

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

767-2370

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Filed: August 9, 2002  
49th Day: September 27, 2002  
180th Day: February 5, 2003  
Staff: EL-SD  
Staff Report: September 13, 2002  
Hearing Date: October 8-11, 2002

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-108

Applicant: San Dieguito River Park  
Joint Powers Authority

Agent: Dick Bobertz

Description: Demolition of an attached semi-enclosed portion of the existing fruit stand, and modification of an existing 300 sq. ft. fruit stand for use as a temporary interpretive center, construction of a 22-ft-high covered pavilion for small group presentations, retention and augmentation of existing interpretive signage, and construction of ADA accessible, hard-surfaced viewing plaza, entryway, walkway and landscaping.

Lot Area	30.00 acres
Unimproved Area	29.25 acres.
Parking Spaces	8-10
Zoning	AR-1-1
Plan Designation	Interpretive Center
Ht abv fin grade	22 feet

Site: 2801 Via Del La Valle, North City, San Diego, San Diego County. APN 298-300-46

Substantive File Documents: Certified North City Future Urbanizing Area Framework Plan; San Dieguito Lagoon Enhancement Plan (draft)

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff recommends approval of this proposal for a temporary interpretive facility in the San Dieguito River Valle, with special conditions requiring submittal of final project, landscaping and signage plans, and restricting the structure to earthtone colors. The specific project area has been used for agriculturally-associated sales in the past, and represents a small portion of the 30-acre site. Development is more than 350 feet from any existing wetland resources and will not have any adverse impacts on wetland or upland coastal resources. The selected site is

identified as appropriate for interpretive facilities in both the certified NCFUA Framework Plan and the draft San Dieguito Lagoon Enhancement Plan.

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:     *I move that the Commission approve Coastal Development Permit No. 6-02-108 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Improvement Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final site and landscape plans approved by the City of San Diego for all proposed on- and off-site improvements associated with the proposed development that converts an existing fruit stand to a temporary interpretive center and adds a covered viewing platform to the existing structure. Plans shall include all existing and proposed landscaping, other existing and proposed site improvements and the siting

and seed mixes for all habitat demonstration plots. The final plans shall be in substantial conformance with the preliminary plans titled *San Dieguito River Park Temporary Visitor Center*, dated July 6, 2002.

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

2. Exterior Treatment. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval in writing of the Executive Director, a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed interpretive center. The color of the structure and roof permitted hereby shall be restricted to color compatible with the surrounding environment (earth tones) including shades of green, brown, and gray, with no white or light shades and no bright tones except as minor accents. All windows shall be comprised of non-glare glass.

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

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant, the San Dieguito River Park Joint Powers Authority (JPA), proposes to convert an existing 300 sq.ft. enclosed strawberry stand (approved pursuant to Coastal Development Permit #6-87-163) into a temporary interpretive center for use until the San Dieguito Lagoon Restoration Plan is implemented and a permanent visitor center is constructed on this site. The applicant also proposes to add a viewing patio partially covered with a twenty-two foot high shade structure to use for small group presentations. An existing portion of the building will be removed. This is a semi-enclosed and roofed appurtenance evidently intended to give the stand operator a shady place to sit or stand when not waiting on customers. Existing informal parking will be improved to delineate 8-10 parking spaces, an existing egress road will be resurfaced, and an existing interpretive sign will be retained and expanded. Finally, the applicant proposes to create several demonstration areas to display the various sensitive upland and wetland habitats of the San Dieguito River Valley/Lagoon.

The project site is a small portion of a 30-acre property owned by Southern California Edison, which has authorized the JPA to permit, construct and operate the temporary facility while long range restoration planning continues. It is located immediately south

of Via de la Valle, east of San Andreas Drive, within Subarea II of the North City Future Urbanizing Area (NCFUA), and is one of the few remaining areas of deferred certification within the City of San Diego. As such, the Coastal Commission retains permit jurisdiction at this time and Chapter 3 of the Coastal Act is the legal standard of review. The certified NCFUA Framework Plan is used for guidance and designates this site for an interpretive facility.

2. Environmentally Sensitive Habitats. The following Coastal Act policy is most applicable to the proposed development, and states, in part:

**Section 30240 (b)**

- (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.

The project site is located along the northern perimeter of the San Dieguito River Valley, east of I-5 and San Andreas Drive, south of Via de la Valle, and west of the Del Mar Horse Park and El Camino Real. The total property is approximately 30 acres in size, and the proposed improvements will occupy less than 1% of the property. There is an existing strawberry stand located just south of Via de la Valle; this will be converted for use as a temporary interpretive center for the river valley/lagoon system. Most of the remainder of the site has been cultivated in the past, with the primary crops being strawberries and tomatoes but has only been sporadically farmed in recent years. . The specific project site, however, has not been farmed, as it is a higher piece of land adjacent to a major coastal access route, and has been used for fruit sales due to its proximity to the road. Also, the specific project site is located entirely outside the floodplain, unlike most of the previously farmed areas. The remainder of the site is designated for future restoration as part of the San Dieguito Lagoon Restoration Plan, and was purchased by the current owner (Southern California Edison) for that purpose. There are some patches of salt marsh vegetation along the western and southwestern portions of the overall property, with additional wetland habitats off the site closer to, and along, the San Dieguito River. The nearest existing wetland resources are approximately 350 feet distant from the existing and proposed improvements. No adverse impacts to wetlands will occur with this project, nor will it degrade any sensitive habitats.

The application proposes the creation of several small plots of native vegetation, including both wetlands and uplands. These will be located in close proximity to the interpretive center, such that little buffer will exist. However, these are planned as demonstration gardens for public education purposes, and are not intended, nor expected, to function as viable wildlife habitat. They will provide an opportunity for the public to see up close the various plants that make up the habitats of the San Dieguito River Valley/Lagoon system, and will make it less likely that people will intrude into the existing, functioning wetlands elsewhere on the property and in the surrounding areas.

The submitted preliminary plans include tentative locations for these demonstration gardens and also species lists for the proposed habitats. Special Condition #1 requires submittal of final plans for all segments of the project, including the native habitat demonstration areas. As conditioned, the Commission finds the proposal will not adversely affect any existing environmentally sensitive habitats and is therefore consistent with Section 30240 of the Coastal Act.

3. Visual Resources. The following Coastal Act policy addresses this issue:

**Section 30251.**

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. ...

The project site is located within the San Dieguito River Valley. Due to the property's former agricultural uses, there is little vegetation of any kind on the site, and what there is consists primarily of exotic species. The site slopes down from Via de la Valle such that the existing fruit stand, which is a small one-story structure approximately 10-12 feet tall, is barely higher in elevation than the street itself. Thus views of the river valley are currently relatively unobstructed all along this portion of Via de la Valle. The proposed viewing pavilion extends from the southern side of the existing building towards the river and habitat areas and flares out slightly eastward to afford the best views. It will have a sloping shade structure that is 22 feet tall at its highest point, but will be otherwise unenclosed. It will, however, make the development more visible from surrounding public roadways and from a public viewpoint on the southern ridgeline of the valley. Although no ocean views are involved, the river valley is scenic now, and will be more so after the restoration project is implemented.

Except from Via de la Valle, the fruit stand is visible only as a small building (10 feet by 30 feet) in the distance against a backdrop of roadway and hills (i.e., it is barely visible at all). It is sited on the perimeter of the valley, so views of the valley from most vantage points will be unchanged although views towards the structure will be altered by the addition of the shade structure. Again, the viewing points are so distant that this change will not be significant. From Via de la Valle itself, the shade structure may briefly block existing views of the valley since it will be higher than the building now existing. However, it will only increase the existing structural elevation by 10-12 feet, and is only about fifteen feet wide. Thus, any intrusion into existing views of the valley will be brief and insignificant. Moreover, although the ocean can be seen from some of the surrounding hills, the siting of this structure near the valley floor assures that it will not block any ocean views.

There is one existing , 5-foot tall tabletop sign on the site, providing interpretation of the valley's resources. This will be augmented with additional, smaller tabletop signs placed along the proposed public walkway. These signs are for interpretive use only, are small in scale, and will not detract from the visual resources of the area. The applicant does not propose any ornamental landscaping, but instead proposes removal of exotic plants and grasses on the specific project site, and replacement with non-invasive native grasses and upland species. This, along with the demonstration gardens, will significantly enhance the site's overall appearance.

Although the proposed development is not visually prominent from most perspectives, it could become so if painted in bright colors that do not blend with the surrounding environment. Special Condition #2 therefore requires the structure to be restricted to earth tone colors that are compatible with the surrounding environment.

In summary, the addition of an open shade structure will change the appearance of the existing fruit stand. However, there will be no significant changes in the overall views of the river valley and no ocean views are affected by the proposal. In addition, the shade structure itself is intended to provide an enhanced public viewing area, as well as providing a venue for small group presentations. Areas of the site near Via de la Valle that are currently vegetated with exotic species, or are completely unvegetated, will be enhanced with native plants and grasses. Additional interpretive signage will be placed in various areas of the site. Since the submitted plans are preliminary in nature, Special Condition #1 requires submittal of final plans approved by the City of San Diego. Therefore, the Commission finds the proposed development, as conditioned, consistent with Section 30251 of the Act.

4. Public Access and Recreation. The following Chapter 3 policies addressing access are most applicable to this proposal, and state, in part:

**Section 30210.**

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

**Section 30214.**

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

### **Section 30252**

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation . . .

The project site is located well inland from the actual coast, and is east of I-5 as well. The site is currently in private ownership, and the applicant is a licensee of the owner. It is expected that the entire property will be in public ownership when the San Dieguito Lagoon Enhancement Plan goes into effect. The applicant's intent is that these facilities be available for all members of the public, including those with disabilities. For this reason, current site conditions are being improved with an entry walk, viewing pavilion and viewing walkway which meet ADA standards. The walkway will be located on the southern side of the viewing pavilion; it will extend eastward about 50 feet from the pavilion and westward approximately 200 feet to an existing dirt farm road.

The site currently allows for the parking of 8 – 10 vehicles on an informal dirt area adjacent to the fruit stand. The applicant will improve this area with aggregate base and delineate 8 – 10 car spaces and a bus pullout on the smoother surface. The facility is not expected to generate too many visitors at this time, and is intended more for groups of children or adults who would be arriving by school bus or van. The converted building will provide an office for a ranger, but may not be staffed full time until the overall restoration project is implemented. At that time, the proposed temporary visitor center will be replaced with a larger, permanent center with additional parking facilities and other public amenities. For now, available parking appears to be adequate for the anticipated level of use of the small interim visitor center. Moreover, additional unimproved area adjacent to Via de la Valle could be made available should more parking be required.

Because of the volume of traffic on Via de la Valle, which is a two-lane road in this area, the applicant proposes ingress only from Via de la Valle and egress onto San Andreas Drive, via an existing dirt farm road which will be improved with aggregate base. This material provides a surface that is usable by vehicles, bicycles and foot traffic, but remains pervious to allow proper site drainage. The Commission finds that the proposal provides a new public recreational venue and adequate parking to serve it. Therefore, as

conditioned for the submittal of final plans, the Commission finds the proposal consistent with the public access and recreation policies of the Coastal Act.

5. Hydrology/Water Quality. The following Coastal Act policies addressing water quality and hazards are most applicable to the subject proposal, and state, in part:

**Section 30230**

Marine resources shall be maintained, enhanced, and where feasible, restored...Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters....

**Section 30231**

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum population of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment ....

**Section 30253.**

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area ...

The existing 300 sq.ft. fruit stand represents the only impermeable surface on the 30-acre site. In order to minimize additional impermeable surfaces, 99% of the site will remain undeveloped. Moreover, the egress road, which is currently dirt, will be resurfaced with aggregate base. This substance is also permeable, so this part of the development will not affect surface flows or the volume of runoff. Only the entry walk, viewing pavilion and viewing walkway represent an increase in impermeable surfaces; these areas total approximately 2,000 sq.ft., or roughly the equivalent of a single-family residence. This is partially offset, albeit to a small degree, by removal of a portion of the existing building and the roof overhangs. The facility will be surrounded on all sides by either undeveloped land or demonstration gardens, which will provide filtration for any runoff generated by the proposed facilities. The proposed use would not include any industrial or commercial facilities that could generate polluted runoff; only surface runoff will occur. Moreover, access roads and parking areas will remain permeable to facilitate infiltration of storm waters into the soil.



The specific site for the temporary interpretive center is on uplands adjacent to Via de la Valle. However, the site slopes gently downward from the proposed facility and much of the overall 30-acre property is within the 100-year floodplain of the San Dieguito River, though still a considerable distance (approximately 700 feet) from the river itself. The proposed visitor center is approximately 1,500 feet, or more, from the river. No improvements, grading or other disturbance to any floodplain areas are proposed with this application. In summary, the Commission finds the proposal, as conditioned for final plans, consistent with the cited Coastal Act policies and the Commission's typical BMP requirements.

6. 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 site is within an area of deferred certification, where the Coastal Commission retains permit jurisdiction and Chapter 3 of the Coastal Act is the legal standard of review. Previous findings have demonstrated full consistence with Chapter 3. Using the certified NCFUA Framework Plan as guidance, interpretive facilities are a suggested use for this specific site. Also, the draft San Dieguito Restoration Plan identifies this site for future development with a visitor center. Therefore, the Commission finds that approval of the temporary interpretive center will not prejudice the City's ability to continue planning for the restoration of this area consistent with Chapter 3 of the Act.

7. 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 Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions requiring final plans in substantial conformance with the preliminary plans used as a basis for this decision, 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 is consistent with the requirements of the Coastal Act to conform to CEQA.

**STANDARD CONDITIONS:**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

6-02-108

Site

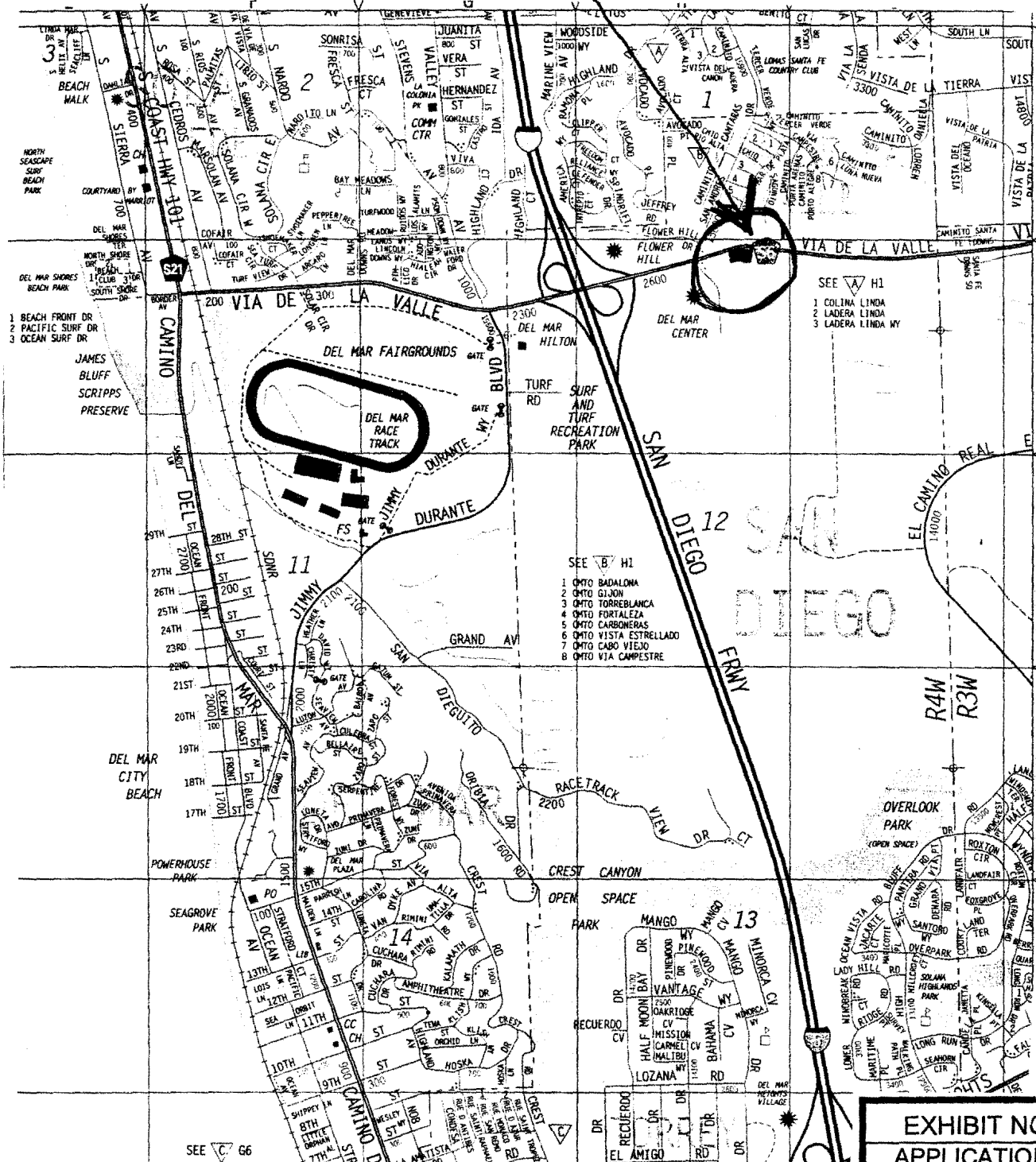


EXHIBIT NO. 1  
APPLICATION NO.  
**6-02-108**  
Location Map

6-02-108

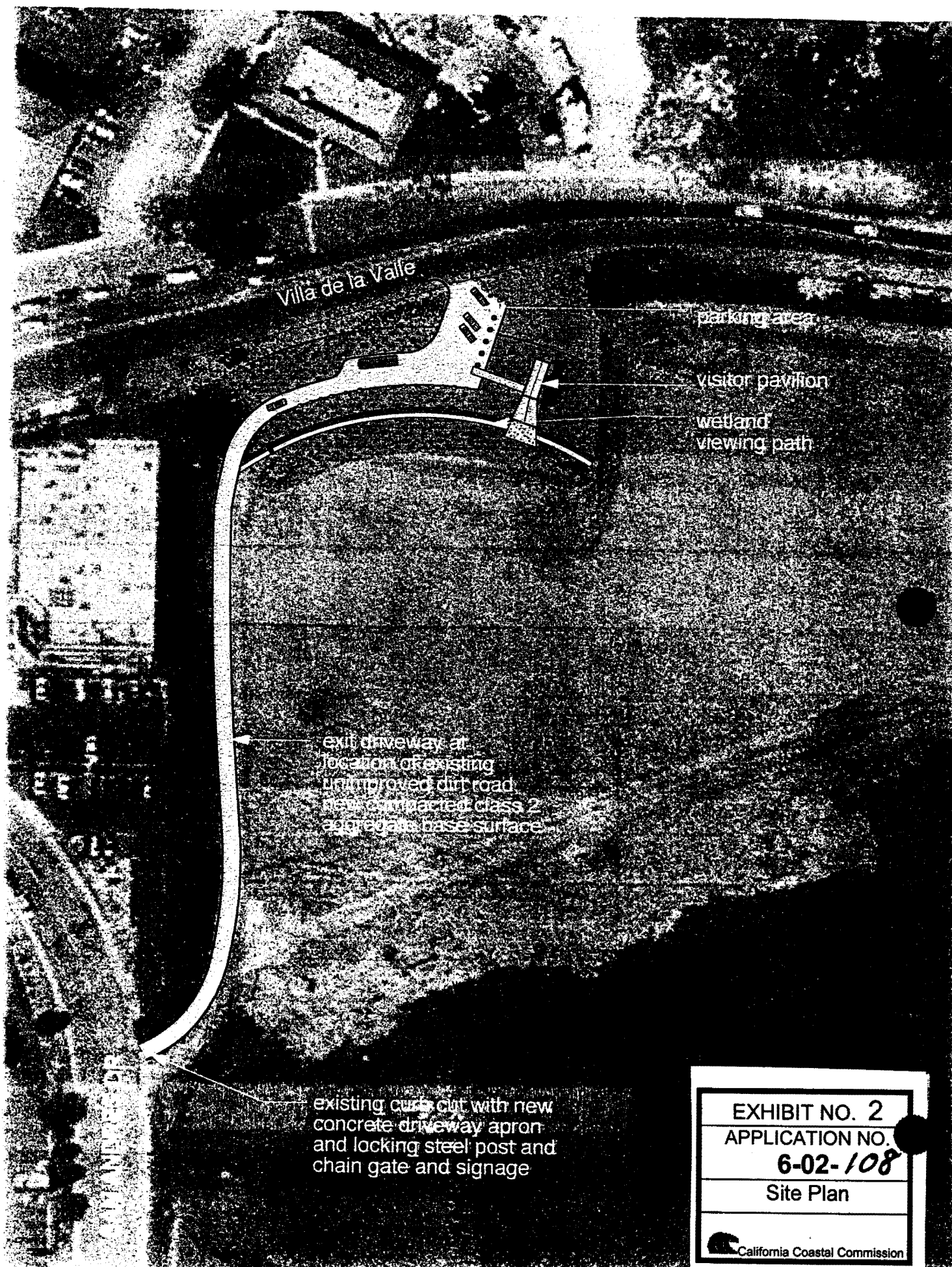


EXHIBIT NO. 2

APPLICATION NO.

6-02-108

Site Plan



California Coastal Commission

2 x 8 roof rafters

partial T-111 plywood siding up

4 x 4 post

plywood panels over roof sheathing

plywood sheathing

plywood panels over roof sheathing

plywood sheathing

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WEST ELEVATION VISITOR'S PAVILLION & RANGER STATION

# SAN DIEGUITO RIVER PROJECT

STRAWBERRY STAND REMODEL AND ADDITION

Via de la Valle  
San Diego, California

