

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 7575 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4421
 (619) 767-2370

RECORD PACKET COPY

**Thu 8d**

Filed: October 25, 2005
 49th Day: December 13, 2005
 180th Day: April 23, 2006
 Staff: SS-SD
 Staff Report: November 1, 2005
 Hearing Date: November 16-18, 2005

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-153-A

Applicant: California Dept. of Transportation

Agent: Arturo Jacobo

Original

Description: Construction of a northbound auxiliary lane on I-5, north of the Del Mar Heights Road overcrossing to the San Dieguito River bridge.

Proposed

Amendment: Revision to approved upland mitigation plan involving transplanting an approximately 480 sq.ft. area adjacent to the east of the previously-planted coastal sage scrub mitigation site with 21 (1- gal.) container plants and 42 plants established from seed, to accommodate a permanent maintenance road through the Caltrans mitigation site as part of San Dieguito Wetland Restoration Plan (CDP #6-04-88).

Site: West of I-5, north of existing City of San Diego access road off Racetrack View Drive, and south of Dept. of Fish and Game property and Nesting Site 15, North City, San Diego, San Diego County.

Substantive File Documents: CDP #6-04-88

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed revision to the mitigation plan subject to a condition that requires submittal of revised plans for the entire coastal sage scrub (CSS) restoration site including the proposed transplant area and the proposed maintenance road alignment. Also, within 60 days, the applicant must submit evidence that the revised mitigation plan has been implemented. The conditions also acknowledge the performance standards and monitoring requirements for the coastal sage scrub mitigation associated with the Commission action on the original permit remain in full force and effect.

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. 6-02-153 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 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 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. Revised Plans/Evidence of Completion. Prior to the issuance of the permit amendment, the applicant shall submit a revised final site plan, transplanting and seeding plan to the Executive Director for review and written approval. The revised plan shall include the entire restoration site clearly delineating and quantifying the 11.7 acres previously planted pursuant to mitigation requirement for CDP #6-02-153, the 480 sq.ft. area to be planted and seeded pursuant to this amendment, the permanent maintenance road and any other areas serving as mitigation for other projects. Proposed planting techniques and irrigation details shall be included, and transects for monitoring purposes identified. Within 60 days of Commission action on the proposed amendment, the applicant shall submit to the Executive Director evidence the revised coastal sage scrub mitigation plan has been implemented in accordance with the approved plan.

2. Prior Conditions of Approval. All other terms and conditions of the original approval of Coastal Development Permit #6-02-153 not specifically modified herein, shall remain in full force and effect.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The subject coastal sage scrub (CSS) restoration site was proposed by Caltrans as mitigation for unavoidable impacts to CSS and the Del Mar Mesa sand aster from construction of the auxiliary land adjacent to Interstate-5. The subject mitigation site is located west of I-5 within the project limits of the San Dieguito Wetland Restoration Project recently approved by the Commission as CDP #6-04-88.

Caltrans was responsible for planting 11.7 acres of CSS vegetation in an approximately 13 acre restoration site for mitigation at a 2:1 ratio for impacts associated with the highway project. The approved mitigation plan included removal of all non-native vegetation, creation of a narrow 0.58 ac. transition area between marsh on the northern portion of the site and uplands, and planting vegetation over approximately 12 acres north and west of the proposed alignment of the maintenance road. A mixture of reseeded and container planting of Del Mar sand aster and CSS vegetation was required subject to a five-year monitoring program.

The proposed amendment would modify the approved CSS restoration plan, which was completed in January 2005. The amendment is necessary to accommodate a permanent maintenance road to be constructed by Southern California Edison (SCE) through the existing Caltrans mitigation site to allow the California Department of Fish and Game (CDFG) access to CDFG property and maintenance of an existing least tern nesting site (NS15). The existing NS15 is located on CDFG property and access to the site would be modified through implementation of the San Dieguito Wetland Restoration Project.

The proposed revision to the approved mitigation plan would transplant the following plants located within a 480 sq.ft. area to a non-vegetated location immediately adjacent to and east of the approved restoration site. The impacted vegetation includes the following container plantings: 12 (1-gal.) *Artemisia californica*; 8 (1-gal.) *Encelia californica*; 1 (1-gal.) *Opuntia littoralis*; and the following plants established from seed: 10 *Isocoma menziesii*; 24 *Eremocarpus setigerus*; 5 *Eriophyllum confertiflorum*; and 3 *Lotus scoparius*. The Caltrans biologist indicates the plants have been in the ground for less than six months, thus, they should be easy to transplant without significant temporal loss of habitat value. The proposed transplant site would be an extension of the original 13 acre restoration site acquired by Caltrans.

2. Consistency with Chapter 3 Policies. The following Coastal Act policy addresses the type of vegetation found on and adjacent to the subject site and states:

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

In its action of the original permit for the auxiliary lane, the Commission found the area of impact did not constitute environmentally sensitive habitat area (ESHA) and accepted the CSS mitigation plan proposed by Caltrans to offset the impacts to CSS vegetation and the Del Mar sand aster. In its action on the San Dieguito Wetlands Restoration Plan (CDP #6-04-88), the Commission acknowledged the proposed permanent maintenance road to be necessary through the mitigation site to provide CDFG access to the least tern nesting site. The Commission approved the wetland restoration project subject to a condition that requires revision to the approved Caltrans mitigation program through a permit amendment and implementation of the revised mitigation, prior to issuance of the permit.

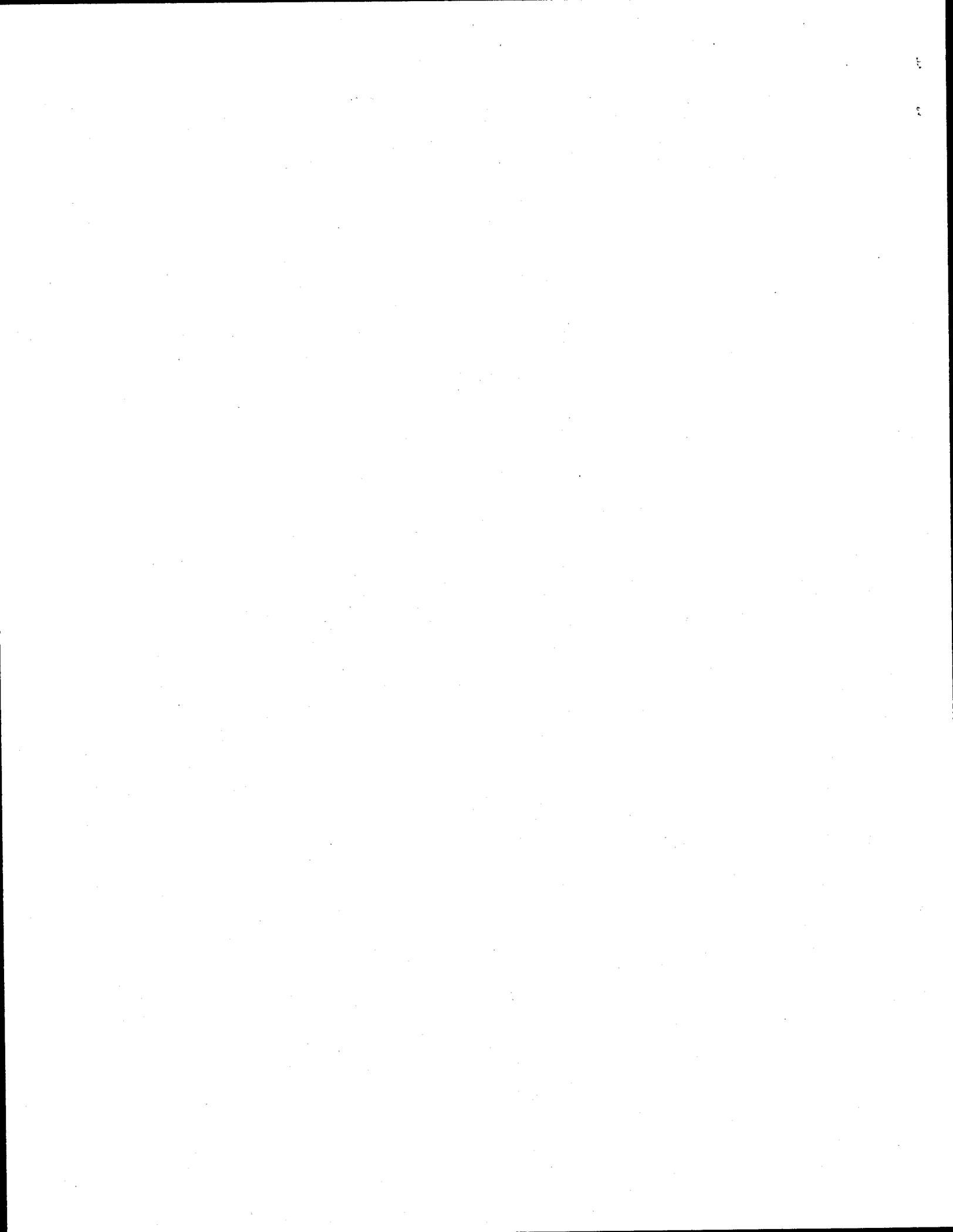
In this particular case, the impacts to the approved and implemented CSS restoration site can be completed without significant disruption to the existing habitat value because the area of impact has just recently been planted. The transplant area is not part of the previously approved restoration site and is a non-vegetated area immediately adjacent to the east. The road would impact only a 48-foot distance for the 10-foot wide access road at the northern end of the access road alignment. The southern portion of the proposed alignment is immediately adjacent to residential lots to the east and separated from the primary CSS restoration area by Torrey pine trees. It is not an area where native CSS vegetation could easily grow, is currently vegetated as non-native grassland and is subject to informal foot traffic. The project has been reviewed by the Commission's Resource Ecologist and found to be acceptable.

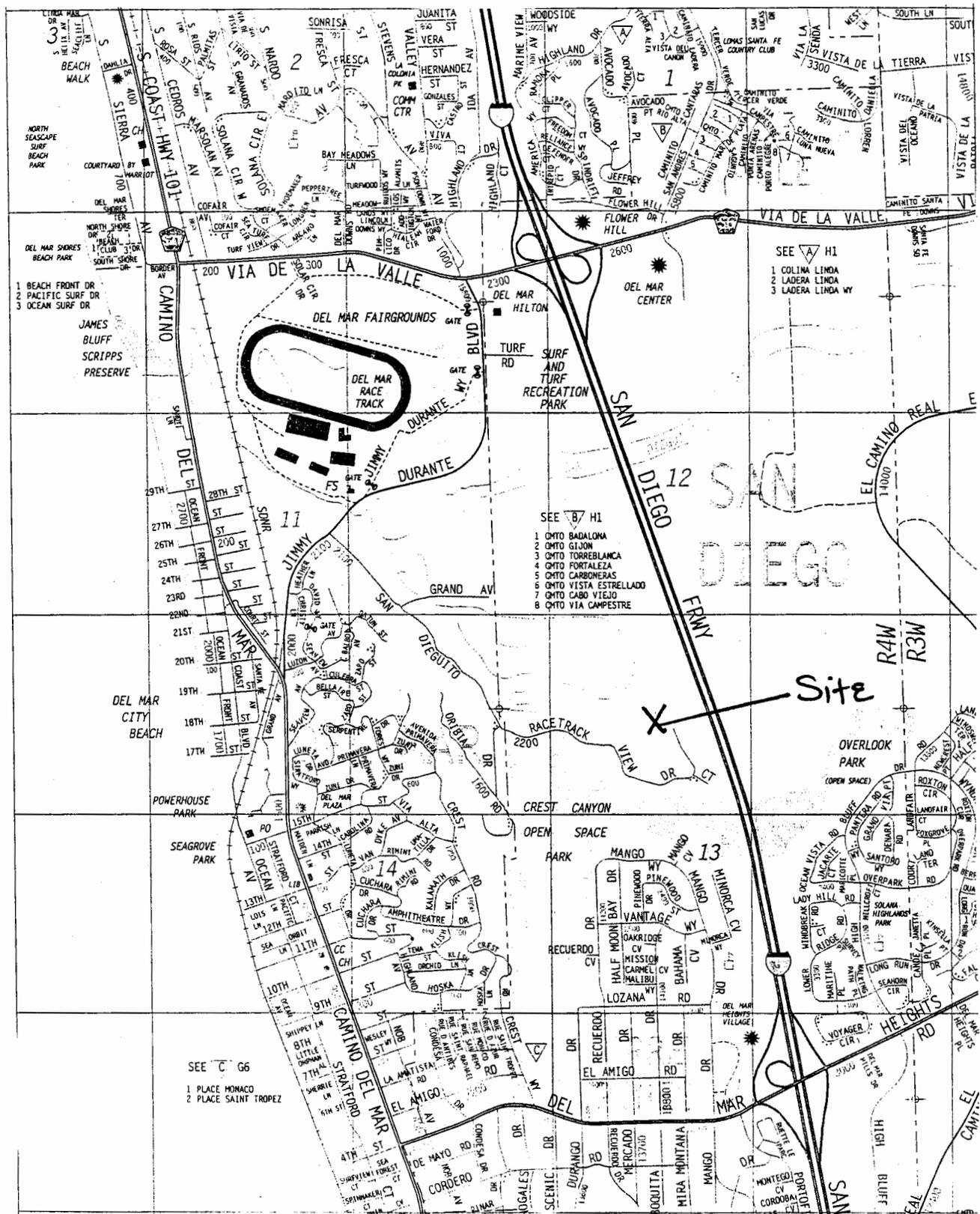
Installation of a maintenance road in this location would channelize access and serve to protect the adjacent upland restoration site, which is to establish to viable CSS and potential gnatcatcher habitat. The existing access road from which the proposed road will extend is currently open to public use. A condition of approval of the wetland restoration project assures year around public pedestrian use of that road. Access onto the proposed maintenance road through the mitigation site will be restricted by a gate to authorized personnel only to protect the sensitive habitat within both the wetland and upland restoration sites and the least tern nesting areas to the north. These areas are ESHA and will be protected from unauthorized disturbance through construction of the maintenance road. The proposed amendment is, therefore, consistent with the public access and recreation policies of the Coastal Act that protect public access opportunities but also natural resource areas from overuse.

As conditioned, the permit would require the applicant to submit a revised plan for the proposed transplanting and seeding which includes details as to planting techniques and irrigation requirements. The condition requires the plan to show the areas that have been previously planted and to incorporate the additional 480 sq.ft transplant area into the plan for the entire CSS restoration site. The revised plan must clearly delineate and quantify the areas that have been planted as mitigation for the original project, this amendment and as mitigation for any other projects. This area is to be monitored and subject to the same standards as the previously-approved mitigation plan. Monitoring transects for the new and existing mitigation site should also be identified. In addition, the plan must be implemented within 60 days of Commission action to avoid any significant disruption or temporal loss of habitat value. The original permit has requirements for monitoring including annual reports for a five year period. The coastal sage scrub at the mitigation site should be similar to nearby, relatively undisturbed stands of CSS in both species composition and ground cover after five years. Special Condition #2 acknowledges these requirements remain in effect for the existing and revised mitigation site. As so conditioned, the proposed amendment to the mitigation program will be compatible with the continuance of the habitat value on the restoration site and the surrounding area consistent with Section 30240 of the Act.

3. 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 amendment has been conditioned to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing future monitoring requirements 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.





- 1 BEACH FRONT DR
2 PACIFIC SURF DR
3 OCEAN SURF DR

JAMES BLUFF SCRIPPS PRESERVE

- SEE A HI
1 COLIMA LINDA
2 LADERA LINDA
3 LADERA LINDA WY

- SEE B HI
1 QMTO BADALONA
2 QMTO GIJON
3 QMTO TORREBLANCA
4 QMTO FORTALEZA
5 QMTO CARBONERAS
6 QMTO VISTA ESTRELLADO
7 QMTO CABO VIEJO
8 QMTO VIA CAMPESTRE

- SEE C G6
1 PLACE MONACO
2 PLACE SAINT TROPEZ

EXHIBIT NO. 1
APPLICATION NO.
6-02-153A
Location Map

HWY 5

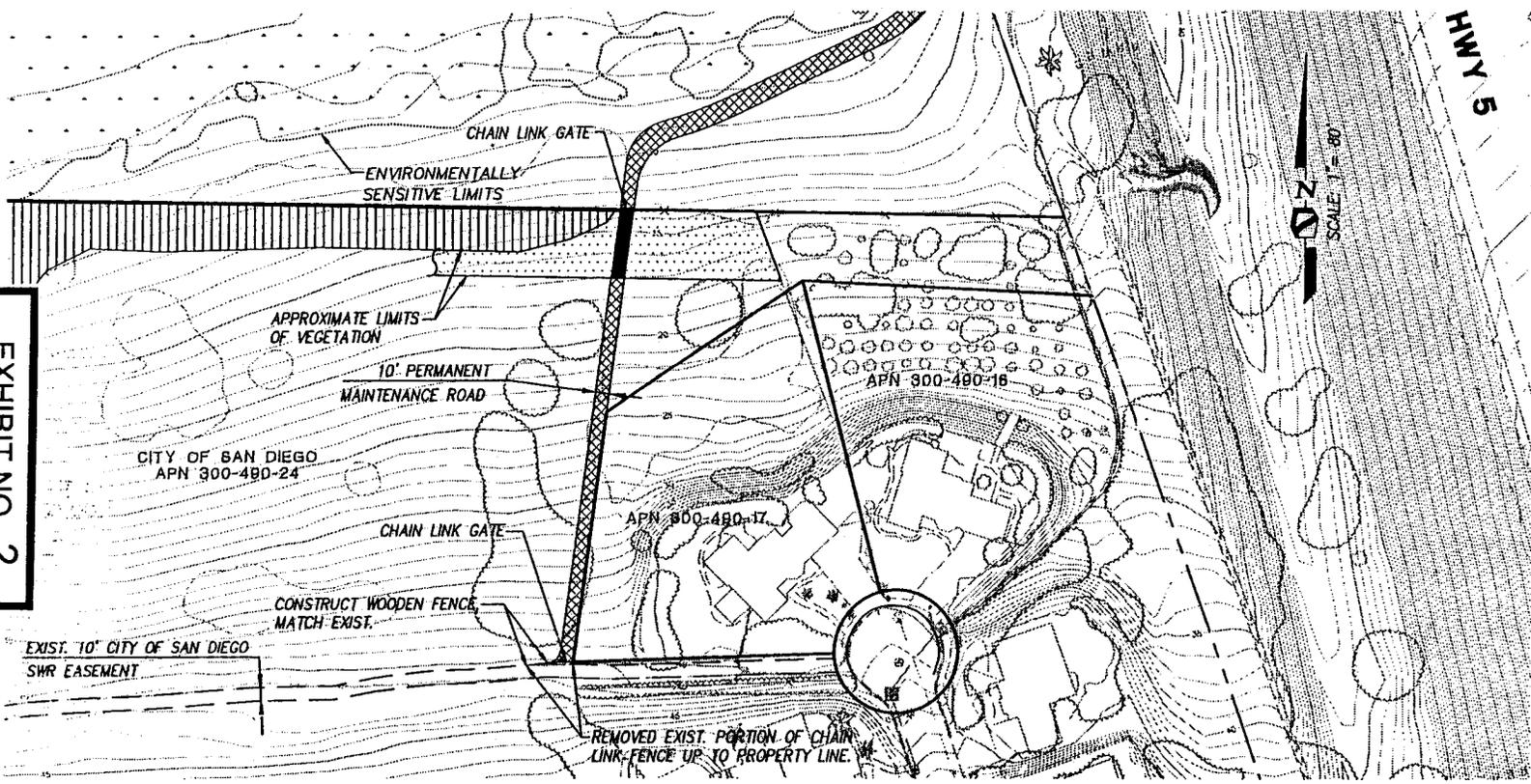
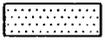


EXHIBIT NO. 2
APPLICATION NO.
6-02-153A
Site Plan

LEGEND:

-  TRANSITIONAL PLANTING PER CALTRANS I-5 AUX LANE MITIGATION PROJECT (FRANKENIA SALINA, BACCHARIS PILULARIS)
-  COASTAL SAGE SCRUB PER CALTRANS I-5 AUX LANE MITIGATION PROJECT
-  PERMANENT MAINTENANCE ROAD IMPACTS APPROXIMATELY 0.01 AC OF THE FOLLOWING VEGETATION:
ARTEMISIA CALIFORNICA (12 CONTAINER & SEEDLINGS)
ISOCOMA MENZIESII (10 SEED)
LITTELLIA CALIFORNICA (8 CONTAINER)
LITTORALIS (1 CONTAINER)
ERECTHIS SETIGERUS (TWO DOZEN SEED)
ERECTHIS ALUM CONFERTIFLORUM (5 SEED)
LOTUS COPARIUS (3 SEED)
-  6" GRAVEL MULCH
-  ENVIRONMENTALLY SENSITIVE AREA

RECEIVED

JUL 29 2005
COASTAL SAGE SCRUB
SAN DIEGO COAST DISTRICT

PERMANENT MAINTENANCE ROAD ACCESS
07/27/05



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Environmental | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.236.9471 Tel
619.234.6048 Fax

NOTE:

SEE DETAIL SHEETS FOR WOOD FENCE LAYOUT AND TUBULAR STEEL GATE.

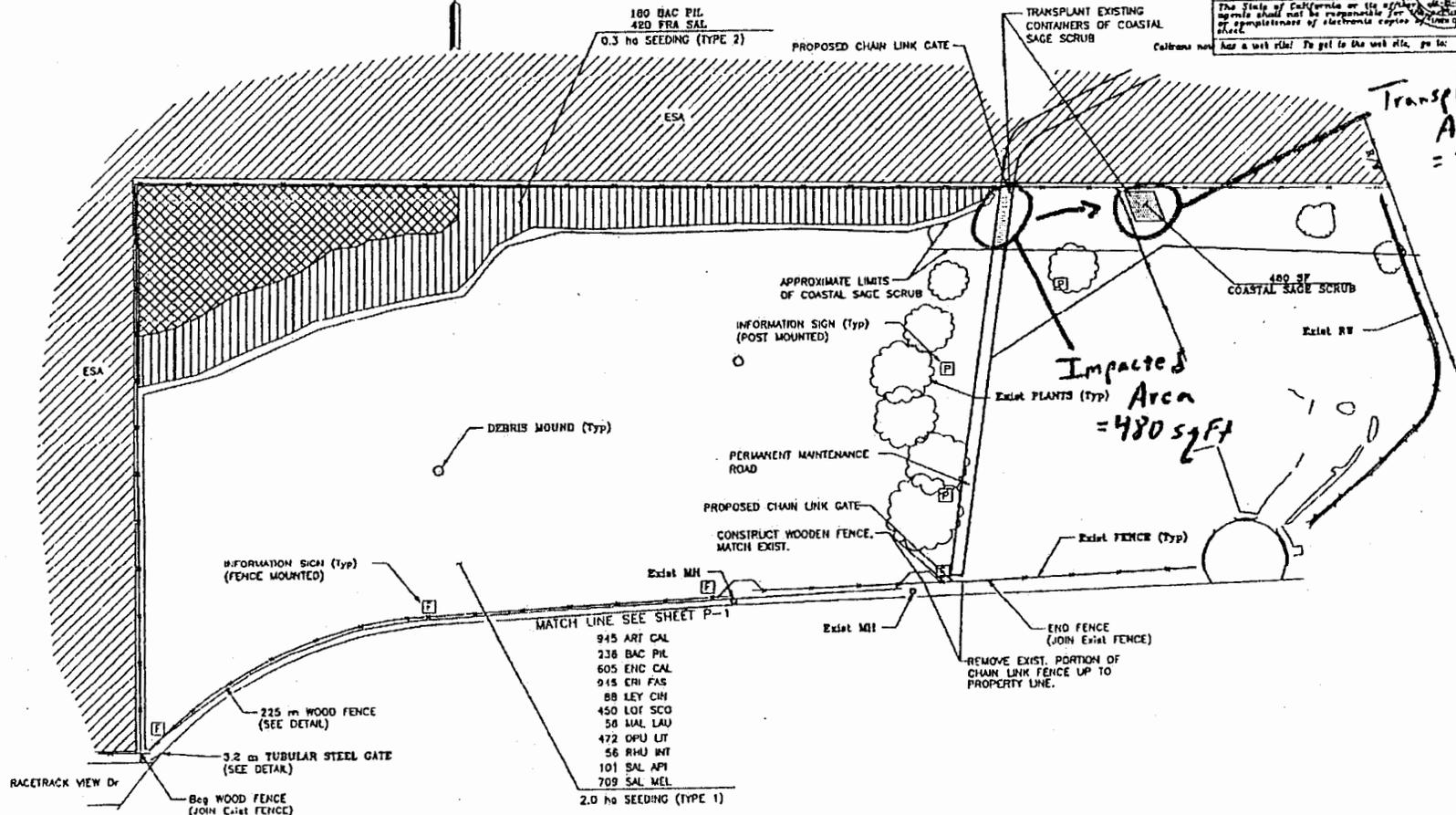


DIST	COUNTY	ROUTE	MILEPOST PER TOTAL PROJECT	POST MILES	BRIDGE TOTAL PROJECT	TOTAL SHEETS
11	SD	6	RS5.0/RS7.4	0	0	30

LICENSED LANDSCAPE ARCHITECT
 6-17-04
 PLANS APPROVAL DATE
 The State of California or its agencies shall not be responsible for the accuracy or completeness of electronic copies of these plans.
 California has a web site! To get to the web site, go to: <http://www.dcl.ca.gov>

DATE	REVISION BY	DATE	REVISION BY
05/03	AM	05/03	AM

PROJECT LANDSCAPE ARCHITECT: ISMAEL SALAZAR
 LANDSCAPE ARCHITECTURE
 DEPARTMENT OF TRANSPORTATION
 BRK



Transplant Area = 480 sq ft

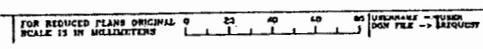
Impacted Area = 480 sq ft

PLANTING PLAN LOCATION 1 P-2

AN ACCURATE FOR PLANTING WORK ONLY.

ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SHOWN.

SCALE 1:500



CU 11342

EA 05014

EXHIBIT NO. 3
 APPLICATION NO. 6-02-153A
 Proposed Transplant Area



EXHIBIT NO. 4
 APPLICATION NO.
 6-02-153A
 Existing Vegetation

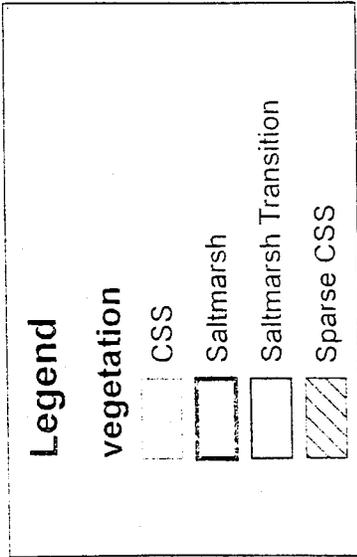


Figure 7. Vegetation Communities at Racetrack View

