

**CALIFORNIA COASTAL COMMISSION**

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# W10c

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Staff:	T.Ross-SD
Staff Report:	10/15/15
Hearing Date:	11/4/15

## STAFF REPORT: CONSENT CALENDAR

<b>Application No.:</b>	<b>6-15-1340</b>
<b>Applicant:</b>	<b>California State Parks</b>
<b>Agent:</b>	Christopher Peregrine
<b>Location:</b>	Border Field State Park (western end of Monument Road, San Diego), San Diego County (APN 662-020-24)
<b>Project Description:</b>	Construction of a 120 linear foot long and 22"-24" high seating wall, striping for an ADA parking space and native planting at the Border Field State Park entrance.
<b>Staff Recommendation:</b>	Approval with Conditions

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### SUMMARY OF STAFF RECOMMENDATION

The proposed development includes the construction of a 120' long and 24" high seating wall to be constructed from approximately 200 reclaimed tires and finished in concrete. Each tire will be filled with sediment collected from on site and the exterior section will be finished with concrete and river rock. An existing pathway will be improved by compacting and then covering the soil with decomposed granite allowing for an ADA compliant path.

Major Coastal Act issues associated with this project include consistency with Coastal Act provisions protecting biological resources. The site is situated at the intersection of two previous road alignments and consists predominantly of highly disturbed ruderal vegetation. However, some native and sensitive habitat will be removed to accommodate with the proposed development. Specifically, the project will result in the removal of approximately seventy eight native plants, which cover approximately 1,300 square feet (0.03 acre). The applicant is proposing to mitigate for this loss on site and at a 3:1 mitigation ratio. As such, 0.09 acre/3,900 ft. of coastal sage habitat will be planted within the project boundaries. Temporary irrigation will be installed to assist the establishment of the native vegetation. The Commission's ecologist has reviewed the project and the proposed mitigation and determined the loss of sensitive habitat will be adequately mitigated, and no net loss of habitat will occur. **Special Condition No. 1** requires the applicant to mitigate for the removal of native and sensitive habitat appropriately and monitor the success of the mitigation.

Commission staff recommends **approval** of coastal development permit application 6-15-1340 as conditioned.

## TABLE OF CONTENTS

<b>I. MOTION AND RESOLUTION.....</b>	<b>4</b>
<b>II. STANDARD CONDITIONS .....</b>	<b>4</b>
<b>III.SPECIAL CONDITIONS .....</b>	<b>4</b>
<b>IV.FINDINGS AND DECLARATIONS.....</b>	<b>7</b>
A.    PROJECT DESCRIPTION .....	7
B.    BIOLOGICAL RESOURCES .....	8
C.    COMMUNITY CHARACTER/VISUAL QUALITY .....	8
D.    PUBLIC ACCESS/PARKING .....	9
F.    LOCAL COASTAL PLANNING.....	9
G.    CALIFORNIA ENVIRONMENTAL QUALITY ACT .....	9

## APPENDICES

Appendix A – Substantive File Documents

## EXHIBITS

[Exhibit 1 – Site Location](#)

[Exhibit 2 – Project Location](#)

[Exhibit 3 – Site Plan](#)

[Exhibit 4 – Biological Map](#)

[Exhibit 5 – Mitigation Plan](#)

## I. MOTION AND 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 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

This permit is granted subject to the following 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 of 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.

## III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Habitat Mitigation and Monitoring Plan.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final detailed mitigation and monitoring plan for all impacts to sensitive biological resources. Said plan shall be in substantial conformance with the plan prepared by Tijuana River

National Estuarine Research Reserve and dated October 13, 2015 and shall include the following:

- a. Preparation of detailed site plans identifying all impacted upland habitat areas and clearly delineating all areas and the exact acreage. Both temporary and permanent impacts shall be included in this calculation.
- b. All impacts to upland habitat (temporary and permanent) shall be mitigated through restoration/enhancement at not less than a 2:1 mitigation ratio. All mitigation shall be located within the project site, and shall not be credited through the purchase of mitigation land. In addition, a detailed site plan of the mitigation areas shall be included and shall include any proposed irrigation (temporary or permanent).
- c. A Restoration and Monitoring Plan shall be prepared by a qualified restoration ecologist and shall at a minimum include the following:
  1. A baseline assessment, including photographs, of the current physical and ecological condition of the proposed restoration site, including, as appropriate, a wetland delineation conducted according to the definitions in the Coastal Act and the Commission's Regulations, a description and map showing the area and distribution of vegetation types, and a map showing the distribution and abundance of sensitive species. Existing vegetation, wetlands, and sensitive species shall be depicted on a map that includes the footprint of the proposed restoration.
  2. A description of the goals of the restoration plan, including, as appropriate, topography, hydrology, vegetation types, sensitive species, and wildlife usage.
  3. A description of planned site preparation and invasive plant removal;
  4. A restoration plan including the planting palette (seed mix and container plants), planting design, source of plant material, plant installation, erosion control, irrigation, and remediation. The planting palette shall be made up exclusively of native plants that are appropriate to the habitat and region and that are grown from seeds or vegetative materials obtained from local natural habitats so as to protect the genetic makeup of natural populations. Horticultural varieties shall not be used.
  5. A plan for documenting and reporting the physical and biological "as built" condition of the mitigation site within 30 days of completion of the initial restoration activities. This is a simple report describing the field implementation of the approved restoration program in narrative and photographs, and reporting any problems in the implementation and their resolution. The "as built" assessment and report shall be completed by a qualified biologist, who is independent of the installation contractor.

6. A plan for interim monitoring and maintenance, including:
  - a. A schedule
  - b. Interim performance standards
  - c. A description of field activities
  - d. The monitoring period (Not less than 5 years).
  - e. Provision for submission of annual reports of monitoring results to the Executive Director for the duration of the required monitoring period, beginning the first year after submission of the “as-built” report. Each report shall be cumulative and shall summarize all previous results. Each report shall document the condition of the restoration with photographs taken from the same fixed points in the same directions. Each report shall also include a “Performance Evaluation” section where information and results from the monitoring program are used to evaluate the status of the restoration project in relation to the interim performance standards and final success criteria.
7. Final Success Criteria for each habitat type, including, as appropriate:
  - a. species diversity
  - b. total ground cover of vegetation
  - c. vegetative cover of dominant species and definition of dominants (e.g., Army Corps of Engineers “50/20” rule, enumeration, species with greater than a threshold of abundance, etc.)
  - d. wildlife usage
  - e. hydrology
  - f. presence and abundance of sensitive species or other individual “target” species
8. The method by which “success” will be judged, including:
  - a. Type of comparison. Possibilities include comparing a census of the restoration site to a fixed standard derived from literature or observations of natural habitats, comparing a census of the restoration site to a sample from a reference site, comparing a sample from the restoration site to a fixed standard, or comparing a sample from the restoration site to a sample from a reference site.
  - b. Identification and description, including photographs, of any reference sites that will be used.
  - c. Test of similarity. This could simply be determining whether the result of a census was above a predetermined threshold. Generally, it will entail a one- or two-sample t-test.
  - d. The field sampling design to be employed, including a description of the randomized placement of sampling units and the planned sample size.
  - e. Detailed field methods.
  - f. Specification of the maximum allowable difference between the restoration value and the reference value for each success criterion

- g. Where a statistical test will be employed, a statistical power analysis to document that the planned sample size will provide adequate statistical power to detect the maximum allowable difference. Generally, sampling should be conducted with sufficient replication to provide 90% power with  $\alpha=0.10$  to detect the maximum allowable difference. This analysis will require an estimate of the sample variance based on the literature or a preliminary sample of a reference site. Power analysis software is available commercially and on the world wide web (e.g., <http://www.stat.uiowa.edu/~rlenth/Power/index.html>).
  - h. A statement that final monitoring for success will occur after at least 3 years with no remediation or maintenance activities other than weeding.
- 9. Provision for submission of a final monitoring report to the Executive Director at the end of the final monitoring period. The final report must be prepared by a qualified restoration ecologist. The report must evaluate whether the restoration site conforms to the goals and success criteria set forth in the approved final restoration program.
- 10. Provision for possible further action. If the final report indicates that the restoration project has been unsuccessful, in part or in whole, based on the approved success criteria, the applicant shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success criteria. The revised restoration program shall be processed as an amendment to this coastal development permit unless the Executive Director determines that no permit amendment is legally required.

The permittee shall undertake mitigation and monitoring in accordance with the approved final, revised upland mitigation plan. Any proposed changes to the approved final, revised 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**

##### **A. PROJECT DESCRIPTION**

The proposed project consists of entrance improvements at Border Field State Park. Border Field State Park is located on the very southwesternmost corner of the United States and 15 miles south of downtown San Diego. Border Field Park is located within the Tijuana River National Estuarine Research Reserve, an important wildlife habitat. The sand dunes and salt marshes give refuge to critically threatened and endangered birds

such as the Western Snowy Plover, the California Least Tern, and the Light-footed Clapper Rail. The park provides restrooms, picnic areas, barbecues, horse corrals, and interpretive displays. Visitors enjoy beach combing, hiking, horseback riding, and bird watching.

The proposed development includes the construction of a 120' long and 24" high seating wall to be constructed from approximately 200 reclaimed tires. Each tire will be filled with sediment collected from on site and the exterior section will be finished with concrete and river rock. An existing pathway will be improved by compacting and then covering the soil with decomposed granite allowing for an ADA compliant path. The seating wall will accommodate approximately 20 individuals, and will serve as a meeting place for volunteers during clean-up events and will be generally available to the public.

The site is situated at the intersection of two previous road alignments and consists predominantly of highly disturbed ruderal vegetation. However, some native and sensitive habitat is located within the site and will be removed to accommodate with the proposed development. Specifically, the project will result in the removal of approximately seventy eight native plants, which cover approximately 1,300 square feet (0.03 acre). The applicant is proposing to mitigate for this loss on site and at a 3:1 mitigation ratio. As such, 0.09 acre/3,900 ft. of coastal sage habitat will be planted within the project boundaries. Temporary irrigation will be installed to assist the establishment of the native vegetation. The Commission's ecologist has reviewed the project and the proposed mitigation and determined the loss of sensitive habitat will be adequately mitigated, and no net loss of habitat will occur. Special Condition #1 requires submittal of a final habitat mitigation and monitoring plan with specific success criteria to ensure successful replacement of the sensitive habitat. The project includes temporary erosion controls (construction BMPs) to avoid adverse impacts to water quality from erosion.

Additional project features include the construction of one ADA parking space, and proposed erosion control measures include planting of native vegetataion. All construction staging and storage will be contained with the the adjacent maintenance yard to avoid impacts habitat or to public access and recreation. No work is proposed during the traditionally accepted nesting bird breeding season.

## **B. BIOLOGICAL RESOURCES**

The proposed development will mitigate all impacts to sensitive habitat, and, as conditioned, will not result in erosion or adverse impacts to water quality, as adequate 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 proposed improvements include the contrusction of a seating wall two feet in height, a single ADA parking space, and vegetation planting. The project is located within existing developed park and recreation area 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. As proposed, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

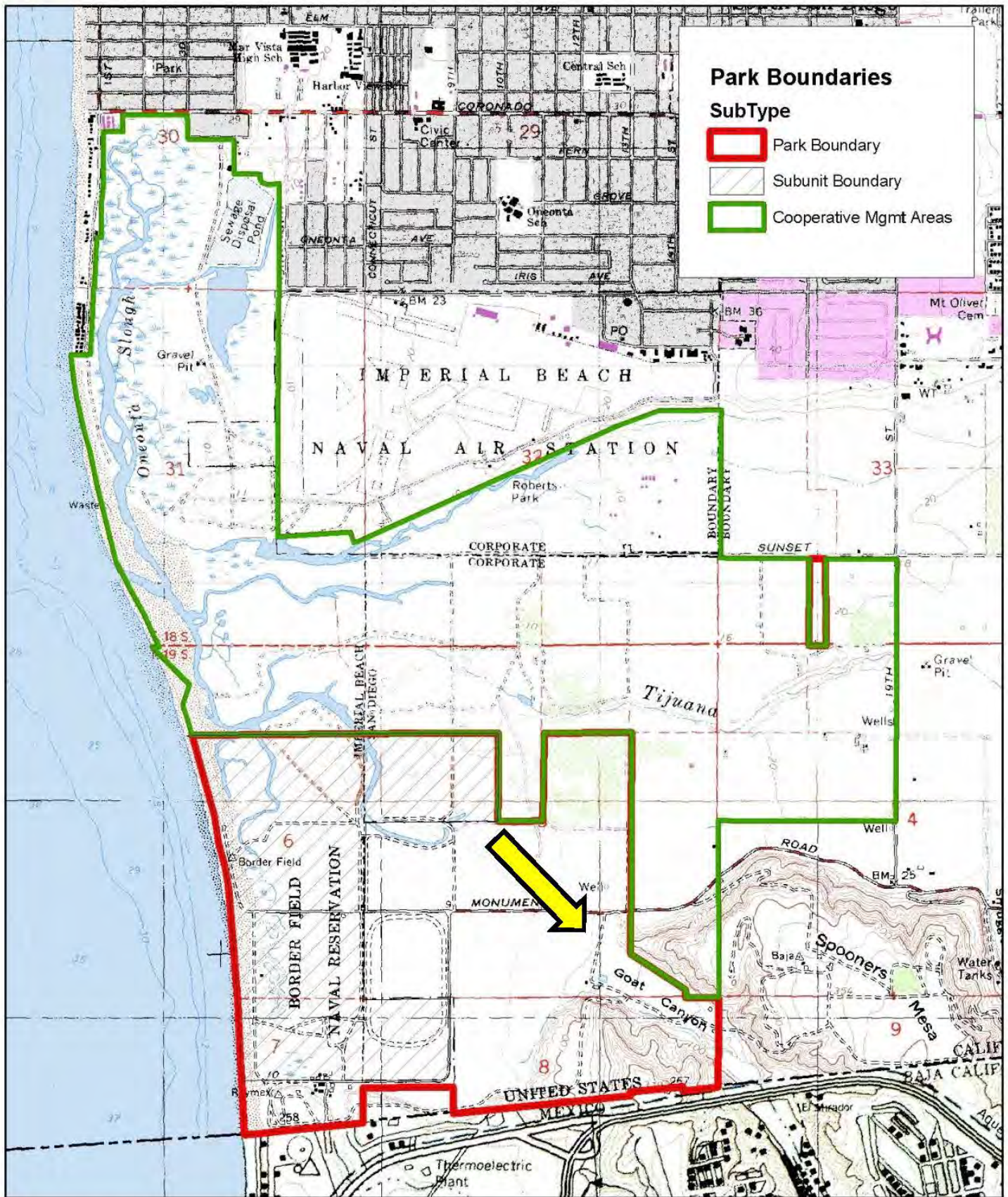
**F. LOCAL COASTAL PLANNING**

The subject site is located in area of deferred certification, where the Commission retains 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 and the City of San Diego's LCP. Approval of the project will not prejudice the ability of the City of San Diego to continue to implement its 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.

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**Figure 1. Project Location**  
**Border Field State Park**

0 700 1,400 2,800 4,200 5,600

**EXHIBIT NO. 1**

APPLICATION NO.

**6-15-1340**

**Project Location**



California Coastal Commission



# Project Site



EXHIBIT NO. 2

APPLICATION NO.

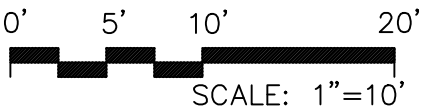
**6-15-1340**

Project Site



California Coastal Commission



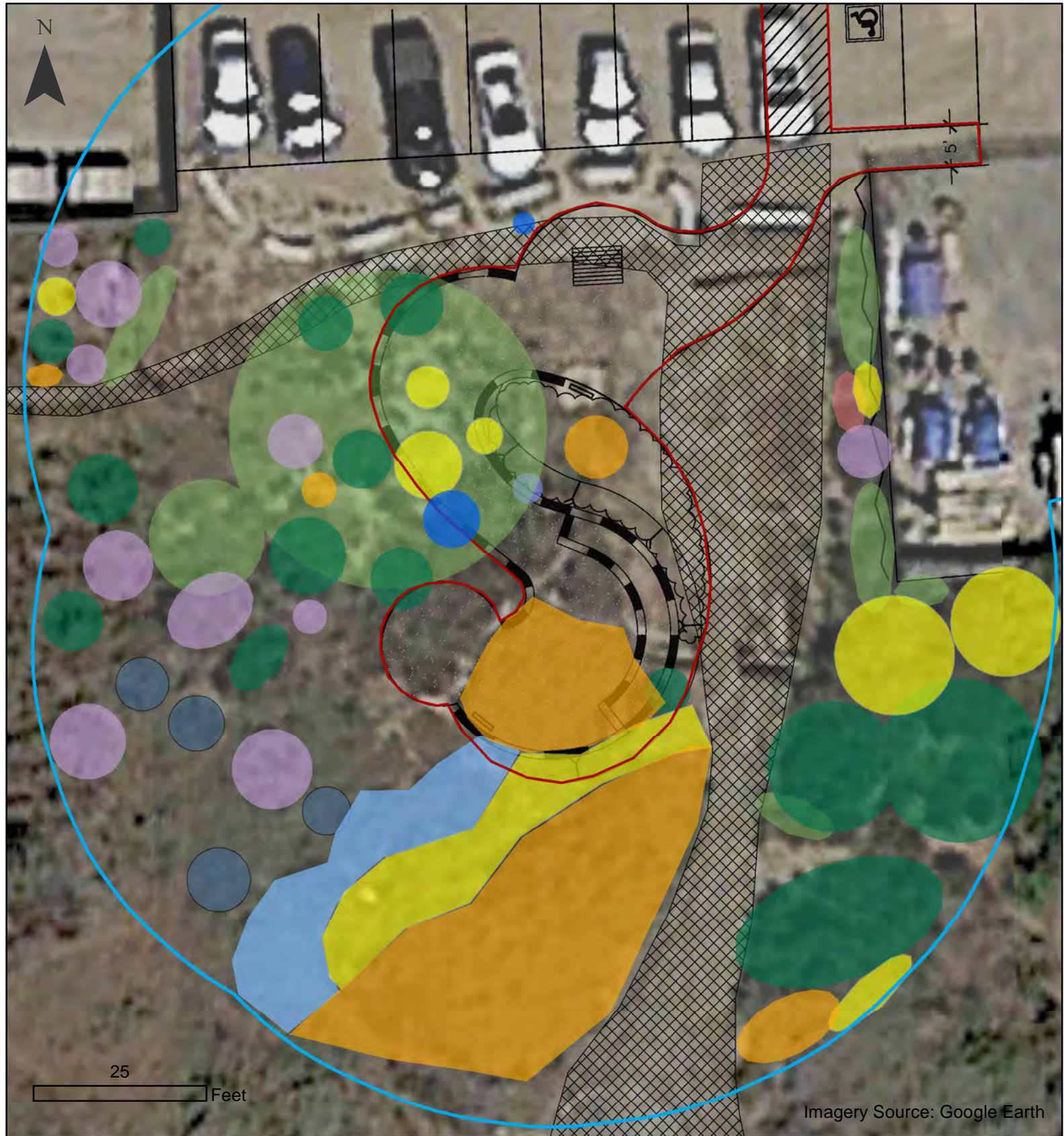


# GATEWAY TO NATURE

AS C

EXHIBIT NO. 3
APPLICATION NO. <b>6-15-1340</b>
Site Plan
 California Coastal Commission





Imagery Source: Google Earth

- |                       |                        |
|-----------------------|------------------------|
| Project Footprint     | Baccharis sarothroides |
| Buffer region (50ft)  | Encelia californica    |
| Existing roadway      | Isocoma menziesii      |
| Artemisia californica | Peritoma arborea       |
| Atriplex canescens    | Quercus agrifolia      |
| Baccharis pilularis   | Rhus integrifolia      |
| Baccharis salicifolia |                        |

## Vegetation Map

Native plant distribution within the Project footprint and the region within 50 feet of the Project

EXHIBIT NO. 4

APPLICATION NO.

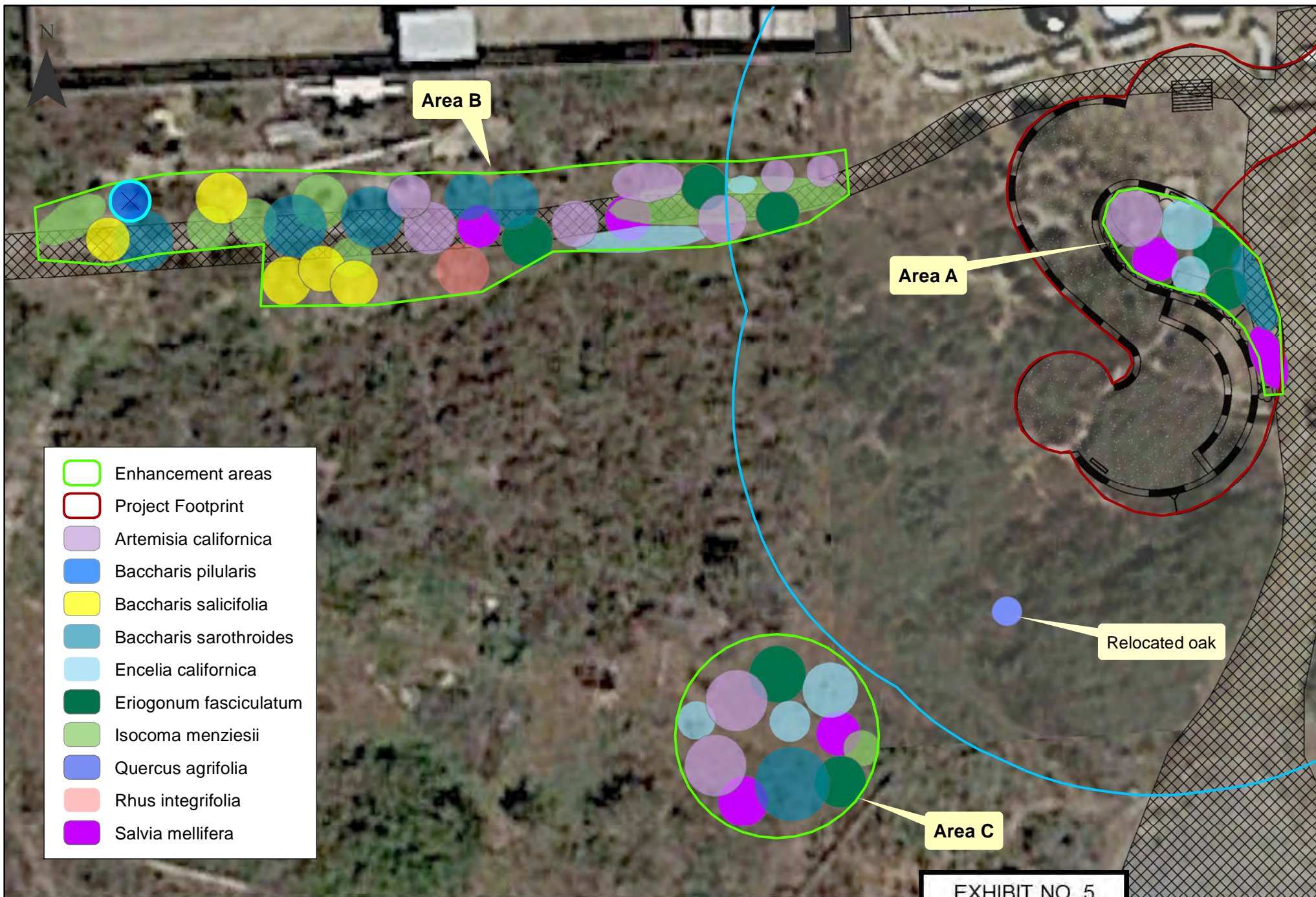
**6-15-1340**

Biological Map



California Coastal Commission





## Landscape Plan

Habitat enhancement actions for this project shall include invasive weed control, installation of native container plants, and broadcasting of native coastal sage scrub seed over 3,900 square feet (0.09 acre; areas outlined in green).

EXHIBIT NO. 5
APPLICATION NO. <b>6-15-1340</b>
<b>Mitigation Plan</b>
California Coastal Commission

Image Source: Google Earth

25  
Feet