

**CALIFORNIA COASTAL COMMISSION**

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# Thu 13e

Filed: May 3, 2006  
 49th Day: June 21, 2006  
 180th Day: October 30, 2006  
 Staff: Ellen Lirley-SD  
 Staff Report: June 20, 2006  
 Hearing Date: July 12-14, 2006

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-06-049

Applicant: California Department of Parks and Recreation      Agent: Clay Phillips

Description: Construction of approximately 1,500 sq.ft. of new office space as an addition to the existing office complex/maintenance building at the Tijuana Estuary Visitor's Center.

Site: 301 Caspian Way, Imperial Beach, San Diego County. APN 632-400-32

Substantive File Documents: Certified City of Imperial Beach LCP; Tijuana River Comprehensive Management Plan; CCC File #6-99-106

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff recommends approval of the proposed office addition as submitted, subject to the Commission's standard conditions. The proposal maintains adequate buffers from wetland habitat, is visually consistent with the existing building and surrounding area, and is accommodated with existing parking facilities.

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. 6-06-049 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. 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. Findings and Declarations.**

The Commission finds and declares as follows:

1. Detailed Project Description/History. The applicant is proposing to construct an approximately 1,500 sq.ft. addition to the existing one-story office/maintenance building, which is an accessory structure located at the Tijuana River National Estuarine Research Reserve Visitor Center in the City of Imperial Beach. The proposed addition will include eight individual offices/cubicles, a restroom and a meeting area for use by existing staff and research scientists. It is proposed on the south side of the existing office/maintenance building, and is completely within the Coastal Commission's area of original permit jurisdiction, although northerly portions of the existing structure are within the coastal development permit jurisdiction of the City of Imperial Beach. Thus, Chapter 3 of the Coastal Act is the legal standard of review, with the Tijuana River Comprehensive Management Plan and the certified Imperial Beach LCP used as guidance. The proposed improvements are consistent with the Tijuana River Comprehensive Management Plan, which calls for increased office and storage space to facilitate visitor services and maintenance operations.

The Tijuana River National Estuarine Research Reserve comprises approximately 1,500 acres in various public and private ownerships, and is a component of the National Estuarine Research Reserve system established as part of the Coastal Zone Management Act. The primary purpose of the system is to enhance scientific and public understanding

of estuaries and contribute to improved estuarine management. A number of programs are run from the Visitor Center complex, of which the subject structure is a part. These programs include enhancing research and monitoring of the resources, public education and some public use of the resources. The specific office/maintenance structure is in need of additional office space to accommodate ongoing administrative functions and visiting research scientists to support the identified ongoing programs.

The existing office/maintenance building is located east of the existing visitor center and south of the public parking lot. The original facilities were approved by the Coastal Commission in July, 1987 pursuant to Consistency Determination 28-87, and a previous addition was approved in September, 1999, pursuant to Coastal Development Permit #6-99-106. The estuary's sensitive wetland and upland resources are located well south/southwest of the site (more than 200 feet from the existing structure and proposed additions), with only scattered vegetation and a series of public trails between the structure and the wetlands.

2. Visual Resources. The following policy of the Coastal Act addresses visual resources, and states, in part:

### **Section 30251**

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The subject site is located within the City of Imperial Beach, on the northern boundary of the Tijuana River National Estuarine Research Reserve. The overall site includes the visitor center, the subject office/maintenance building (which is accessory to the visitor center), a public parking lot for visitor center guests and employees, and an outdoor amphitheatre. A system of public trails leads away from the visitor center in several directions, including south of the subject structure. The estuary itself is located west and south of the site and includes both uplands and wetlands. North of the site, across Caspian Way, is existing residential development, and there is a large condominium complex located immediately adjacent to the east. In the past, residents of this complex have registered complaints regarding improvements to the subject structure, based on potential impacts to their private views of the estuary. Similar complaints may be received in association with the current proposal.

The subject office/maintenance facility is a typical, rectangular masonry block structure and is one-story in height. The proposed addition will maintain the scale, style and color of the existing building; it will extend closer to the estuary than the existing structure, but will be contained within an already graded pad adjacent to the existing structure, that is currently used for occasional park vehicle storage. The existing condominium project to

the east protrudes further towards the wetlands than do the buildings on the subject site, and is also closer to some of the public trails. The proposed addition will not block any existing public views across the site towards the estuary, nor will it significantly modify the existing appearance of the site as viewed from the public trail system. In addition, the project does not propose the removal of any existing vegetation/landscaping on the site. The Commission, therefore, finds the proposed additions consistent with Section 30251 of the Act.

3. Public Access. Many policies of the Coastal Act address the provision, protection and enhancement of public access opportunities, particularly access to and along the shoreline. For the subject site, the following policies are most applicable, and state, in part:

#### **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 30213**

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

#### **Section 30223**

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

#### **Section 30604**

... (c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200). ...

The project site is located between the sea and first coastal road. There is no beach or other active recreational amenities at the site. However, the estuary resources provide opportunities for passive recreation, such as hiking and bird-watching, and the visitor center includes a variety of displays, exhibits and programs for public enjoyment and education. These existing amenities and activities will not be adversely affected by the

proposed development, since the proposed addition will not extend the existing accessory structure towards the visitor center or interfere with normal visitor center operations. The whole purpose of the existing office/maintenance building and proposed addition is to support the activities of the visitor center and estuary, which receives visitors from around the world and is considered a significant public resource. The public parking lot is being reconfigured pursuant to a coastal development permit issued by the City of Imperial Beach, in association with other on-site development, and will provide adequate parking to serve the public recreation/education visitor center needs and ongoing scientific research at the estuary. The Commission thus finds that the proposed project will not have a significant adverse impact on existing public access in the area. Therefore, the Commission finds the development consistent with the cited access policies of the Coastal Act and, as required in Section 30604(c), consistent with all other public access and recreation policies as well.

4. Local Coastal Planning. The project site is designated and zoned as Open Space in the City of Imperial Beach's certified LCP. A portion of the site is within the City's coastal development permit jurisdiction, although the currently proposed addition lies entirely within the Coastal Commission's area of original permit jurisdiction. As demonstrated in the previous findings, the proposal is fully consistent with all applicable Chapter 3 policies of the Coastal Act and is also consistent with the Tijuana River Comprehensive Management Plan. Therefore, the Commission finds that approval of the proposed development will not prejudice the ability of the City of Imperial Beach to continue implementation of its certified LCP.

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 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, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the visual resource and public access policies of the Coastal Act. There are no 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. 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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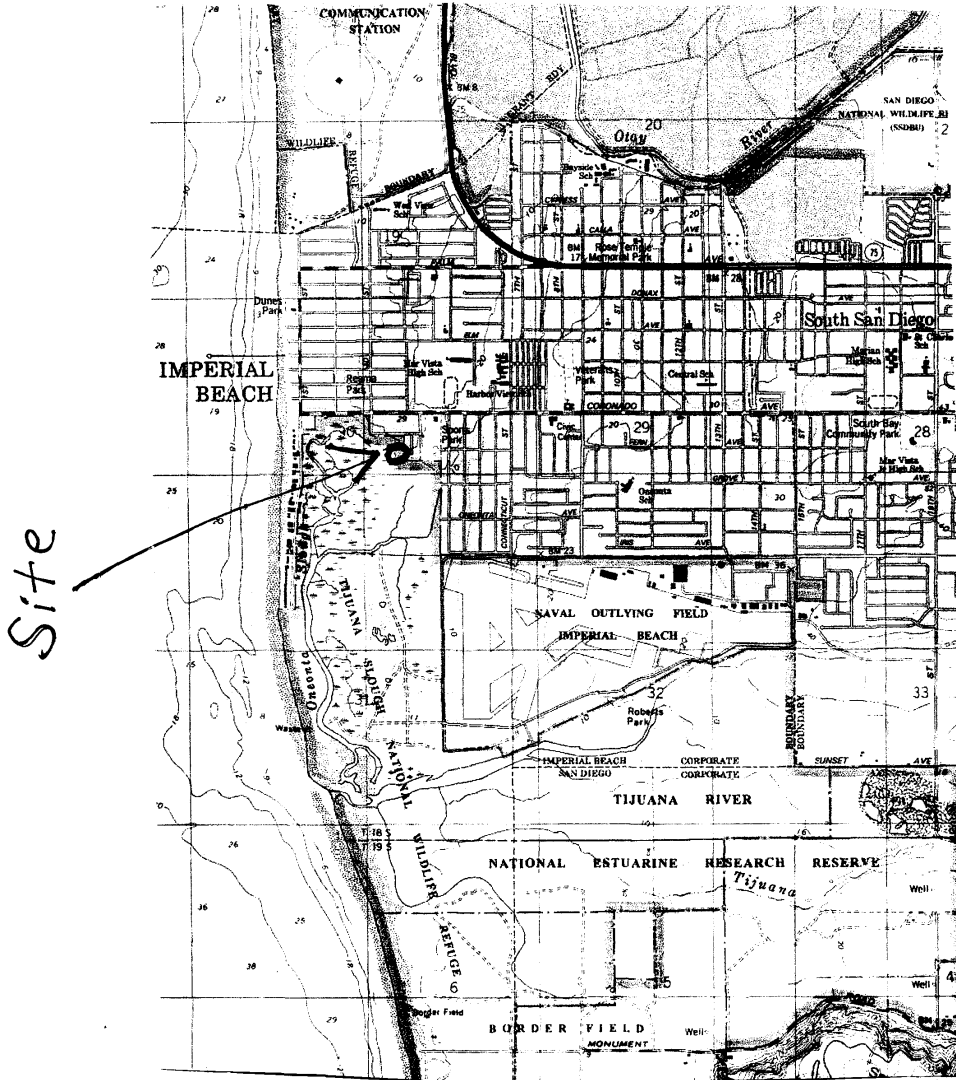


EXHIBIT NO. 1
APPLICATION NO.
<b>6-06-049</b>
Location Map
California Coastal Commission

6-06-049

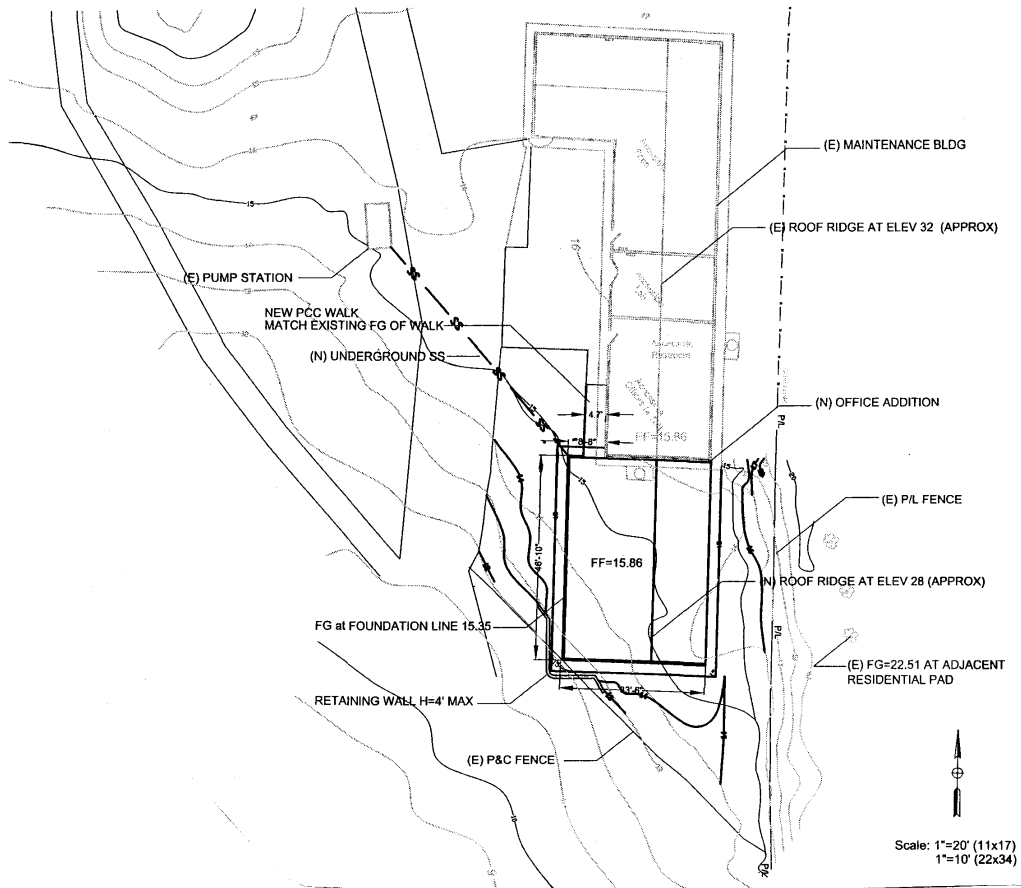


EXHIBIT NO. 2
APPLICATION NO.
<b>6-06-049</b>
Site Plan
California Coastal Commission



6-06-049

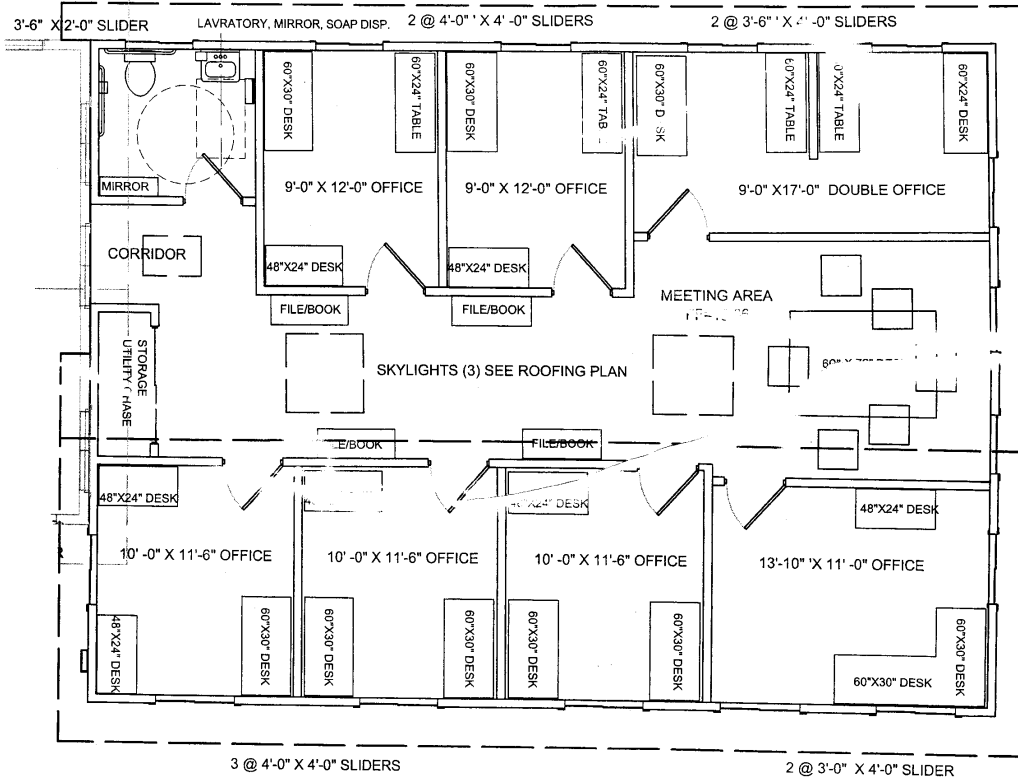
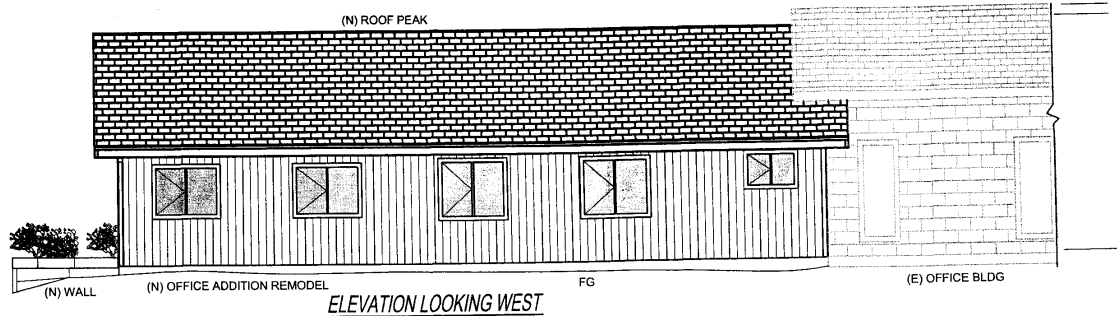
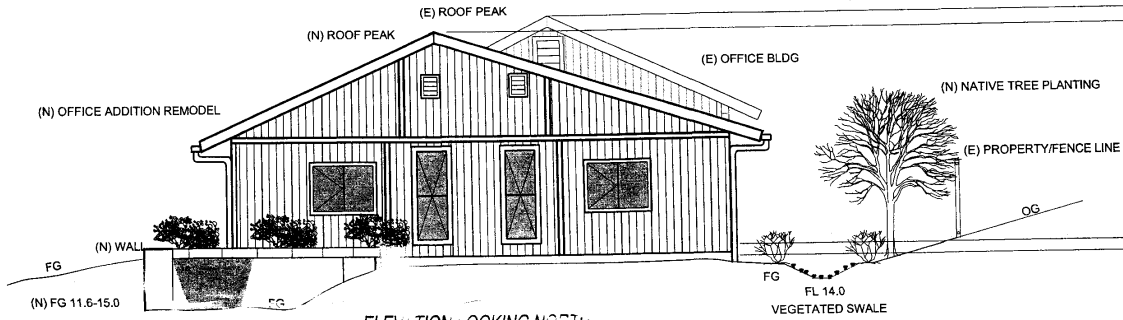


EXHIBIT NO. 3
APPLICATION NO.
<b>6-06-049</b>
Floor Plan
California Coastal Commission

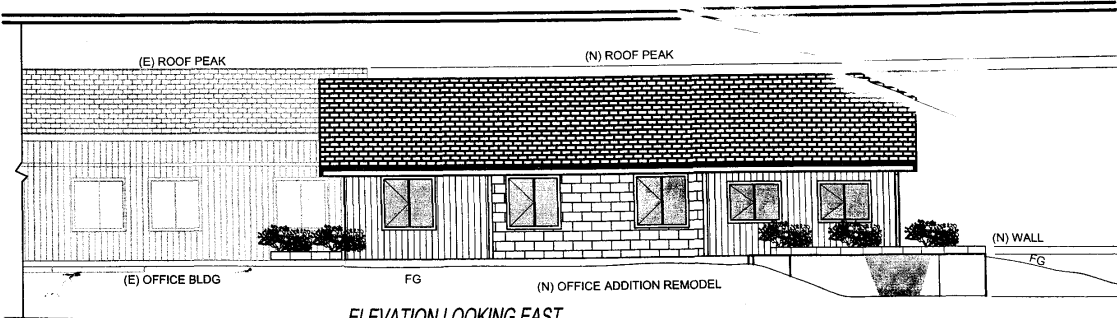
6-06-049




*ELEVATION LOOKING WEST*



*ELEVATION LOOKING NORTH*



*ELEVATION LOOKING EAST*

EXHIBIT NO. 4
APPLICATION NO.
<b>6-06-049</b>
Elevations
 California Coastal Commission