

CALIFORNIA COASTAL COMMISSION

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Fri 9e

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 Staff: EL-SD
 Staff Report: December 7, 2003
 Hearing Date: January 14-16, 2004

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-03-088

Applicant: California Department of Parks and Recreation Attn: Ron Saenz

Description: Construction of an approximately 1,400 sq. ft. addition to the existing visitor center complex; construction of a 700 sq. ft. restroom structure and replacement of an existing sewer pump station; rehabilitation of an existing, paved parking lot; and performance of various park improvements, including installation of a group picnic ramada, landscaping and creation of a drainage swale.

Site: Tijuana River National Estuarine Research Reserve Visitor Center (3rd Street & Caspian Way, Imperial Beach) and Border Field State Park (western end of Monument Road, San Diego), San Diego County.

Substantive File Documents: Certified City of Imperial Beach LCP; City of San Diego Certified LCP; Tijuana River Comprehensive Management Plan; CCC Files #6-99-106 and 6-02-055

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff recommends approval of the proposed day-use improvements at an existing state park facility. Special conditions addressing potential construction impacts on public access and nesting sensitive species are recommended. The completed projects should have no adverse impacts on any coastal resources, and will enhance public access and recreational opportunities at this underutilized park.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-03-088 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 a set of final plans for the proposed development. Said plans shall include final site plans of each project site within the Coastal Commission's permit jurisdiction, and elevations of all proposed structures. In addition, the plan shall also indicate the following:

- Work shall only occur during daylight hours, commencing no earlier than 7:30 a.m.;
- All lighting shall be shielded and directed away from sensitive habitat areas;
- No new features which could act as predator perches, such as fences, light standards, tall landscaping, etc. shall be located in the visitor center area.

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. Construction Schedule/Staging Areas/Project Timing. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a construction schedule and final plans showing the locations, both on- and off-site within the coastal zone, which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The staging/storage plan shall be subject to review and written approval of the Executive Director. Use of sensitive habitat areas for the interim storage of materials and equipment shall not be permitted. The plan shall also indicate that no work may occur between March 15 and September 15, of any year, to protect the nesting seasons of sensitive birds, without conducting protocol surveys and obtaining written approval from the California Department of Fish and Game (CDFG) and U. S. Fish and Wildlife Service (Service).

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. Other Permits. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the permittee shall provide to the Executive Director copies of all permits approved by other state and federal resource agencies for the development herein approved. The applicant shall inform the Executive Director of any changes to the project required by any state or federal permits. Such changes shall not be incorporated into the project until the applicant obtains a Commission 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 development described above is part of a larger development proposal through which the California Department of Parks and Recreation (DPR) intends to upgrade and refurbish its facilities in the Tia Juana River National Estuarine Research Reserve. The project includes two overall components – expansion of the visitor center in Imperial Beach and improvements at Border Field State Park in the City of San Diego. First, the applicant proposes to construct a new 2,700 sq.ft., one-story, detached addition to the existing visitor center. This will house a larger meeting room than now exists, and new offices, along with a new patio, courtyard and foyer. In conjunction with this expansion to the visitor center, the applicant proposes to provide additional parking area, including one new paved handicapped parking spot. The

visitor center is located on Caspian Way, south of Third Avenue, in Imperial Beach, along the northern edge of the Reserve.

This project component is entirely within the coastal zone, but is bisected diagonally by the boundary between Coastal Commission original jurisdiction lands and the City of Imperial Beach's coastal permitting jurisdiction. Essentially, approximately one-half of the proposed expansion area is located within the Commission's original jurisdiction and the subject of this review. Specifically, the courtyard and entryway (foyer) are completely within the Commission's jurisdiction, along with most of the patio, more than half of the new offices and approximately a quarter of the new meeting room. The remainder of the visitor center addition, including the parking lot expansion, will be addressed by the City of Imperial Beach, which will be processing an appealable coastal development permit for those portions of the project within its jurisdiction. The two jurisdictions are depicted on Exhibit #2.

Next, the applicant proposes to replace and rehabilitate existing facilities within Border Field State Park located at the base of Monument Mesa, which is in the far southwest corner of the United States, abutting Mexico. Currently there is a paved parking lot in disrepair, a pump station, and the foundation pad of former restrooms, which burned down some years ago. The proposed development will rebuild the restrooms in the same general location and to the prior size, which is approximately 700 sq.ft. The obsolete pump station will be replaced with a new one and the parking lot will be repaired and repaved. An existing equestrian staging area will remain; beach access is directly available through this parking lot. This project component is entirely within the Commission's original permit jurisdiction.

Finally, the applicant is proposing additional public recreational facilities on top of Monument Mesa, which currently houses a restroom, border monument, viewpoints, picnic tables and grassy lawn. The proposal would add a large picnic ramada for group events and reconfigure the existing individual picnic table layout. It would also remove an existing parking lot median and replace it with a grassy swale to reduce and filter parking lot runoff. The applicant also proposes to augment the existing, mostly ornamental, landscaping with native plantings consistent with the surrounding undisturbed areas. These project components also are entirely within the Commission's jurisdiction.

The overall project includes a fourth component, a new entry kiosk. This is proposed along a portion of Monument Road north and east of the Monument Mesa area, and completely within the coastal development permit jurisdiction of the City of San Diego. A permit for that feature would need to be processed by the City of San Diego, but would be appealable to, or by, the Coastal Commission.

The Commission has taken several prior actions at both the Visitor Center and in the Monument Road area. In 1999, the Commission approved Coastal Development Permit (CDP) #6-99-106 for additions to a separate office/garage building at the visitor center site. In 2000, the Commission approved CDP #6-00-166 for construction of an

amphitheatre and interpretive plaza at the visitor center. Most recently, the Commission approved CDP #6-02-055 for, among other things, repaving of portions of Monument Road generally adjacent to the day use facilities subject to this application review.

To summarize, most project components are located within original jurisdiction lands under the permit jurisdiction of the Coastal Commission. For these components, the legal standard of review is Chapter 3 of the Coastal Act, but policies of the certified LCPs for these areas will also be considered. For those components of the visitor center addition located within the City of Imperial Beach's jurisdiction, the certified LCP is the legal standard of review. Likewise, components under the City of San Diego's jurisdiction will be analyzed for consistency with the certified City of San Diego LCP. In addition, all components would be judged for consistency with the Tijuana River Comprehensive Management Plan. Grounds for appeal of either city-issued coastal development permit would be that the project is not consistent with the respective LCP, or not consistent with the public access and recreation policies of the Coastal Act, since all components are located between the first public road and the sea.

2. Environmentally Sensitive Habitats/Biological Resources. According to the applicant's submitted plans, the proposed improvements within the Commission's jurisdiction, and subject to this permit, will not result in any direct impacts to existing wetland or upland habitats. The work will occur entirely within disturbed areas, and nearby marsh and riparian habitat 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. Some of the project sites are partially located in the Tijuana River Valley itself, but no proposed development is within the 100-year floodplain. With respect to Section 30231, project impacts are not expected to be significant, since all proposed development occurs within already disturbed areas.

The subject project will not adversely impact any existing wetland resources, although such resources exist adjacent to, or nearby, some sites. A large area of coastal salt marsh and riparian wetlands exists to the south and west of the existing visitor center. However, no new construction associated with the proposed addition will be closer than 200 feet to the nearest wetland, and will occur north and east of the existing facility. Since 200 feet represents twice the distance of a typical wetland buffer, no impacts, temporary or permanent, are expected within the nearby wetland habitats. The restroom and parking lot improvements at the state park are contained within the already paved portions of the area and will not encroach into any nearby sensitive areas. The project component on the top of Monument Mesa is well removed from the floodplain and has no wetland resources. Because it is improved recreational parkland, it also has no sensitive upland plant communities. The proposed development will, however, include augmenting the turf areas with new native plantings consistent with nearby natural areas.

Construction activities at the visitor center site have the potential to disturb sensitive species nesting in nearby wetland resources. Special Condition #2, among other things, prohibits construction activities between March 15 and September 15 of any year, unless protocol surveys are conducted and written permission is obtained from CDFG and the Service. In addition, construction is limited to daylight hours starting after 7:30 a.m. The condition also prohibits the use of any sensitive areas for the staging or storage of materials.

With respect to Section 30240, the project will not affect 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 existing mulefat scrub in some other areas near proposed work sites. With the inclusion of the special conditions, none of these existing sensitive habitats will be encroached upon, degraded or harmed in any way. 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. As mentioned previously, proposed development will maintain a minimum 200 foot buffer between it and any existing wetlands.

The applicant has consulted the two involved local jurisdictions, the Cities of San Diego and Imperial Beach, and other state and federal regulatory agencies as these plans have developed. However, permits have not yet been issued by the other regulatory parties. 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. The Resource Agencies responded to the EIR with breeding season concerns that are resolved through part of this approval. The applicant

does not believe that permits are required from any other state or federal agencies, but Special Condition #3 is attached just in case it's needed.

In summary, implementation of the subject proposal will not involve either direct or indirect impacts to any sensitive habitat areas and will increase the recreational enjoyment of this portion of the Tijuana River Valley. It will also provide additional opportunities for public education addressing the resources of the area. The project is conditioned to submit final plans for the Executive Director's review, safeguard existing resources and require that the Commission receive copies of the permits from all other agencies with jurisdiction over this development. 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 sites are located within the Tijuana River Valley, west of I-5, but outside the 100-year floodplain. All areas are currently disturbed; those already paved will remain paved and those unpaved will remain unpaved for the most part. The only new impervious surfaces proposed are one handicapped parking space and the group picnic ramada, on the mesatop. The picnic ramada is balanced out by the removal of the existing parking lot median and its replacement with a vegetated drainage swale. Thus, the project will not significantly modify the amount of discharge or change the direction of flood flows; none of the projects subject to this permit are located within the 100-year floodplain. Thus, outside of possible impacts during construction, the proposed improvements are not anticipated to have any adverse impacts on existing water quality, and should result in a beneficial effect with respect to the vegetated drainage swale. The Commission therefore finds the proposal 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 visitor center project site is some distance inland from the actual shoreline, but direct beach access can be gained through the parking lot at the foot of Monument Mesa. Monument Road provides the only public access to existing recreational facilities on Monument Mesa in Border Field State Park, adjacent to the Mexican border. These include areas for viewing, picnicking and lawn play. Other project sites provide public access to hiking trails throughout the area, although they do not connect to the beach. 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 improvements identified herein will not interfere with any existing access to the shoreline or other public recreational venues.

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 wildlife species, most of these facilities are proposed for day use only. The visitor center is sometimes used for evening meetings; all new lighting is proposed to be shielded and directed only onto the site itself. Special Condition #1 also addresses this aspect of the proposal. The parking lot and restroom facilities at the foot of Monument Mesa will replace previous facilities that have been destroyed or become unusable. Public amenities on the mesatop will be augmented with a group picnic ramada, a facility long needed for this location. In addition, the visitor center will be able to improve its interpretive programs with the additional area proposed, benefiting both public access and public recreation. Therefore, the Commission finds the proposed development 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 sites are 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 various proposed improvements will not significantly alter the existing viewshed, as all components are relatively low level and consistent with surrounding improvements.

Of particular concern is the proposed addition to the visitor center. However, a site visit confirmed that no existing water views will be reduced or removed. Due to the positioning of the addition, any possible views that it could have blocked are already blocked by the existing facility. Very little water is visible in this area, and none from the nearest public road. Because the ground is so flat, one really can only see the vegetation for a few feet distant unless one is standing on the existing patio where there is some elevational difference between the visitor center and level of the estuary. Throughout the years, all proposed improvements will remain visually compatible with the overall river valley open space. Thus, the Commission finds that the proposed development 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 with the recommended conditions.

The sites are located in the Tijuana River Valley Community Plan area of the City of San Diego and within the City of Imperial Beach. Only portions of the various project components are within the Coastal Commission's original permit jurisdiction. Coastal development permits will also need to be obtained from the identified local governments, and potentially other state and federal regulatory agencies. The Tijuana River Valley 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 goals of improved public recreational amenities and improved drainages. 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 either City to continue implementation of their certified LCPs.

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 schedules, location of staging/storage areas, 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.

6-03-088

SUMMARY

SITE 1
ADDITION TO
VISITOR CENTER

SITE 2
KIOSK

SITE 3
RESTROOM

SITE 4
RAMADAS

not in CCC area

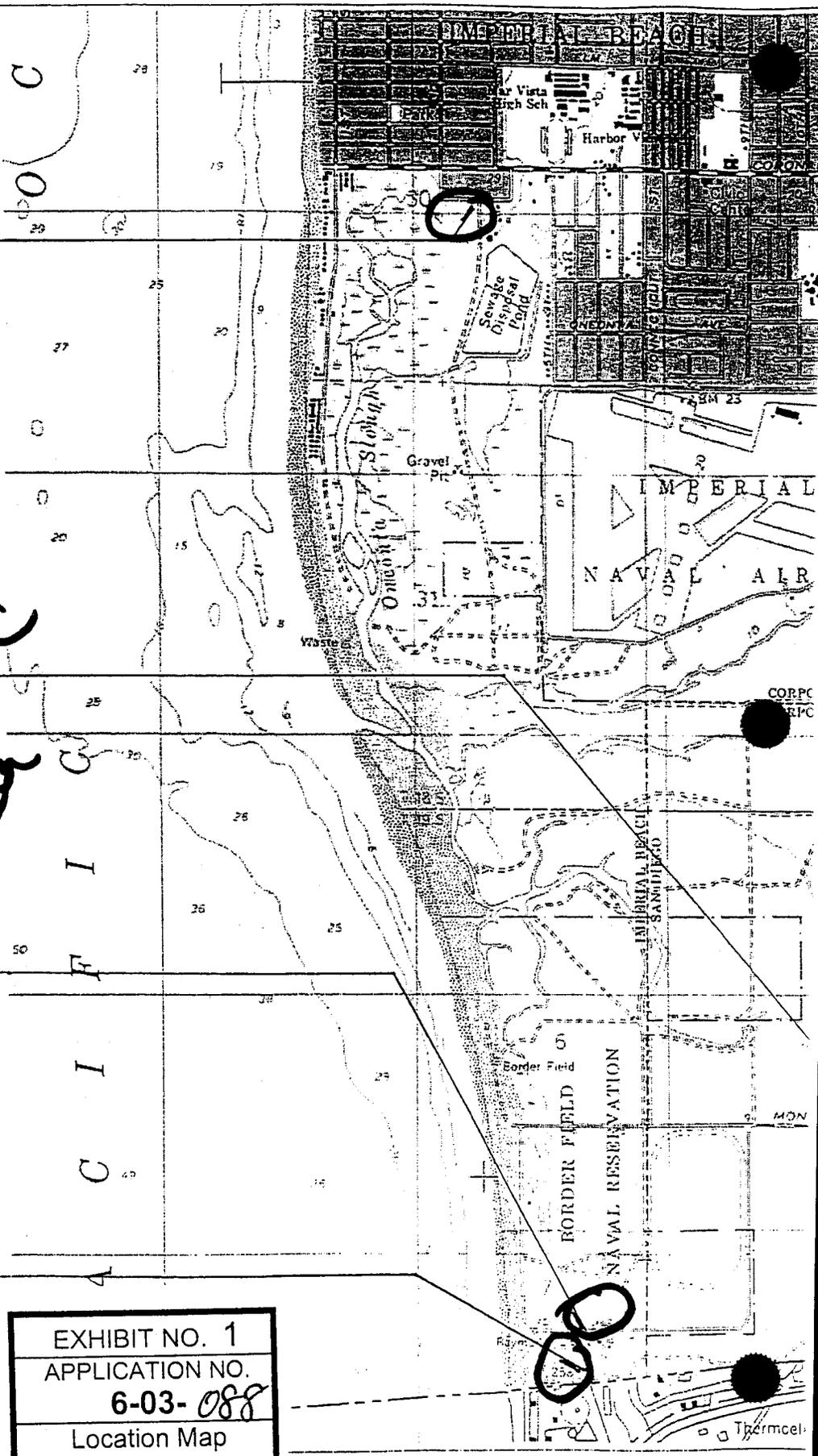
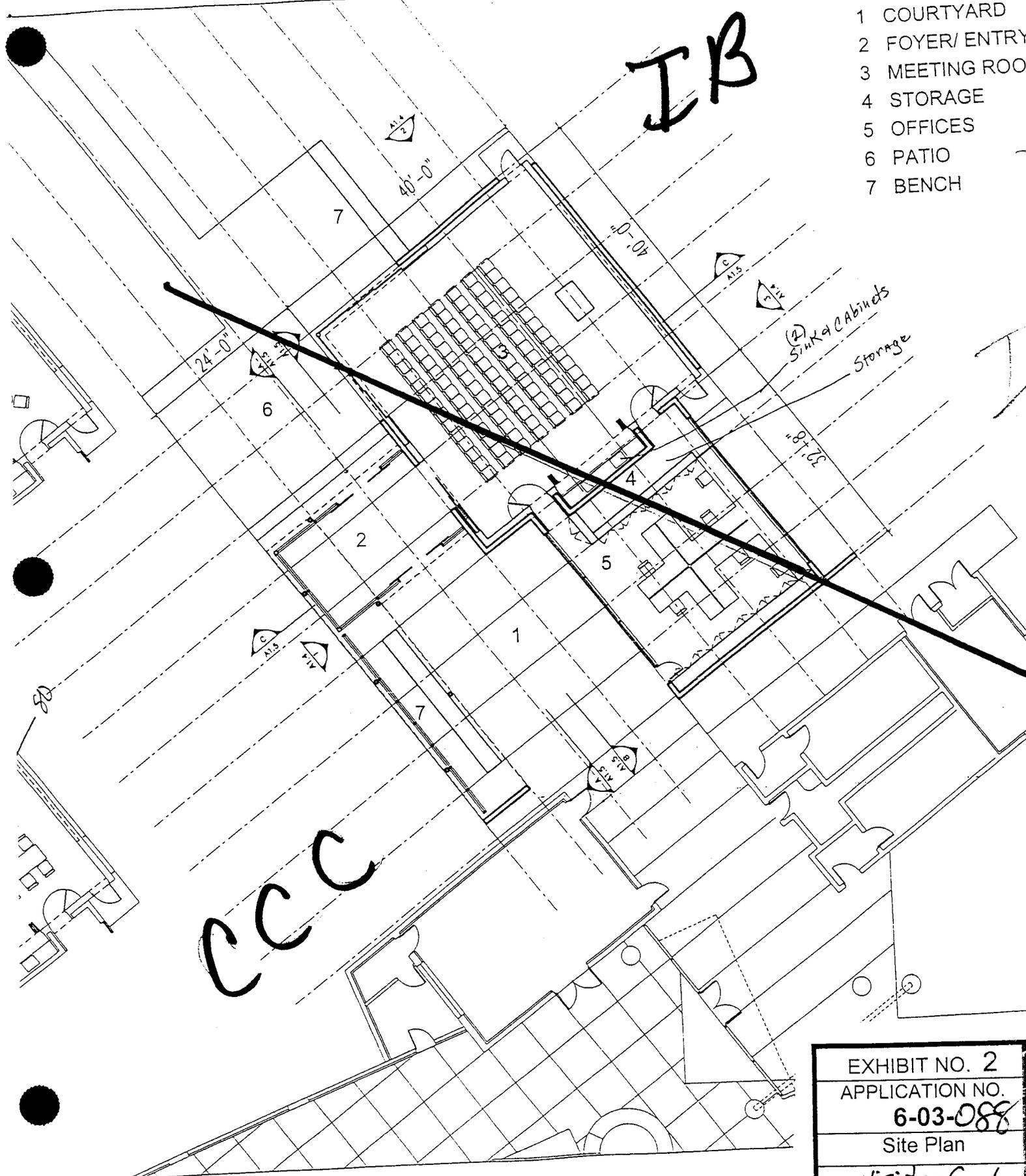


EXHIBIT NO. 1
APPLICATION NO.
6-03-088
Location Map
California Coastal Commission

6-03-088

IB

- 1 COURTYARD
- 2 FOYER/ ENTRY
- 3 MEETING ROOM
- 4 STORAGE
- 5 OFFICES
- 6 PATIO
- 7 BENCH



CCC

EXHIBIT NO. 2
APPLICATION NO.
6-03-088
Site Plan
 Visitor Center California Coastal Commission

(E) ROAD & CURB
TO BE DEMOLISHED
AND RECONSTRUCTED

DEMO (E) PAD
& FOUNDATION,
ADD PARKING

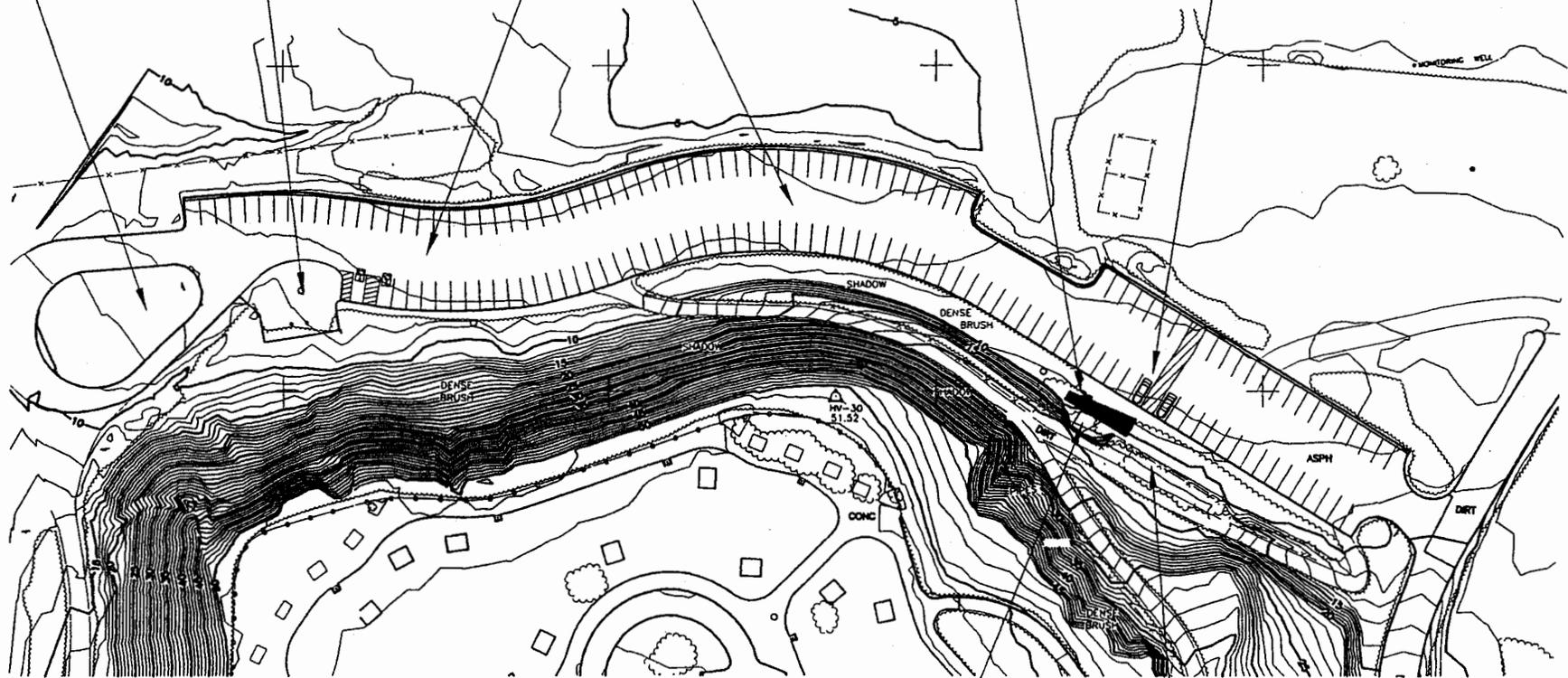
PATCH, RESURFACE
& RESTRIPE (E)
PARKING

NEW SEWAGE
PUMP STATION
● RESTROOM

RESTRIPE TO PROVIDE
1 H/C VAN PARKING
AND ACCESS AISLE

N 1,776,200

N 1,776,000



SITE PLAN

DEMO (E) WATER
PUMP AND CHAIN
LINK ENCLOSURE

(E) RETAINING WALL
TO BE STRUCTURALLY
EVALUATED BY OTHERS

 California Coastal Commission	lot - restrooms
	Site Plan - jobs
	6-03-088
	EXHIBIT NO. 3
APPLICATION NO.	

6-03-088

6-03-088

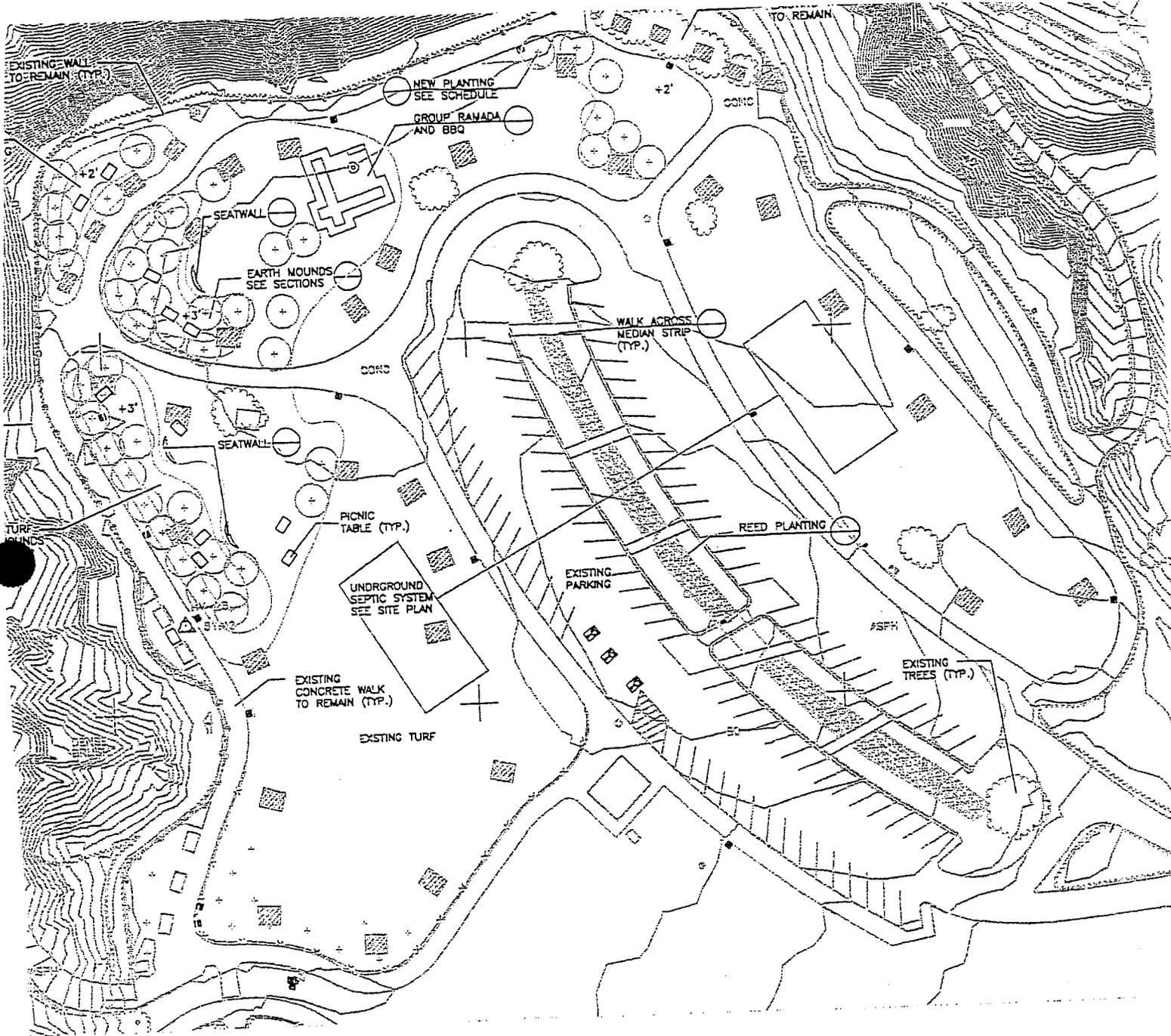
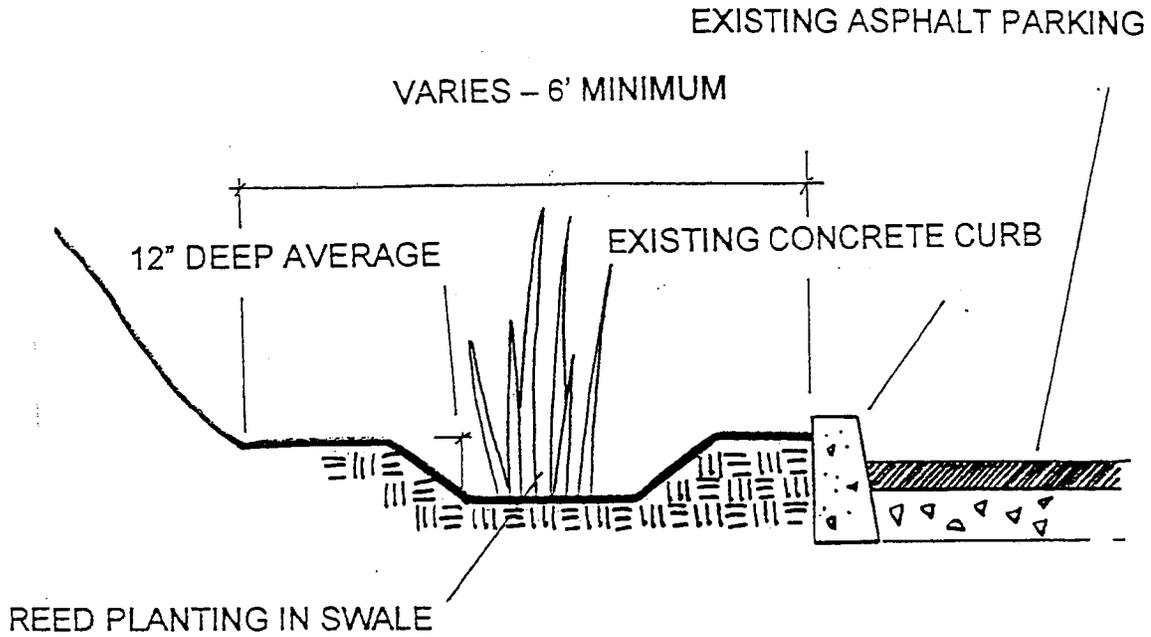


EXHIBIT NO. 4
APPLICATION NO.
6-03-088
Site Plan - Mon
Mesa facilities California Coastal Commission

6-03-088



DRAINAGE SWALE

EXHIBIT NO. 5
APPLICATION NO. 6-03-088
Cross-Section
<i>Drainage Swale</i> California Coastal Commission