

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
 7575 METROPOLITAN DRIVE, SUITE 103  
 SAN DIEGO, CA 92108-4402  
 767-2370



# Wed 3a

Filed: September 26, 2002  
 49th Day: November 14, 2002  
 180th Day: March 25, 2003  
 Staff: DL-SD  
 Staff Report: November 19, 2002  
 Hearing Date: December 10-13, 2002

## STAFF REPORT: CONSENT CALENDAR

Application No.: 6-02-139

RECORD PACKET COPY

Applicant: San Elijo Lagoon Conservancy Agent: Doug Gibson

Description: Removal of three existing billboards located in San Elijo Lagoon.

Zoning	Open Space
Plan Designation	Open Space

Site: Within San Elijo Lagoon east of Highway 101, across from Cardiff State Beach, Cardiff, Encinitas, San Diego County. APN 261-191-03.

Substantive File Documents: Certified City of Encinitas LCP, San Elijo Lagoon Enhancement Plan.

### I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:** *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

### STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a YES vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

### II. Standard Conditions.

See attached page.

### **III. Special Conditions.**

The permit is subject to the following conditions:

**1. Construction Impacts.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a vegetation plan documenting the existing condition of the wetland vegetation and substrate around the immediate vicinity of the project construction and staging area. The type, size, extent and location of all vegetation shall be documented.

**2. Post-Construction Survey/Permanent Impacts/Mitigation.** Within two weeks of project completion, the applicant shall submit a detailed report by a qualified biologist on the removal process documenting any impact which may have resulted from the project. The program shall at a minimum include:

- a. Documentation of the amount and type of impacts, including the extent of impacts to the vegetation and substrate.
- b. The process by which temporary wetland impacts shall be revegetated and/or restored at a 1:1 ratio.
- c. If the post construction survey identifies that permanent wetland impacts have occurred, a permit amendment is required to address the identified impacts. Mitigation shall be provided for any identified permanent wetland impacts with native, local stock appropriate for the habitat type being created at a 3:1 ratio for riparian impacts and a 4:1 ratio for alkali marsh. Mitigation shall occur within San Elijo Lagoon.
- d. Temporary upland impacts shall be mitigated at a 1:1 ratio. Drought tolerant, non-invasive native plants shall be utilized to the maximum extent feasible to re-establish the area consistent with surrounding natural areas.
- e. The following goals, objectives, and performance standards for the mitigation sites will be required:
  1. Success criteria and final performance monitoring shall provide coverage commensurate with pre-construction conditions at all mitigation sites at the end of a minimum five-year monitoring program (see Special Condition #3).
  2. The final design and construction methods that will be used to ensure the mitigation sites achieve the defined goals, objectives, and performance standards.
  3. Provisions for submittal, within 30 days of completion of initial mitigation work, of as-built mitigation plans demonstrating that the

mitigation sites have been established in accordance with the approved design and construction methods.

The permittee shall undertake mitigation in accordance with the approved final plans, except that the timelines required herein may be extended by the Executive Director for good cause. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final 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.

**3. Final Monitoring Program.** If the post-construction report required by Special Condition #2 of CDP #6-02-139 identifies temporary biological impacts, concurrent with the required mitigation plan, the applicant shall submit a final detailed monitoring program designed by a qualified wetland and/or upland biologist for monitoring of all wetland and upland mitigation and restoration sites. The monitoring program shall be prepared in consultation with the California Department of Fish and Game, and at a minimum include the following:

- a. Each mitigation and restoration site shall be surveyed monthly the first year after planting, six times in year two, and at least quarterly thereafter until performance standards have been met.
- b. Mitigation areas will survive on natural conditions, other than weed control, for 3 years prior to final performance monitoring.
- c. Provisions to ensure that each mitigation or restoration site will be remediated within 60 days of a determination by the permittee or the Executive Director that monitoring results indicate that the site does not meet the goals, objectives, and performance standards identified in the approved mitigation or restoration program.
- d. Provisions for monitoring and remediation of each mitigation and restoration site in accordance with the approved final mitigation program for a period of 5 years.
- e. Provisions for submission of an annual report of monitoring results to the Executive Director for the duration of the required monitoring period. Each report shall evaluate the status of the wetland mitigation or restoration project in relation to the performance standards.
- f. Provisions for submission of a final monitoring report to the Executive Director that has been prepared by a qualified wetlands, and/or uplands biologist. The report must evaluate whether the mitigation and/or restoration site conforms to the goals, objectives, and performance standards set forth in the approved final mitigation program.

If the final report indicates that any of the mitigation or restoration projects have been unsuccessful, in part, or in whole, based on the approved performance standards, the applicant shall submit a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved performance standards. The revised restoration program shall be processed as an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

The permittee shall monitor and remediate the wetland and upland mitigation sites in accordance with the approved monitoring program. Any proposed changes from the approved monitoring program shall be reported to the Executive Director. No changes to the approved program shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**4. Construction Access/Staging Area/Project Timing.** Use of sandy beach, public walkways and public parking areas, including on-street parking for the overnight storage of materials and equipment shall not be permitted. No lane closures may occur during the summer months (Memorial Day weekend to Labor Day) of any year.

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

#### **IV. Findings and Declarations.**

The Commission finds and declares as follows:

**A. Detailed Project Description/History.** The proposed project is the removal of three existing billboards from San Elijo Lagoon in the City of Encinitas. The billboards have been located on the east side of Highway 101, near the inlet of San Elijo Lagoon for at least 50 years; the land area has recently been acquired by the San Elijo Lagoon Conservancy. The process to remove the billboards will consist of removing the faceplates by cutting them and lifting to the surface of Highway 101 where they will either be dismantled further or placed on a flatbed truck and hauled away. A crane will be used to minimize construction impacts to the surrounding lagoon. The haul route for workers will be under the Highway 101 bridge and on the sand of the inlet. The billboard framing will be removed by cutting it into small pieces down to the concrete footings. The footings will remain in place to avoid damage to the embankment.

The billboard removal is expected to result in a significant improvement in the visual quality of the area. The applicant has indicated that removal of the billboards will also remove an impediment to habitat corridors.

Recreational hikers and lagoon visitors frequent the area where the billboards are located and there are bare dirt areas and trails around the base of the billboards. However, there is also native wetland and upland habitat in the area, and some temporary flattening of existing vegetation may occur. Any such impacts to the vegetation are expected to be temporary and recover naturally. The applicant will have a biologist on site at all time to monitor the work. Although no permanent impacts are anticipated, the applicant has proposed to mitigate for any permanent impacts. Therefore, Special Condition #1 requires the applicant to submit a post-construction survey documenting the removal process and any impacts to vegetation that may have resulted. If permanent impacts have occurred, Special Conditions #2 and #3 require implementation of a mitigation and monitoring report.

The work is expected to take approximately two days to complete, and will require that one lane of Highway 101 be closed at times. To ensure this closure does not result in any impacts to public access, Special Condition #4 requires that no lane closures occur during the summer months (Memorial Day weekend to Labor Day) of any year. Since the project does take place in a public recreation area, some storage of materials and transporting of materials will obviously have to occur in this area, however, Special Condition #4 prohibits the use of sandy beach, public walkways and public parking areas, for the storage of materials overnight.

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.

**B. Biological Resources.** Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development, as conditioned, will not have an adverse impact on any sensitive habitat or water quality. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

**C. Community Character /Visual Quality.** The development is located within a natural lagoon area and, as conditioned, will be compatible with the character of the surrounding area. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

**D. Public Access/Parking.** As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

**E. Local Coastal Planning.** The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prejudice the ability of the City of San Diego to implement its certified LCP for the Encinitas community.

**F. California Environmental Quality Act.** As conditioned, there are no feasible alternatives or feasible mitigation measures available which available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and 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. 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.

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Highway 101

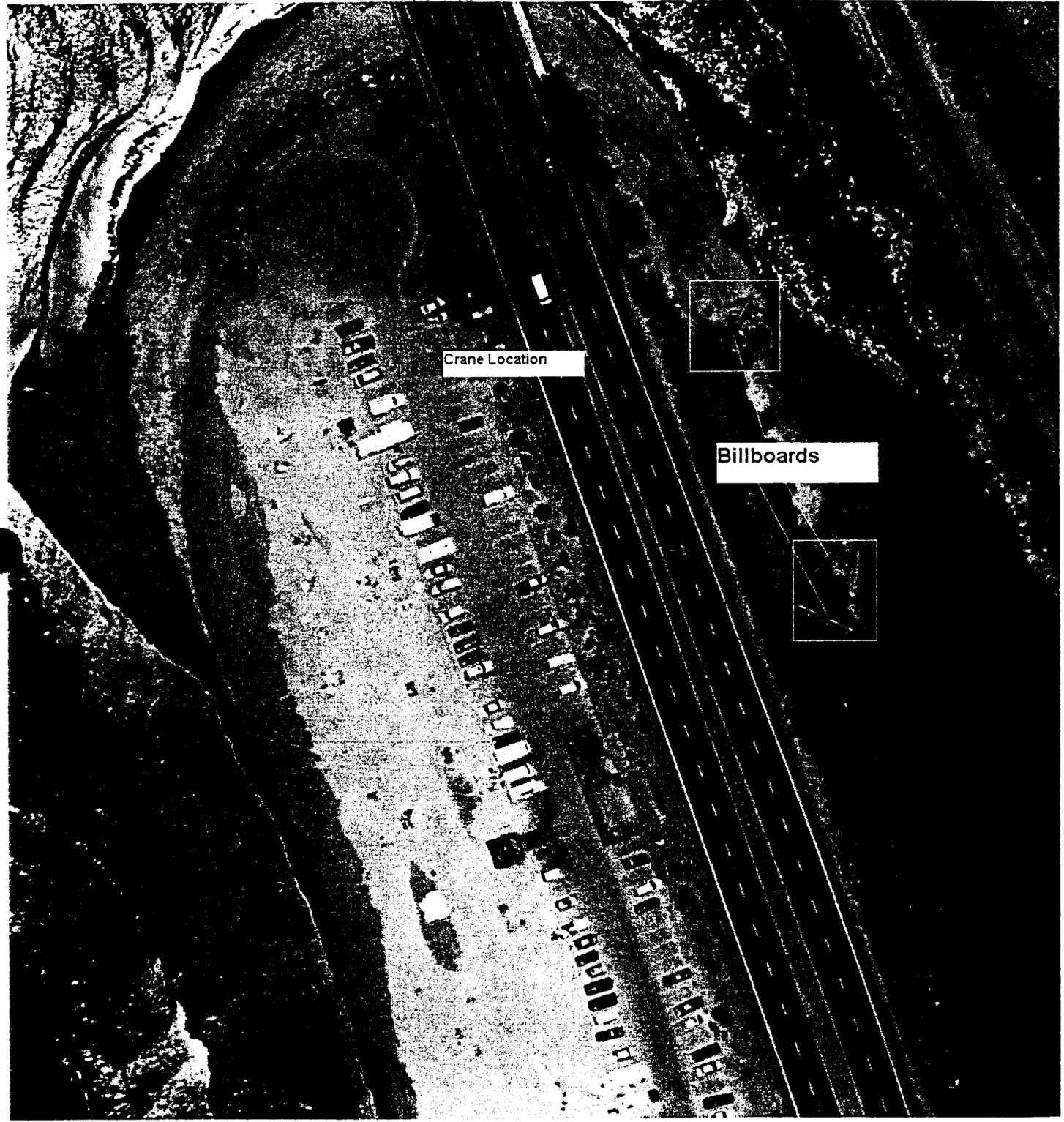


Figure 1

EXHIBIT NO. 2
APPLICATION NO.
<b>6-02-139</b>
Site Plan
 California Coastal Commission

