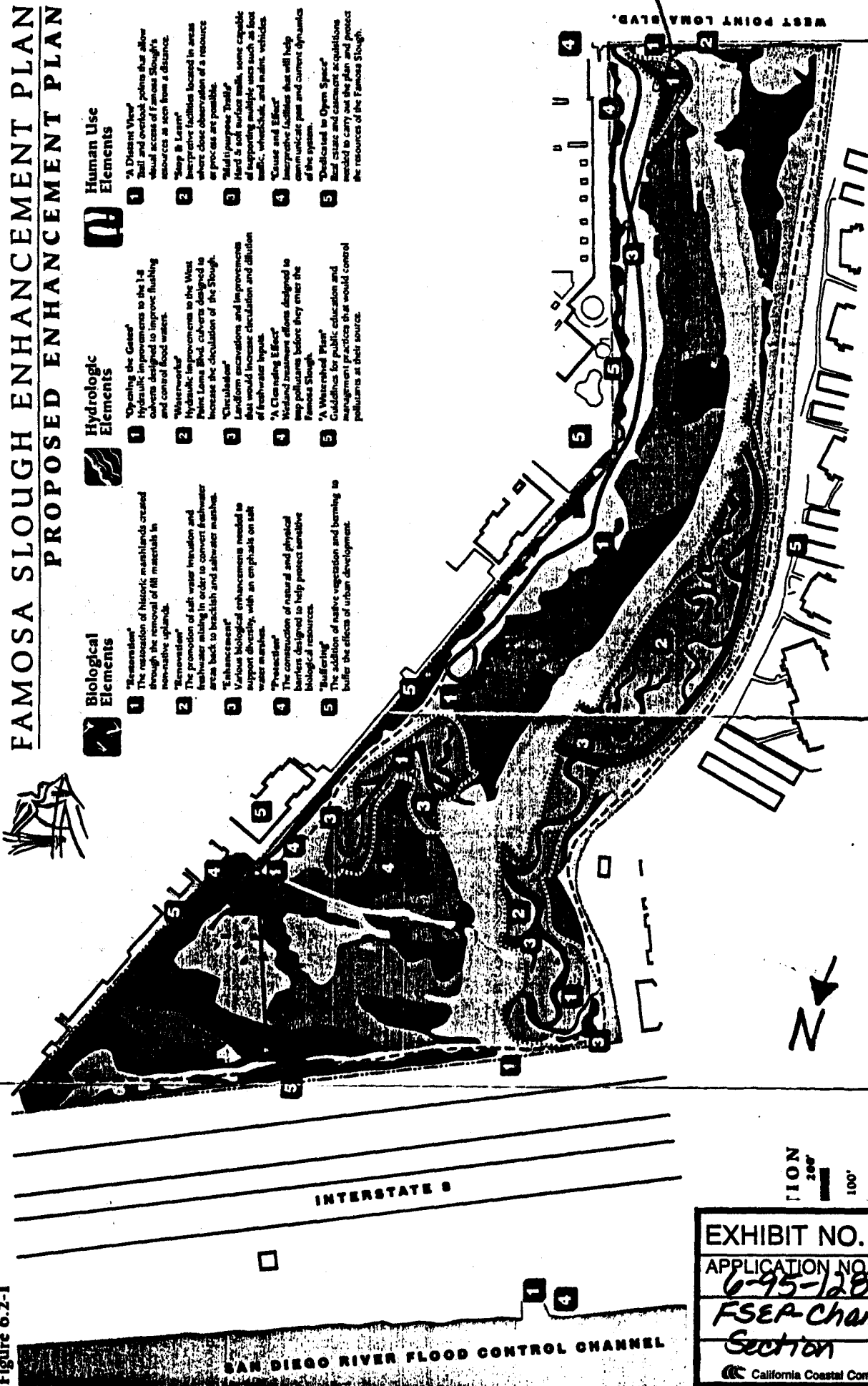
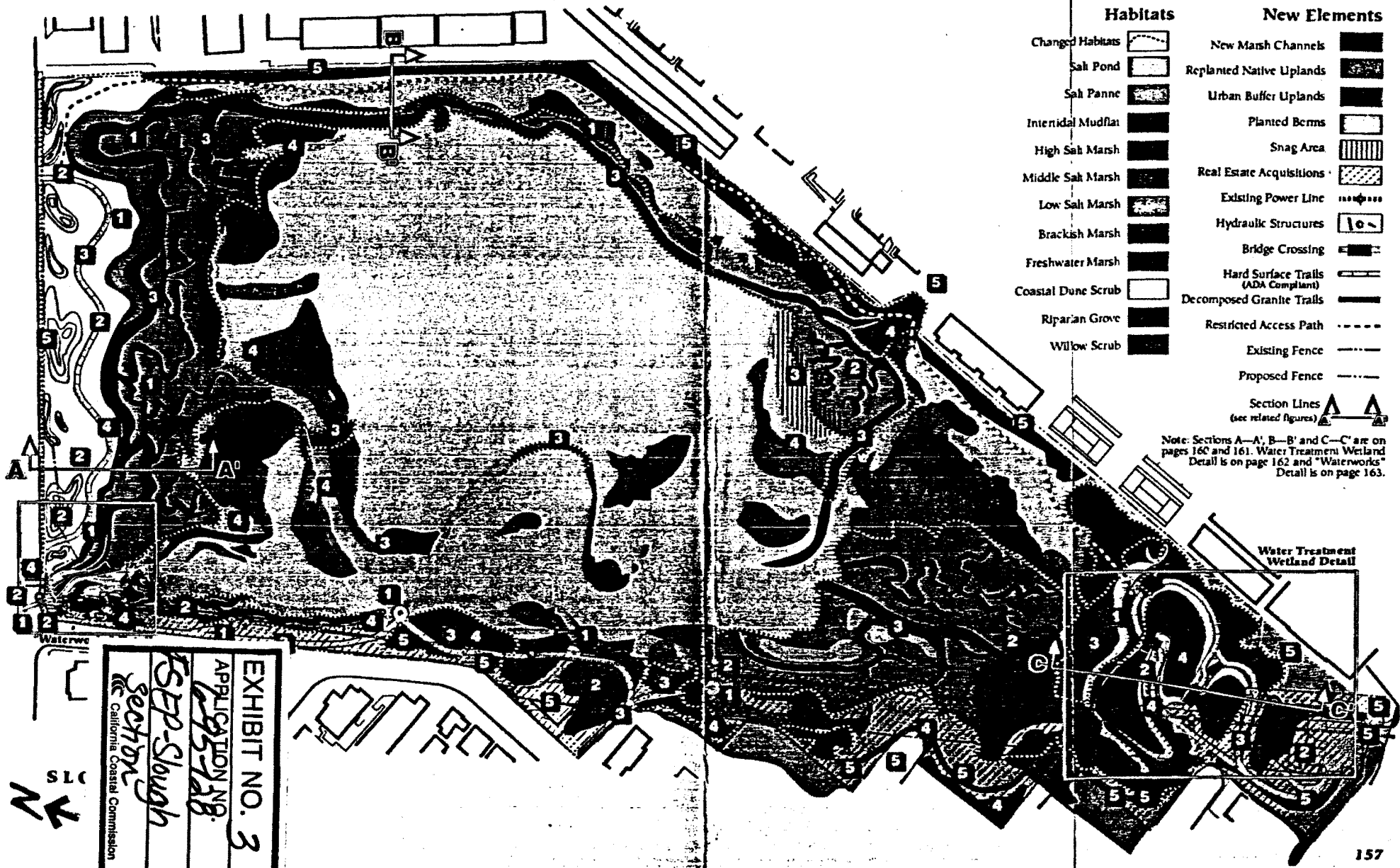
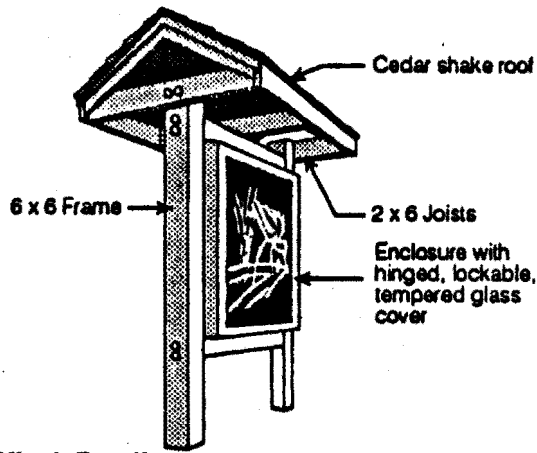
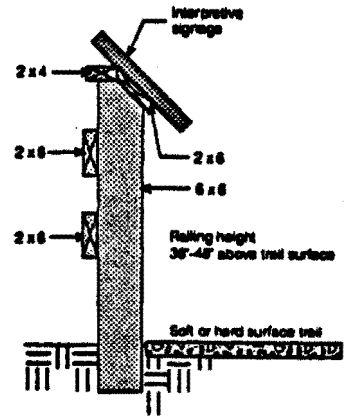


EXHIBIT NO. 2
APPLICATION NO. 6-95-128
FSEF-Channel
Section
California Coastal Commission

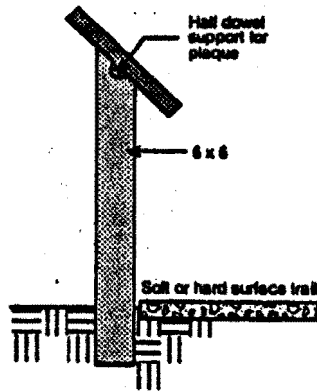




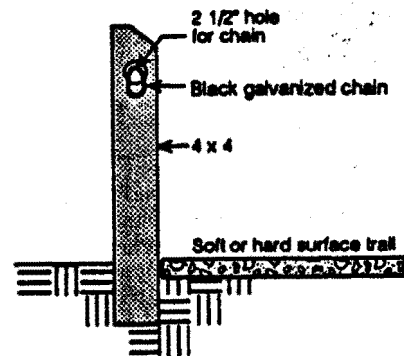
Kiosk Detail



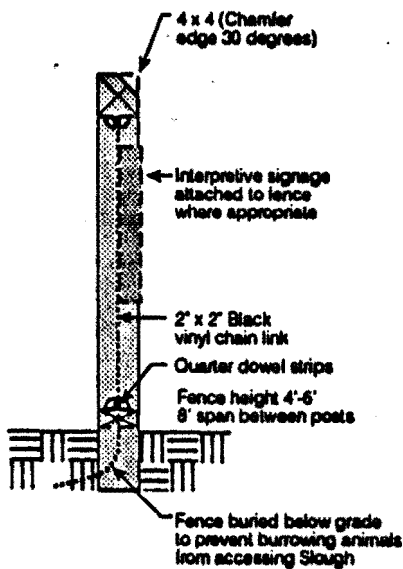
Containment Fence with Interpretive Signage



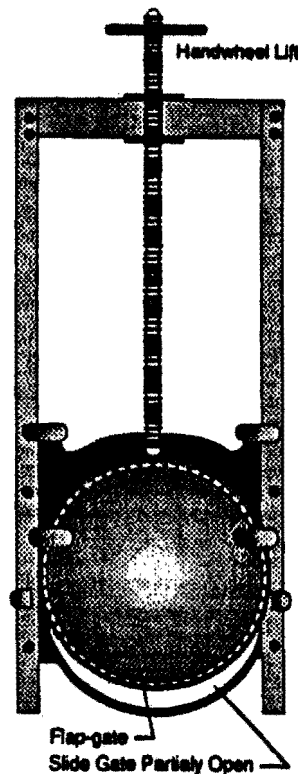
Freestanding Interpretive Sign



Pathway Control

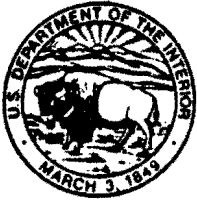


Special Treatment Fence



Sliding Flap-gate Detail

EXHIBIT NO. 4
APPLICATION NO. 10-95-128
Preliminary Sign/Fence/Gate Plan
California Coastal Commission



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Field Office
2730 Loker Avenue West
Carlsbad, California 92008

RECEIVED
JAN 17 1996

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

January 11, 1996

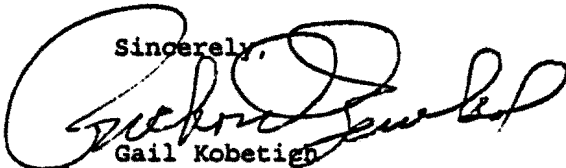
Lorinda Owens
California Coastal Commission
San Diego Coast Area
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108-1725

Re: Famosa Slough Enhancement Plan (6-95-128), San Diego County,
California


Dear Ms. Owens:

The U.S. Fish and Wildlife Service (Service) has reviewed the Famosa Slough Enhancement Plan prepared for the City of San Diego (City) and the State Coastal Conservancy (Conservancy). The Service supports the plan and its overall objectives and is committed to working closely with the City and the Conservancy to implement this plan in a manner that will benefit wildlife resources. If you have any question regarding this letter, please contact Susan Wynn of my staff at (619) 431-9440.

Sincerely,


Gail Kobetich
for Field Supervisor

cc: Robin Stribley, City of San Diego

EXHIBIT NO. 5
APPLICATION NO. 6-95-128
Letter of support from USEFWS
 California Coastal Commission