

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

767-2370

RECORD PACKET COPY



Tue 10a

Filed: January 9, 2003
 49th Day: February 27, 2003
 180th Day: July 8, 2003
 Staff: EL-SD
 Staff Report: February 11, 2003
 Hearing Date: March 4-7, 2003

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-055

Applicant: California State Parks
 Attn: Suzy Lahitte

Agent: Tierra Environmental
 Services

Description: Resurfacing of an existing paved segment of Monument Road and construction of riparian wetlands as mitigation for off-site impacts.

Site: Along the western portions of Monument Road and east of Monument Road, Tijuana River Valley, San Diego, San Diego County. APN Nos. 662-020-19 and 20; 622-030-06; 663-020-01, 04, 05, 06 and 09.

Substantive File Documents: Certified City of San Diego LCP; Final EIR/EIS for the Goat Canyon Enhancement Project, dated December 21, 2001; Biological Opinion from U.S. Fish and Wildlife Service (FWS-SDG-3302.1), received on 1/24/03; Tijuana River National Estuarine Research Reserve Management Plan.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development, with special conditions addressing construction methods, monitoring of the mitigation site, and permits from other state and/or federal agencies. This is part of a much larger restoration project addressing sediment removal and habitat enhancement that includes impacts to riparian habitat. Most of the development is located within the City of San Diego's coastal permit jurisdiction.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-02-055 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. **Construction Practices.** To assure that construction activities do not damage nearby wetland resources, all such resources shall be flagged and fenced during the construction period, and no construction vehicles, equipment or materials shall be stored outside the existing roadbed for that portion of the overall project addressed in this permit. Also, construction activities shall not occur during the breeding seasons of listed avian species, consistent with the requirements of the U.S. Fish and Wildlife Service.

2. **Final Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Dir, final plans for the mitigation site and road improvements. The final mitigation site plan shall include a written commitment to incorporate all mitigation and monitoring requirements of the *BIOLOGICAL OPINION* received in the Commission's San Diego District Office on January 24, 2003.

3. Other Permits. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the permittee shall provide to the Executive Director copies of all other required local, state or federal discretionary permits for the development authorized by CDP #6-02-055. The applicant shall inform the Executive Director of any changes to the project required by other state or federal agencies. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this 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. California State Parks is proposing to undertake a large sediment removal and wetland restoration project in the Goat Canyon area of the Tijuana River Valley. The existing marsh and riparian areas have been severely degraded by sediments and debris washing down Goat Canyon Creek during moderate and heavy rainfalls. The creek's watershed is approximately 4.6 square miles in size, with more than 90% of it located south of the U.S./Mexico border. Significant portions of former wetland resources have been converted to uplands due to the deposition of several feet of sediment, and these sediments are being colonized by non-native, invasive weeds. Moreover, sediment covers portions of Monument Road and affects access to Border Field State Park.

The project consists of two large sedimentation basins, totaling a 19.12 acre footprint within Goat Canyon and its alluvial fan. There are also associated diversion structures and low-flow outlets, weirs, and a screening berm; the system has been designed to convey 100-year storm events. The applicant also proposes improvements to Monument Road, which runs north and west of the primary sediment deposition area, and which is the sole access road to Border Field State Park. The existing road is already paved, although the pavement is buried under sediment in several locations and is flooded during major rain events. The project will raise and widen those portions of the road that are most often flooded, incorporating a paved 8-foot multi-purpose trail on the north side of the road, and repave the southwestern portions of the road.

As a whole, the project will permanently impact more than 7 acres of existing riparian vegetation, consisting of southern willow scrub, mulefat scrub and mulefat elderberry scrub. It will also impact close to an acre of upland habitat, consisting of maritime succulent scrub and southern mixed chaparral. To compensate for these losses, the applicant has identified mitigation sites that can provide 20.71 acres of mulefat scrub and 2.62 acres of southern willow scrub; upland habitat impacts will be mitigated on the proposed screening berm.

The overall project extends into two coastal development permit jurisdictions, the Commission's and the City of San Diego's, with the vast majority of the project located in the City's jurisdiction. Because of existing wetland habitat within 100 feet of the City's portion, the City's permit will be appealable to the Commission. The only two

project components located within the Commission's original jurisdiction, which are the subject of this review, are the repaving of a portion of Monument Road and the construction of a riparian mitigation site. The approximately 2,000 linear feet of Monument Road affected by the proposed development within the Commission's jurisdiction will not result in adverse impacts to any coastal resources. The road will not be raised or widened in this location, only resurfaced in its existing alignment. Likewise, the creation of the riparian mitigation site is entirely within ruderal vegetation, and will have no adverse impacts on any nearby sensitive resources. However, since the subject mitigation area is not directly associated with the Coastal Commission's permit, the Commission is reviewing it as an independent restoration project. The legal standard of review for this proposal is Chapter 3 of the Coastal Act, with the City's certified LCP used as guidance.

2. Environmentally Sensitive Habitats/Biological Resources. According to the applicant's submitted plans, the proposed road improvements and restoration project will not result in any direct impacts to existing wetland or upland habitats. The work will occur entirely within areas of ruderal vegetation, and nearby marsh and riparian areas will be avoided completely. The most applicable Coastal Act policies are cited below, and state in part:

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.

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 project could potentially raise concerns under these Coastal Act policies. The project site is located in the Tijuana River floodplain. With respect to Section 30231, project impacts are anticipated to be beneficial, since the object of the project is to remove accumulated sediments and restore natural habitats, including at the proposed

mitigation site in the Commission's jurisdiction. Removal of the dense layer of sediments will allow stormwater to spread out and flow more naturally.

The subject project will not adversely impact any existing wetland resources, since the road improvements are contained within the already paved portion of the roadway. Moreover, the site for mitigation is severely disturbed by sedimentation and provides no habitat functions. The project will recontour the site to appropriate elevations to support the two types of riparian habitat being created, namely southern willow scrub and mulefat scrub. The proposed project avoids any existing areas of native vegetation, although a number of sensitive habitat types exist nearby both Monument Road and the restoration site. To assure that construction activities do not disturb these resources, Special Condition #1 requires identification and fencing of all such resources throughout the construction period and prohibits the placement or storage of any project-related items within any of these areas. The condition also prohibits construction activities during the recognized breeding seasons of sensitive species, as also required by other reviewing agencies.

The Commission's staff ecologist has reviewed the proposed restoration/mitigation plan and, with a few changes to the monitoring component, found it to be adequate. Special Condition #2 addresses the submittal of final plans that shall include a written commitment to comply with the mitigation and monitoring program.

With respect to Section 30240, the project will expand the amount of riparian habitat in this area; although there are existing, functioning salt marsh/salt panne wetlands to the north and west of Monument Road and a strip of existing mulefat scrub separating the road from the restoration site. With the inclusion of the special conditions, none of these existing sensitive habitats will be harmed or removed. In most cases, the first 100 feet upland from a wetland is reserved as a buffer to provide transitional habitat between the actual wetland and permitted development. Although the size of an individual buffer can vary depending on site-specific circumstances, 100 feet is generally accepted as a minimum. A buffer provides a distance barrier and a percolating medium, and reduces the chance that adverse impacts associated with development will find its way into the wetlands. In addition, buffers provide upland habitat that acts as a refuge area for birds and other species that use the various wetlands throughout the river valley.

The proposal does not provide any buffer area separating the road or restoration site from the surrounding areas. However, the road already exists and is not being raised or widened in this location. These lands are State Parks property, and are also within the Tijuana River National Estuarine Research Reserve; no future development in this area is anticipated. Once constructed, the restoration area will be contiguous with existing riparian habitat, as well as other associated sensitive habitats, and will be enclosed within a larger open space system. The applicant proposes to fence all the mitigation areas for the overall project, including the one in the Commission's jurisdiction, to protect them from human intrusion and allow the plants time to establish. The Commission's staff ecologist has concurred that the area resources have been properly identified and, understanding that no impacts occur within the Commission's original permit

jurisdiction, the proposed mitigation sites and ratios are appropriate. Thus, in this particular case, the Commission finds that a minimal buffer, or no buffer in some locations, is preferred to allow existing and proposed resources to grow together.

The applicant, the City of San Diego, and other state and federal regulatory agencies have been reviewing this entire project as a whole since its inception. These parties have identified all project impacts within the City's permit jurisdiction, as well as appropriate sites for mitigation. However, by the time final design is complete, and other agencies issue permits, it is possible that circumstances may have changed and additional riparian mitigation be required. Thus, Special Condition #3 requires that, prior to project construction, copies of all other required permits will be submitted for the file. The condition also advises that any project changes identified in those permits may require the applicant to apply for an amendment to the subject permit.

In summary, implementation of the subject proposal will increase the amount and quality of wetland habitat in this portion of the Tijuana River Valley. The project is conditioned to safeguard existing resources, require that the Commission receive copies of all monitoring reports, and require that the Commission receive copies of the permits from other agencies that required mitigation. Because the road improvements are non-exempt repair and maintenance resulting in no impacts to existing resources, no mitigation is required by the proposal reviewed herein. Moreover, because the restoration site will be surrounded with existing wetland habitats, its chances of success are high. Therefore, the Commission finds the proposal, as conditioned, consistent with the cited Chapter 3 policies of the Coastal Act.

3. Water Quality. Section 30231 of the Coastal Act is applicable to the proposed development and was cited in the previous finding. The project site is located within the Tijuana River Valley, west of I-5. The road improvements will not modify the amount of discharge or change the direction of flood flows. In addition, the proposed wetland restoration is not anticipated to have any adverse impacts on existing water quality, and should result in significant improvements over existing conditions. Except for the already-paved road, all surfaces will continue to be permeable, and the proposed sediment removal should enhance the free flow of water through the site and aid in the establishment of wetland vegetation. With respect to the road, since this is already an impervious surface, and it is not increasing in size, there will be no change to drainage patterns or amounts. The project as a whole will more effectively filter out contaminants by providing additional wetland area with native wetland species, which are designed to accomplish this task. The Commission finds the proposal, as conditioned to address other concerns, consistent with Section 30231 of the Act.

4. Public Access. Many policies of the Coastal Act address the provision, protection and enhancement of public access opportunities, particularly access to and along the shoreline and access to public open space areas. The project site is some distance inland from the actual shoreline, but Monument Road provides the only public access to existing recreational facilities on Monument Mesa in Border Field State Park, adjacent to the Mexican border. Current road conditions, especially within the City's

jurisdiction, discourage full use of the area, although it provides panoramic views of the coast and estuary and provides picnic/play areas as well. The following policies are most applicable, 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 30213

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

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.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. . . .

There are a number of unimproved trails/roads running throughout the river valley, primarily associated with Border Patrol activities, equestrian uses, and frequently needed detours around flooded segments of Monument Road. The road improvements identified herein will not interfere with any existing access to the shoreline or other public recreational venues.

The greatest threat to success of most restoration efforts is ongoing human intrusion into the site. This is an area where illegal border crossings are common, and both foot traffic from illegal aliens and vehicular traffic from the Border Patrol are a concern. For this

reason, the applicant proposes to install temporary fencing around the restoration/mitigation site until the vegetation can hold its own through human disturbances. In addition, signage identifying this as a restoration site will be provided along the proposed fence. Section 30214 of the Coastal Act authorizes regulation of the time, place, and manner of public access depending upon such factors as topographic characteristics and the capacity of the site to sustain public use. Because of the sensitivity of the restoring habitat to human intrusion, restricting public access in the manner proposed by the applicant is consistent with the Coastal Act. The Commission finds that the finished project will increase coastal resources and provide additional habitat for wildlife, while not diminishing any existing access paths currently available to the public. Moreover, the Monument Road improvements will provide a more reliable means to access the public recreational facilities on Monument Mesa. Overall, directing the flow of human traffic through the area will provide a more enjoyable recreational experience for the public. Therefore, the Commission finds the proposed development, as conditioned to address other concerns, consistent with the cited public access and recreation policies of the Act.

5. Visual Resources. The following policy of the Coastal Act addresses visual resources, and states, in part:

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 subject site is located within one of only a few remaining greenbelts in the intensely developed San Diego/Tijuana metropolitan area. The Tijuana River Valley contains some of the few remaining farming and ranching operations in close proximity to the coast. The western portion of the river valley is a valuable estuary and federal wildlife preserve and provides habitat for a large number of listed species. It is a broad open space corridor within an otherwise intensely developed commercial, residential and industrial area. Portions of the estuary are visible from certain streets in Imperial Beach, from I-5, and from Monument Road and Mesa. The proposed road repairs and wetlands creation will not significantly alter the existing viewshed, as all components are at ground level and match the surrounding areas. Throughout the years, these improvements will remain visually compatible with the overall river valley open space. Thus, the Commission finds that the proposed development, as conditioned to address other issues, is 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, such a finding can be made.

The site is a portion of the Tijuana floodplain, and is located in the Tijuana River Valley Community Plan area. Only a small part of the overall project to remove sediments and restore habitat is within the Coastal Commission's original permit jurisdiction, and that part consists of repair and restoration activities. The floodplain in this area is primarily publicly-owned open space, and the proposed project will be totally consistent with that designation, as it will enhance the habitat function of the site and provide an appropriate level of public access. It is also consistent with the Tijuana River National Estuarine Research Reserve Management Plan, which includes the goal of complete restoration of the river valley. Prior findings have demonstrated that the project, as conditioned, is also consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of this proposal, as conditioned, will not prejudice the ability of the City to continue implementation of its certified LCP.

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 addressing construction practices, monitoring reports, and permits from other agencies 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.

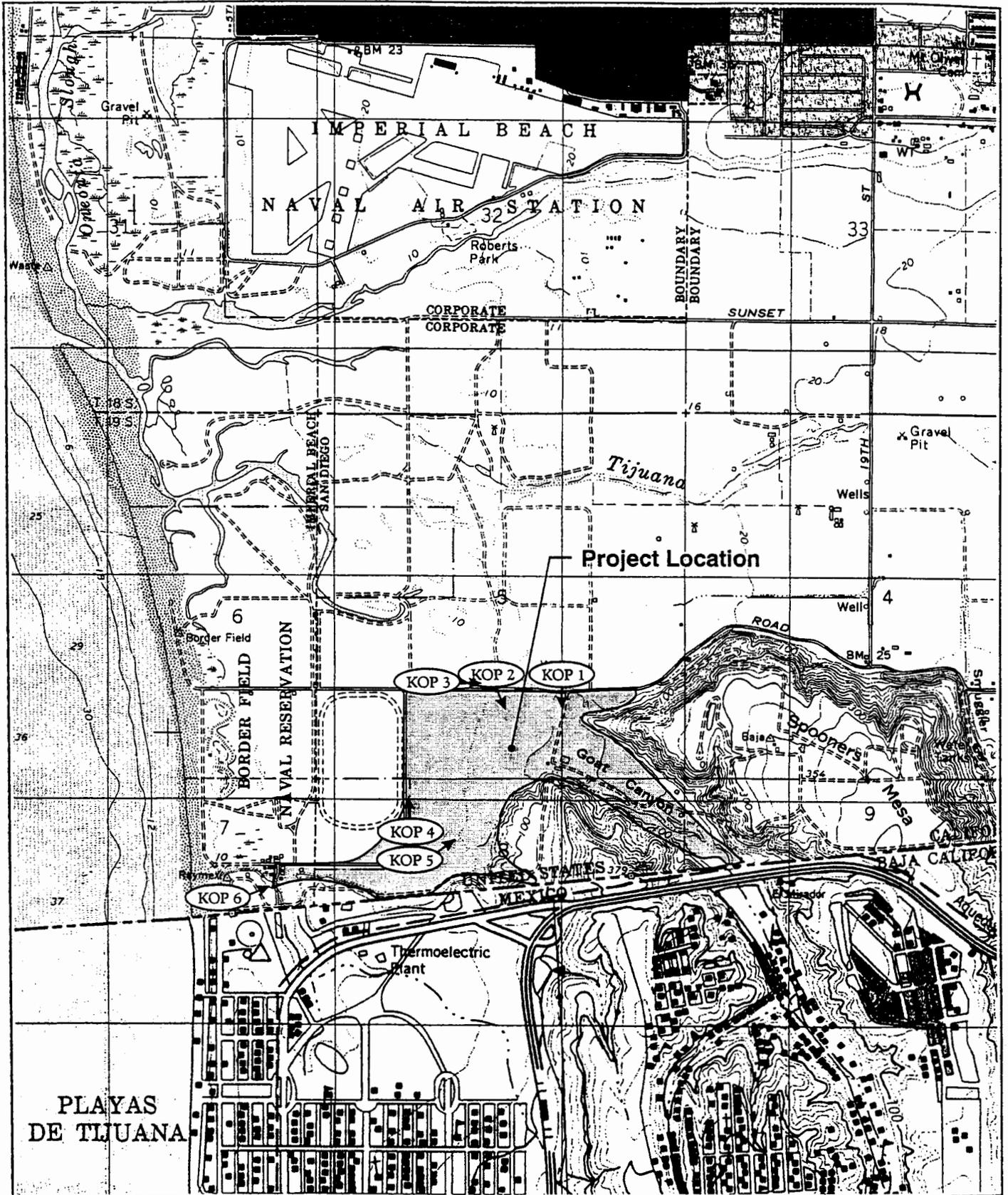
STANDARD CONDITIONS:

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.

6-02-055



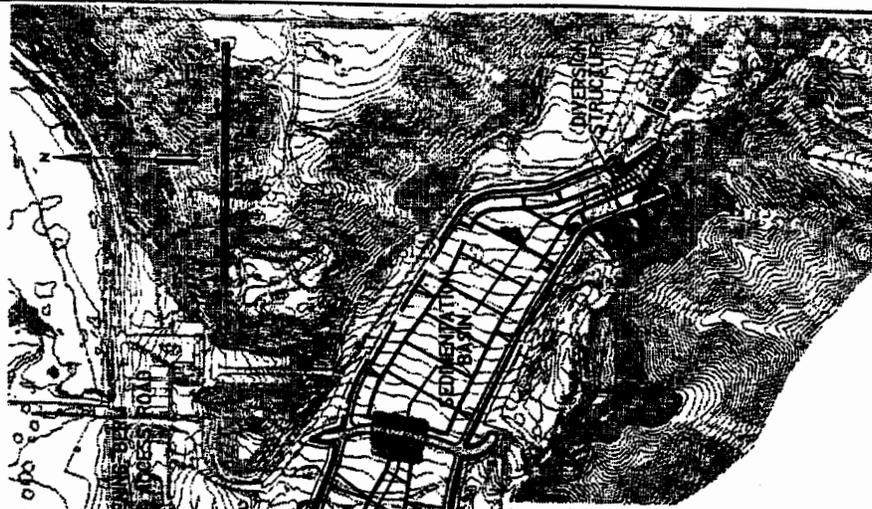
SOURCE: USGS 7.5' Quad Map (Imperial Beach)

Figure 1
Key Observation Point Locations

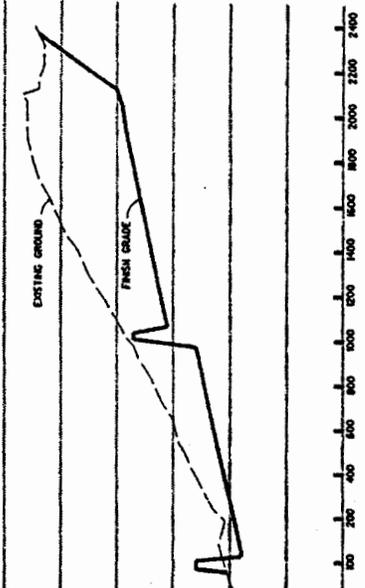


EXHIBIT NO. 1
APPLICATION NO. 6-02-055
Location Map
California Coastal Commission

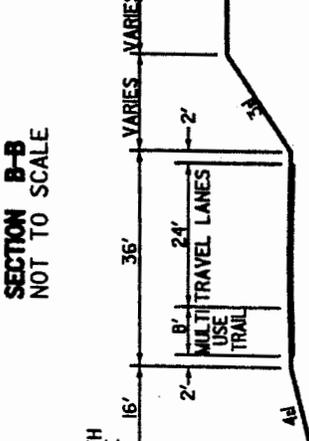
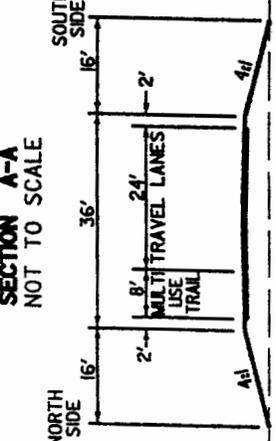
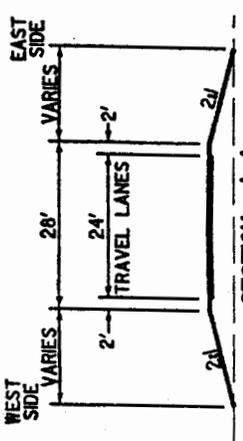
6-02-055



	DOT (C.Y.)	FILL (C.Y.)	CLEAR & GRAB (C.Y.)
CONCRETE ROAD LIMITS OF CONSTRUCTION	—	13,300	3.1 (.5)
DIVERSION STRUCTURE LIMITS OF CONSTRUCTION	10,400	1,100	7.9 (.5)
SEDIMENTATION BASIN LIMITS OF CONSTRUCTION	186,400	43,100	19.1 (2.8)
SCREENING BEAM LIMITS OF CONSTRUCTION	—	78,000	4.1 (0.3)
STAGING AREA LIMITS OF CONSTRUCTION	—	16,200	5.3 (.0)
TOTAL LIMITS OF CONSTRUCTION	197,200	153,300	32.8 (4.4)
TOTAL CLEAR & GRAB PLUS LIMITS OF CONSTRUCTION	—	—	37.2



SECTION D-D
SEDIMENTATION BASIN PROFILE
NOT TO SCALE



Engineering Company



Alternative D Option D-1 Site Plan

EXHIBIT NO. 2
APPLICATION NO.
6-02-055
Site Plan
Whole Project
California Coastal Commission

6-02-055

CCC Components mitigation site



Department of us

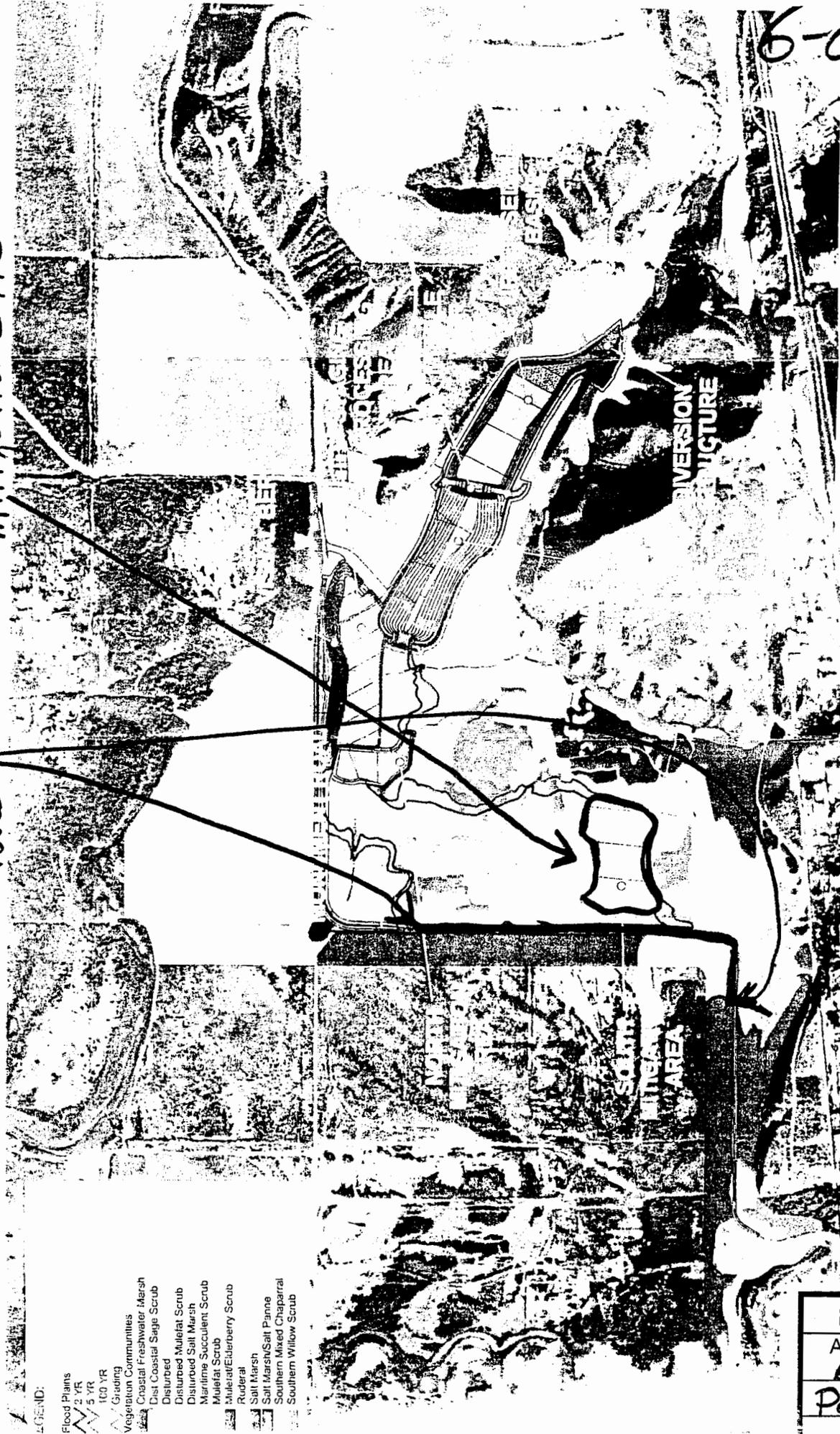


Figure 3 - Vegetation Communities and Project Features

Figure from Rock Engineering & Terra Environmental Services 01-07-02

EXHIBIT NO. 3
APPLICATION NO.
6-02-055
Portions in
CCC Jurisdiction
California Coastal Commission

