

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-128

Applicant: Cuyamaca Meats

Agent: Jon F. McKinley

Description: Demolition of an existing 16,000 sq.ft. meat processing plant, removal of all improvements, and construction of a silt fence on the south side of a 2.27 acre lot. The development has already occurred without a coastal development permit.

Lot Area	2.27 acres
Unimproved Area	2.27 sq. ft. (100%)
Zoning	Tourist Commercial Planned Development
Plan Designation	Tourist Commercial Planned Development

Site: 2510 Cleveland Avenue, National City, San Diego County.
APN 559-160-11

Substantive File Documents: National City Certified Local Coastal Program; Brian Collins, USFWS, pers. comm. 11/13/98; U.S. EPA *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters*, 1993.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed demolition with special conditions requiring the applicant to submit and implement an erosion control plan including monitoring and maintenance of the silt fence on the site, placement of jute mat over the graded pad, and placement of sand bags along the silt fence, to ensure that runoff from the site does not adversely impact the adjacent Paradise Marsh.

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. Grading and Erosion Control Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a final grading and erosion control plan that provides for the following:

A. All areas graded and/or left exposed on the site shall be stabilized within 15 days after issuance of the permit with temporary erosion control measures such as jute matting or filter cloth. Sandbags shall be placed across the length of the silt fence to minimize soil loss from the construction site. The use of additional temporary erosion control measures, such as berms, interceptor ditches, filtered inlets, debris basins, and silt traps shall be utilized where feasible.

B. The silt fence shall be inspected on a monthly basis during the rainy season (October 1 to April 1) of each year and after each rain event to ensure the fence is standing and is in good condition, and any necessary maintenance measures to restore the fence to working order shall occur at least monthly during the rainy season. However, in all cases, if after inspection, it is apparent that repair and maintenance is necessary, the permittee shall contact the Commission office to determine whether permits are necessary.

The permittee shall undertake development and monitoring in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the plan shall occur without a Coastal Commission

approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Condition Compliance. WITHIN THIRTY (30) DAYS OF COMMISSION ACTION OF THIS COASTAL DEVELOPMENT PERMIT APPLICATION, or within such additional time as the Executive Director may grant for good cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicants are required to satisfy prior to issuance of this permit. 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.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed project involves demolition of an existing 16,000 sq.ft. meat processing plant, removal of all associated improvements, and construction of a silt fence. The 2.27 acre lot is located at the southern terminus of Cleveland Avenue, approximately 300 west of the Interstate 5 right-of-way, and immediately north of and adjacent to the Paradise Marsh Wildlife Refuge in the City of National City. The demolition and placement of the silt fence has already occurred without the benefit of a coastal development permit in apparent violation of the Coastal Act. All structures and improvements have been removed from the site and the lot currently consists of a bare, graded dirt pad.

The proposed project is located in the Harbor District Specific Area Plan which was adopted by the City of National City on July 28, 1998 and as amended on October 28, 1998 and effectively certified by the Commission on November 5, 1998 (after the subject permit application had been submitted to the Commission). Because the National City LCP has been fully certified, the Local Coastal Program is the standard of review for the proposed project.

2. No Waiver of Violation. Although development has taken place without the benefit of a coastal development permit, consideration of the application by the Commission has been based solely upon the certified Local Coastal Program. Approval of the permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

3. Environmentally Sensitive Habitat/Water Quality. The proposed project site is located immediately upland of the Paradise Marsh National Wildlife Refuge. Paradise Marsh is an approximately 29 acre marsh separated from the Sweetwater Marsh by the D Street Fill. Although the marsh has been heavily impacted by human activity, the Sweetwater-Paradise Marsh complex is the highest quality marsh remaining in San Diego Bay. The wetland habitat supports a very high diversity of bird species including a

number of sensitive species including the Belding's Savannah Sparrow and potentially the Light-footed Clapper Rail. The wetlands also are an important stopover point for migratory species along the Pacific Flyway.

The certified LCP contains many policies designed to protect valuable and sensitive biological resources including the wetlands within and adjacent to Paradise Marsh. Marsh Preservation Policy #2 limits permitted uses in wetlands and requires buffers between wetlands and new development. Marsh Preservation Policy #4 requires new development to be channeled into a settling area before entering the marsh and requires the size, design and placement of sedimentation control devices to be developed in consultation with the State Department of Fish and Game. Marsh Preservation Policy #7 requires that erosion control measures be incorporated into development and monitored and maintained.

In addition, provisions in the Harbor District Specific Area Plan relating to the protection of Paradise Marsh include Policy 3.3.2, which prohibits encroachment into wetlands, Policy 3.3.3.1 which requires that new development observe a 100-foot setback from wetlands, and Policies 3.3.3.4 through 3.3.3.11 which contain standards regarding the collection of litter, visual screening, noise reduction, domestic animal control, and erosion, sedimentation, and pollutant discharge controls designed to reduce or eliminate impacts to wetlands. The policies require that grading and erosion control plans be developed in consultation with the U.S. Fish and Wildlife Service (USFWS).

Poorly designed construction sites can negatively impact coastal waters through increased erosion and sedimentation. The U.S. Environmental Protection Agency has identified a series of Best Management Practices (BMPs) to manage runoff from development and prevent pollution from entering coastal waters. Some of these measures include:

- Minimizing the area of bare soil exposed at one time (phased grading)
- Stabilizing cut-and-fill slopes caused by construction
- Mulching and seeding exposed areas
- Sediment basins and traps
- Filter fabric, or silt fences
- Scheduling projects so the clearing and grading are conducted during the time of minimum erosion potential

The proposed development involves demolition of an existing building with no new construction proposed. Thus, the site will remain undeveloped for the near future. Consistent with the Environmental Protection Agency's BMPs and the policies of the certified LCP, a silt fence is proposed along the southern side of the property to prevent siltation or contaminated runoff from entering the marsh. However, staff at the U.S. Fish and Wildlife Service, which owns and operates Paradise Marsh, has indicated that the silt fence alone is not sufficient to substantially reduce the amount of sedimentation from runoff from the site from entering the lagoon. In addition, silt fences and other runoff control measures are only effective if they are regularly maintained and their effectiveness monitored. Therefore, based on recommendations from the USFWS,

Special Condition #1 requires the applicant to place sandbags along the length of the silt fence, to place jute matting or other type of filter cloth over all of the graded and exposed areas of the site to reduce the amount of fine sedimentation entering the lagoon. The condition also requires submittal of a maintenance program providing for the regular maintenance and upkeep of the silt fence. Because the development has already occurred and the rainy season has begun, the condition requires that the applicant submit and implement the plan within 30 days of Commission action.

Future development on the site will be required to comply with all of the detailed policies and standards of the certified LCP regarding the protection of wetlands and sensitive habitat areas. Therefore, as conditioned, the proposed project can be found consistent with the resource protection policies of the certified LCP.

4. 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. In this case, such a finding can be made.

As noted above, the proposed project is located in the Harbor District Specific Area Plan, which was effectively certified by the Commission on November 5, 1998. Future coastal development permits in the Harbor District Area will be processed by the City. Because the National City LCP has been fully certified, the Local Coastal Program is the standard of review for the proposed project.

The subject site is within the Subarea II—Marsh, Bayfront designation in the certified LCP, and is designated Tourist Commercial Planned Development in the Harbor District Specific Plan. Demolition of the existing industrial use will allow redevelopment of the site with tourist commercial uses consistent with the certified plan. As discussed above, maintenance of the silt fence will ensure that erosion from the site will not adversely impact the adjacent marsh, consistent with the resource protection policies of the LCP. Therefore, approval of the project will not adversely impact the ability of the City of National City to implement its certified Local Coastal Program.

5. 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)(A) 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 effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the resource protection policies and ordinances of the certified LCP. Mitigation measures, including conditions addressing the maintenance of the silt fence and additional erosion

control measures, will minimize all adverse environmental impacts. 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 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. 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.

This is a detailed black and white map of San Diego, California. The map shows the city's layout, including major roads, landmarks, and the city's grid system. Key features include:


- San Diego River:** Flows through the city, with the San Diego Bay to the north.
- San Diego International Airport:** Located in the northwest, near the city of Chula Vista.
- San Diego Civic Center:** Located in the center of the city, near the San Diego Convention Center.
- San Diego State University:** Located in the southeast, near the city of Chula Vista.
- City Grid:** Streets are numbered from 1st to 34th, with major roads like Broadway and San Diego Avenue.
- Landmarks:** Gunpowder Point, Chula Vista Nature Interpretive Center, and the San Diego Zoo.
- Transportation:** The San Diego Trolley system is shown, with stations like San Diego Station and Chula Vista Station.

The map is oriented with North at the top. The city of San Diego is shown in the center, with Chula Vista to the south and the city of Chula Vista to the west. The map is a detailed representation of the city's layout, showing the city's grid system, major roads, and landmarks.

BLK 232
 TCT A
 TCT B
 PORT TCT B
 GROUNDS
 TERMINAL
 HARRISON AVE
 CLEVELAND AVE
 HAFFLEY AVE
 24TH ST
 160
 150
 140
 130
 120
 110
 100
 90
 80
 70
 60
 50
 40
 30
 20
 10
 0

Subject

INTERSTATE 5
 XI SD 2

EXHIBIT NO. 1
APPLICATION NO. 6-98-128
Location Map
 California Coastal Commission

 California Coastal Commission

SCALE 1" = 100'

INTERSTATE 5

CLEVELAND AVE

24TH STREET

HARRISON

SUBJECT SITE

PARADISE MARSH

BOX CUL
UNDER

EXHIBIT NO. 2

APPLICATION NO.

6-98-128

Site Area Plan

California Coastal Commission