CALIFORNIA COASTAL COMMISSION

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Filed: August 11, 2006 49th Day: September 29, 2006 180th Day: February 7, 2007 Staff: D. Lilly-SD

Staff Report: September 28, 2006 Hearing Date: October 11-13, 2006

REGULAR CALENDAR STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-06-43

Applicant: County of San Diego, Robert Rushlow

City of San Diego, Robin Shifflet City of Chula Vista, Duane Bazzel

Description: Improve 1.27 miles of 8-foot wide, decomposed granite multi-use trails

and construct two staging areas for parking and recreational use as part of

a larger trail system within the Otay River Valley Regional Park.

Site: Otay River Valley Regional Park between Saturn Boulevard, just west of

Interstate 5 and Interstate 805, San Diego, San Diego County.

Substantive File Documents: City of San Diego certified Local Coastal Program (LCP).

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed trail improvements with revisions that would eliminate the wetland impacts associated with the project. The project represents an important public access and recreational resource linking the greater Otay Valley Regional Park to the Bayshore Bikeway and shoreline. However, as proposed, one stream crossing and a portion of one staging area would impact a total of approximately .25 acres of riparian wetland habitat, inconsistent with the allowable use policies of the Coastal Act. Therefore, special conditions require that the project be revised to eliminate the stream crossing and revise the staging area to avoid encroaching into wetlands. The required revisions will only have a limited impact on the functionality of the trail system during the rainy season, and will ensure impacts to sensitive resources are avoided..

Standard of Review: Chapter 3 policies of the Coastal Act

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: I move that the Commission approve Coastal

Development Permit No. 6-06-43 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. Revised Final Plans. PRIOR TO ISSUANCE OF THE COASTAL

DEVELOPMENT PERMIT, the applicant shall submit for review and written approval by the Executive Director, final site plans in substantial conformance with the preliminary plans by Kimley-Horn, date-stamped received on September 15, 2006, except that it shall be revised as follows:

- A. The proposed box culvert at the location known as "Stream-Crossing #3" shall be eliminated, and no trail improvements shall occur in this area.
- B. The Local Staging Area at Hollister Street shall be revised to eliminate the 0.14 impacts to mulefat scrub vegetation.

The permittee shall undertake 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. <u>Landscape Plans</u>. The applicant shall comply with the landscaping plans for the proposed staging areas by Kimley-Horn, dated April 10, 2006 that include a hydroseed mix using native, non-invasive species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. <u>Detailed Project Description</u>. The proposed project is to develop a multi-use trail system within the Otay River Valley Regional Park (OVRP) between Saturn Boulevard, just west of Interstate 5 and Interstate 805 (See Exhibit #1). In total, the trail system will consist of 8.3 miles of trails constructed or improved on the north and south sides of the Otay River, with connecting trails across the river, and would accommodate hikers, equestrians, and bicyclists. However, only 1.27 miles are proposed within the coastal zone. The coastal zone portion of the project extends from Saturn Avenue to 800 feet east of the Hollister Street trolley station (see Exhibit #3). The coastal zone portion of the trail system also includes two staging areas for public access to the trail, one at Saturn Avenue and one at Hollister Street, which would accommodate 10 vehicles each. The staging areas would also include a picnic table on a 14-foot square cement pad, a portable restroom with screening fence, a bike rack, a trash container, and a trailhead kiosk. The trails will be approximately 8-feet wide, consist of pervious decomposed granite, and will be for shared hiking and mountain bike use; no equestrian use would be allowed on the portion of the trail within the coastal zone.

The trail system as a whole is under the land use jurisdiction of the Cities of San Diego and Chula Vista, and the County of San Diego and the Cities of San Diego and Chula Vista have entered into a Joint Exercise of Powers Agreement to plan, construct and manage the Otay Valley Regional Park. However, the portion of the trails within the

coastal zone encompasses only land owned by City of San Diego, within the City of San Diego Multi-Species Conservation Plan. The area is deferred certification land not covered by the City of San Diego's certified Local Coastal Program, so the Chapter 3 policies of the Coastal Act are the standard of review.

2. <u>Public Access and Recreation</u>. The Coastal Act emphasizes the need to protect and provide for public access to and along the coast, and to provide low cost recreational facilities. The following Coastal Act policies are applicable to the proposed development:

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 30212.

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
 - (l) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
 - (2) adequate access exists nearby, or,
 - (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30252 states, in part:

The location and amount of new development should maintain and enhance public access to the coast by...(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....

Finally, Section 30604(c) of the Coastal Act requires that a specific access finding be made in conjunction with the approval of any development to be located between the first public roadway and the sea, indicating that the development is in conformity with the public access and public recreation policies of Chapter 3. In this case, such a finding can be made.

Overall, the trail project would improve public access to the Otay River Parkway and provide improvements in the form of a regionally significant recreational trail system, along with the conservation measures, and interpretive enhancement proposed for the area. Kiosks will be installed to help educate the public about environmental and cultural resources in the area. The trail system will help raise awareness and visibility of this regional park, and serve as a catalyst for future habitat restoration projects along the Otay River. Within the coastal zone in particular, the trail will connect the Otay Valley Regional Park to the existing (and future proposed alignments) of the Bayshore Bikeway, a regional bikeway connecting downtown San Diego with National City, Chula Vista, south San Diego, Imperial Beach and Coronado. A portion of the trail also links to the Hollister Street Trolley Station for use by trolley users. Thus, the project will have a significant positive impact on public access, recreation, and would support non-automobile transit opportunities, consistent with the Chapter 3 policies of the Coastal Act.

3. Sensitive Habitat. Section 30231 of the Coastal Act states, in part:

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...

Section 30233 states, in part:

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
- (l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

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- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
 - (7) Restoration purposes.
 - (8) Nature study, aquaculture, or similar resource dependent activities.

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Section 30240 (b) of the Coastal Act states:

(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 such areas, and shall be compatible with the continuance of such habitat areas.

The area at and around the proposed project site consists of a variety of disturbed habitat, agriculture, industrial uses, coastal sage scrub, and streambeds. In general, the project has been designed to avoid or minimize impacts to biological resources. Much of the proposed trail will be located within existing cleared utility easement access roads. The remainder of the proposed trail construction in the coastal zone would consist of widening and improving existing informal trails through habitat areas that already have some degree of disturbance.

The project would result in several positive impacts to environmental resources. There is currently a substantial unofficial trail system throughout the Otay River Valley Park (OVRP) created by various human activities including pedestrians, bicycles and motorcycles, equestrian use, utility access vehicles, and off-road vehicles. Transient camps occur throughout the river valley and add to the creation of new trails. Many small "unofficial" trails have been created to avoid flooded areas, and trails that are encroached upon by poison oak are often abandoned and new trails are cut through areas lacking poison oak. The environmental reports done for the project note that trails without river crossovers and trails that flood regularly promote the development of new ad hoc trails.

The proposed project will formalize the trail system within the OVRP, reducing the number of unofficial trails, and directing use into specific areas, reducing impacts to the Otay River Valley and its sensitive habitats and species. Closing existing informal trails

with signage and allowing the area to revegetate naturally will improve existing habitat. Interpretive panels identifying native vegetation and animals will be provided along the trail system as an educational tool. Also anticipated along the improved trail system is the increased presence of rangers and trail volunteers to patrol the area and reduce the amount of various illegal activities such as trash disposal and homeless encampments.

However, the project as proposed would also have some adverse impacts to sensitive upland and wetland habitat. The trail segments in the coastal zone have been designated into sections 1A, 1B, 2, 3, and the western portion of 1C. Trail segments 1A, 1B, and 2 are currently located along San Diego & Electric (SDG&E) utility easements and are maintained by SDG&E at a minimum width of 12 feet. This width is not proposed to change, and no impacts would be associated with trail improvements on these segments.

The biological survey for the project determined that all of the habitat impacts in the coastal zone would occur in the same general area, in the trail segment and staging area alongside Hollister Street (see Exhibit #3). Trail segment 1C parallels the trolley tracks and would link to the Hollister Street Trolley Station for use by trolley users. As proposed, approximately 0.11 acres of coastal sage scrub vegetation in this area would be effected by the project.

Also along segment 1C is a proposed streambed crossing immediately east of Hollister Street that would consist of a raised trail causeway approach and box culvert (Stream Crossing #3). The box culvert would be a cast-in-place reinforced concrete box culvert that would result in permanent impacts to the streambed and surrounding vegetation. Access for installation of the culvert would be made from existing roadways or constructed trails, although some temporary impacts would occur during installation of the culvert. Nearby to the north, at the Hollister Street staging area (Staging Area #2) approximately 0.14 acres of mulefat scrub would be impacted to construct the staging area. In total, permanent wetland impacts would consist of 0.23 acres of Mule Fat Scrub, 0.01 acres of Southern Willow Scrub, and .01 acres of open water.

The proposed culvert would be located in a streambed that is dry and largely unvegetated for much of the year. During the rainy season, a usually shallow, narrow creek prevents passage for periods of several weeks or more. The proposed culvert is not intended to provide year-round dry trail access, as significant storms would still flood the trail. However, the culvert would reduce the time in which the trail is impassible from weeks to days.

The County has proposed mitigating the impacts within two wetland creation sites and several wetland enhancement sites, all of which occur outside of the coastal zone. The closest wetland mitigation site occurs just west of the Beyer Boulevard Staging Area and is within 2,500 feet of the coastal zone. This 0.14-acre wetland creation/enhancement area is designed to improve the water quality of urban runoff prior to entering the Otay River through prolonged water retention. The main 1.94-acre wetland creation site would be implemented on ruderal land located on the eastern portion of the site, 11,375 feet from the coastal zone. The wetland enhancement would include the removal of 1.22-

acres of giant reed (Arundo donax) located just south of Mace Street as well as 0.09 acre of trail closures within riparian habitat. The submitted environmental analysis notes that while the sites are located outside the coastal zone, the creation and enhancement of wetland habitat is expected to improve water quality and hydrology along the Otay River including that portion within the coastal zone.

As cited above, the Coastal Act requires that environmentally sensitive habitat areas be protected from the adverse impacts associated with new development. With regard to the potential impacts to sensitive upland habitat, the north-south trending portion of trail segment 1C currently consists of a dirt trail that ranges from a minimum width of 2-feet to a maximum width of 10-feet. Normally, an 2-foot buffer would be provided on either side of the trail, but in this location, only a 0.5-foot buffer on each side has been proposed in order to minimize impacts to the surrounding vegetation. Although 0.11 acres of impacts to coastal sage scrub would be significant, in the case of the proposed project, the County's biologist has clarified that 0.11 acres represents an approximation of land area alongside the trail, which actually consists of isolated, non-native, invasive-dominated coastal sage scrub, with species including tree tobacco, fountain grass, and two stands of arundo. Impacts to native coastal sage scrub species will be confined to trimming back vegetation to achieve the required 8-foot trail width. As proposed, the widening would not require the removal of the rootstalk of any sensitive vegetation. Thus, the impacts to sensitive vegetation will be extremely minor. Construction will also remove the invasive species and trash currently located on the proposed trail site, which will benefit the existing native vegetation. Therefore, in this particular case, the proposed trail improvements will not significantly degrade the sensitive biological resources, and will be compatible with the continuance of the habitat areas.

In addition, the County has proposed mitigation for the minor impacts to coastal sage scrub impacts in the coastal zone and the other impacts to upland habitat that would be associated with the components of the project located outside the coastal zone by restoring 1.09 acres of the ruderal/disturbed habitat located immediately west of Staging Area 4. The upland restoration site is approximately 2,000 feet west of the inland boundary of the coastal zone, but would extend quality coastal California gnatcatcher habitat closer to the coastal area. Also proposed is closing and restoring 4 existing trails outside the coastal zone in the Otay Valley Regional Park that would reclaim 0.24 acres of upland habitat. These sites will improve the habitat quality for sensitive species like threatened California gnatcatcher while expanding breeding and foraging areas for birds and other sensitive species. The restored habitat will also reduce the amount of illegal trash dumping as it will be signed to prevent human presence from straying off the designated trail. The environmental studies done for the project indicate that the improvement in habitat quality will also cause an increase in water quality as natural filtration of downstream and adjacent waters will occur. Thus, while mitigation is not required for project impacts within the Coastal Zone, the project does include the above measures that will help improve sensitive biological resources.

With regard to the proposed impacts to riparian habitat, as cited above, Section 30233 of the Act prohibits diking, filling or dredging of open coastal waters, wetland or estuaries unless it is one of eight permitted uses. In addition, if a development is one of the eight permitted uses, it must also be the least environmentally damaging alternative and provide mitigation for any impacts that cannot be avoided. The proposed project would impact a total of 0.25 acres of riparian habitat from the construction of a stream crossing and staging area next to Hollister Street. Although, as discussed above, the proposed trail will have a significant positive impact on public access and recreation, recreational trail improvements are not one of the uses permitted in wetlands.

In addition, there are feasible alternatives to the proposed project that would avoid the proposed impacts. The County did perform an alternatives analysis, including a "no-project" alternative that eliminated the entire portion of the trail proposed in the coastal zone, an alternative involving a streambed crossing in an alternative location, which would likely have greater wetland impacts, and an alternative realigning the trail segment to the north side of the river, such that the trail would not connect with the Hollister Street Trolley Station.

The Commission agrees that eliminating the proposed project by not constructing any portion of the trail in the coastal zone would be a significant loss to public access and recreation opportunities, and connecting the site with the trolley station is an important amenity of the project. However, the trail system would still retain almost of its public access and recreational values if revised to eliminate only the proposed stream crossing and the portion of the proposed staging area that encroaches into wetlands. As noted, there is an existing trail crossing the streambed that could continue to be used by the public. Without the proposed culvert in place, there will be times when the creek would be impassible, and then, both pedestrians and bicyclists would have to leave the trail and travel along Hollister Street for several hundred feet to get across the stream.

There are no sidewalks along Hollister Street, and requiring pedestrians and bicyclists to divert to the road even for a short segment is not an ideal trail situation. However, the time period during which such a diversion would be necessary is fairly brief (estimated to be several weeks over the course of a year). And while there are times at which flooding on Hollister Street would make the street crossing impassable, at these time, the proposed improved culvert would be impassable as well. A second alternative would be to bridge the stream, which, while significantly more expensive than the proposed project, would avoid the wetland impacts.

Therefore, Special Condition #1 requires the submittal of revised plans eliminating the proposed "Stream Crossing #3" and revising the Hollister Street "Staging Area #2" to avoid any impacts to riparian habitat. As conditioned and revised, the trail would still provide a link between the Otay Valley Regional Park and the Bayshore Bikeway and shoreline, and would still be available to trolley users, but would be consistent with the Coastal Act policies protecting wetlands.

In summary, the proposed project has been designed to avoid almost all significant impacts to sensitive habitat and wetlands, with the exception of one stream crossing and a portion of a staging area. These uses are not an allowable use under Section 30233, and there are feasible alternatives that will avoid any adverse environmental impacts. As conditioned to revise these portions of the project, all significant adverse impacts will be avoided. Therefore, the Commission finds the proposed development, as conditioned, is consistent with Sections 30230, 30231, 30233 and 30240 of the Coastal Act.

4. <u>Local Coastal Planning</u>. The proposed project lies within the Otay Valley River Park in the City of San Diego. Although the City of San Diego has a certified LCP, the proposed development described herein lies within an area of deferred certification, thus Chapter 3 policies are the standard of review.

Based on the preceding discussion in this report, the Commission finds that the proposed development, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act; thus, no adverse impacts to coastal resources are anticipated. The Commission also finds, that based on the above, the proposed development would not prejudice the ability of the City of San Diego to fully to implement their local coastal program.

5. 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.

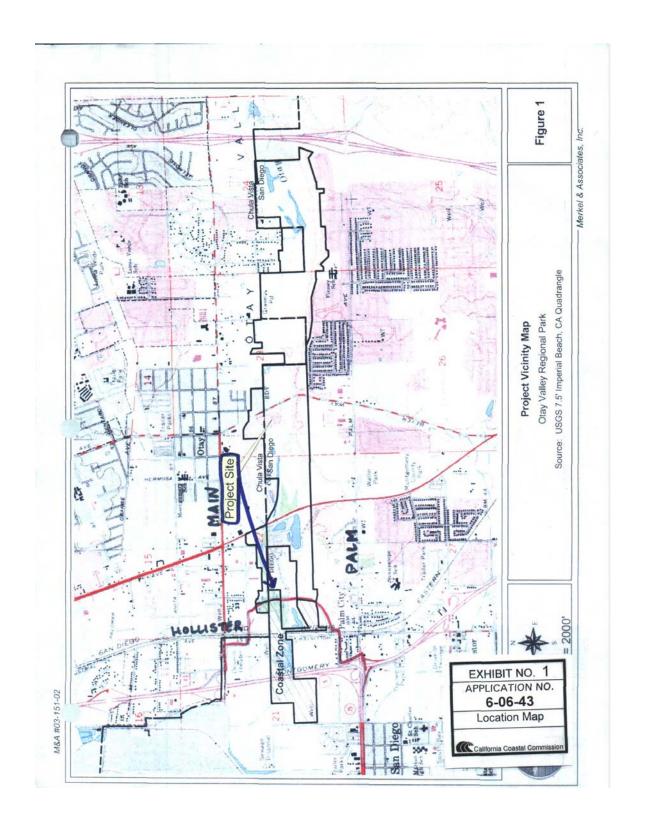
As discussed herein and as conditioned, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the biological protection policies of the Coastal Act. As conditioned, there are no other feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might 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.

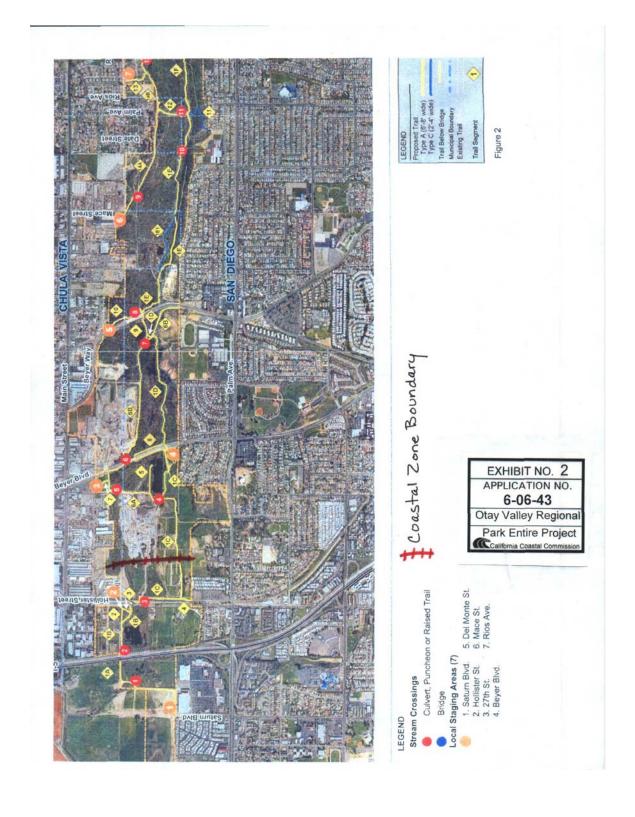
STANDARD CONDITIONS:

1. <u>Notice of Receipt and Acknowledgment</u>. 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. <u>Expiration</u>. 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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment</u>. 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. <u>Terms and Conditions Run with the Land</u>. 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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Stream Crossings

Culvert, Puncheon or Raised Trail

Bridge Local Staging Areas (7)

1. Saturn Blvd. 5. Del Monte St. 2. Hollister St. 6. Mace St. 3. 27th St. 7. Rios Ave.

- 4. Beyer Blvd.

Coastal Zone Boundary



Figure 2



