

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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 SAN DIEGO, CA 92108-1725  
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Filed: March 31, 1999  
 49th Day: May 19, 1999  
 180th Day: September 27, 1999  
 Staff: DL-SD  
 Staff Report: April 22, 1999  
 Hearing Date: May 11-14, 1999

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REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Wed 15b

Application No.: 6-99-23

Applicant: County of San Diego Parks & Recreation Dept. Agent: Doug Gibson  
 San Elijo Lagoon Conservancy

Description: Construction of two new viewing decks (Deck 1 = 465 sq.ft., Deck 2 = 400 sq.ft.) on existing public trail around nature center adjacent to San Elijo Lagoon, placement of a 2 ½ to 3-foot high cable/post fence along the sides of the trail, resurfacing existing trail and removal of exotic vegetation.

Parking Spaces	20
Zoning	Open Space
Plan Designation	Open Space

Site: 2710 Manchester Avenue, Encinitas, San Diego County. APN 261-191-03; 261-200-28.

Substantive File Documents: Certified City of Encinitas LCP, San Elijo Lagoon Enhancement Plan; CDP Nos. 6-87-582; 6-90-309; 6-95-107; 6-98-32.

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed trail improvements. The improvements will be located as close as five feet from existing wetland vegetation; however, the decks will provide a place for visitors to gather and view the lagoon resources without intruding into the habitat, (which happens frequently under existing conditions), while the proposed fencing will further discourage human and domestic animal intrusion into the lagoon. Thus, the trail improvements and removal of exotic vegetation will increase public access, recreational and educational opportunities, while improving the quality of the sensitive lagoon resources.

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. Disposal of Graded Spoils. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of the removed gravel. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

2. Staging Areas/Access Corridors. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, detailed plans identifying the location of access corridors to the construction sites and staging areas. Said plans shall include the follow criteria specified via written notes on the plan: Use of environmentally sensitive resource areas or public parking areas for staging/storage areas is prohibited.

The permittee shall undertake development in accordance with the plans. Any proposed changes to the approved plans or the stated criteria 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 unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project is for construction of two new wooden viewing decks (Deck 1 = 465 sq.ft., Deck 2 = 400 sq.ft.) spanning an existing public trail located next to the nature center adjacent to San Elijo Lagoon. The approximately 6-foot wide dirt/gravel trail currently runs south from the nature center towards the lagoon, looping back northeast in a "C" shape. Deck 1 would be located near the beginning of the trail, and the Deck 2 near the end of the trail. The subject site is located on the south side of Manchester Avenue, east of Highway 101, in the Cardiff community of the City of Encinitas. Other facilities located on the site include the nature center, restrooms, and a 20-car parking lot.

Also proposed are enhancements to the existing public trail including removing the existing gravel and placing decomposed granite on the trail. The new surface will be less likely to migrate into the surrounding vegetation and will allow for better handicapped access to the trail. The decomposed granite would be brought in by wheelbarrows and packed down with water filled hand rollers; no mechanical equipment would be used. No increase in the width of the existing trail is proposed. Because a disposal site for the gravel has not yet been identified, Special Condition #1 requires the applicant to identify a disposal site and obtain a coastal development permit if necessary. A 2 ½ to 3-foot high cable/post fence would be installed along each side of the trail. In association with the proposed deck and trail improvements, the applicant is proposing to removal all exotic vegetation from the areas around the viewing decks (approximately 200 sq.ft.) and to remove approximately 2,595 sq.ft. of *Arundo donax* from around the nature center loop.

The decks and fence are intended to create a place for larger groups of visitors to gather without spreading out or wandering off the trail. The trail improvements will also allow greater disabled access to the trail in accordance with ADA requirements.

The existing nature center was previously approved by the Commission in two phases: Phase I was approved under CDP #6-87-582 and included grading of the site, construction of parking facilities, fencing and landscaping. Phase II was approved under CDP #6-90-309 and included the placement of two integrated 12.5 ft. high, approximately 2,292 sq. ft. hexagonal pavilions over a concrete slab to be utilized for interpretive purposes and storage of supplies and materials. In addition, the Commission approved under CDP #6-95-107, the construction of a concrete pad for placement of a recreational vehicle to house an on-site volunteer and the placement of a crushed granite surface over an existing dirt access road leading to the volunteer pad. In May 1998, the Commission approved several improvements to the nature center including construction of restroom facilities (including handicapped access), a 900 sq. ft. storage and maintenance area, several benches for seating and a windscreen (CDP #6-98-32).

The subject site is located within the Commission's area of original jurisdiction. As such, Chapter 3 policies of the Coastal Act are the standard of review, with the certified Encinitas Local Coastal Program used as guidance.

2. Sensitive Habitat/Public Recreation/Access. Section 30231 of the Coastal Act states, in part:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored ...

In addition, Section 30240 (b) of the Coastal Act states:

(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 such areas, and shall be compatible with the continuance of such habitat areas.

Section 30211 of the Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Finally, Section 30604(c) of the Coastal Act requires that a specific access finding be made in conjunction with any development located between the first public roadway and the sea, indicating that the development is in conformity with the public access and public recreation policies of Chapter 3. In this case, such a finding can be made.

The subject site is located at the northwest portion of San Elijo Lagoon, an environmentally sensitive habitat area and Regional Park that is managed jointly by the California Department of Fish and Game and the San Diego County Parks and Recreation Department. In addition, San Elijo Lagoon is one of the 19 priority wetlands listed by the State Department of Fish and Game for acquisition. The lagoon provides habitat for at least five State or Federal-listed threatened or endangered birds that include the California least tern, the light-footed clapper rail, Belding's savannah sparrow, the brown pelican and the western snowy plover. As such, the potential adverse impacts on sensitive resources as a result of activity in the lagoon could be significant.

The existing public trail is located on a dirt berm slightly upland of the lagoon itself, and is surrounded by a variety of native and exotic vegetation. The trail has been in existence for many years, and there is evidence the site was disturbed by sewer lines, and other human intrusion since prior to the Coastal Act. In general, the area on the lagoon side of the trail loop has more native vegetation and is in a more pristine condition, while the "inner" loop of the trail nearer the nature center is dominated by exotic vegetation and has been subject to greater human and domestic animal intrusion. However, there is a variety of salt marsh and fresh water marsh vegetation surrounding the trail. The decks are proposed to be located in areas of bare dirt and/or exotic vegetation, such that no direct impacts to wetland vegetation would occur. Rainwater would be able to run

between the planks of the decks; thus the decks would not channel runoff into the lagoon or represent a decrease in impervious surfaces. However, the decks would be located as close as 5 feet to the wetland vegetation (generally consisting of saltmarsh species).

The Commission has typically found that development that does not provide a 100-foot buffer from wetlands (freshwater or saltmarsh) and 50-foot buffer from riparian vegetation areas can adversely impact the wetland. The wetlands on the subject site consist of a variety of fresh and saltwater marsh vegetation. The purpose of establishing a buffer area between wetlands and development is to reduce the amount of human and domestic animal intrusion into sensitive vegetation, to reduce the impact of human activity on native wildlife species, to provide an area of land which can filter drainage and runoff from developed areas before it impacts the wetlands, and to provide an upland resting retreat area for some wetland animal species.

In the case of the proposed project, the decks would be located on an existing trail utilized by the public that is currently surrounding by wetland vegetation no more than a few feet away from the trail. There would be no way to construct any trail improvements with a buffer more than several feet wide. However, because of the proximity of the existing trail to the wetlands, as the trail currently exists, visitors can (and do) readily walk off the trail proper into the lagoon habitat. This is particularly a problem when larger groups are forced to congregate along the sides of the trail to be able to hear educational presentations by a ranger or docent. The Department of Fish and Game has reviewed the proposed project and recommended that the 100 foot buffer not be required in this particular case to allow for construction of the viewing decks. The Department specifically noted that under current practices, visitors cause damage to sensitive habitat when they stray from trails into the habitat, and larger groups will often congregate off trails to discuss features of the lagoon, inadvertently damaging wetlands. The Department determined that the proposed viewing decks and fencing would eliminate these problems by keeping people on the trails and providing areas from which to view and discuss the lagoon resources for groups of all sizes. Because of these benefits, the Department indicated that the elimination of a buffer is offset by the improved protection of the surrounding wetlands and the proposed removal of exotic vegetation in the vicinity of the project.

Many areas of the lagoon are not open to the public because of the sensitive nature of the resources. Only designated areas, such as trails and the nature center are open to public access. Through its approval of past improvements to the nature center area, the Commission has determined that the subject site is an appropriate location for recreational and public access to the lagoon. The proposed improvements would not represent a new intrusion into an unimproved, natural area. The improvements are not expected to result in a significant increase in the number of visitors to the area, as the size and function of the facilities will remain essentially the same. However, the improvements would improve public access, for disabled visitors in particular. Providing an enhanced public recreational and access experience on the existing trail, adjacent to existing support facilities, will focus public use in an area of the Park which has been designed to support visitors. At the same time, intrusion into sensitive habitat is expected

to decrease as a result of the decks (which will be surrounded by railings) and the fencing. The proposed removal of exotic vegetation in association with the improvements will also have a positive impact on lagoon resources.

In summary, the project would support public access and recreation to the lagoon by improving existing trail facilities, while decreasing impacts to sensitive resources by concentrating access in this one improved location, and discouraging intrusion into the lagoon outside the trail location. Therefore, in this particular case, the elimination of the traditional development buffer would not represent an adverse impact to the lagoon. There will not be any direct or indirect impacts to any sensitive habitat as a result of the construction or from runoff. There is upland area available for staging of materials near the nature center. To ensure that construction activities do not impact either public parking or sensitive resources, Special Condition #2 requires the applicants to submit a staging/storage plan which specifically prohibits the use of public parking areas or sensitive resource areas for staging or storage of construction equipment. Therefore, as conditioned, the proposed project can be found consistent with the resource protection and public access and recreation policies of the Coastal Act.

3. 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.

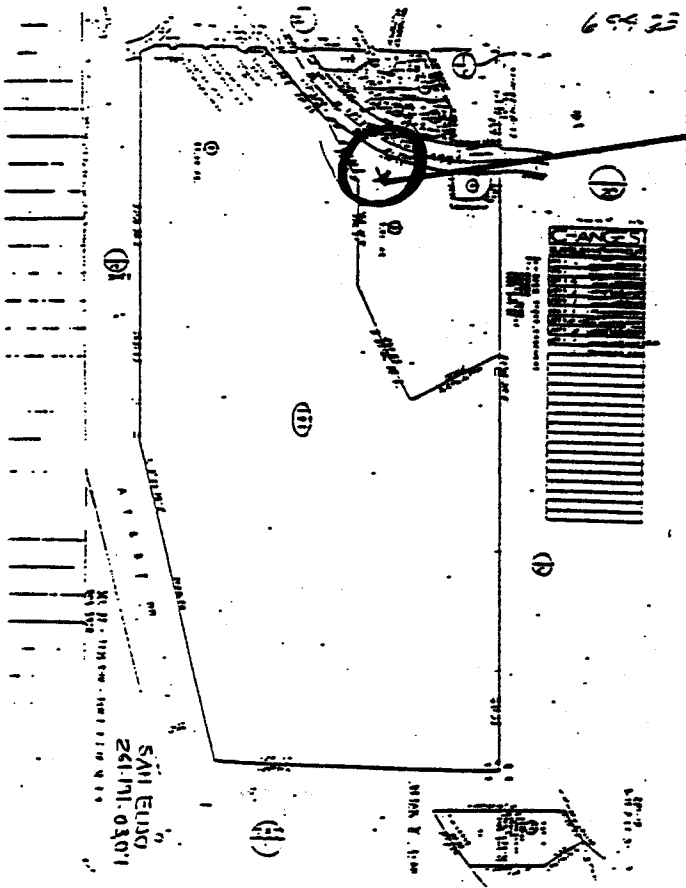
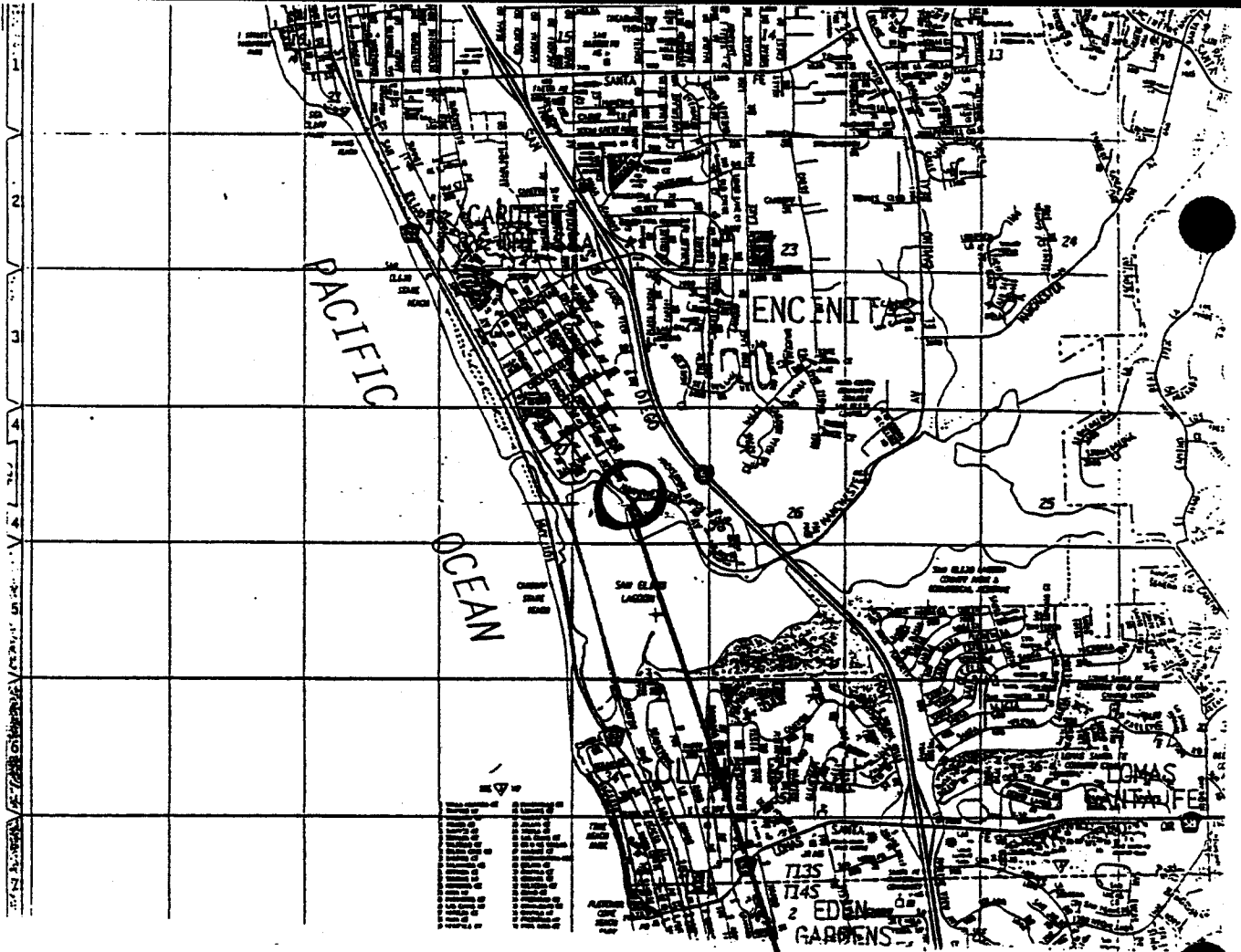
The subject site is located in the City of Encinitas, and zoned and planned for open space/recreational uses. The proposed development, although within the boundaries of the City of Encinitas, is within the jurisdiction of the County of San Diego Parks and Recreation and does not require review or approval from the City. However, the City's certified LCP does contain policies calling for the protection of the lagoon's sensitive resources, while at the same time allowing for passive recreational activity that does not impact sensitive habitat. The proposed project is consistent with these provisions. As conditioned, the Commission finds the proposed development consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds the proposed development should not prejudice the ability of the City of Encinitas to implement its certified local coastal program.

4. 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 public access policies of the Coastal Act. Mitigation measures, including conditions addressing the disposal of the gravel and the location of construction staging and storage, 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:

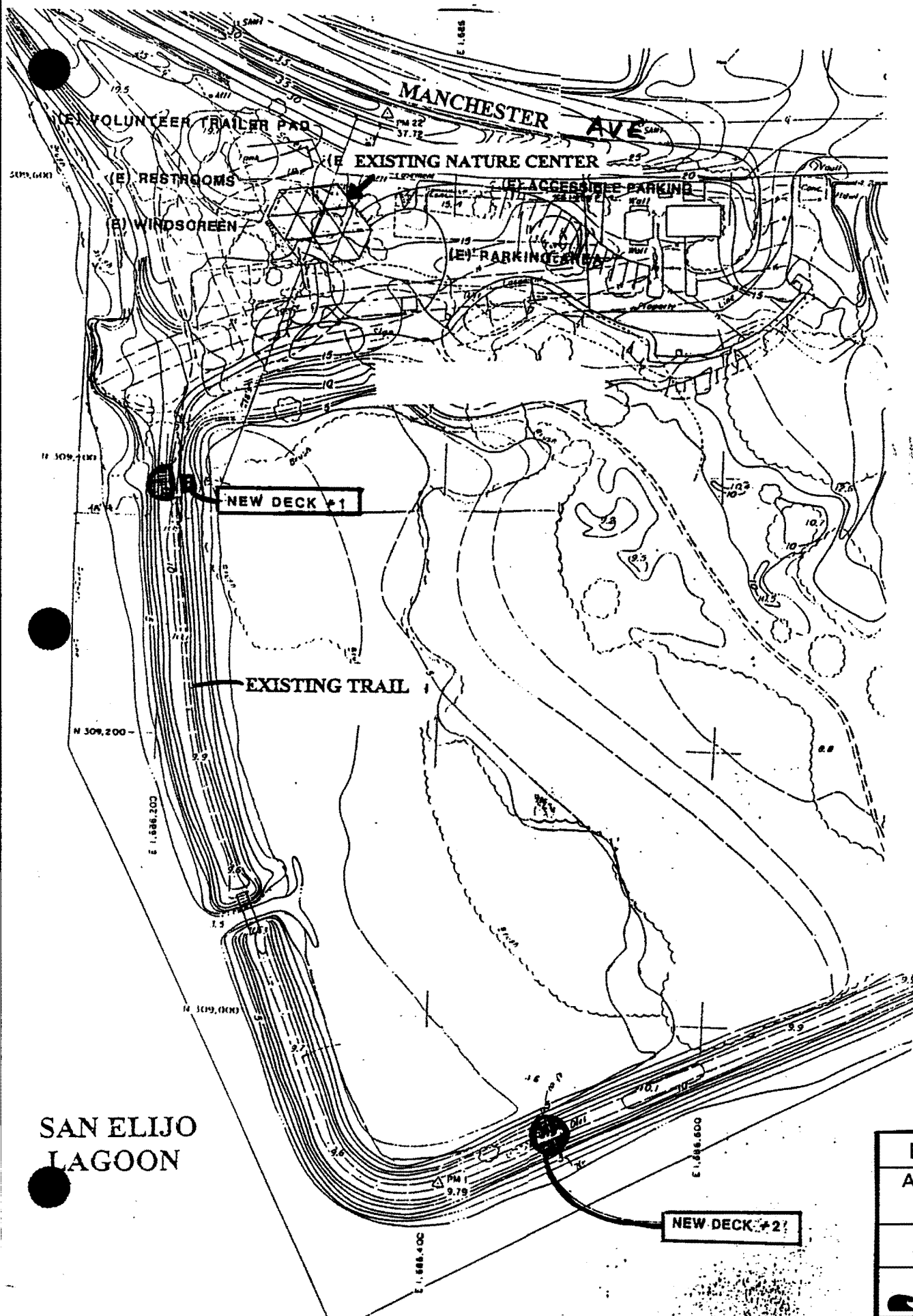
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. 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.



**PROJECT SITE**

EXHIBIT NO. 1
APPLICATION NO.
6-99-23
Location Map
California Coastal Commission





SAN ELIJO  
LAGOON

EXHIBIT NO. 2
APPLICATION NO.
6-99-23
Site Plan
California Coastal Commission

**RECEIVED**

State of California

APR 5 1999

The Resources Agency

**M e m o r a n d u m**

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

To : California Coastal Commission  
Attn: Ms. Diana Lilly  
3111 Camino Del Rio North, Suite 200  
San Diego, CA 92108

Date: March 31, 1999

From : **Department of Fish and Game**

Subject: Coastal Development Permit (Permit # 6-99-23) San Elijo Lagoon Viewing Decks

The Department has discussed the above mentioned CDP with the San Elijo Lagoon Conservancy and has the following comments:


The Department recommends elimination of the 100 foot buffer requirement to allow for construction of the viewing decks. Currently visitors cause damage when they stray from trails into wetland areas, and larger groups will often congregate off trails to discuss interesting features of the lagoon, inadvertently damaging wetlands. The viewing decks and fencing will eliminate these problems by keeping people on the trails and providing areas from which to view and discuss the wetlands for groups of all sizes.

Because of the benefits, the Department feels that the elimination of a buffer is offset by the improved protection of the surrounding wetlands, and the removal of exotic vegetation in the vicinity of the project.

Thank you for this opportunity to comment on this project. Any questions regarding this letter may be addressed to Mr. Tim Dillingham at our San Diego office, phone (619) 467-4204.



C.F. Raysbrook  
Regional Manager  
Region 5

EXHIBIT NO. 3
APPLICATION NO <b>6-99-23</b>
Letter of Support from Fish & Game
 California Coastal Commission