

CALIFORNIA COASTAL COMMISSION

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 Staff: Gary Cannon-SD
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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-06-93

Applicant: County of San Diego Agent: Charles Marchesano
 Dept. Of Parks and Recreation

Description: Demolish existing approximately 2,800 sq. ft. single-story visitor center, trailer and storage shed and construct an approximately 4,230 sq. ft. two-story nature center on an approximately 9 acre site that also contains an approximately 24 space asphalt parking lot.

Parking Spaces	25 (project adds 1 additional space)
Zoning	Open Space
Plan Designation	Open Space

Site: San Elijo Lagoon Ecological Reserve Visitor Center, 2710 Manchester Avenue, Cardiff, Encinitas, San Diego County. APN 261-191-03.

Substantive File Documents: Certified City of Encinitas LCP; CDP Nos. 6-84-406; 6-87-101; 6-87-582; 6-90-309; 6-95-107; 6-98-32, 6-05-128.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed nature center project. The improvements will provide an expansion of nature study opportunities as well as enhance public access and recreational opportunities within San Elijo Lagoon Ecological Reserve and Regional Park. The proposed development will be located in close proximity to environmentally sensitive habitat, however, as proposed, the development will not have any direct or indirect impacts to environmentally sensitive habitat areas (ESHA). While no adverse impacts are anticipated to occur, proposed Special Conditions require that all native vegetation removed during construction shall be re-planted onsite on a 1:1 ratio and that approximately 348 sq. ft. of native landscaping that will be lost following development shall be replanted on a 2:1 ratio elsewhere within the Ecological Reserve. This re-

planting criteria is being proposed by the applicant, but the Special Condition will assure its success.

Other Special Conditions will require the submission of final building and erosion control plans, landscape plans developed in consultation with the Dept. of Fish and Game and U.S. Fish and Wildlife Service. In addition, if work is proposed to occur during the California gnatcatcher breeding season (February 15 to August 15), the applicant is required to submit a plan developed in consultation with the Department of Fish and Game and U.S. Fish and Wildlife Service to assure avoidance or minimization of disturbance to the California gnatcatcher.

Standard of Review: Chapter 3 polices 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. 6-06-93 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. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and written approval, final site, building, and elevation plans for the permitted development that have been approved by the County of San Diego. Said plans shall be in substantial conformance with the plans submitted by Zagrodnik+Thomas Architects dated received November 6, 2006 and shall be revised to include the following:

a. A color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed nature center. The colors and materials used for the structure and roof permitted herein shall be restricted to colors compatible with the surrounding environment (earth tones) including shades of green, brown, and gray, with no white or light shades and no bright tones except as minor accents. All windows shall be comprised of non-glare glass.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Landscaping Plan. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and written approval of the Executive Director, a final landscaping plan developed in consultation with the California Department of Fish and Game and U.S. Fish and Wildlife Service and approved by the County of San Diego. Said plans shall be in substantial compliance with the plan by Schmidt Design Group received on November 6, 2006 but shall be revised as follows:

- a. The type, size, extent and location of all trees, shrubs and groundcovers proposed shall be shown.
- b. All native landscaping removed during construction (Diegan coastal sage scrub) shall be re-planted in-kind onsite at a 1:1 ratio in the same location as removed. Any area that is no longer available for replanting (approximately 348 sq. ft. area occupied by new structure) shall be replanted in-kind in another area of the park at a ratio of 2:1. In addition, the location for the 2:1 replanting must be in a location within the Ecological Reserve that will optimize its ability to function as habitat for California gnatcatcher.
- c. All landscaping species shall be drought tolerant, native and be compatible with the adjacent sensitive habitats and must be of local stock, if available. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive 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.

- d. A written commitment by the applicant that all required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements. A planting schedule that indicates that the planting plan shall be implemented with 60 days of completion of the development.
- e. No pesticides, fertilizers or rodenticides shall be used.
- f. Five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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.

3. Grading/Erosion Control. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final grading and erosion control plans and grading schedule that are in substantial conformance with the plans submitted with this application by Burkett & Wong, dated received November 6, 2006. The plans shall first be approved by the County of San Diego and shall contain written notes or graphic depictions demonstrating that that all permanent and temporary erosion control measures will be developed and installed prior to or concurrent with any on-site grading activities and include, at a minimum, the following measures:

- a. Placement of a silt fence around the project anywhere there is the potential for runoff. Check dams, sand bags, straw bales and gravel bags shall be installed as required in the County's grading ordinance. Hydroseeding, energy dissipation and a

stabilized construction entrance shall be implemented as required. All disturbed areas shall be revegetated after grading.

b. The site shall be secured daily after grading with geotextiles, mats and fiber rolls; only as much grading as can be secured daily shall be permitted. Concrete, solid waste, sanitary waste and hazardous waste management BMP's shall be used. In addition, all on-site temporary and permanent runoff and erosion control devices shall be installed and in place prior to commencement of construction to minimize soil loss from the construction site.

c. If grading is to occur during the rainy season (October 1st to April 1st) of any year, the applicant shall submit to the Executive Director for review and written approval, a program for monitoring the condition of erosion control devices and the effectiveness of the erosion control program. The monitoring program shall include, at a minimum, monthly reports beginning November 1st of any year continuing to April 1st which shall be submitted to the Executive Director for review and written approval at the end of each month. The reports shall be completed by a licensed engineer and shall describe the status of grading operations and the condition of erosion control devices. Maintenance of temporary erosion control measures is the responsibility of the applicant, including replacement of any devices altered or dislodged by storms.

The permittee shall undertake development in accordance with the approved grading plans. Any proposed changes to the approved grading plans shall be reported to the Executive Director. No changes to the grading 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.

4. Disposal of Graded Spoils. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

5. Other Permits. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, the applicant shall provide to the Executive Director, copies of all other required federal, state or local permits for the development. The applicant shall inform the Executive Director of any changes to the development required any of these other permits. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

6. Timing of Construction. No construction involving the use of heavy equipment or equipment that results in noise levels that exceed 60 decibels shall occur during the California gnatcatcher nesting season from February 15 to August 15 of any year without first conducting protocol surveys and obtaining approval in writing from the California Department of Fish and Game (CDFG) and U. S. Fish and Wildlife Service (Service).

The permittee shall undertake development in accordance with the approved timing restrictions. Any proposed changes to the timing restrictions shall be reported to the Executive Director. No changes to the timing restrictions shall occur without an 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:

1. Detailed Project Description/History. The proposed project involves the demolition of the approximately 2,800 sq. ft. single-story interpretive center, trailer and storage shed and construction of an approximately 4,230 sq. ft., two-story nature center that will include a large exhibit room, ranger office, restrooms, meeting and class activity room, wet lab and storage areas. The existing 24 space asphalt parking lot is proposed to remain although the parking layout will be reconfigured to accommodate a bus turn-around area. In addition, after reconfiguration of the lot, an additional parking space is proposed (25 total). The proposed nature center will be constructed on a footprint similar to the existing visitor center but which will be expanded slightly to accommodate an approximately 30 ft. long, 6 ft. wide handicap access trail behind the nature center leading to an elevator.

The subject site is located on the south side of Manchester Avenue, approximately ¼ mile east of Highway 101, in the Cardiff community of the City of Encinitas. The project site lies along an upland northern edge of San Elijo Lagoon Ecological Reserve Park. San Elijo Lagoon Ecological Reserve is an environmentally sensitive habitat area and Regional Park that is managed jointly by the California Department of Fish and Game and the San Diego County Parks and Recreation Department.

The Commission has previously approved a number of coastal development permits for development on the subject site. The Commission first approved an approximately 30 ft. high, 6,296 sq. ft. interpretive center and parking lot through CDP #6-84-406, but the permit expired before construction could commence. A redesigned two-story approximately 3,200 sq. ft. interpretive center was then approved through CDP #6-87-101, but it also ultimately was not constructed. In November 1987, the Commission approved the County's request to construct the parking lot and installation of an underground sewer storage reservoir beneath the parking lot. (CDP #6-87-582). Finally in 1991, the Commission approved the construction of a third interpretive center involving two integrated 12.5 ft. high, approximately 2,292 sq. ft. hexagonal pavilions over a concrete slab to be utilized for interpretive purposes and storage of supplies and materials (CDP #6-90-309). This is the interpretative center that exists today. In addition, the Commission approved construction of a concrete pad for placement of a recreational vehicle to house an on-site volunteer and the placement of a crushed granite surface over an existing dirt access road leading to the volunteer pad (CDP #6-95-107), and several improvements to the nature center including construction of restroom

facilities, a 900 sq. ft. storage and maintenance area, several benches for seating and a windscreen (CDP #6-98-32).

In May 1999, the Commission approved construction of two new viewing decks (465 sq.ft. and 400 sq.ft.) on the existing trail around the nature center, along with placement of a 2 ½ to 3-foot high cable/post fence along the sides of the trail, resurfacing the existing trail and removal of exotic vegetation (CDP #6-99-23). In February 2006, the Commission approved an elevated boardwalk along a 486 foot section of an existing approximately 1,800 foot-long public access trail, a 100 sq. ft. observation platform and repair of approximately 400 ft. of an adjoining path. These modifications allowed for the entire approximately 1,800 ft-long improved trail to be accessible to the disabled (CDP #6-05-128).

The subject site is located within the Commission's area of original jurisdiction. As such, Chapter 3 policies of the Coastal Act are the standard of review, with the certified Encinitas Local Coastal Program used as guidance.

2. Environmentally Sensitive Habitat Areas. Section 30240 of the Coastal Act states:

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

San Elijo Lagoon Ecological Reserve is an environmentally sensitive habitat area and Regional Park that is managed jointly by the California Department of Fish and Game and the San Diego County Parks and Recreation Department. In addition, San Elijo Lagoon is one of the 19 priority wetlands listed by the Department of Fish and Game for acquisition and protection. The Ecological Reserve contains diverse habitat including six plant communities: coastal strand, salt marsh, brackish/freshwater marsh, riparian scrub, coastal sage scrub and mixed chaparral. In addition, at least five State or Federally-listed threatened or endangered birds make use of Reserve's habitat including the California least tern, California gnatcatcher, the light-footed clapper rail, Belding's savannah sparrow and the western snowy plover. As such, any development or use in close proximity to these sensitive resources must be sensitively designed to avoid adverse impacts.

The applicant proposes to construct an approximately 4,230 sq. ft., two-story nature center that will provide additional classroom, meeting and exhibition areas over what currently exists and which will accommodate additional visitors to the park. As an educational and nature study facility dedicated to protection of the area's resources, the

proposed nature center has been designed to avoid impacts to environmentally sensitive habitat areas (ESHA). The proposed structure and associated improvements (stairways, walkways, and assembly areas) will be located almost entirely within the developed footprint of the existing interpretive center. However, some impacts to planted landscaping consisting of native vegetation that surrounds the existing interpretive center will occur. In addition, no wetlands are located within 100 ft. of the project site.

As cited in the permit history of Section 1 above, the Commission has approved a number of interpretative centers for the subject site, two of which have been comparable in size to the proposed development. The first approved interpretive center was approximately 6,296 sq. ft. and was approximately 30 ft. in height (CDP #6-84-406) and the second facility was two-stories and approximately 3,200 sq. ft. In each case the Commission determined that the proposed development site was a disturbed area containing non-native vegetation. The disturbed area was the former location of an above-ground sewer tank and associated improvements. Therefore, before the existing interpretive center was constructed (pursuant to Coastal Development Permit #6-90-309), the subject site did not contain ESHA. Following construction of the existing facility, County Parks planted native plant species (Diegan coastal sage scrub) between the interpretative center and the adjacent public access trail system in order to replace the non-native plants and plant species that would be compatible with the park's resources; it was not required as mitigation for the facility or for any other project. In approving each of the various interpretative centers, the Commission did not require the subject site be converted into environmentally sensitive habitat but acknowledged that this development site would serve as an interpretive, educational and recreational area.

The applicant has identified that approximately .157 acres of this planted Diegan coastal sage scrub vegetation will be removed during construction. The proposed building itself will only impact approximately .008 acre (348 sq. ft.) of the Diegan coastal sage scrub, however the proposed 10 ft.-wide construction perimeter surrounding the development site will remove an additional .149 acre (6,490 sq. ft.) of Diegan coastal sage scrub. The applicants are proposing to replant the approximately .149 acre around the new nature center with Diegan coastal sage scrub and mitigate any loss of native plantings because of the buildings expanded footprint through the installation of approximately 696 sq. ft. of additional Diegan coastal sage scrub (2:1 ratio) at a location elsewhere within the County Park.

However, since Diegan coastal sage scrub is one of the plant communities that can be used by the endangered California gnatcatcher for foraging and nesting, there is concern that the proposed development could result in adverse impacts to this endangered bird. The applicant has performed a protocol survey for coastal California gnatcatcher, least Bell's vireo and southwestern willow flycatcher in a 15 acre area around the interpretative center pursuant to authorization from the Department of Fish and Game ("Protocol Coastal California Gnatcatcher, Least Bell's Vireo, and Southwestern Willow Flycatcher Survey Results, May 2 to July 27, 2005" by LSA Associates dated 9/20/05). In the area surrounding the existing interpretative center, no least Bell's vireos or willow flycatcher were detected and the survey concluded that the site did not contain habitat to

support them, although both species might use the area during migration. A total of six gnatcatcher surveys were conducted from May 2 to July 6, 2005 with 2-3 gnatcatchers both seen or heard on each survey in the coastal sage scrub surrounding the interpretative center. While nesting was not observed, the habitat surrounding the interpretative center has provided foraging opportunities for the California gnatcatcher. The Commissions wetlands/ecologist has reviewed the applicant's biological assessment and protocol surveys and has concluded that while the planted Diegan coastal sage scrub surrounding the interpretative center has provided foraging opportunities, these planted and separated patches of Diegan coastal sage scrub do not constitute ESHA. In this case, these separated patches of habitat serve as native landscaping within the footprint or assembly area of the existing visitor center. In addition, it is unlikely that these landscaped areas function as California gnatcatcher nesting areas because of the large number of visitors that frequent the center throughout the year. Additionally, both the California Department of Fish and Game and the San Elijo Lagoon Conservancy have reviewed and support the proposed project.

To assure that the applicant's proposed revegetation occurs and is successful, Special Condition #2 has been attached. This condition requires the submission of a final landscape plan that documents the landscaped areas that are to be removed during construction be re-planted with the same Diegan coastal sage scrub species that are removed and that the site be monitored and maintained to assure plant viability until maturity. In order to help assure the landscape materials maintain the same genetic make-up as the surrounding native plants, Special Condition #2c requires that any plant species used for re-planting should be derived from local stock, if available. The use of local stock will further ensure that the plant species utilized is compatible with the native vegetation found in San Elijo Lagoon Ecological Reserve.

In addition, per the applicant's proposal, the condition requires that the approximately 348 sq. ft. of permanently removed Diegan coastal sage scrub be revegetated at a rate of 2:1 (minimum of 696 sq. ft.) at an Executive Director approved location within the park so as to optimize its use as potential habitat area for California gnatcatcher or other species. This plan must also be designed in consultation with the Department of Fish and Game and the U.S. Fish and Wildlife Service. In addition, Special Condition #5 has been attached requiring submission all permits from other agencies that might required for the proposed development. If any of these permits conflict with the requirements of the subject coastal development permit, the applicant may be required to process a coastal permit amendment.

The applicant has identified that the construction of the proposed nature center will take approximately 1 year to complete. As such, they have identified that it will likely require that work occur during the gnatcatcher nesting season. Special Condition #6 has been attached to limit noise levels during the gnatcatcher nesting season and that the applicant receive approval from the Department of Fish and Game and U.S. Fish and Wildlife Service for any work that will occur during the nesting season.

In summary, the proposed development is designed to enhance nature study at San Elijo Lagoon Ecological Reserve and will not result in adverse impacts to ESHA. In addition, all native landscaping removed during construction will be replanted in the same location except for an approximately 348 sq. ft. area that will be occupied by the footprint of the new building. This small area of removed landscaping will be offset by the planting of approximately 696 sq. ft. of Diegan coastal sage scrub in another area of the park. Therefore, as conditioned, the proposed development is consistent with Section 30240 of the Act.

3. Public Access and Recreation. 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, particularly in new development projects. 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:

- (1) 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.

In addition, Section 30604(c) of the Coastal Act requires that a specific access finding be made in conjunction with any development located between the first coastal roadway and the sea, indicating that the development is in conformity with the public access and public recreation policies of Chapter 3. The proposed project will be located between the sea (San Elijo Lagoon) and the first coastal roadway (Manchester Avenue).

The proposed development is designed to enhance public access over that which currently occurs. The nature center will serve as an educational facility for the general public and will accommodate regular field trips for students. The nature center will have

approximately 1,700 sq. ft. of exhibit area for interpreting the ecological and historical resources of the park and approximately 800 sq. ft. of classroom space. In addition to County Parks and Recreation programs and local school programs, the new nature center will be available for use by the San Elijo Lagoon Conservancy a non-profit organization that provides a series of services to San Elijo Lagoon Ecological Reserve including land acquisition activities, removal of exotic plants, and lagoon mouth/channel dredging work to maintain tidal exchange. In addition, the Conservancy trains docents and leads field trips throughout the reserve's approximately 8 miles of public trails.

Although the enlarged nature center facility is designed to accommodate additional park visitors, the new facility will not require additional parking spaces to be provided onsite. The applicant has provided a traffic and parking analysis ("Preliminary Traffic Analysis for the San Elijo Lagoon Visitor Center" by P&D Consultants dated November 2004) which documents that current parking demand requires the use of no more than 8 spaces at one time, on average, per day. There are currently 24 spaces available and one additional parking space is proposed. In addition, based on a survey of other San Diego County interpretive centers, the proposed reconfigured parking lot with 25 spaces will provide more parking per square footage than the other interpretive centers in San Diego County (1 space per 1,000 sq. ft.). The applicant's parking analysis estimates the proposed 25 space parking lot will accommodate a structure of up to 8,000 sq. ft. before additional parking would be needed. In addition, for large events such as school programs, visitors are brought in by bus. A bus can be parked on site or if necessary can be parked approximately 1 mile east at Mira Costa College. The applicant has identified that during especially large events such as "Lagoon Days", the nature center has received authorization to use an addition 200+ parking spaces at the San Elijo Wastewater Treatment Plant which is located on the north side of Manchester Avenue across from the interpretive center. Based on the analyses provided by the applicant, it appears that the proposed nature center will have adequate parking spaces to accommodate visitors. In addition, for large groups the nature center or its program providers will need to arrange shuttle or bus service to the center.

Therefore, as designed to enhance public access to the Ecological Reserve and provide an increase in education and recreation opportunities to the public, the proposed development is consistent with the requirements of the Coastal Act to protect and enhance public access along the shoreline.

4. Visual Resources. The following Chapter 3 policy of the Coastal Act relating to scenic and visual protection of coastal areas is applicable 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 designed to protect views to and along the ocean and scenic coastal areas, to 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 proposed development involves the construction of approximately 4,230 sq. ft., 30 ft.-high, two-story nature center to be located below the south side of Manchester Avenue and within the San Elijo Lagoon Ecological Park. The existing one-story interpretive center is not easily seen from Highway 101, is not visible from adjacent Manchester Avenue, but there are views of the existing center from within the park. In addition, the existing interpretive center is surrounded by native vegetation that was planted to assist in the masking of its appearance. However, a two-story structure in this same location, even with adequate landscaping, will be visible from Highway 101, Manchester Avenue and public trails from within the lagoon. In addition, the structure will be visible from street ends within Solana Beach located approximate 1 mile to the south. However, because the proposed structure will be located against the north side of the lagoon, no public views of the lagoon or of the ocean will be blocked by the new structure. In fact, the proposed two-story structure includes a second floor outdoor observation deck which will provide a panoramic view of the lagoon and ocean that is not currently available. In addition, no current views of the ocean or lagoon currently exists for motorists traveling along Manchester Avenue at the location where the proposed will extend above the street level of Manchester Avenue.

Therefore, the visible impact of the proposed two-story nature will generally be limited to its physical appearance within the park. Since the structure will be sited within natural surroundings it is important that the structure be designed to be subordinate to the natural area and that its appearance be masked or muted so as to not be visually obtrusive. The applicant is proposing to address these concerns by using exterior materials and architectural elements that will serve to mute the appearance. The project includes a green roof planted with native plants, metal roofing with solar panels, wood trellis and siding, dual glazed windows, burnished or split-face block and a steel and wood stairway. The windows will largely be shaded using metal roof overhang or wooden trellis structures to inhibit their prominence. In addition, following construction approximately 6,500 sq. ft. of area surrounding the new nature center will be replanted with native vegetation, which upon maturity will effectively assist in breaking up the façade of the first floor. Even with these features the new nature center will be more prominent than the existing center. However, distant views of the structure from Highway 101 or across from Solana Beach will be substantially muted by the incorporation of these features. In addition, as viewed from across the lagoon and from Highway 101, the backdrop behind the nature center is a hillside developed with a multitude of structures, many of which predate the Coastal Act. Several large homes that are painted white or that contain large obtrusive architectural elements lie immediately above the proposed nature center and are the first structures that are seen by the public as they look toward the proposed nature center site. Thus, while the new nature center will be visible from these off-site locations, the backdrop is not a pristine natural hillside, but more of an urban developed area.

While the applicant has proposed the use of natural exterior materials and varied architectural elements, the final plans for the nature center have not been drawn. Therefore, Special Condition #1 requires the submission of final plans for Executive Director approval that substantially conform with the proposed exterior materials and

architectural elements proposed by the applicant and which assures that any colors be compatible with the surrounding environment.

Therefore, since existing public views of the lagoon or the ocean will be unaffected and, as conditioned, the proposed structure will be designed to incorporate substantial elements to mute its appearance, the proposed project is consistent with the visual protection requirements of Section 30251.

5. Water Quality. The following Chapter 3 policies of the Coastal Act relating to water quality are applicable:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate

Section 30231

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 through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The above-cited policies of the Coastal Act requires that the biological productivity of coastal waters, streams, etc., be maintained by, among other means, controlling runoff. The proposed development will occur within San Elijo Lagoon Ecological Reserve which contains environmentally sensitive habitat and coastal waters. As such, drainage and runoff from the development could potentially affect water quality within San Elijo Lagoon and the ocean. However, in this case the proposed two-story structure will not substantially increase the amount of impervious surface over that which exists today. Only approximately 348 sq. ft. of additional impervious surface will result from the proposed new structure and no additions to the existing asphalt parking lot are proposed. In addition, part of the storm water runoff from the first and second floor roofs will be captured by planted and maintain native vegetation on the second floor of the proposed nature center. Based on the water quality report submitted by the applicant (“Water Quality Report” prepared by Burns and McDonnell dated May 2006), the proposed development will not increase sediment runoff or result in an increase in pollutants, provided no fertilizers are used in the roof garden and routine maintenance occurs to control debris and trash left my visitors.

Although as designed, the proposed development will not adversely affect water quality over what exists today and may improve water quality by incorporating runoff into the vegetated second floor roof, construction activity especially during the rainy season has the potential of adversely affecting water quality. Therefore Special Condition #3 has been attached which requires the submission of final grading and erosion plans that incorporate the use of Best Management Practices to assure safeguards are in place to prevent sediment and other construction related pollutants from entering into the waters of the lagoon. In addition, in consideration of the applicant's Water Quality Report recommendation, Special Condition #2 prohibits the use of fertilizers. In addition, the applicant proposes minor grading to prepare the site for development and has identified the need to export approximately 67 cu. yds. of graded material from the site. Since the location of the export site has not been identified, Special Condition #4 has been attached which requires that the applicant identify the location and, if within the coastal zone, advises the applicant that an additional coastal development permit or amendment may be required.

Therefore, as conditioned, the suggested construction BMP's and fertilizer prohibition will serve to reduce any impacts to water quality from the project to insignificant levels. Therefore, the Commission finds the proposed project consistent with Section 30230 and 30231 of the Coastal Act.

6. Local Coastal Planning. The subject site is located in the City of Encinitas, and zoned and planned for open space/recreational uses. The proposed development, although within the boundaries of the City of Encinitas, is within the jurisdiction of the County of San Diego Parks and Recreation and does not require review or approval from the City. The City's certified LCP contains policies calling for the protection of the lagoon's sensitive resources, while at the same time allowing for passive recreational activity that does not impact sensitive habitat. The proposed project is consistent with these provisions. As conditioned, the Commission finds the proposed development consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds the proposed development will not prejudice the ability of the City of Encinitas to continue to implement its certified local coastal program.

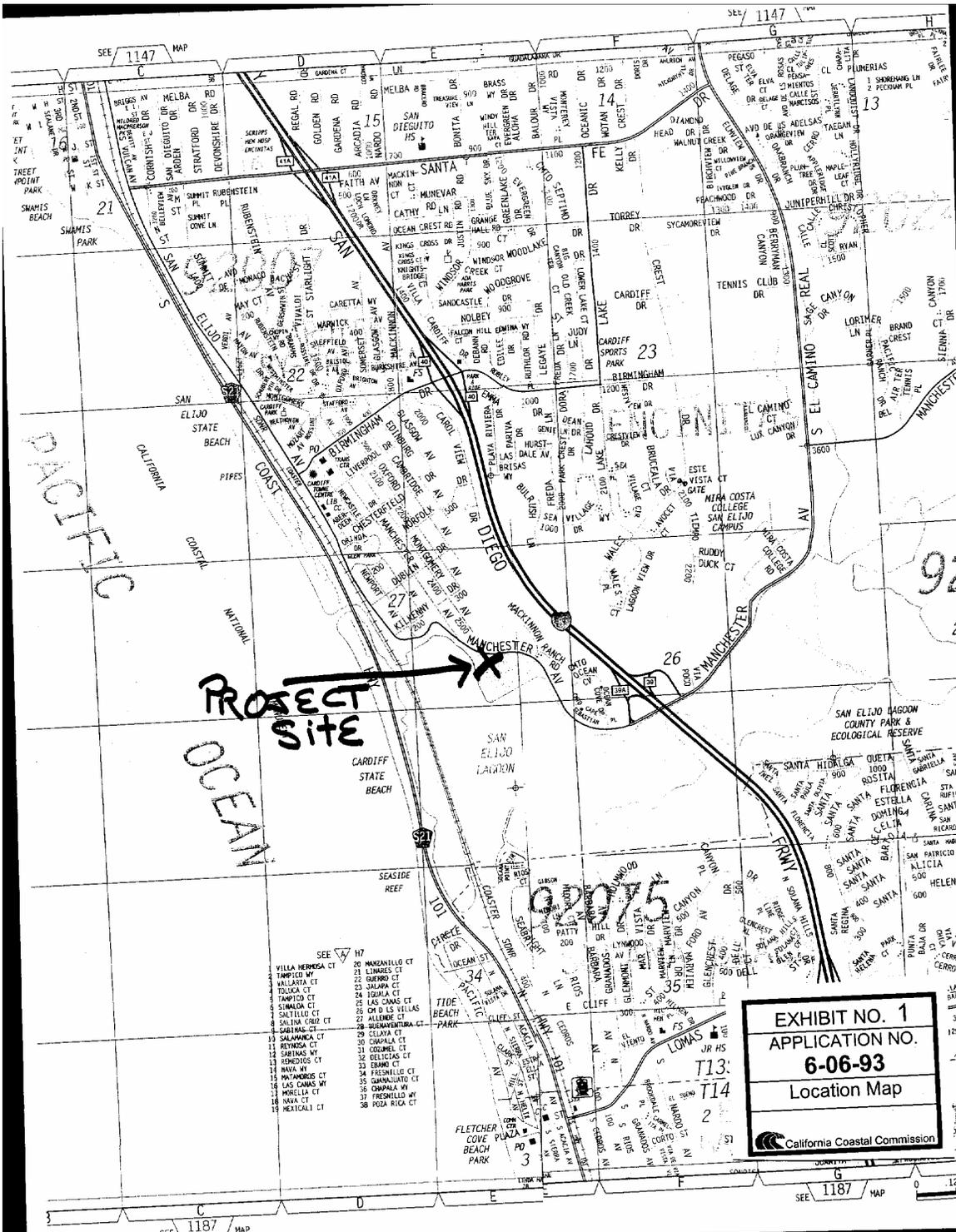
7. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of 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 has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing impacts to native vegetation, visual treatment of the structure to mitigate its

visual prominence and BMP's to address water quality 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.

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.



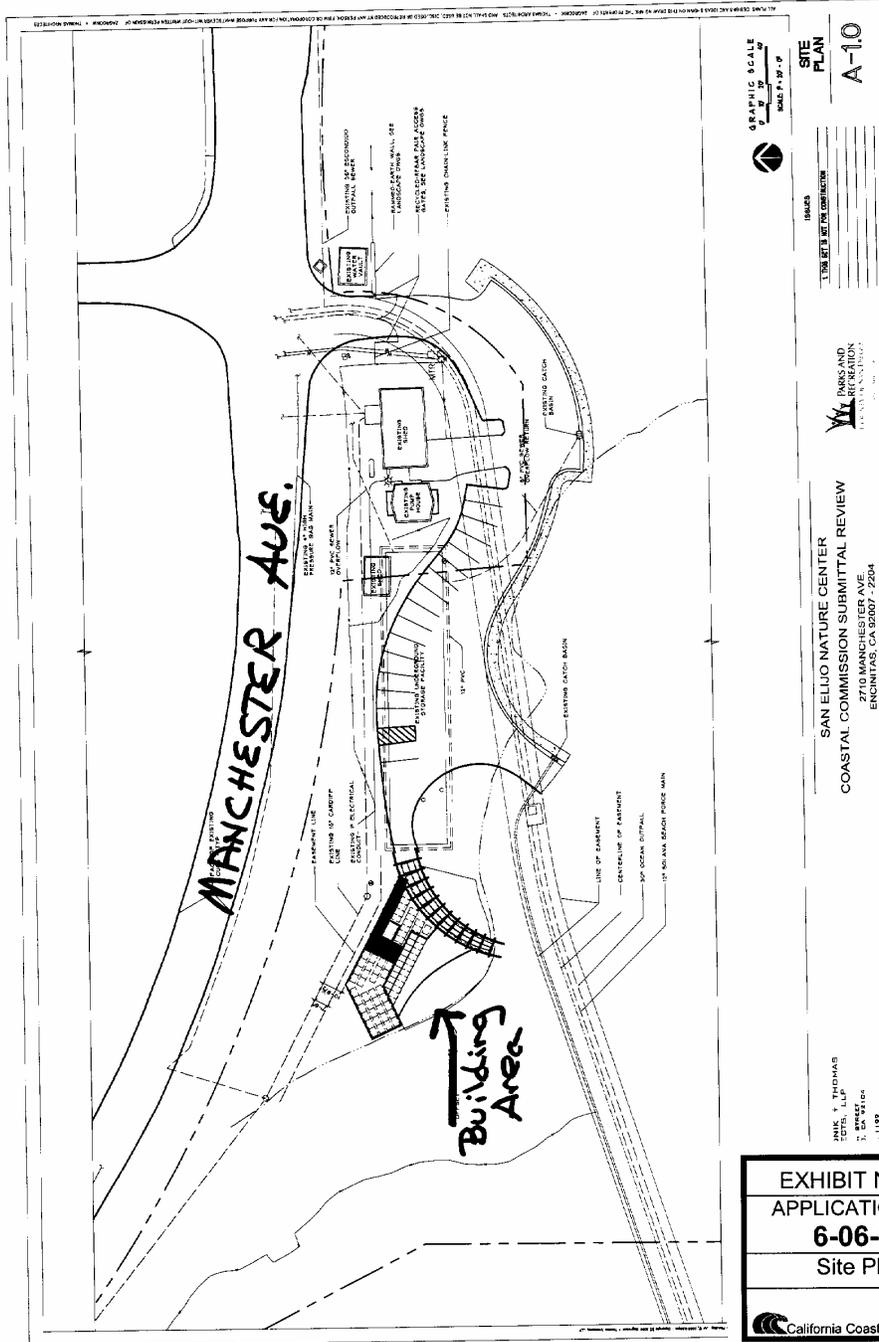


EXHIBIT NO. 2
APPLICATION NO.
6-06-93
Site Plan



SAN ELADIO NATURE CENTER
COASTAL COMMISSION SUBMITTAL REVIEW
2710 MANCHESTER AVE
ENCINITAS, CA 92027-7204

PAUL Y. THOMAS
CETEL, LLP
3, SAN JUAN
1199

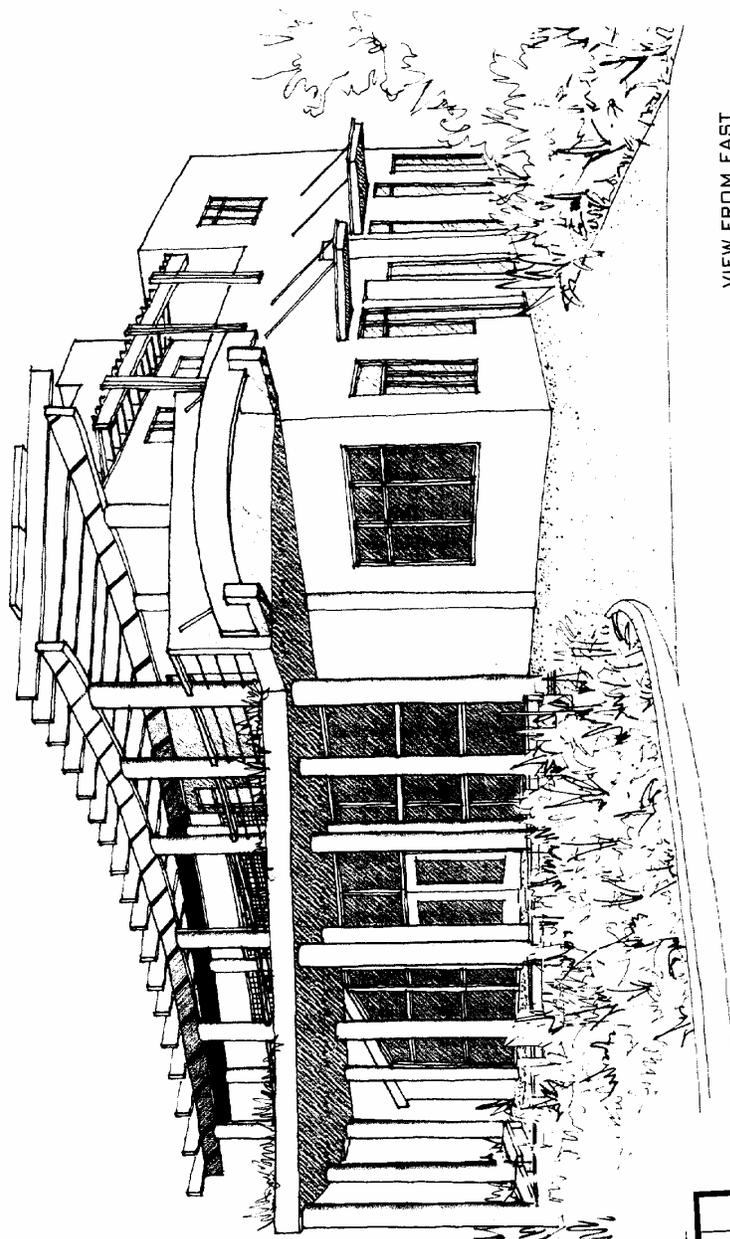


THE SITE PLAN FOR CONSTRUCTION

SITE PLAN
A-10



SAN ELIJO LAGOON NATURE CENTER



VIEW FROM EAST

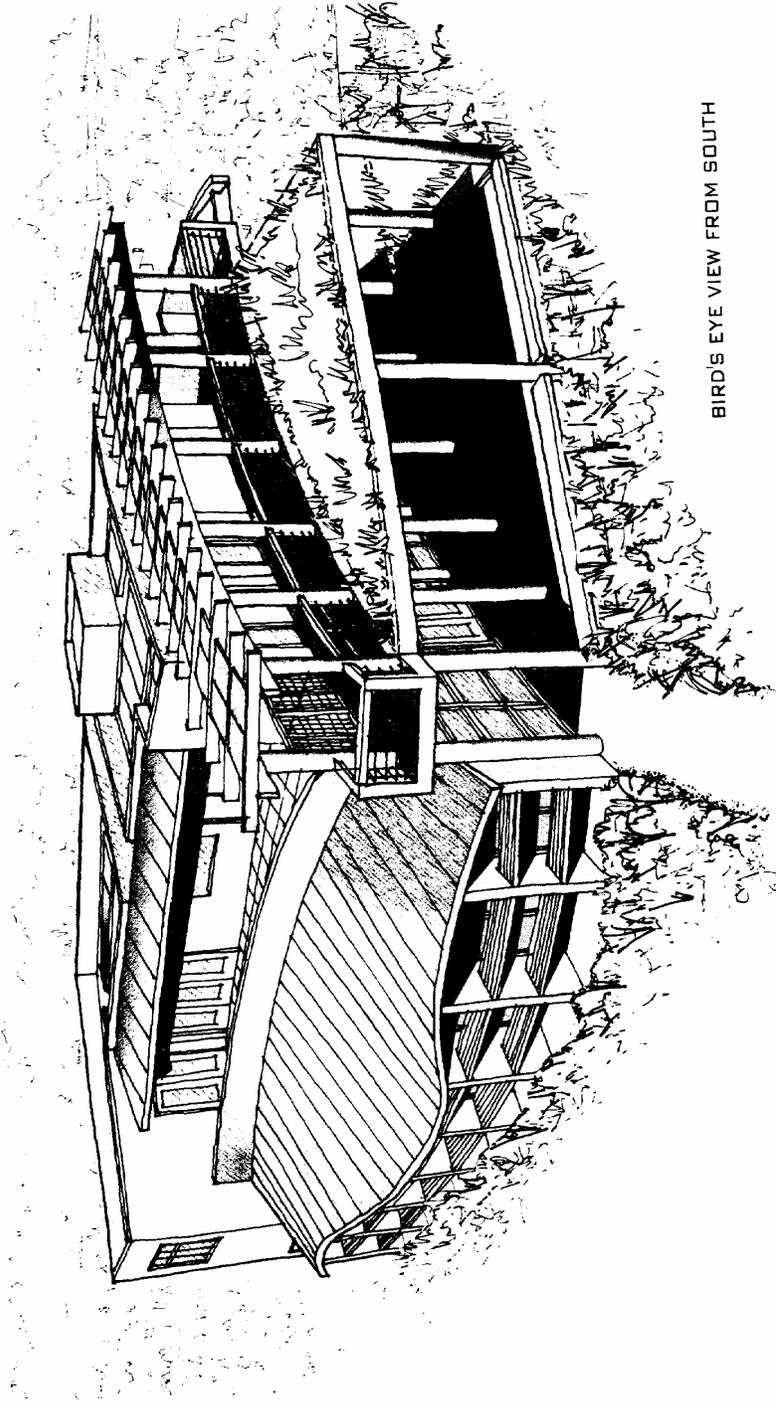
ITEM 7 B 11

ZAGRODNIK + THOMAS

17 JULY 2006

EXHIBIT NO. 3
APPLICATION NO. 6-06-93
Concept Drawings
Page 1 of 2
 California Coastal Commission

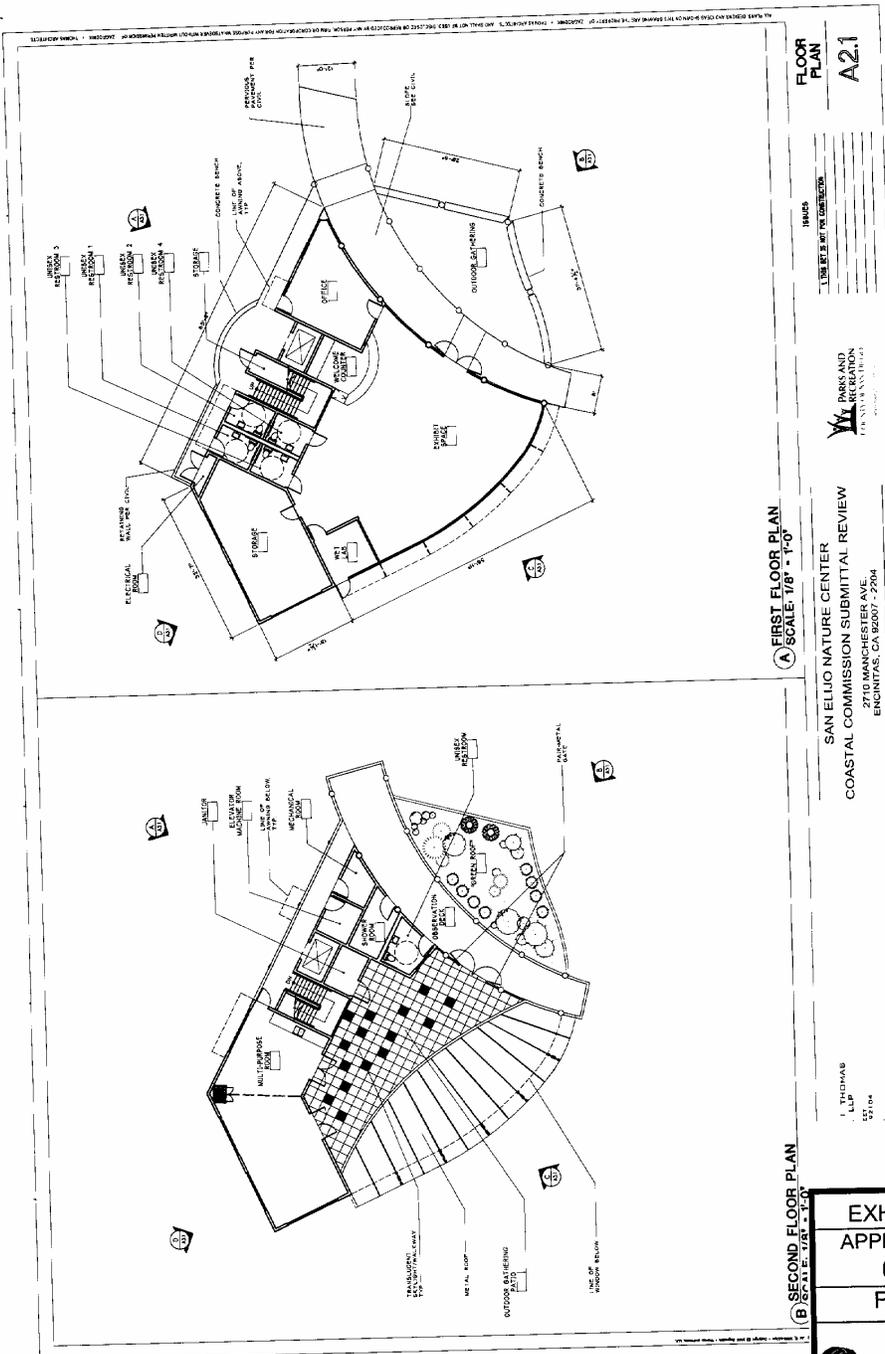
SAN ELIJO LAGOON NATURE CENTER



BIRD'S EYE VIEW FROM SOUTH

ZAGRODNIK + THOMAS

17 JULY 2006



FLOOR PLAN
A2.1

NO.	REVISION



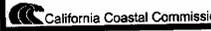
SAN ELADIO NATURE CENTER
COASTAL COMMISSION SUBMITTAL REVIEW
2710 MANCHESTER AVENUE
ENCINITAS, CA 92027-2204

I. THOMAS
LLP
521 04

(A) FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

(B) SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

EXHIBIT NO. 4
APPLICATION NO.
6-06-93
Floor Plans



(A) NORTHEAST ELEVATION
SCALE: 1/8" = 1'-0"

(B) SOUTHEAST ELEVATION
SCALE: 1/8" = 1'-0"

(C) SOUTHWEST ELEVATION
SCALE: 1/8" = 1'-0"

(D) SOUTHWEST ELEVATION
SCALE: 1/8" = 1'-0"

NOTE: SEE (B) FOR BUILDING MATERIAL INFORMATION

NOTE: SEE (D) FOR BUILDING MATERIAL INFORMATION

NOTE: SEE (A) FOR BUILDING MATERIAL INFORMATION

NOTE: SEE (C) FOR BUILDING MATERIAL INFORMATION

ION

198425

THIS SET IS NOT FOR CONSTRUCTION

BUILDING ELEVATIONS

A31

SAN ELIJO NATURE CENTER
COASTAL COMMISSION SUBMITTAL REVIEW
21000 CALIFORNIA COASTAL CENTER AVE.
ENCINITAS, CA 92027 • 724

California Coastal Commission

EXHIBIT NO. 5
APPLICATION NO.
6-06-93
Elevations



PAM SLATER-PRICE
SUPERVISOR, THIRD DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

August 4, 2006

Honorable Meg Caldwell, Chair and Commissioners
California Coastal Commission
7575 Metropolitan Drive, Suite 108
San Diego, CA 92108.

RE: Support for San Elijo Lagoon Visitors Center

Dear Chair Caldwell and Commissioners:

I am pleased that the County of San Diego Department of Parks and Recreation is proceeding with the design of a new Nature Center on San Elijo Lagoon Ecological Reserve, at 2710 Manchester Avenue. I would like to personally convey my strong support for this project. As an elected official representing the residents of North County in District 3, I see this project as an incredible asset for increasing public awareness and education about this beautiful Reserve, while protecting and preserving its unique habitat.

Specifically, we are considering replacing our existing facility at this site with an upgraded, two-story building; the new structure would be placed on the same relative footprint as the existing facility. Our staff has been working closely with our partners at the City of Encinitas, the San Elijo Lagoon Conservancy, and Department of Fish and Game to design a new facility that is sensitive to the lagoon habitat, while providing a high quality educational experience for visitors to the lagoon. In addition, this building is designed to be highly energy and water efficient, including a planted "green" roof, recycled content construction materials, reclaimed water from the adjacent treatment plant, and many other sustainable featured making it a future example of environmentally friendly construction.

We are seeking your approval of our Coastal Development Permit. We are providing a detailed application, including draft environmental work and proposed mitigation, letters of support, details about the project, and photos and drawings to demonstrate how the project is consistent with the requirements of the California Coastal Act. We have also been working closely with your staff to make sure this project is compatible with its coastal location.

Sincerely,

Supervisor Pam Slater-Price
Third District
PSP/sk

County Administration Center • 1600 Pacific Highway, Room 335 • San Diego, CA 92101-2
(619) 531-5533 • Toll Free (800) 852-7334
Email: pam.slater@sdcounty.ca.gov

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- Carmel Mountain
- Carmel Valley
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- Del Mar Heights
- Del Mar Mesa
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- Mira Mesa
- Navajo
- Olivenhain
- Pacific Beach
- Rancho Bernardo
- Rancho Penasquitos
- Sabre Springs
- San Carlos
- Scripps Ranch
- Solana Beach
- Tierrasanta
- Torrey Hills
- Torrey Pines

EXHIBIT NO. 6
APPLICATION NO.
6-06-93
Letters of Support

JUL 10

State of California - The Resources Agency

ARNOLD SCHWARZENEGGER, Governor



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201



July 27, 2006

Ms. Renee Bahl, Director
County Department of Parks and Recreation
5201 Ruffin Road, Suite P
San Diego, CA 92123

San Elijo Lagoon Nature Center Project

Dear Ms. Bahl:

As you know, Department of Fish and Game (Department) staff have been coordinating with your staff on the San Elijo Lagoon Nature Center project, which will improve the facilities for County Park Rangers and expand the area for displays and opportunities for the public to enjoy the Ecological Reserve. We support the project because it increases educational opportunities for the public, allowing them to appreciate and understand the importance of coastal wetlands and the wildlife species which depend on them. In addition, it avoids impacts to the Ecological Reserve, including its habitats and species, by building within the footprint of the existing development. We also appreciate that the design of the building is to be a "green" or environmentally-friendly building, which will be more energy efficient and save in operating costs over time.

If you have any questions regarding this matter, please contact Mr. Tim Dillingham by phone, (858) 467-4204, or email at tdilling@dfg.ca.gov.

Sincerely,

Larry L. Eng, Ph.D.
Regional Manager

DIRECTOR'S OFFICE

JUL 28 2006

Parks and Recreation

HUG 01 06 12:00P SELC

7003770000

P.C.

San Elijo Lagoon CONSERVANCY

Dedicated to preserving, protecting and enhancing the San Elijo Lagoon Ecological Reserve

August 1, 2006

County of San Diego
Department of Parks & Recreation
5201 Ruffin Road
San Diego, CA. 92123

Attn: Charlie Marchesano

P. O. Box 230634
Encinitas, California
92023-0634
T 760 436-3944
F 760 944-9606
www.sanelijo.org

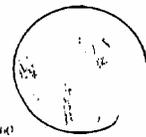
RE: San Elijo Lagoon Nature Center Coastal Development Permit

Dear Mr. Marchesano,

The San Elijo Lagoon Conservancy (SELC) would like to offer our full support in the development of the proposed nature center at the San Elijo Lagoon State Ecological Reserve. As you know, SELC has been running the education programs at the lagoon for the past 20 years and a new center of this design will help us not only continue our existing programs, but expand to meet the new state curriculum.

Our current programs are limited to outdoor education, which has been a great asset, but limits the full educational process. The Reserve will remain the centerpiece of the education programs, but we will now be able to offer additional indoor programs as well. These hands-on experiences are not currently available because the existing infrastructure does not support it. The new center will also provide shelter during adverse weather conditions that currently limit a class's experience. The structure will also be a great starting point for people with disabilities who come to enjoy the ADA approved trail system just outside the building.

The County has included SELC in the entire process of this development and we value our participation in the design and the educational display committees. This full cooperation continues to strengthen the partnership between the groups. SELC is also very supportive of the "green" building concept and believes that it will be a cornerstone project for the County. Given the constraints of the site, SELC is confident that all precautions are being taken to maintain the ecological integrity of the Reserve. The 100-foot buffer to wetlands will not be crossed, but some impacts may occur in upland habitats. SELC would like to be involved in the planning and implementation of any restoration or mitigation that may have to occur as a result of the project.



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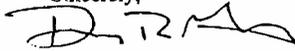
SELU

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P. 3

The SELC will continue to work with the County on this project and will continue to support it through the entire process. We feel that this project is a responsible development and that there is a need in the community for a center of this nature. If there is anything else we can do, please don't hesitate to call.

Sincerely,



Doug Gibson
Executive Director / Principal Scientist
San Elijo Lagoon Conservancy