

CALIFORNIA COASTAL COMMISSION

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



Fri 10a

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 Staff: Ellen Lirley-SD
 Staff Report: June 19, 2006
 Hearing Date: July 12-14, 2006

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-06-058

Applicant: California Department of Parks and Recreation **Agent:** Suzy Lahitte

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, 6-02-055, and 6-03-088

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. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. 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 (approximately 1,400 sq.ft. of that is in the Commission’s original jurisdiction and the subject of this permit), 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 is 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, was addressed by the City of Imperial Beach, which processed an appealable coastal development permit for those portions of the project within its jurisdiction; that permit was not appealed and remains valid. The two jurisdiction 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.

This same project was previously approved by the Coastal Commission in Coastal Development Permit #6-03-088. That approval includes special conditions calling for final revised plans, plans identifying construction corridors and staging areas, restrictions on the construction season to protect nesting birds, and copies of permits from other state and/or federal regulatory agencies. Due to changes in State Parks staffing and other miscommunications, these conditions were never complied with, and the permit has now expired. However, the City of Imperial Beach's coastal development permit remains valid and the project is currently under construction. To address this violation, the applicant has submitted the subject after-the-fact permit application, including all materials previously required in the special conditions of Coastal Development Permit 6-03-088. Since there are no new issues or concerns raised by this resubmittal, no further special conditions are required at this time. The original permit addressed the issues of biological resources, water quality, public access and visual resources; all findings of that approval are hereby incorporated by reference.

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 are used as guidance.

B. Biological Resources. Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development will not have an adverse impact on any sensitive habitat, and will not result in erosion or adverse impacts to water quality, as adequate temporary erosion controls (construction BMPs) and permanent drainage controls will be provided. 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 existing developed park and recreation areas and will be compatible with the character and scale of those and surrounding areas; there will be no adverse impacts on public views. Therefore, the Commission finds that the development conforms to Section 30251 of the Coastal Act.

D. Public Access/Parking. The proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. The proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

E. Unpermitted Development. Unpermitted development has occurred on the subject site, as the previous coastal development permit expired without actually issuing. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to these violations of the Coastal Act that may have occurred, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

F. Local Coastal Planning. The subject sites are located in areas of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. The proposed development is consistent with Chapter 3 of the Coastal Act and the City of Imperial Beach and City of San Diego LCPs. Approval of the project will not prejudice the ability of the Cities of Imperial Beach and San Diego to continue to implement their certified LCPs.

G. California Environmental Quality Act. 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 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.

6-06-058

SUMMARY

SITE 1
ADDITION TO
VISITOR CENTER

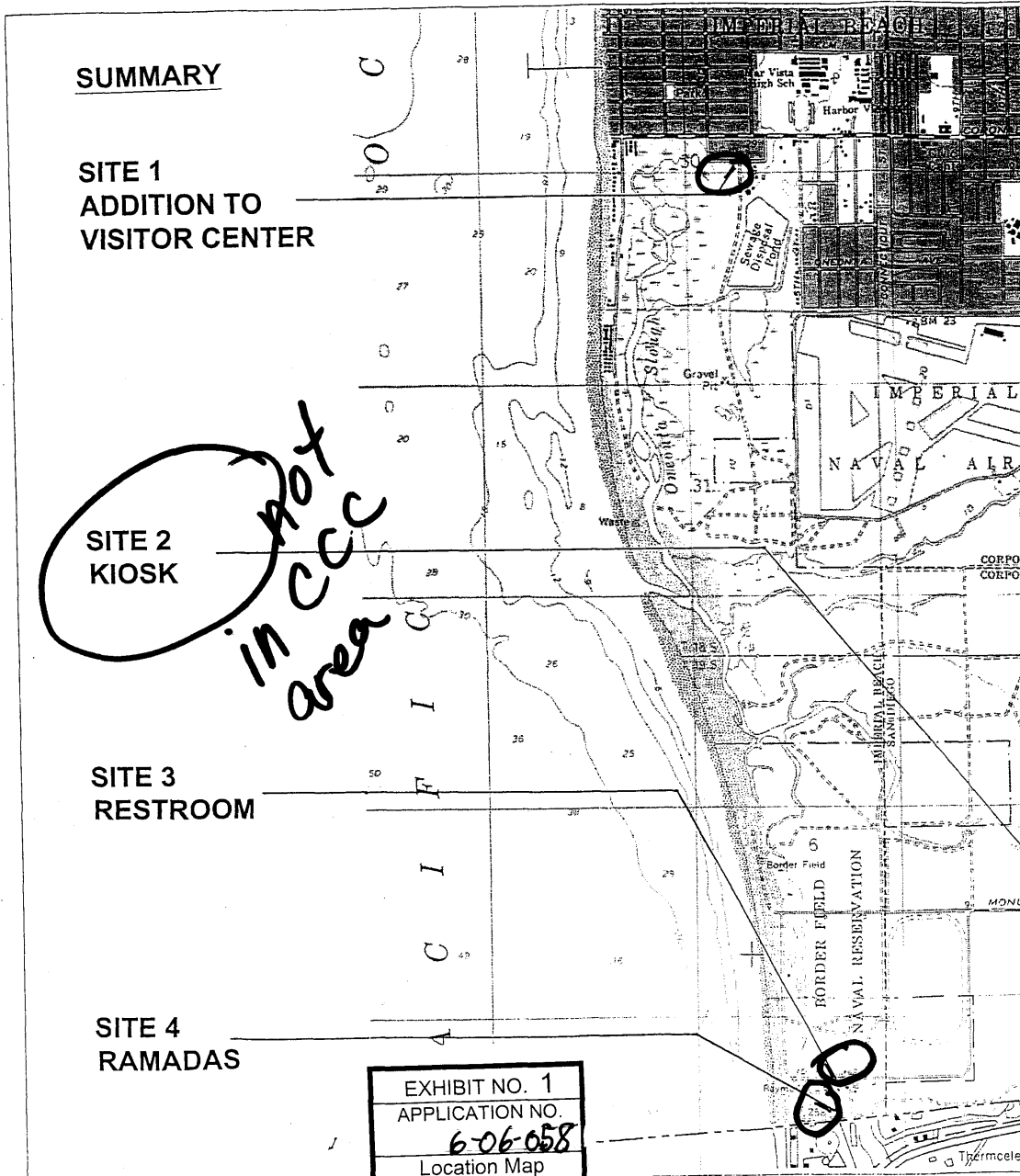
SITE 2
KIOSK

SITE 3
RESTROOM

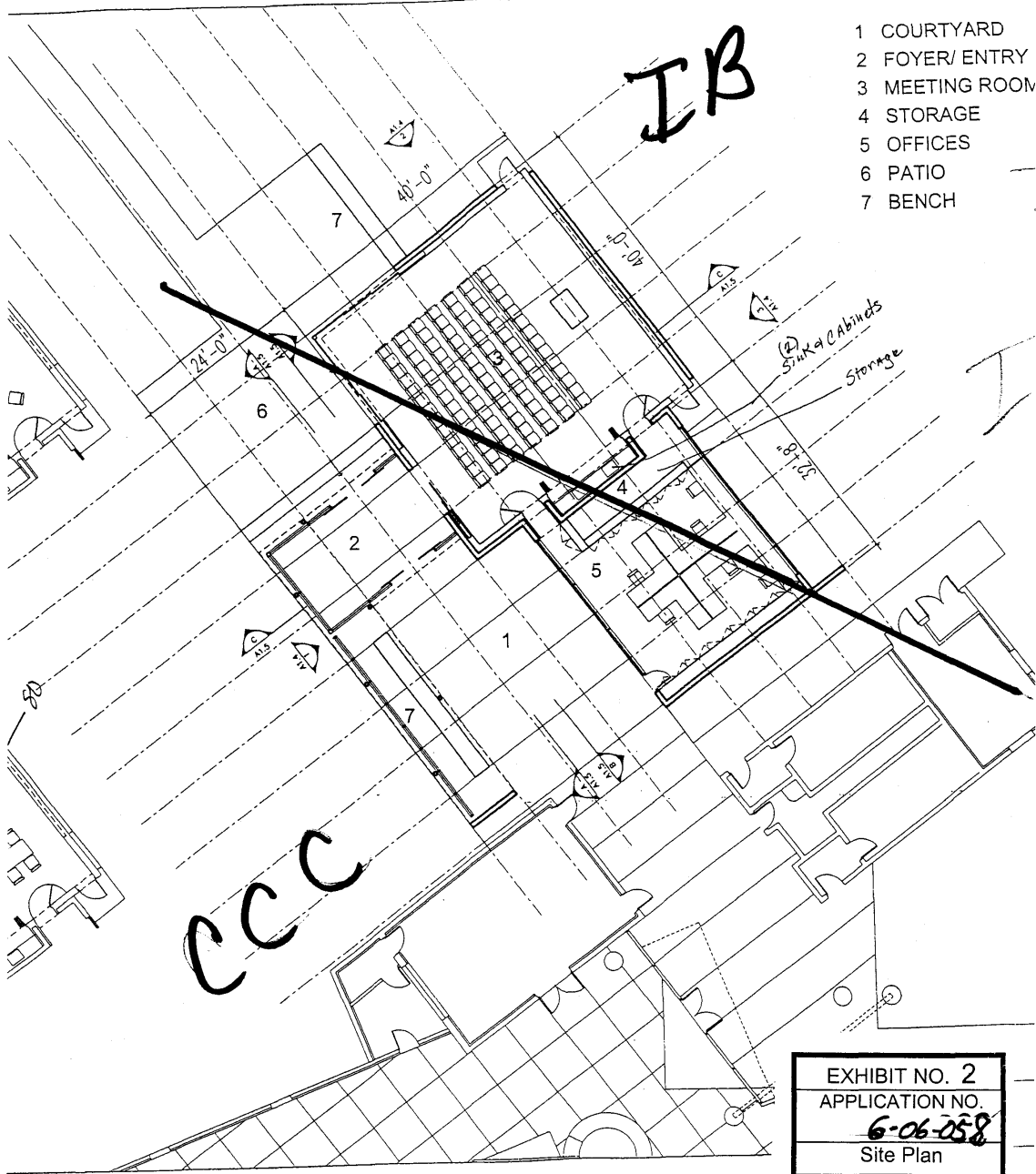
SITE 4
RAMADAS

*not
in CCC
area*

EXHIBIT NO. 1
APPLICATION NO.
6-06-058
Location Map
California Coastal Commission



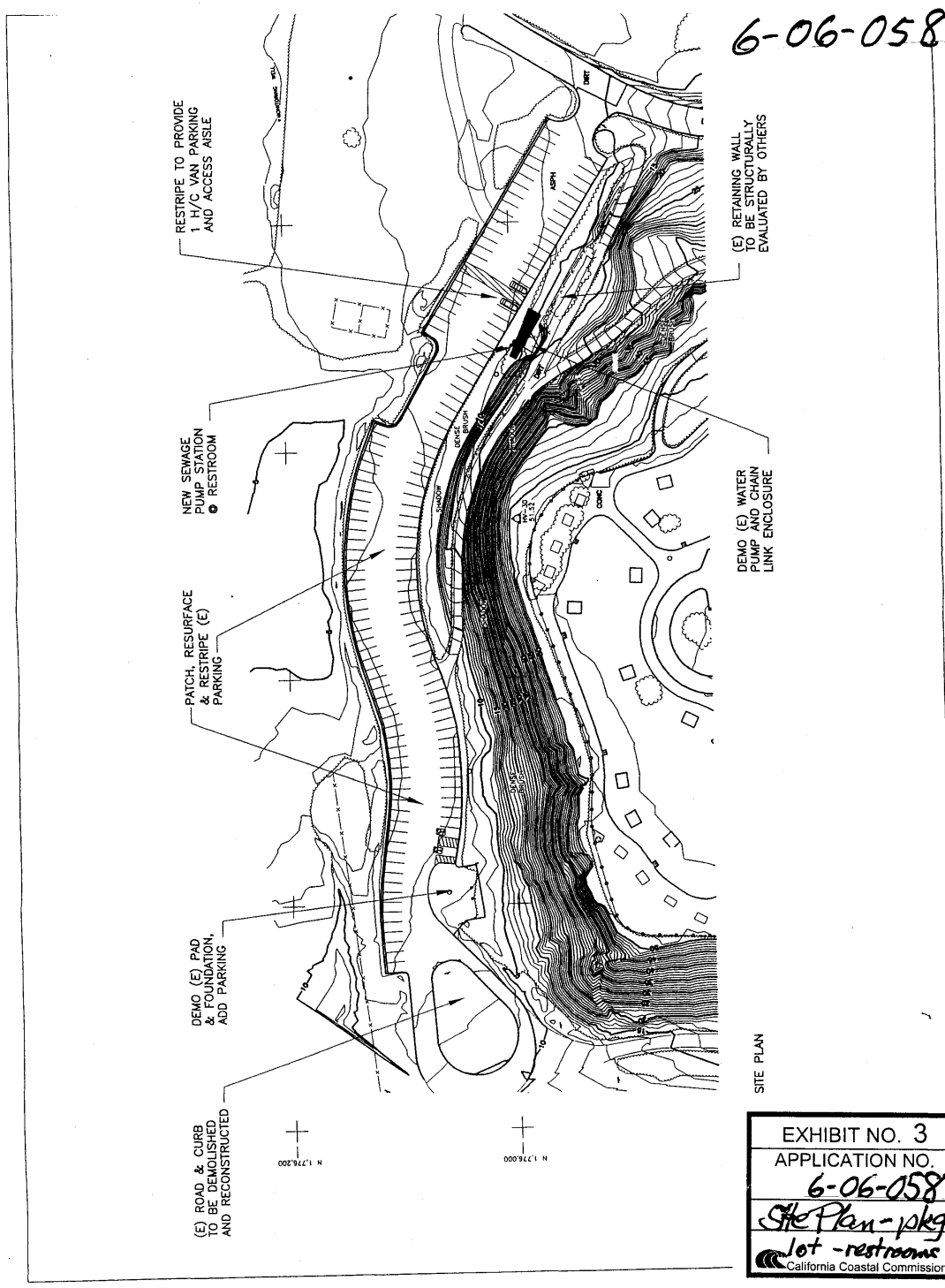
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- 1 COURTYARD
- 2 FOYER/ ENTRY
- 3 MEETING ROOM
- 4 STORAGE
- 5 OFFICES
- 6 PATIO
- 7 BENCH

EXHIBIT NO. 2
APPLICATION NO.
6-06-058
Site Plan
Visitor Center California Coastal Commission

6-06-058



6-06-058²

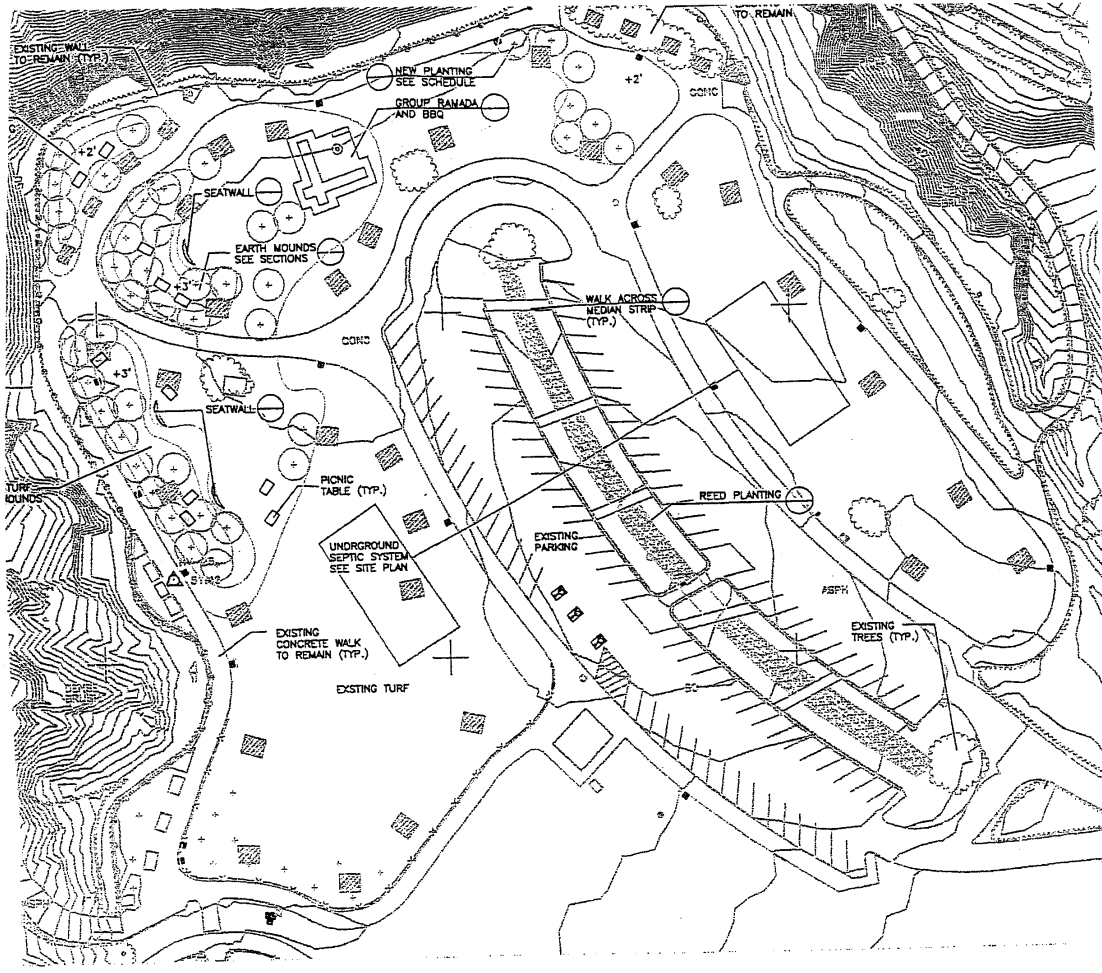


EXHIBIT NO. 4
APPLICATION NO.
6-06-058
Site Plan - Manual
Mesa Facilities California Coastal Commission

6-06-058

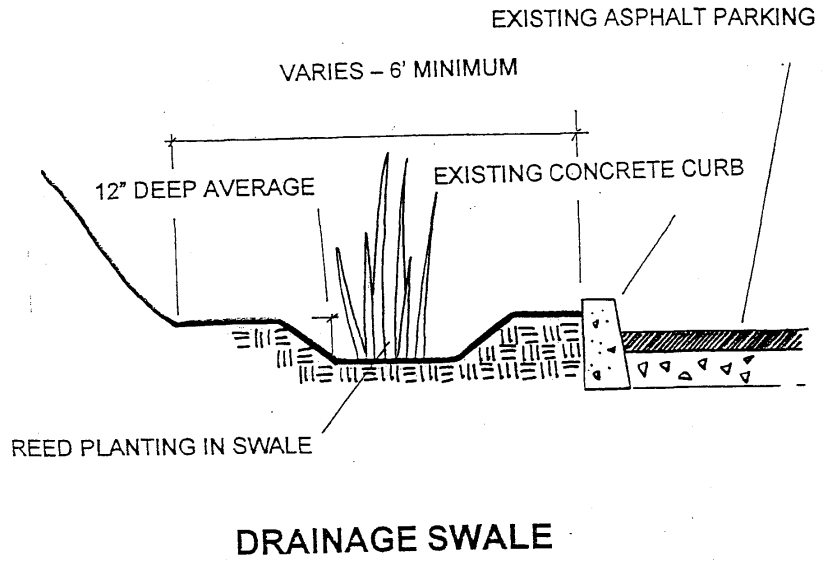


EXHIBIT NO. 5
APPLICATION NO. 6-06-058
Cross-Section
Drainage Swale California Coastal Commission