

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

767-2370

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Staff: EL-SD
 Staff Report: January 14, 2003
 Hearing Date: February 5-7, 2003

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-127-A2

Applicant: City of San Diego

Agent: Mike Mezey

Original Description: Construction of the middle segment of State Route 56 to complete an east-west freeway connection between I-5 and I-15, with approximately 7,000 linear feet of the highway in the coastal zone (approximately 5,200 linear feet in the Coastal Commission's jurisdiction and subject to this permit). The project includes approximately 200,000 cu.yds. of grading in the coastal zone (approximately 175,000 cu.yds. in the Coastal Commission's jurisdiction and subject to this permit) and construction of four travel lanes, bicycle lanes and a bridge at the future interchange at Camino Santa Fe. The project also includes installation of two Continuous Deflective Separation Units on existing State Route 56 West and creation of 1.5 acres of riparian wetlands in McGonigle Canyon as mitigation for project impacts to 0.427 acres of existing southern willow scrub.

Proposed Amendment: Grading and paving of a 0.6 mile long temporary access driveway to provide continued access for existing commercial and residential uses during construction of SR 56 in this area. The temporary access will be removed when highway construction is complete (anticipated to be before 2006).

Site: South of approved State Route (SR) 56 alignment, within Carmel Valley, west of the Camino Santa Fe/SR 56 interchange, North City, San Diego, San Diego County.

Substantive File Documents: Certified City of San Diego LCP; CCC Files #6-98-127 and 6-98-127-A1

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff recommends approval of the amendment, with special conditions addressing the term of the permit and site restoration, submittal of final grading/erosion control plans, and continued effectiveness of the original conditions of approval. Primary issues raised by the amendment relate to

construction erosion and site hydrology and are fully addressed in the special conditions and/or the submitted plans.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-98-127-A2 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the amendment 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 A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of the certified Local Coastal Program. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions.

The permit is subject to the following conditions:

1. Term of Permit. The subject permit authorizes the proposed improvements to remain on the site for the duration of SR 56 construction activities that require closure of the existing access to these properties. Within sixty (60) days of the opening of the permanent access road, all paving, culverts, gravel, etc. shall be removed from the temporary access site, and the drainage crossing returned to pre-project conditions.

2. Final Drainage, Grading and Erosion Control Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final drainage and runoff control plans that have been approved by the City of San Diego. The plans shall document that the runoff from the access road/driveway will be directed into vegetated, pervious areas adjacent to the proposed improvements, for infiltration and/or percolation, prior to any conveyance off-site in a non-erosive manner. The use of temporary erosion control measures, such as

berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss during construction and operation.

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.

3. Prior Conditions of Approval. All terms and conditions of the original approval of Coastal Development Permit #6-98-127, as amended, not specifically modified previously or herein, shall remain in full force and effect.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. In 2000, the Coastal Commission approved a project proposed by the City of San Diego. It allowed the construction of the middle segment of State Route 56 (SR-56), a major east-west freeway connector between Interstate 5 (I-5) and Interstate 15 (I-15). The total proposed middle segment is approximately 5 miles long, with about 1.25 miles (approximately 7,000 linear feet) of the alignment in the coastal zone. Of the 1.25 miles in the coastal zone, approximately 1 mile (approximately 5,200 linear feet) was in an area of deferred certification (the North City Future Urbanizing Area, Subarea III), where the Coastal Commission retained permit authority and the standard of review was Chapter 3 of the Coastal Act. The City of San Diego subsequently assumed coastal development permitting authority for Subarea III. Thus, new coastal development permits for development within Subarea III are processed by the City of San Diego, but amendments to Commission-issued permits for development in Subarea III must be approved by the Coastal Commission, with the certified LCP as the standard of review. This amendment request provides for a temporary access road within Subarea III.

A portion of the eastern segment of SR-56, which is not in the coastal zone, trends westward from I-15 and has been in place for some time. Likewise, the western segment, which is entirely within the coastal zone, was constructed several years ago pursuant to Coastal Development Permit #6-90-123. The existing western segment extends for approximately two miles eastward from I-5, roughly along the historic alignment of Carmel Valley Road. The portion of SR-56 addressed in the original action on the subject permit is situated along the northern extent of the coastal zone boundary such that in places only a part of the full width of the proposed freeway is actually in the coastal zone.

The approved original project resulted in permanent impacts to approximately half an acre of riparian wetlands in the coastal zone, and much larger amounts of wetland

impacts outside the coastal zone. All mitigation approved therein was dependent on the purchase of land from private parties. The first amendment to this permit relocated the various mitigation sites for both coastal zone and non-coastal zone impacts of SR 56 to a single site in western Los Penasquitos Canyon Preserve. In approving the first amendment, the Commission deleted Special Conditions #2 and #3 of the original permit. The currently-proposed second amendment will not delete or modify any conditions of the original approval, and Special Condition #3 of the subject amendment assures that all remaining prior conditions of approval are still in effect.

The specific amendment proposed currently is the addition of a temporary access road to serve existing businesses and homes, whose current access will be removed to make way for highway construction. Permanent access to these properties will be via the Camino Santa Fe interchange with SR 56 after construction is complete. Although the need for this road was identified in the EIR for the original project, the City did not include it in their permit application; thus, the coastal development permit failed to call it out as a project component.

The temporary access driveway is proposed to follow an existing, approximately 18-foot wide dirt farm road and is located amid recently farmed fields. The proposal would slightly widen the road through grading it smooth and paving it, resulting in a 24-foot wide paved surface. An historic ephemeral drainage crosses the existing farm road, yet decades of agricultural disking and other farm operations have negated any habitat value. There is no longer a distinguishable streambed or streambanks, nor is there an ordinary high water mark. The drainage is not identified as a stream on any known map, nor is it within any mapped floodplain. The temporary access road will recontour the area to pre-farming conditions and will include three 30" culverts under the road to transport seasonal flows. These will have small areas of riprap at either end to provide dissipation, and the road in this specific area will be permeable, with Armorflex and Grass-Crete to encourage wildlife use. All temporary improvements will be removed when no longer needed and the area fully restored to natural conditions.

2. Environmentally Sensitive Habitats/Biological Resources. The applicable LUP policies of the Pacific Highlands Ranch Subarea III area of the North City LCP segment and the Environmentally Sensitive Lands Ordinance in the Land Development Code, are cited below, and state in part:

Section 1.5.5 (LUP)

... Pacific Highlands Ranch contains several of the major vegetation communities and sensitive species known to exist in the coastal areas of San Diego County. While the bulk of Pacific Highlands Ranch has been utilized for agriculture or nursery operations, some of the remaining areas of natural vegetation retain high biodiversity and are considered sensitive.

Section 3.5.2 (LUP)

... Within the coastal zone, development within wetlands is limited to the following uses: (1) aquaculture, wetlands-related scientific research and wetlands-related educational uses; (2) wetland restoration where the primary purpose is restoration of the habitat; and (3) incidental public service projects. Development within wetlands for one of these uses shall be permitted only if it has been demonstrated that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided to minimize adverse environmental effects. Where impacts to wetlands are unavoidable, mitigation for all wetland impacts within this plan shall be at a minimum ratio of three (3) acres of mitigation for every one (1) acre of impact. All mitigation shall be in-kind and shall result in no net loss of habitat extent or function. Mitigation shall occur on-site where possible, within the subject watershed, or, in any case, within the coastal zone. ...

Section 113.0103 Definitions (LDC)

Wetlands are defined as areas which are characterized by any of the following conditions:

1. All areas persistently or periodically containing naturally occurring wetland vegetation communities characteristically dominated by hydrophytic vegetation, ...
2. Areas that have hydric soils or wetland hydrology and lack naturally occurring wetland vegetation communities because human activities have removed the historic wetland vegetation ...
3. Areas lacking wetland vegetation communities, hydric soils and wetland hydrology due to non-permitted filling of previously existing wetlands; ...

Although a natural ephemeral stream may have existed in the distant past, this area has been farmed for decades, and normal agricultural activities and practices have modified the landforms to the extent that a stream corridor is no longer discernable. In addition, no normal wetland indicators (hydric soils, hydrology and/or wetland vegetation communities) exist on the site. The site is identified as an "atypical" situation, and does not meet the LCP or Coastal Act definitions of a wetland. No non-permitted fill has occurred, and agricultural uses have been predominant in this area for many, many years. As such, the project will not result in adverse impacts to wetlands; in addition, there are no environmentally sensitive lands in any direction within the area immediately surrounding the road.

The project will have a net beneficial effect with respect to usable habitat for wildlife. This area is identified as a wildlife corridor connecting upland areas to Carmel Creek and downstream Los Penasquitos Lagoon. Past agricultural operations have not lent themselves to encouraging wildlife use of the area. Grading and subsequent road

removal activities will provide an opportunity to enhance wildlife use, by creating/recreating a viable stream corridor and planting the area with native vegetation.

According to the Biological Resources Report and Impact Assessment, the proposed temporary access road may result in impacts to 0.01 acres of land that meet the U.S. Army Corps of Engineers (ACOE) definition of Waters of the United States (WOUS), located in the general area of the ephemeral drainage. However, this classification does not make the area a wetland, and no impacts to wetlands occur within the certified definition in the LDC. The Commission's staff biologist concurs with this finding. Therefore, the Commission finds the proposed amendment, as conditioned, consistent with the cited LCP provisions.

3. Other LCP Policies. In addition to biological concerns, the following policies of the Pacific Highlands Ranch Subarea Plan are applicable to the proposed amendment:

Section 3.6 (Page 33), second bulleted item:

Preservation of significant topographic features, including canyons and hillsides.

Appendix B, (Page B-3), portion of third paragraph:

... The Pacific Highlands Ranch plan provides source control BMP's by requiring landscaping of all manufactured slopes and street right-of-way to prevent erosion and by incorporation of a grading/drainage concept which directs water away from easily erodible areas and into a drainage system designed to safely handle the storm water runoff. ...

These policies address visual and water quality concerns. The proposed access driveway is an at-grade development, such that no changes to the existing scenic resources will result.

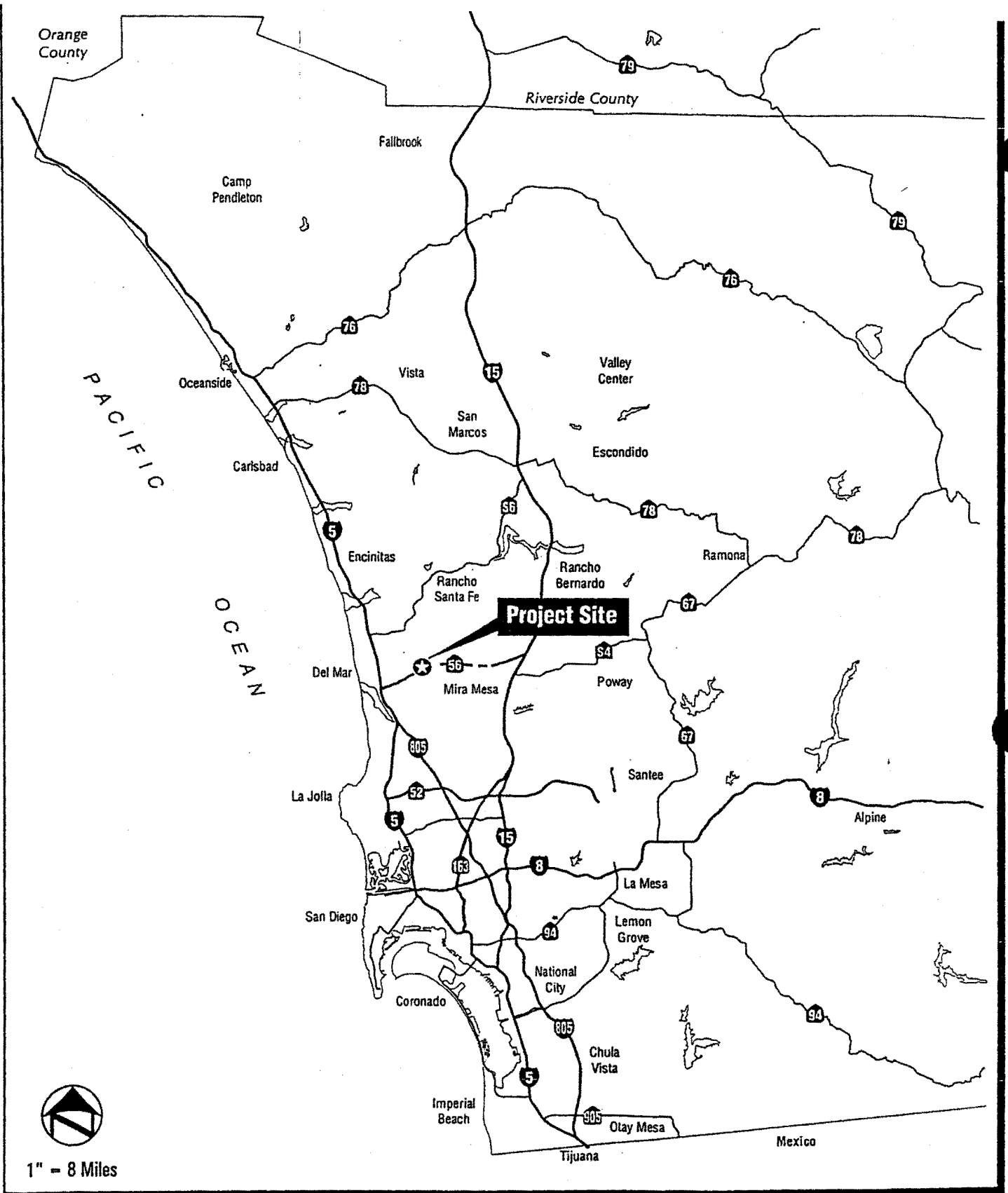
The proposed temporary road will be located over an existing unimproved farm road; only minimal grading to smooth the surface will be required. New impervious surfaces are limited to a 24-foot wide, 0.6 mile long strip of pavement. Where the temporary road crosses the difficult to distinguish drainage, the road will be made of permeable surfaces, such as Grass-Crete and Armorflex. This will minimize surface runoff and also provide a more useful surface for wildlife crossing through this corridor. Furthermore, the project includes redirecting surface flow through three new 30" culverts, restoring what is believed to be an historic natural drainage. Small amounts of riprap will be placed at both the upstream and downstream ends of the culverts to retain flows at a non-erodible rate. There is a significant amount of existing vegetation downstream of the culverts, to further filter the runoff before it reaches Carmel Creek. Special Condition #2 requires submittal of detailed grading/drainage plans. The Commission finds that the proposed amendment, as conditioned, is consistent with LCP policies addressing visual resources and water quality.

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 mad

This is a certified area of the City of San Diego, and the City typically issues its own permits in Pacific Highlands Ranch. The Commission, however, must review any amendments to permits it issued prior to certification, using the certified LCP as the legal standard of review. Previous findings have demonstrated that the proposed temporary access road is consistent with all cited LCP policies and ordinances. Therefore, the Commission finds that approval of this amendment request will not prejudice the City's ability to continue implementing its LCP in this community.

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, or permit amendments, to be supported by a finding showing the permit or permit amendment, 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 addressing grading/runoff control 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.

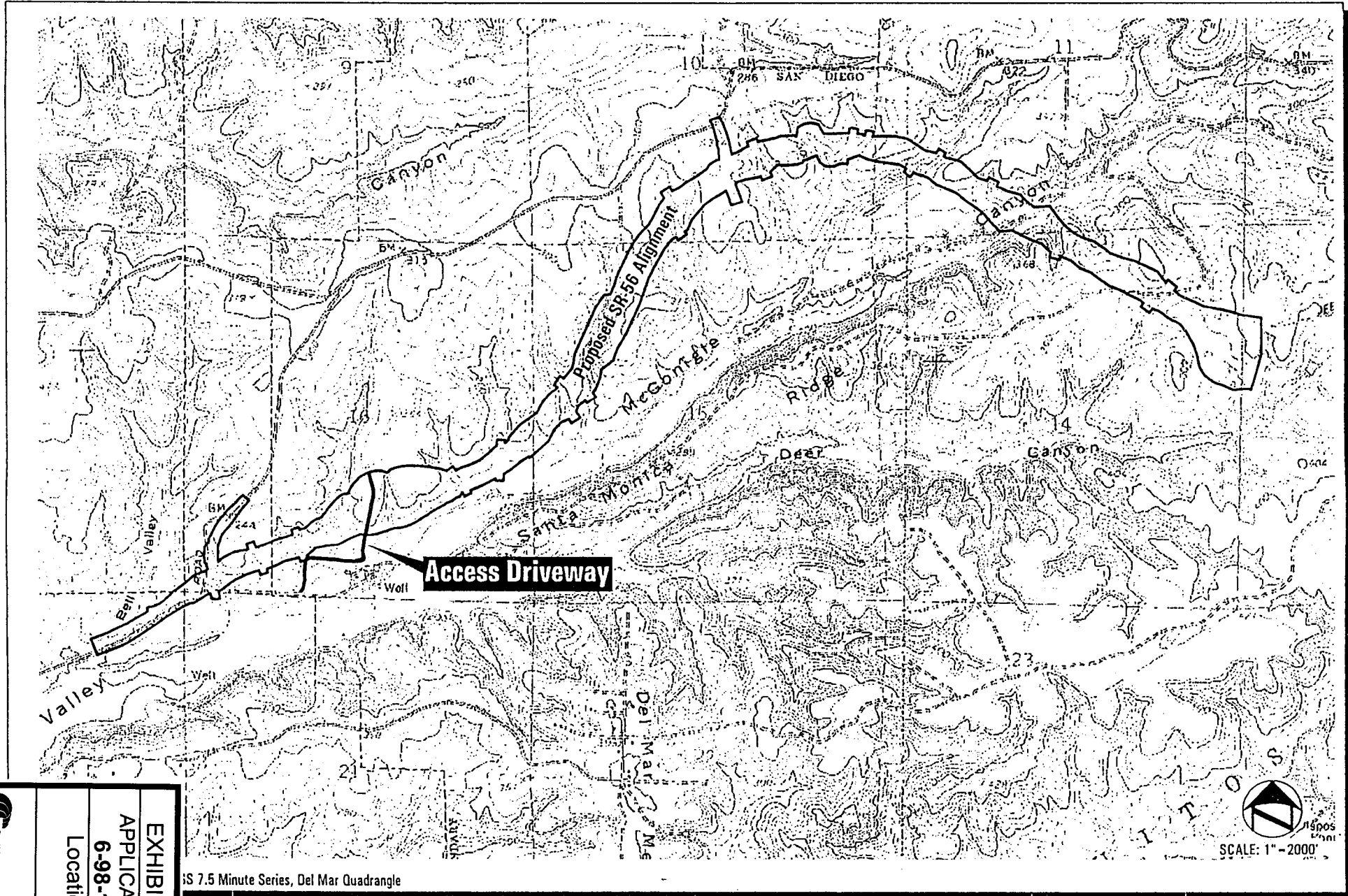



Camino Santa Fe Interchange Access Driveway - Biological Resources Report

FIGURE

Regio

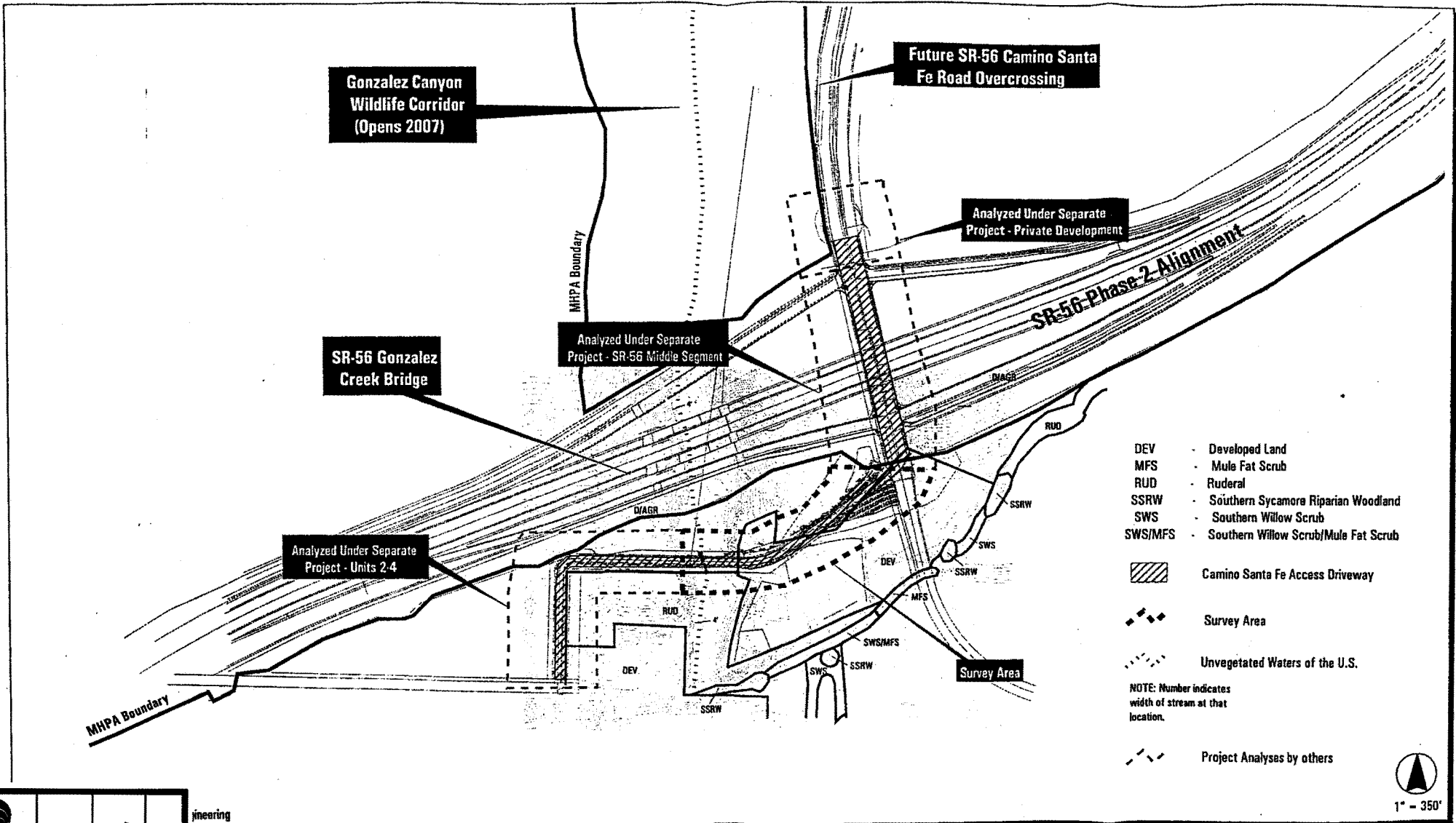
EXHIBIT NO. 1
APPLICATION NO.
6-98-127-A2
Regional Map




 California Coastal Commission
 EXHIBIT NO. 2
 APPLICATION NO.
 6-98-127-A2
 Location Map

Camino Santa Fe Interchange Access Driveway - Biological Resources Report
Vicinity Map

FIGURE
 2



Engineering

California Coastal Commission

EXHIBIT NO. 3

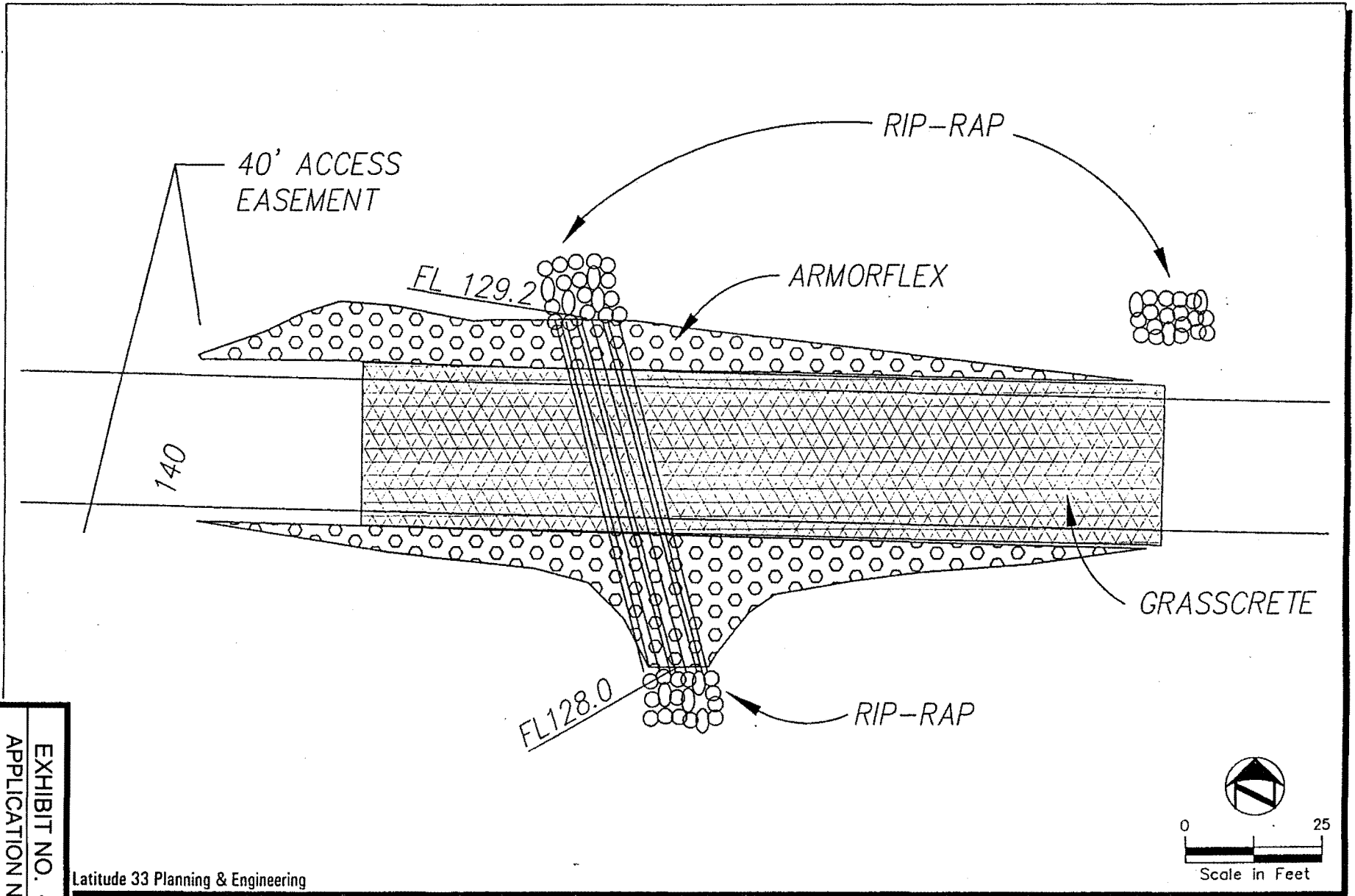
APPLICATION NO. 6-98-127-A2

Site Plan

Camino Santa Fe Interchange Access Driveway - Biological Resources Report

Biological Resources Map with Site Plan

FIGURE 3



Latitude 33 Planning & Engineering

 California Coastal Commission	EXHIBIT NO. 4
	APPLICATION NO.
	6-98-127-A2
	Pervious Area at Drainage

Camino Santa Fe Interchange Access Driveway - Biological Resources Report
Camino Santa Fe Access Driveway Design - Gonzalez Canyon Wildlife Corridor Crossing

FIGURE
5

