

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
767-2370

**Fri 10a**

Staff: KW-SD
Staff Report: 4/22/04
Hearing Date: 5/12-14/04

RECORD PACKET COPY

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-03-127-A1

Applicant: San Diego County Water Authority

Agent: Jim Prine

Original

Description: Creation of 8.7 acres of riparian wetland habitat, with approximately 40,000 cubic yards of grading, installation of fencing and placement of gravel over existing utility easements, on a 145.37 acre site containing ruderal nonwetland vegetation, located south of the intersection of Manchester Avenue and El Camino Real in the City of Encinitas.

Proposed

Amendment: Modify Special Condition #1 to extend the permissible grading period up to December 14.

Site: 8.7 acres located approximately 400 feet south of the intersection of Manchester Avenue and El Camino Real, adjacent to Lux Creek, Escondido Creek and San Elijo Lagoon, Encinitas, San Diego County. (APNs: 262-073-03, -17, -25)

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the proposed amendment, subject to special conditions addressing additional stormwater control and erosion prevention measures. The additional requirements will ensure that the extended grading period in the wet season will not result in any off-site sedimentation impacts to sensitive habitat and wetland areas.

Substantive File Documents: CDP No. 6-03-127; Certified City of Encinitas Local Coastal Program; Revised Final Manchester Site Conceptual Wetland Creation, Mitigation and Monitoring Plan (July 2003); Draft Supplemental EIR (February 2003).

schedule shall be promptly reported to the Executive Director. The final plan shall include the following requirements:

(1) Any permanent post-construction runoff and/or erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities.

(2) All areas disturbed, but not completed, during the construction season, shall be stabilized in advance of the rainy season (prior to November 15 of any year). Grading shall not take place during rainfall periods.

(3) Only small incremental amounts of daily grading is permitted; the site shall be secured daily after grading with geotextiles, mats and fiber rolls. Concrete, solid waste, sanitary waste and hazardous waste management BMPs shall be used. In addition, demonstrate that all on-site temporary and permanent runoff and erosion control devices are installed and the City of Encinitas Engineer has determined that all measures are in place to minimize soil loss from the construction site.

(4) Silt fences and/or silt curtains shall be installed around the perimeter of the grading area, and on either side of Lux Canyon Creek. They should be inspected regularly and sediment removed when it reaches 1/3 fence height. An 18-inch high earthen berm shall be constructed along the southern perimeter of the site to prevent offsite erosion and sedimentation. The berm shall be installed during site preparation operations and shall be removed at the end of grading operations.

Additional use of temporary erosion control measures, such as geo-fabric blankets, spray tackifiers, silt fences, fiber rolls, straw mulch, hay bales, gravel bags, etc. shall be utilized during site preparation, grading and project construction to reduce erosion to the maximum extent feasible. The plans shall demonstrate that such erosion control measures will be in place at all times during site preparation, grading and construction.

(5) Existing onsite easements for public utilities and maintenance, and any proposed fence or barrier locations, shall be indicated on the final plans. Any surfacing used on said easements shall be of permeable materials (such as decomposed granite) and must be approved by the California Department of Fish and Game.

The permittee shall undertake development in accordance with the approved grading plans. Any proposed changes to the approved grading plans shall be reported to the Executive Director. No changes to the grading 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.

B. A final wetland vegetation planting plan in substantial conformance with the Revised Final Manchester Site Conceptual Wetland Creation, Mitigation and Monitoring Plan, dated July 2003 by EDAW. Said plan shall be submitted to, reviewed and approved in writing by the Executive Director in consultation with the Department of

The following additional condition is added:

6. Prior Conditions of Approval. All other terms and conditions of the original approval of Coastal Development Permit #6-03-127 not specifically modified herein, shall remain in full force and effect.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Original Development Description and History. The project involves the creation of an 8.7 acre wetland area on a portion of a 145.37 acre site owned by the County of San Diego in the City of Encinitas. The site is located approximately 400 feet south of the intersection of Manchester Avenue and El Camino Real, adjacent to Lux Creek, Escondido Creek and San Elijo Lagoon. The wetlands creation is intended to mitigate for anticipated impacts to 6 acres of wetlands located outside the coastal zone, resulting from the Authority's raising of the existing dam at the San Vicente Reservoir and the connection of Lake Hodges (both located in east San Diego County) to the Authority's distribution system, to provide increased reservoir capacity for emergencies.

The 8.7 acre wetland mitigation area is part of a 145.37 acre site that was approved by the City of Encinitas for a sports complex in 1998. However, the sports park was not constructed, and ownership of the property was subsequently transferred from the City of Encinitas to the County of San Diego. The San Diego County Water Authority has obtained mitigation rights from the County for this project, and has entered into an agreement with the California Department of Fish and Game for the proposed mitigation. The project area currently contains non-wetland ruderal vegetation, although historically it contained wetland habitat, and the soils and hydrology are suitable for riparian wetland creation/restoration. Lux Canyon Creek runs down the middle of the site and drains into San Elijo Lagoon. There is approximately one acre of wetland habitat on either side of Lux Creek. The southern portion of the mitigation site lies within the San Elijo Lagoon Ecological Reserve. The Mira Costa College San Elijo Campus and the Greek Orthodox Church are located across the Manchester Avenue right-of-way adjacent to the west of the site, and the proposed Encinitas Country Day School site is adjacent to the north.

Wetland creation will be accomplished by grading the site, planting and seeding native wetland species, promoting volunteer colonization by native species, and performing maintenance (e.g., irrigation, weeding) and monitoring. Grading will involve approximately 40,000 cubic yards of cut, 500 cubic yards of fill, and 39,500 cubic yards of soil export. Various utilities and easements located within the mitigation area include an existing San Dieguito Water District 30-inch underground water main and associated 20-foot easement, an existing City of Encinitas 10-inch sewer line and 10-foot easement, and a proposed Cardiff Sanitation District 8-inch sewer line and existing 15-foot easement. Seeding within the easements (0.33 acre) will occur but will not be applied to the final mitigation acres and credit. Plants within easements will be limited to shallow

3. Resource Management/Sensitive Habitat. The following Coastal Act policies which address protection of environmentally sensitive habitat areas are relevant to the proposed amendment, and include:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate.

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.

In addition, Section 30240 of the Coastal Act is applicable, and states:

(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.

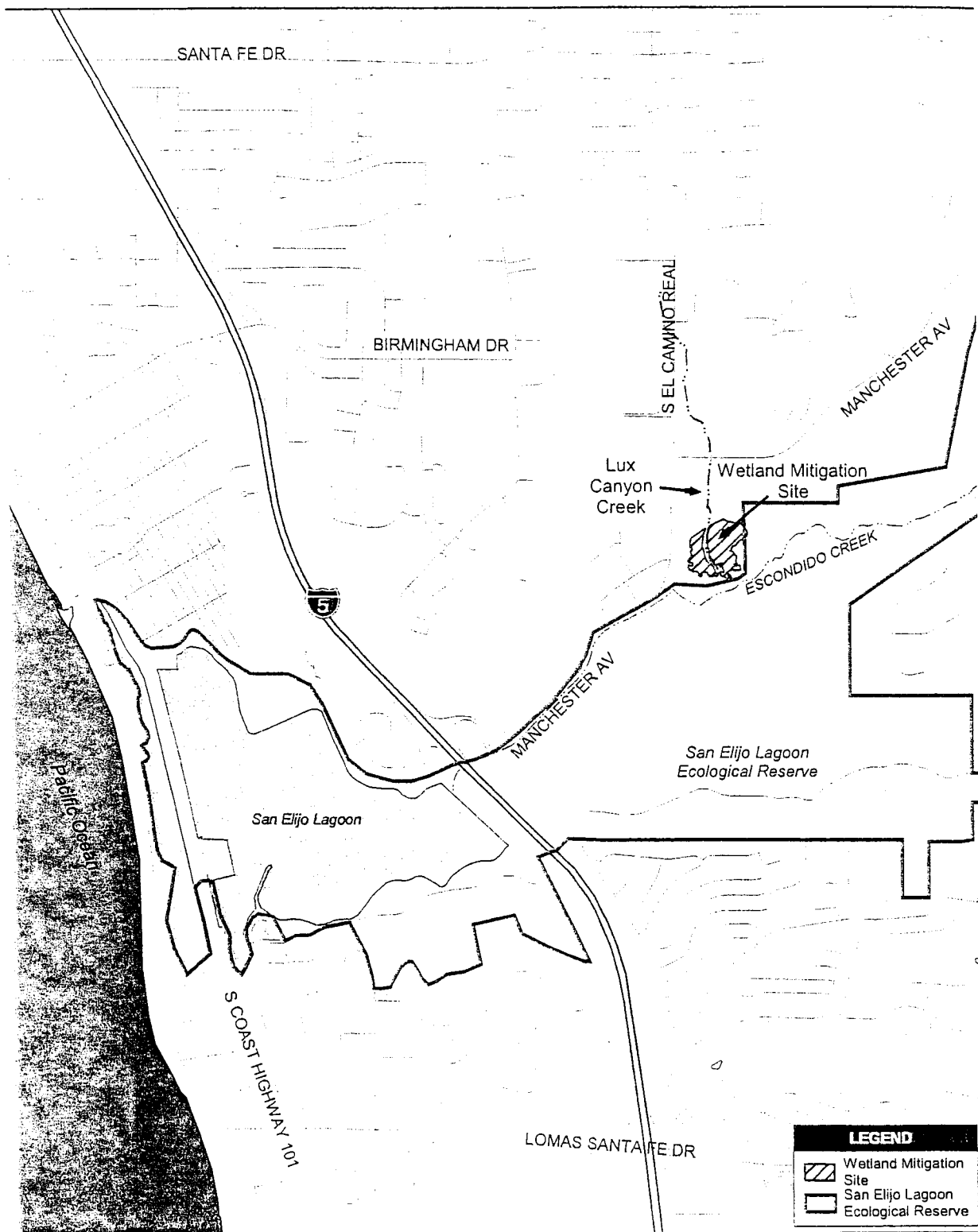
The applicant has received a permit from USFWS indicating that due to the proximity of sensitive species in neighboring habitat areas, including the California gnatcatcher, least Bell's vireo, and light-footed clapper rail, project grading may not occur during the breeding and nesting season between February 15 and September 15 of any year. In conjunction with the wet season grading limitation included in the coastal development permit, grading on the site is therefore reduced to a two-month window between September 15 and November 14. The applicant has submitted preliminary construction bid documents to several contractors regarding the proposed scope and timing of the proposed work, and has been informed that it is highly unlikely that the grading work can be completed in such a short time frame. The requested one-month extension to the allowable grading period would be sufficient to complete the grading and stabilize the project area after initial plantings are completed.

below the mean high tide line and/or where the public trust may exist, and the northern portion is located in the Commission's appeal jurisdiction between the first public road (Manchester Avenue) and San Elijo Lagoon. The subject amendment request only pertains to that portion of the development located within the Coastal Commission's area of original jurisdiction, with Chapter 3 policies of the Coastal Act utilized as the standard of review and the City's LCP used as guidance.

The Commission has previously allowed limited grading to occur during winter months, if the protection of coastal resources is assured. In addition, the City's certified LCP has provisions that allow for grading in the winter months with implementation of substantial erosion control measures and bmps. The special conditions proposed above would provide the type of additional protection the Commission has previously required of winter grading proposals and is consistent with the requirements of Chapter 3. Therefore, the Commission finds that the proposed amendment request will not prejudice the ability of the City of Encinitas to continue to implement its certified LCP.

5. California Environmental Quality Act (CEQA) Consistency. Section 13096 of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit to be supported by a finding showing the permit, as conditioned, is 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 to be consistent with the resource protection policies of the Coastal Act. The attached mitigation measures 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, as conditioned to mitigate the identified impacts, is the least environmentally damaging environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.



Sources: SanGIS, SANDAG



2000 0 2000 Feet

Scale: 1:24000; 1" = 2,000'

ESP Manchester Avenue Mitigation Site Biological Assessment
 GIS 99013 Wetland Mitigation APNs BA vicinity.apr (SP83/F6) (T.Jester) 3.09.03

EXHIBIT NO. 2
APPLICATION NO.
6-03-127-A1
Vicinity Map