

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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180th Day: February 19, 2006
Staff: EL-SD
Staff Report: August 24, 2005
Hearing Date: September 14-16, 2005

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-05-059

Applicant: The Nature Institute

Agent: Robert LaRosa

Description: Construction of water quality/wetland enhancement improvements at two stormwater outfalls adjacent to Rose Creek.

Site: Two sites within Rose Creek channel, 67 feet and 207 feet south of the Garnet Street Bridge, Pacific Beach, San Diego, San Diego County.

Substantive File Documents: Certified Pacific Beach Land Use Plan and City of San Diego Implementing Ordinances

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Construction Impacts/Restoration. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a detailed revegetation plan indicating the type, size, extent and location of all plant materials, any proposed irrigation system and other landscape features to revegetate all proposed temporary wetland impacts. The program shall be developed in consultation with the California Department of Fish & Game and at a minimum shall include:

- a. **Post-Construction Survey.** The existing condition of the wetland vegetation and substrate at each outfall has been documented. The extent of impacts to the vegetation and substrate shall be assessed and documented after completion of the project to determine actual impacts. Temporary wetland impacts shall be revegetated at a 1:1 ratio. If the post-construction survey identifies that permanent wetland impacts have occurred, a permit amendment is required to address the identified impacts. Mitigation shall be provided for any identified permanent wetland impacts at a ratio of not less than 4:1.
- b. Any temporary upland impacts shall be revegetated at a 1:1 ratio. Drought tolerant, non-invasive native plants shall be utilized to re-establish the area consistent with historic conditions.
- c. The following goals, objectives, and performance standards for the restoration sites:
 1. Full restoration of all wetland impacts that are identified as temporary. Restoration of temporarily impacted areas shall include at a minimum, restoration of before-impact hydrology, removal of all non-native plant species, and replanting with locally collected native wetland plant species.
 2. Success criteria and final performance monitoring shall provide at least a 90% coverage of areas disturbed by construction activities within 1 year of completion of construction activities.
 3. The final design and construction methods that will be used to ensure the restoration sites achieve the defined goals, objectives, and performance standards.
 4. Submittal, within 30 days of completion of initial restoration work, of post-restoration plans demonstrating that the revegetated areas have been established in accordance with the approved design and construction methods.

5. A survey taken one year after revegetation identifying the quantity and quality of the restored plants. If the survey demonstrates the revegetation has been unsuccessful, in part or in whole, the survey shall include a plan for remediation and further surveys/reports until the sites are fully restored.
6. All surveys, reports or other documentation of the revegetation effort shall be submitted to the San Diego office of the Coastal Commission within 30 days of completion.

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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description. The applicant is proposing a water quality/wetland enhancement project in several locations within lower Rose Creek in the San Diego community of Pacific Beach. The creek, which has a natural bottom and riprapped side slopes in this area, drains an area north and east of the project location, and flows into Mission Bay a few blocks south of the sites. Two of the sites are in the coastal zone, both located south of the Garnet Avenue Bridge and north of the Grand Avenue Bridge. Specifically, they are 67 feet and 207 feet south of the Garnet Street Bridge. Both sites are existing stormdrain outfalls, which currently have no filtration systems or other formal water quality improvements. As such, this project is also an incidental public service improvement to the stormdrain system, because currently the stormwater flows into Rose Creek untreated in any way, and has, in combination with many other stormwater outfalls, caused degradation of the natural resources of the creek.

This unimpeded flow has also resulted in eroded areas at both outfalls. To address both concerns, the proposal consists of enlarging existing eroded areas at each outfall and placing rock around these to provide dissipation and infiltration; the rock already exists in the area, but will be rearranged. Any exotic plants will be removed and replaced with natives. All natives in the project footprint will be stockpiled and replaced at the end of the project. It is proposed as a restoration project to improve water quality and enhance wetland function. Because the sites are in an urbanized area and somewhat degraded, there are no listed animal species in the areas of the outfalls. These are relatively minor projects, and will be done entirely by hand. At each site, less than one cubic yard of alluvial soil will be removed and the depression (pond) deepened by approximately one foot. This will allow sediment, as well as other solid materials such as trash, to fall out of the water before entering the creek itself. The projects are generally done as classroom

exercises and are intended to demonstrate simple technologies that can be applied in many situations.

The projects will, however, result in temporary impacts to 150 sq. ft. of salicornia and 60 sq. ft. of distichlis, both wetland species. Since the project is a restoration/enhancement of wetlands and a public service improvement to the stormdrain system, it is a permitted use in wetlands. It is the least environmentally damaging alternative other than the "no project" alternative, which will continue the degradation of the water quality and biological resources of the creek. However, the impacts were not considered significant in the Negative Declaration, and no specific mitigation has been proposed. As mentioned above, the existing plants will be stockpiled during the project and then replanted in the deepened basins. It is anticipated that the area will recover naturally. The Commission's staff ecologist concurs that the project is beneficial both from a water quality and wetland standpoint, and that the temporary wetland impacts will be adequately mitigated through full recovery within a year. Special Condition #1 addresses the recovery, requiring field surveys to determine first how much was actually impacted, and, a year later, the status of recovery. Should natural recovery not be completely successful, the condition further requires submittal of a planting plan and implementation of same to augment the natural recovery and assure an overall improvement in habitat values.

B. Biological Resources/Water Quality. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized. Section 30233 limits development in open coastal waters, wetlands, estuaries, and lakes to specific permitted uses where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

The proposed development is a wetland enhancement and incidental public service project permitted under Section 30233. The project will not have a significant adverse impact on any sensitive habitat, and will not result in erosion or adverse impacts to water quality and results in improved water quality. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Community Character /Visual Quality. The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. Public Access/Staging Areas. As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. Materials for the proposal will be stockpiled on private property adjacent to the creek, and, because no motorized equipment will be needed, there will be no traffic impacts on major coastal access routes. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

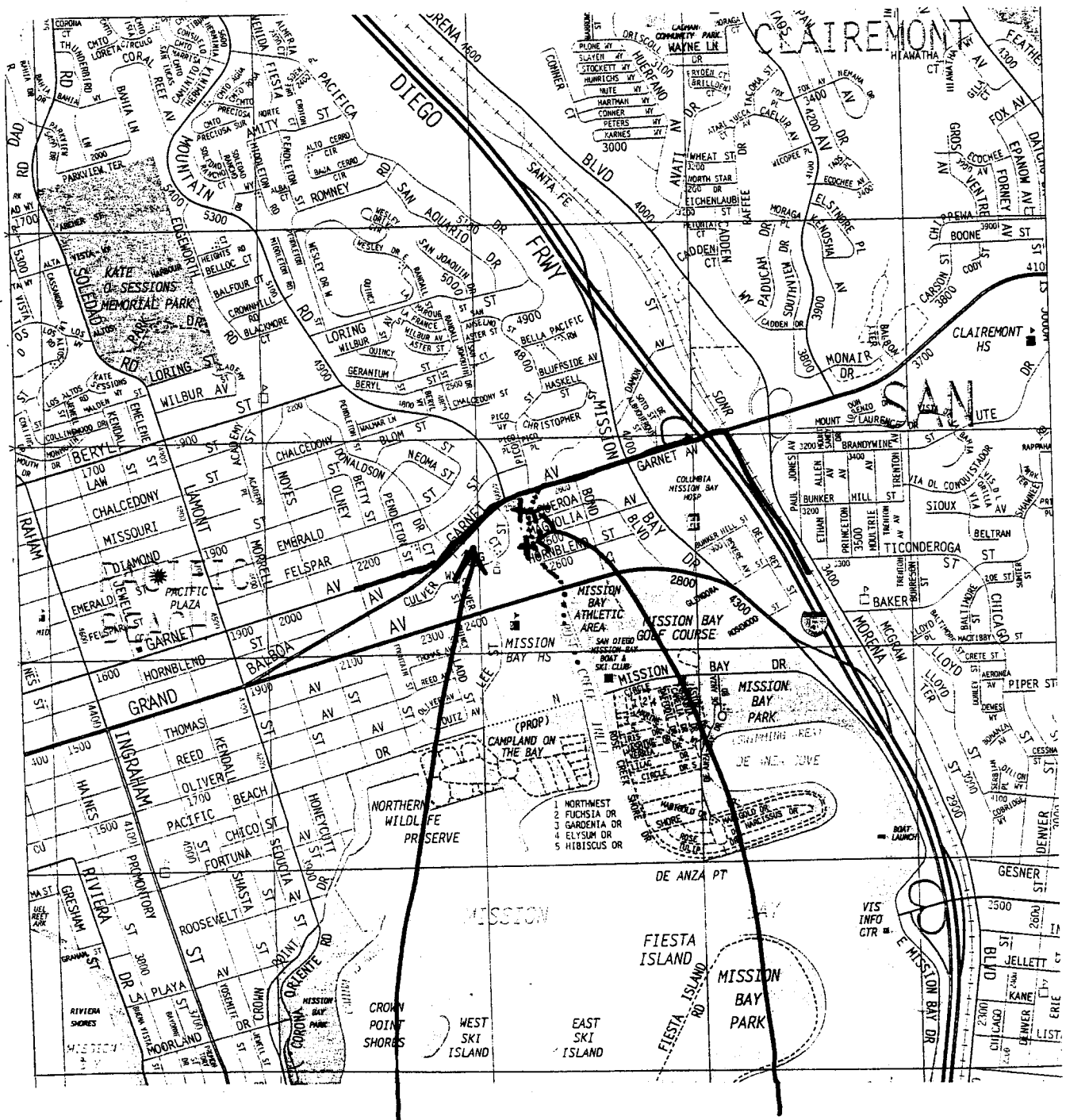
E. Local Coastal Planning. The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Pacific Beach community.

F. California Environmental Quality Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect 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 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.

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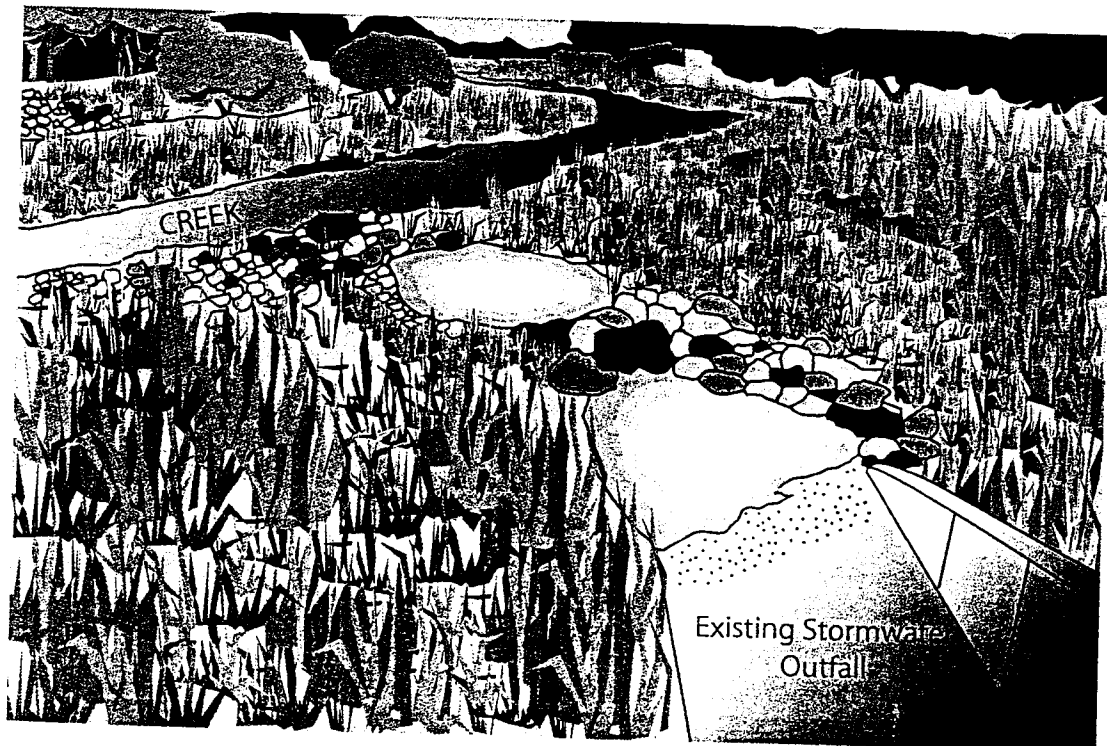
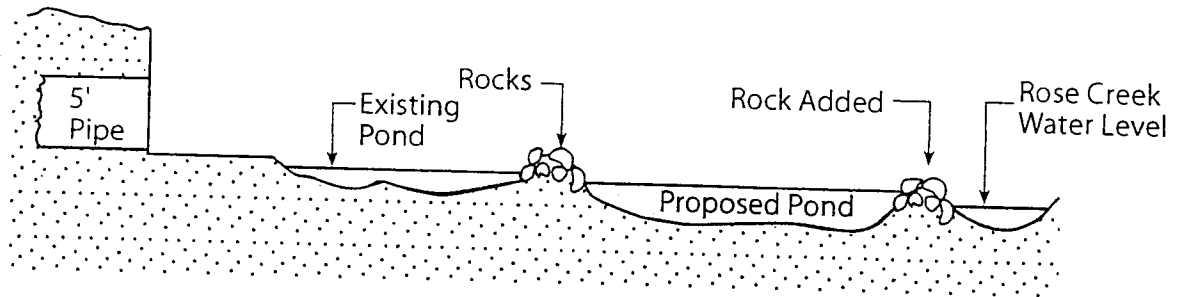
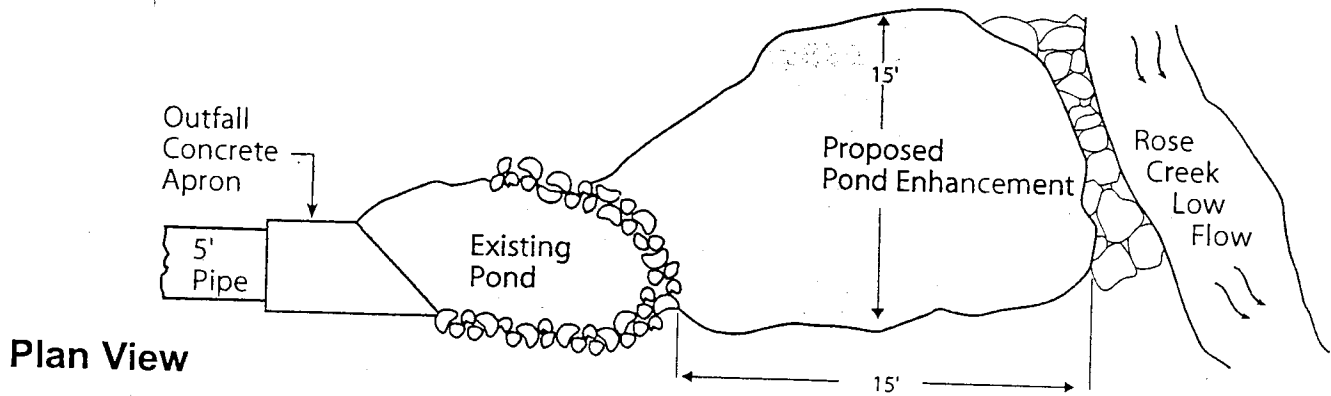


Coastal Zone
Boundary

Project Sites

EXHIBIT NO. 1
APPLICATION NO.
6-05-059
Location Map

6-05-059



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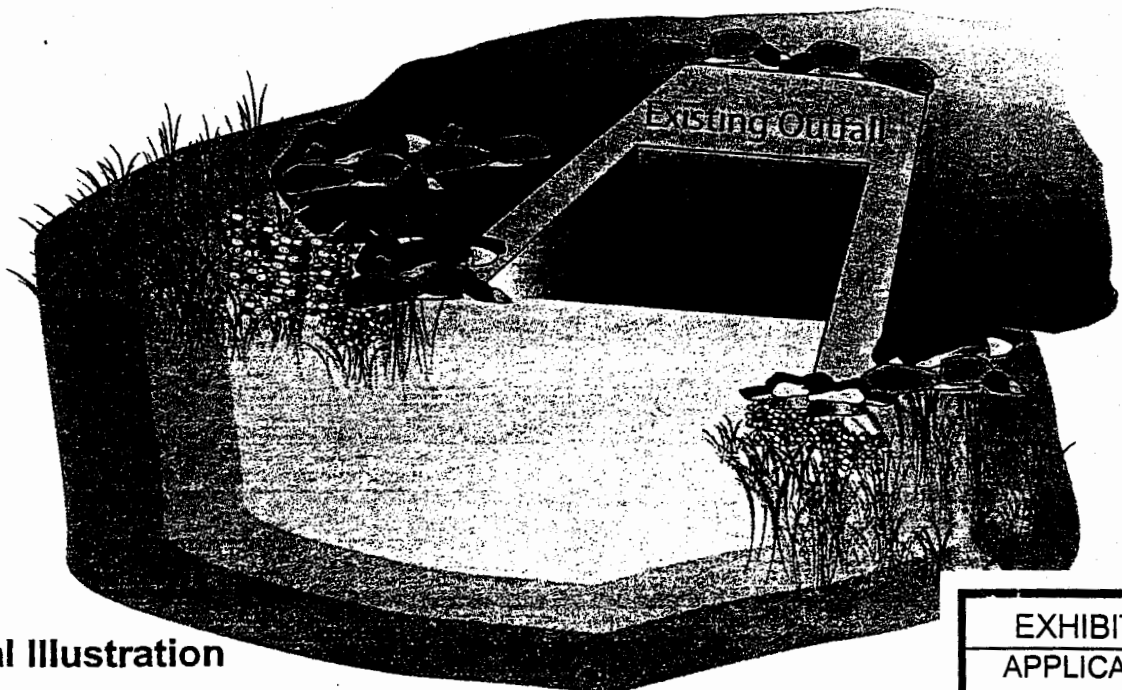
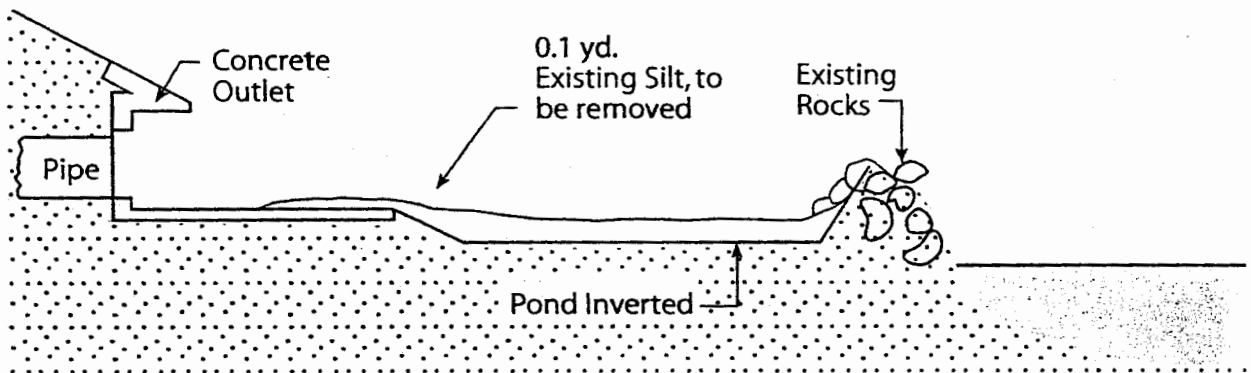
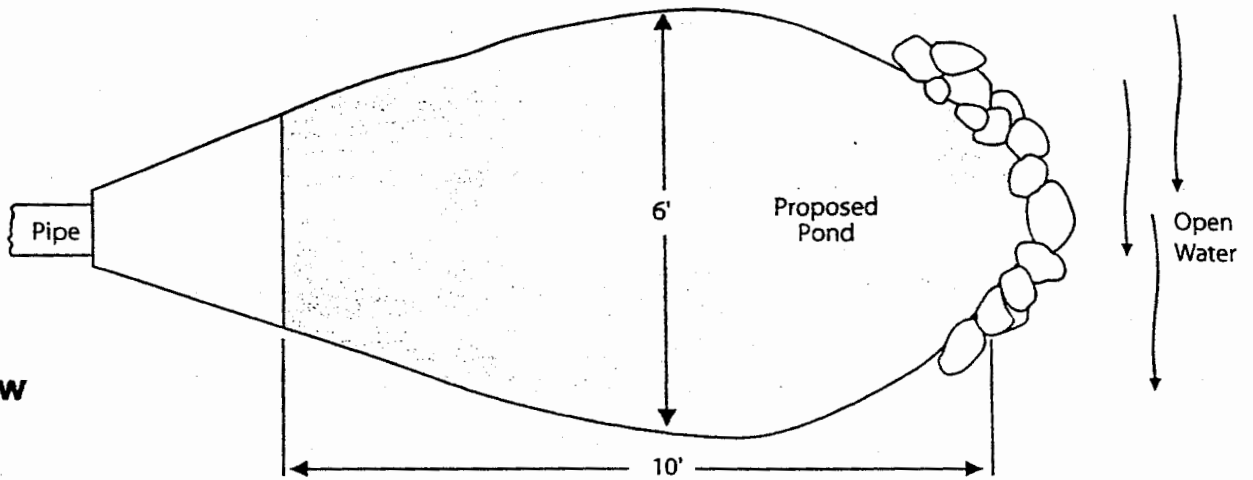


EXHIBIT NO. 3
APPLICATION NO.
6-05-059
Site Plan for
Southern Basin