

CALIFORNIA COASTAL COMMISSION

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Fri 7c

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 Staff: KAW-SD
 Staff Report: November 19, 2003
 Hearing Date: December 10-12, 2003

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-03-095

Applicant: City of San Diego

Agent: Mike Arnold

Description: Construction of bikeway improvements approximately 1.1 miles in length to include 26,000 sq. ft. of new paved area, restriping of existing traffic lanes and construction of retaining walls along the north and south sides of Via de la Valle.

Zoning	N/A (right-of-way)
Plan Designation	N/A (right of way)
Ht abv fin grade	Maximum 7.5 feet (retaining walls)

Site: Within the public right-of-way of Via de la Valle, located in the San Dieguito Valley east of I-5, from San Andreas Drive to El Camino Real, San Diego, San Diego County. APN 302-310-01

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends approval of this application to construct a temporary bikeway and retaining walls on the north and south sides of Via de la Valle. The proposed improvements are considered temporary in nature because it is anticipated that Via de la Valle will eventually be widened from two to four lanes, and the bikeway will be reconfigured as part of that future expansion. The primary issues raised by the proposed project are impacts to native vegetation, stormwater runoff management and protection of public views. The project will impact approximately .05 acres of coastal sage scrub (CSS) and disturbed coastal sage scrub vegetation (dCSS). These areas of vegetation are not located within the San Diego Multi-Habitat Planning Area (MHPA) of the City's subarea plan for the Multiple Species Conservation Program (MSCP), which is located on the south side of Via de la Valle. The Commission's biological staff has reviewed the

habitat area (ESHA). The CSS impacts will result from the construction of retaining walls along the north side of the bikeway, for protection of the bikeway and road from slope wash and falling material that may erode from the adjacent sandstone bluff. Special Conditions #3, 4 and 5 address protection of the MHPA and coastal California gnatcatchers that may occupy or use coastal sage scrub within that area. Finally, relative to views, the proposal includes a number of retaining walls up to 7.5 feet in height. However, the higher walls will be on the north side only, and thus be only minimally visible from off-site public areas. In addition, Special Condition #5 requires the walls be treated to blend with the surrounding natural environment .

Substantive File Documents: Certified City of San Diego Local Coastal Program; Biological Resources Report, Tierra Environmental Services (July 27, 2001); Supplemental Biological Survey Report, Tierra Environmental Services (September 27, 2002); City of San Diego Letter and Supplemental Information on Water Quality and Runoff Measures (November 7, 2003); Mitigated Negative Declaration (July 25, 2003).

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-03-095 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 Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final plans for the proposed bikeway and retaining wall improvements. Said plans shall be in substantial conformance with the plans submitted with this application by the City of San Diego Engineering Department dated 9/10/03 and shall be subject to the review and written approval of the Executive Director.

The permittee shall undertake the development in accordance with the approved final 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. Stormwater Runoff Control Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a runoff control plan that incorporates Best Management Practices (BMPs), designed to reduce both the volume and pollutant load of runoff from the proposed development to the greatest extent feasible. The plan shall be consistent with the City's letter and conceptual plan of 11/7/03, and shall be subject to the following criteria and include the following components:

- (a) Opportunities for directing runoff from the proposed bikeway improvements to permeable spaces for infiltration shall be utilized to the maximum extent feasible. Where this is infeasible, maintain post-development peak runoff rate and average volume at levels that are similar to pre-development levels.
- (b) Runoff should be conveyed from the site in a non-erosive manner.

The permittee shall undertake the development in accordance with the approved stormwater runoff control 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.

3. Temporary Erosion Control/Construction BMPs. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a plan for temporary erosion controls and construction Best Management Practices (BMPs) to the Executive Director for review and written approval. The plan shall incorporate the following requirements:

- a. Temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized to minimize soil loss during construction.
- b. All areas disturbed by excavation shall be restored to pre-construction conditions immediately following project completion.

The permittee shall undertake development in accordance with the approved BMPs, including the approved temporary erosion control and construction BMPs plans. Any proposed changes to the approved erosion control 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.

4. Protection of the MHPA. No construction activities (including clearing, grubbing or grading), storage or preparation of construction materials or equipment shall occur within any areas included in the designated San Diego Multi-Habitat Planning Area (MHPA). Any nighttime construction lighting shall be directed away from the MHPA. Maintenance of the developed facilities shall minimize use of water, fertilizer and chemical pest control to the maximum extent feasible, to avoid impacts to native upland habitat, riparian areas, and water quality.

5. Protection of the Coastal California Gnatcatcher. No clearing, grubbing, grading or other construction activities shall occur between March 1 and August 15, which is the breeding season of the coastal California gnatcatcher, in order to prevent impacts to gnatcatchers that may use or nest in vegetation located within the MHPA, unless approved by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.

6. Visual Quality/Retaining Walls. 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 retaining walls. The colors 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. In addition, all retaining walls shall be constructed with a decorative rock face finish.

The permittee shall undertake the development in accordance with the approved color 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.

7. Disposal of Graded Spoils. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the export of fill materials. 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 or certified local government with Coastal Act jurisdiction over the destination location.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The applicant proposes to construct a temporary bikeway approximately 1.1 mile long within existing right-of-way on both the north and south sides of Via de la Valle, located in the San Dieguito River Valley east of Interstate 5 (I-5) from San Andreas Drive to El Camino Real. The project is considered temporary in nature because the City proposes to eventually widen Via de la Valle from two to four lanes, and the bikeway facilities will be reconfigured as part of the expansion. There are currently no designated bicycle facilities along this section of the roadway, and the project is being undertaken for public safety purposes. A 5-foot-wide Class II bikeway (striped separate lane) would be located on Via de la Valle between San Andreas Drive and extending to 450 west of Santa Fe Downs. The Class II bikeway will then resume 450 east of Santa Fe Downs, at 4 feet wide, and continue until 500 feet west of El Camino Real. The bikeway would then transition into a 14-foot-wide Class III bike route (shared by both bicyclists and cars) until El Camino Real is reached.

The north side of this portion of Via de la Valle consists of steep sandstone slopes vegetated with coastal sage scrub (CSS), ruderal vegetation and landscaped areas. The south side is relatively flat and is adjacent to sloping road fill and part of the San Diego MHPA. The San Dieguito River is located approximately 600 feet south of the subject site. On the north side of Via de la Valle, three unstable rock slope areas are located along a bluff adjacent to the bikeway. The applicant proposes to minimize the potential rock fall hazard posed by these unstable areas to bicyclists by either installing block walls or k-rails along with partial or complete removal of existing slope wash consisting of

loose soil and rocks. If all of the slopewash were removed, the maximum amount of project excavation would consist of approximately 950 cubic yards of cut and approximately 32 cubic yards of slope wash.

On both sides of Via de la Valle, portions of the road would be patched with asphalt, approximately 26,000 square feet in area, to enlarge and improve the paved surface. Restriping of existing traffic lanes and relocation of signs and berms will also be undertaken as part of the project, to ensure that the designated bicycle lane areas are clear and maximum safety is provided for both bicycle and vehicular traffic. Due to the high volume of traffic on this roadway, construction would occur during the night to minimize traffic impacts and safety hazards. Construction best management practices would be utilized during construction, and would include the placement of sediment barriers, channelization of runoff into sediment trapping devices, and the protection of existing catch basins with filter fabric and silt fencing.

In order to remove the accumulated slope wash and prepare the site for construction of the block walls, approximately .05 acre of CSS will be impacted. This area of CSS is a recent establishment in the loose soil and rocks that have eroded from the cliff face, and has been determined by Commission biological staff that it does not constitute an environmentally sensitive habitat area (ESHA). The majority of the proposed bike lane improvements would be located within 400 to 800 feet of the San Diego MHPA, a small area of which is located on the south side of Via de la Valle, at the western end of the proposed bikeway path near San Andreas Drive. Most of the land on the south side of the roadway is currently in agriculture.

2. Public Access/Recreation. The following Coastal Act policies are most applicable to the proposed development and state:

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 30213.

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

The proposed bikeway construction will improve public safety for existing bicycle riders and provide greater opportunity for public bicycle use along both sides of Via de la Valle,

thereby maximizing public recreational opportunities. The restriction of construction to nighttime hours will minimize temporary impacts to the public and vehicular traffic that could result from construction activities. Upon completion of the project, there will be no reduction in vehicular travel lanes, and thus no adverse impacts on public access. Therefore, the Commission finds the proposed development, as conditioned, is consistent with Sections 30210 and 30213 of the Act.

3. Water Quality. The following Coastal Act policy is most applicable to the proposed development and states:

Section 30231.

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 through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The project location is just north of the San Dieguito River. Via de la Valle is currently a two-lane road with no curb, gutters or berms to channelize surface runoff from the road. Runoff from the paved surfaces sheetflows to the edges of the road; on the south side, runoff flows over the adjacent vegetated fill slope, and on the north side, runoff flows into earthen swales that direct the flows to the pipe culverts that drain the steep slopes located on the north side of the roadway. Two additional sediment/grease traps will be installed on the north side of Via de la Valle adjacent to the inlets of existing drainage culverts. The improvements proposed by this project will not add any pollutants to those already existing, since use of the new impervious surfaces will be limited solely to bicycle traffic.

Special Condition #2 requires the applicant to provide a runoff control plan incorporating Best Management Practices (BMPs) prior to issuance of the coastal development permit.. Opportunities for directing runoff from the proposed bikeway improvements to permeable spaces for infiltration shall be utilized to the maximum extent feasible. Where this is infeasible, the project will be required to maintain post-development peak runoff rates and average volume at levels that are similar to pre-development levels. Special Condition #3 addresses temporary erosion control and BMPs during the construction period to minimize impacts to stormwater runoff quality from soil erosion and excavation.

Based on information provided by the applicant, the proposed sediment traps and existing biofiltration facilities are adequate to handle the increased runoff that is expected to result from the proposed additional impervious surface. The majority of the runoff from the increased asphalt surface will be dissipated onto permeable soils that will filter the flow. The Commission's water quality staff has reviewed the applicant's information and concurs that the proposed development will not result in negative impacts to water quality, including the nearby San Dieguito River. Therefore, the Commission finds the proposed development, as conditioned, is consistent with Section 30231 of the Act.

4. Environmentally Sensitive Habitat Area. The following Coastal Act policy is most applicable to the proposed development and states:

Section 30240.

(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.

The proposed bike lane is located within the focused planning area of the San Dieguito River Park. The Via de la Valle alignment parallels the floodplain of the San Dieguito River and is generally flat. Based on the anticipated 30-foot wide construction corridor, the proposed project would result in impacts to a total of 2.3 acres. This includes impacts to 1.5 acres of ruderal vegetation, 0.8 acre of developed land, 0.2 acre of disturbed habitat, and 0.2 acre of agricultural field. The proposed development will impact approximately .05 acres of coastal sage scrub (CSS) and disturbed coastal sage scrub vegetation (dCSS) which has recently become established in slope wash and other eroded material from the adjacent sandstone bluffs. The Commission's biological staff has reviewed the proposal and have determined that the impacts will not occur to environmentally sensitive habitat area (ESHA), and that no mitigation is required.

In order to protect wildlife movement and foraging within the MHPA corridor, the applicant will be required to direct any nighttime construction lighting away from the MHPA (Special Condition #4). Additionally, the coastal California gnatcatcher, which may occupy CSS habitat within the MHPA, will be protected by a requirement that construction activities may not occur during the gnatcatcher's breeding season, March 1 to August 15 (Special Condition #5). These conditions will ensure maximum protection of the MHPA's CSS habitat that is critical for long-term survival of the coastal California

gnatcatcher, and reduce noise and light disturbance during the gnatcatcher's breeding season to the maximum extent feasible. Therefore, the Commission finds the proposed development, as conditioned to address other concerns [same comment], consistent with Section 30240 of the Act.

5. Visual Resources. The following policy of the Coastal Act is most applicable to the proposed development, and states:

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 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 applicant proposes to address three potentially unstable rock areas along the bikeway alignment on the north side of Via de la Valle by installing block walls or k-rails along with partial or complete removal of existing slope wash consisting of loose soil and rocks. There will be one wall approximately 5-7 feet high and 141 feet long, one wall approximately 2-4 feet high and 363 feet long, and one wall approximately 2-4 feet high and 366 feet long. The walls will be adjacent to existing sandstone bluffs, and will not impact current views to the south which include the San Dieguito River valley.

The applicant currently proposes to make all of the walls over six feet in height and over 50 feet long an earthtone/sandstone color and textured with a decorative rock face finish to help the walls blend with the adjacent sandstone slopes and minimize visual impacts. However, for consistency and a continuous appearance of natural surfaces, Special Condition #5 requires that all walls be finished as described above, for maximum protection of visual resources. Therefore, the Commission finds the proposed development, as conditioned, consistent with Section 30251 of the Act.

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, as proposed and conditioned, such a finding can be made.

The project site is located between two areas addressed in the Via de la Valle Specific Plan and the Future Urbanizing Area Subarea III portions of the City's certified LCP. Because the subject area is not included in either one of these plans, coastal development permit authority is retained by the Commission. The site is designated as right-of-way for

Via de la Valle in the certified City of San Diego Land Use Plan and the San Dieguito Park Focused Planning Area.

For the Commission, the standard of review is Chapter 3 of the Coastal Act, because the project area remains in Coastal Commission permit jurisdiction. As proposed and conditioned, the Commission finds the proposed bikeway project is consistent with the applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned herein, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP or to prepare an amendment to extend the coverage of that LCP to include this area.

7. 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 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.

As discussed herein, as conditioned, the proposed development will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the water quality, biology and visual resource policies of the Coastal Act. As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might 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.

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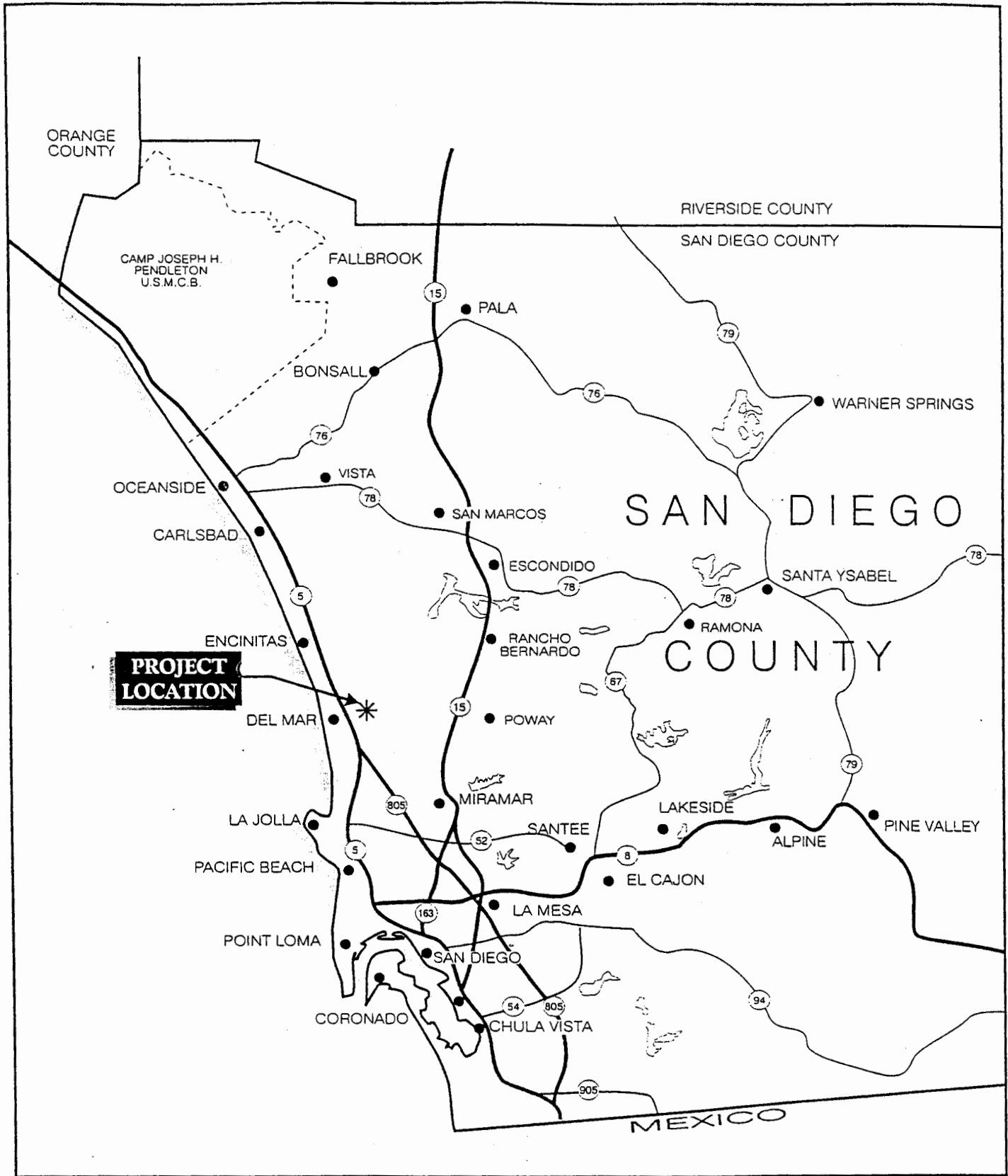


Figure 1
Regional Location Map



EXHIBIT NO. 1
APPLICATION NO.
6-03-095
Location Maps

ENVIR



PROJECT AREA

SEE 'A' H1

- 1 COLINA LINDA
- 2 LADERA LINDA
- 3 LADERA LINDA WY

SEE 'B' H1

- 1 CMTO BADALONA
- 2 CMTO GLENN
- 3 CMTO TORREBLANCA
- 4 CMTO FORTALEZA
- 5 CMTO CARBONERAS
- 6 CMTO VISTA ESTRELLADO
- 7 CMTO CABO VIEJO
- 8 CMTO VIA CAMPESTRE

SEE 'A' B6

- 1 VIA HOLQUERA
- 2 VIA TERCETO

SAN DIEGO

TORREY PINES STATE RESERVE



119286

(297-1694) 5-30-2003 bf.



Location Map

Environmental Analysis Section

CITY OF SAN DIEGO • DEVELOPMENT SERVICES

Figure
1

9-03-01
Ex. 3