

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370



# Th24d

## Addendum

February 8, 2010

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item 24d**, Coastal Commission Permit Application  
**#6-09-79 (San Diego County Parks Trail Improvements)**, for the  
Commission Meeting of February 11, 2010.

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Staff recommends the following changes be made to the above-referenced staff report:

1. On page 3, the following special condition shall be added:
  2. Landscaping - Drought Tolerant, Non Invasive Plants. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), 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 a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>).
2. On page 3, the following sentence shall be added to the second paragraph under Detailed Project Description/History:

After construction, any disturbed areas will be seeded with a native seed mix. Special Condition #2 requires that all landscaping be drought-tolerant and native or non-invasive plant species.

**CALIFORNIA COASTAL COMMISSION**

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



# Th24d

Filed: December 23, 2009  
49th Day: February 10, 2010  
180th Day: June 21, 2010  
Staff: D. Lilly-SD  
Staff Report: January 20, 2010  
Hearing Date: February 10-12, 2010

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-09-79

Applicant: County of San Diego Department of Parks & Recreation

Agent: Lorrie Bradley

Description: Construction of a 1,500-foot long, 8-foot wide trail segment connecting Otay Valley River Park (OVRP) trail system to the Bayshore Bikeway.

Site: Approximately 500 feet west of the intersection of Main Street and I-5 southbound Main Street off Ramp and 1,500 ft. northeast of terminus of Saturn Blvd, (19<sup>th</sup> Street), San Diego, San Diego County. APN 622-120-56; 622-151-04; 622-152-04; 622-161-04; 622-162-02.

Substantive File Documents: City of San Diego certified Local Coastal Program (LCP); Technology Associations, "Jurisdictional Wetlands Delineation for the Swiss Park Connector Trail Project," 12/03/09; CDP #6-06-43.

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed trail construction. The project represents an important public access and recreational resource linking the greater Otay Valley Regional Park trail system to the Bayshore Bikeway and shoreline. The site has been previously disturbed and no direct wetland impacts would occur. There are several isolated patches of wetland vegetation immediately adjacent to the proposed trail, but the proposed peeler log fencing and signage will direct users to stay on the trail and avoid the sensitive vegetation.

Standard of Review: Chapter 3 policies of the Coastal Act

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-09-79 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. Final Plans. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval by the Executive Director, final plans in substantial conformance with the preliminary plans by the County Department of Parks and Recreation, date-stamped received on December 22, 2009.

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.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project is development of a 1,500 foot long multi-use (pedestrian and bicycle) trail segment to connect the Bayshore Bikeway with the Otay River Valley Regional Park (OVRP) trail system. The Commission has previously approved portions of the OVRP trail system (CDP #6-06-43) and the Bayshore Bikeway (CDPs #6-07-079, 6-98-112, 6-96-054). The northern terminus of the proposed trail would be located at the intersection of the Bayshore Bikeway and Main Street, approximately 500 feet west of Interstate 5. The trail would extend south over vacant land alongside of the parking lot of the Swiss Park & Club, then south until it connects to Segment 1A of the OVRP trail, west of Interstate 5, at the extension of Louret Avenue (see Exhibit #\*).

The trail would be natural dirt, approximately 8-feet wide, with peeler log fencing and signage installed to direct trail users to remain on the improved trail. The area is mostly flat and only minor balanced grading would be required to level the trail.

The trail itself would be located largely over a City of San Diego sewer easement, and is mainly disturbed dirt and non-native upland plants. The easement will continue to be accessed for maintenance of the sewer line on an on-going basis.

The trail would be located entirely within federal property on land managed by the U. S. Fish and Wildlife Service as part of the San Diego Bay National Wildlife Refuge South Bay Unit. Thus, Chapter 3 policies are the standard of review.

2. 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. 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.

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.

The trail project would connect the Otay Valley Regional Park, a regionally significant recreational trail system, 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. Thus, the project will have a significant positive impact on public access to the shoreline, recreation, and would support non-automobile transit opportunities, consistent with the Chapter 3 policies of the Coastal Act.

3. Biological Resources. The following Coastal Act policies are relevant to the proposed project:

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.

Section 30233

(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:

- (1) 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 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.
- (4) 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.
- (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- (6) Restoration purposes.
- (7) Nature study, aquaculture, or similar resource dependent activities.

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 subject site was historically used for agriculture from as long ago as 1873, through the 1950s, and has been surrounded by earthen dams as part of the agricultural practices and the San Diego Salt Works salt pond system. The site has been fallow for several years as part of the National Wildlife Refuge System. A wetlands delineation submitted by the applicant determined that the site is dominated by non-native vegetation with patches of native mulefat scattered on either side of the proposed trail alignment (Technology Associations, 12/03/09).

The delineation determined that construction of the proposed trail would not result in any direct or indirect impacts to wetlands. Best Management Practices will be implemented during construction, including fencing around the isolated wetland vegetation, and the use of on-site biological monitors, to ensure construction impacts are avoided.

However, because patches of wetland vegetation dot the area surrounding the proposed trail alignment, there would be little or no buffer between these patches of vegetation and the trail (see Exhibit #\*). Typically, the Commission requires new development provide a buffer of undeveloped area to provide physical space between development and the environmentally sensitive area. The intervening space acts as a distance barrier between human activity and the resource, to reduce the amount of human and domestic animal intrusion into sensitive vegetation, to reduce the impact of human activity on native wildlife species, provide an area of land which can filter drainage and runoff from developed areas before it impacts the wetlands, and to provide an upland resting retreat area for some wetland animal species.

However, in the case of the proposed project, the existing conditions include an informal trail that is currently used to access the site for sewer maintenance; thus, there is minor on-going disturbance to the adjacent vegetation occurring currently. Relocating the trail elsewhere on the site away from the existing disturbed easement would directly impact existing vegetation. There would be no way to construct any trail improvements on the site with a buffer more than several feet wide. The surrounding area currently has several small “unofficial” trails that have been created by hikers. The proposed trail will establish a clear, distinct accessway, with log fencing, that will discourage off-trail wandering, and allow the ad hoc trails to revegetate, reducing erosion. 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.

The trail has the support of the property owners at USFWS, and the Army Corps of Engineers and the California Department of Fish and Game have reviewed the project and declined to assert jurisdiction or raise any concerns. The Commission’s staff resource ecologist has reviewed the project and determined that the project will not adversely impact coastal resources, consistent with the above-cited Coastal Act policies. Special Condition #1 requires the applicant to submit final construction plans consistent with the submitted draft plans.

In summary, the proposed project has been designed to avoid all significant impacts to sensitive habitat and wetlands. As conditioned, all significant adverse impacts will be avoided. Therefore, the Commission finds the proposed development, as conditioned, is consistent with Sections 30231, 30233 and 30240 of the Coastal Act.

4. Local Coastal Planning. The proposed project lies within the City of San Diego. Although the City of San Diego has a certified LCP, the proposed development described herein lies within an area owned by the federal government and managed by the U. S. Fish and Wildlife Service as part of the Sand Diego Bay National Wildlife Refuge South Bay Unit, 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 continue to implement their local coastal program.

5. Consistency with the California Environmental Quality Act (CEQA).

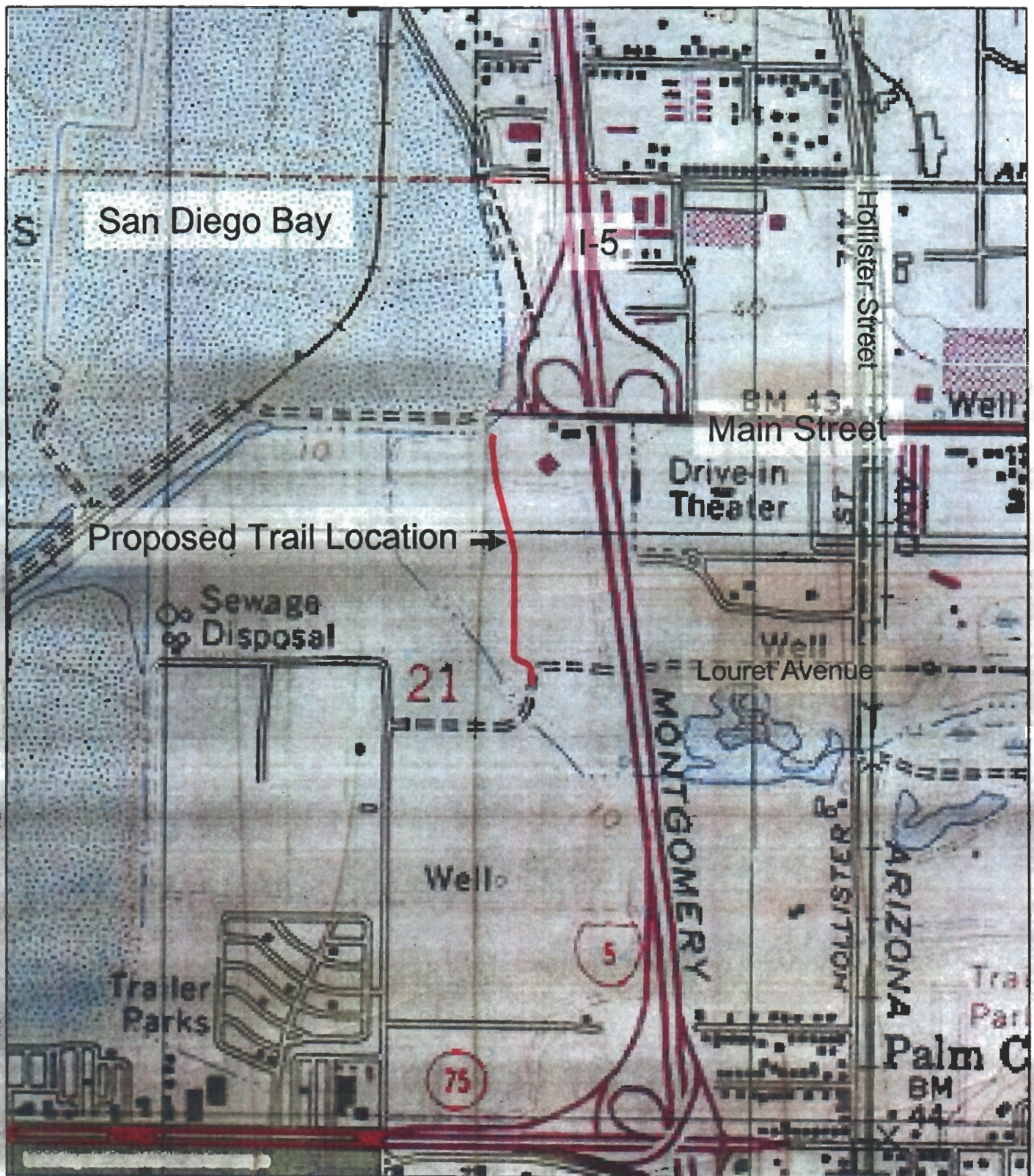
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 and public access 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. 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.





**Legend**


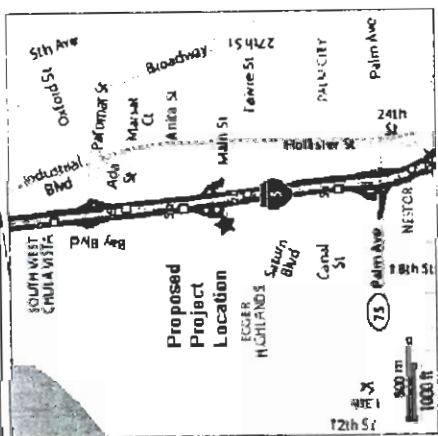
 Proposed Trail Alignment

EXHIBIT NO. 1  
APPLICATION NO.  
**6-09-79**  
Location Map





PROJECT VICINITY MAP

## LOCATION MAP

CONNECTION  
WITH BAYSHORE  
BIKEWAY

EXISTING  
SEWER LINE

ESTIMATED CUT = 5.9 cubic yards  
ESTIMATED FILL = 5.9 cubic yards

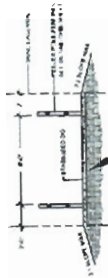
ESTIMATED CUT = 5.9 cubic yards  
ESTIMATED FILL = 5.9 cubic yards

Number	Radius	Length	Bearing/Decl
L1		76.44	N07.43°E 43.83°W
C1	86.00	56.89	S89°79'W
L2		56.89	N05°35'W 15.07°W
C2	30.00	34.65	S89°01'E
L3		34.67	N42°71'E 10.67°E
C3	200.00	33.38	S97°00'W
L4		332.60	N14°48'E 49.08°W
C4	400.00	30.88	S70°41'W
L5		308.27	N17°13'E 74°W
C5	50.00	34.66	S89°01'E
L6		37.60	N09°31'W 39.37°W

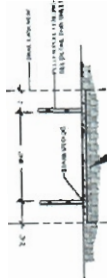
HORIZONTAL ALIGNMENT DATA  
SEE PLAN FOR NUMBER LOCATION

GENERAL NOTES:

1. PROJECT LIMITS SHALL HAVE TWO FEET ON EAST SIDE OF TRAIL AND TEN FEET ON THE WEST SIDE FOR CONSTRUCTION STAGING.
2. ALL DISTURBED AREAS WITHIN PROJECT LIMITS SHALL HAVE NON-IRRIGATED NATIVE SEED MIX.
3. ALL DISTURBED AREAS SHALL FOLLOW SWPP EROSION CONTROL BMP'S.
4. NO STORAGE OF EQUIPMENT OR MATERIALS SHALL BE ON SITE.



TYPICAL RAISED TRAIL SECTION



TYPICAL TRAIL SECTION

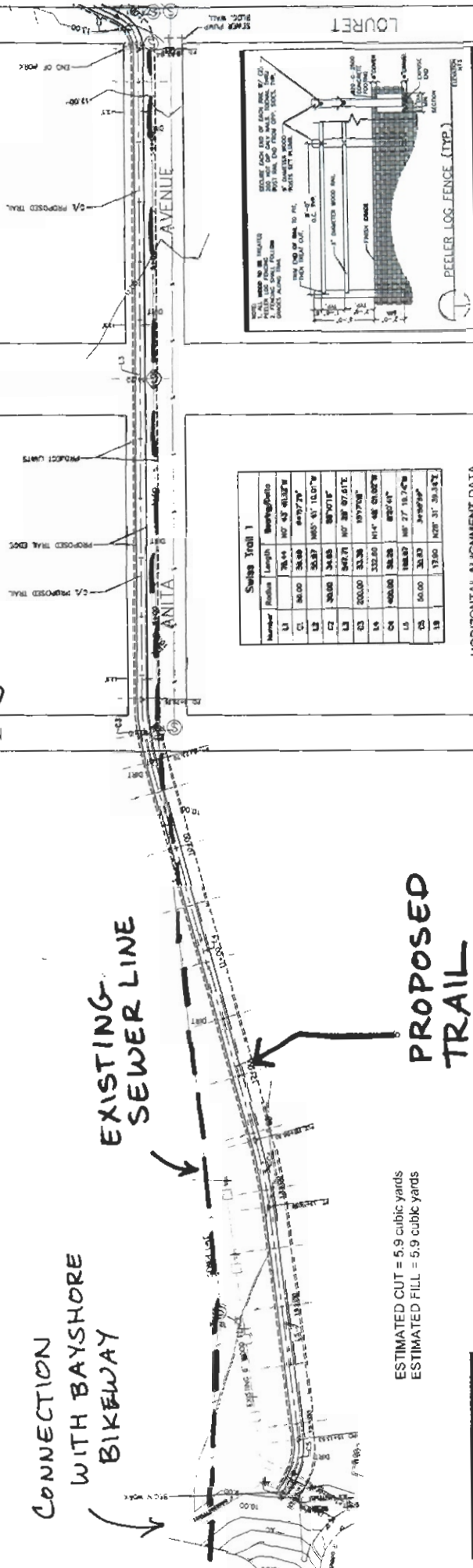


EXHIBIT NO. 2  
APPLICATION NO.  
**6-09-79**  
Site Plan



**PARKS AND RECREATION  
OF SAN DIEGO**

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Trail Alignment

BAYSHORE BIKEWAY - OVRP TRAIL CONNECTION



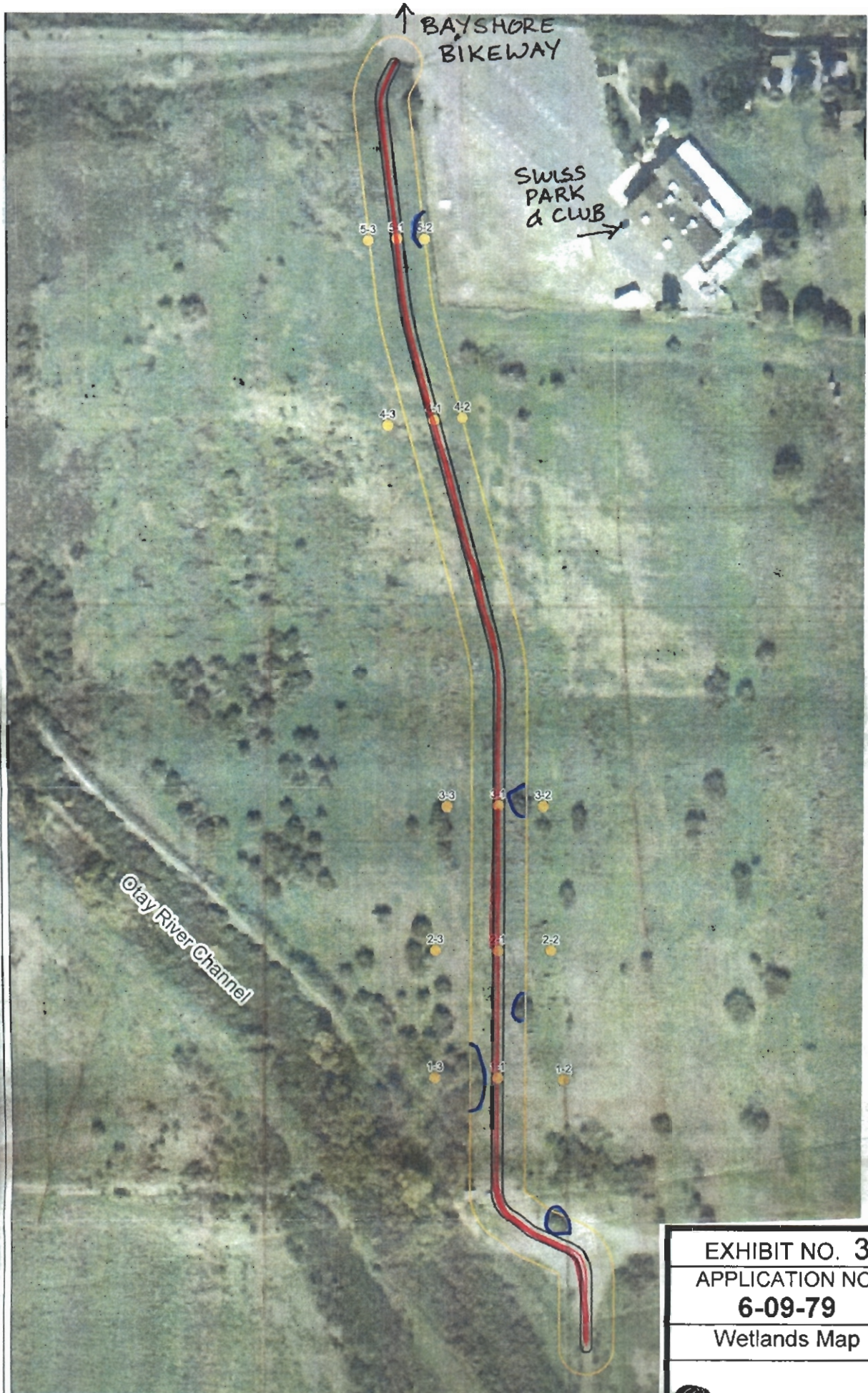


EXHIBIT NO. 3  
APPLICATION NO.  
**6-09-79**  
Wetlands Map



Legend  
Transsect Midpoint and Endpoint  
Proposed Trail Alignment  
Study Area

Proposed Trail Centerline  
Proposed Trail Alignment  
Study Area

POTENTIAL WETLANDS