

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
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 SAN DIEGO, CA 92108-1725
 (619) 521-8036

Staff: DL-SD
 Staff Report: October 24, 1996
 Hearing Date: November 12-15, 1996



AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Tu 296

Application No.: 6-94-207-A

Applicant: North County Transit Dev. Board & City of Solana Beach

Agent: Paul Price

Original Description: Construction of a 1.4 mile railroad undercrossing below Lomas Santa Fe Drive, a bridge over the railroad crossing, relocation and upgrade of existing storm drain within Lomas Santa Fe, construction of an outfall structure and energy dissipator (9 ft high, 17 ft wide, 24 ft long) on Fletcher Cove beach, deposition of a maximum of 230,000 cubic yards of excavated material on beach between Cliff Street and North Seascape Surf Park in Solana Beach.

Proposed Amendment: Allow less than the maximum amount of material determined suitable by the Army Corps of Engineers to be placed on the beach. Amount of beach deposition material to be 44,000 cubic yards to be placed on beach at Fletcher Cove. Amend permit to allow the permit to be issued in two phases. Phase I: Storm drain upgrade and construction of energy dissipator; Phase II: Railroad grade separation and beach deposition.

Zoning Right-of-way; Open Space
 Plan Designation Right-of-way; Open Space

Site: Right-of-way east of Lomas Santa Fe Drive and Highway 101 intersection, and Fletcher Cove Beach at western terminus of Plaza Street; Solana Beach, San Diego County. APN 263-011-13; 298-212-16, 17; 298-042-32, 33; 298-010-66.

Substantive File Documents: Certified County of San Diego Local Coastal Program

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed amendment request. The amendment has been accepted because it will not lessen or avoid the intended effect of the previously approved permit, as the applicants will be taking the material deemed most suitable for beach replenishment to the beach. The amendment will not make the prior approved development inconsistent with the Coastal Act. Separating the storm drain upgrade portion of the project will allow the drainage improvements to be constructed in a timely manner, consistent with the Commission's previous approval. The special conditions previously placed on the permit addressing public access, visual resources, sensitive resources, water resources, human health, and geotechnical hazards, have been revised to reflect the amended project and phased release of the permit. The project will not have any additional impacts on coastal resources.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit amendment for the proposed development, subject to the conditions below, on the grounds that the development as amended, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Special Conditions: The following conditions replace the conditions of the previous approval in their entirety:

A. Phase I: Storm Drain Upgrade & Energy Dissipator.

Phase I of the amendment is subject to the following conditions:

1. Final Plans. Prior to the issuance of the coastal development permit for Phase I, the applicant shall submit to the Executive Director for review and written approval, final construction plans for the project, including the storm drain upgrade, energy dissipator, and all related components, stamped and approved by the City of Solana Beach in substantial conformance with the submitted plans dated November 22, 1994, and subsequent plans for the storm drain upgrade submitted August 25, 1995.

2. Timing of Construction/Access/Staging Areas/Traffic Control. Prior to the issuance of the coastal development permit for Phase I, the applicant shall submit to the Executive Director for review and written approval, the following:

a. A final construction schedule approved by the City of Solana Beach, for the storm drain upgrade and energy dissipator, which shall be incorporated into construction bid documents. The schedule shall indicate that no construction of the energy dissipator shall take place between Memorial Day and Labor Day of any year. The beach area adjacent to the energy dissipator will remain open except for the immediate vicinity of the dissipator as required for public safety.

b. Detailed plans incorporated into the construction bid documents showing the locations, both on- and off-site, which will be used as staging and storage areas for materials and equipment during the construction of the project. Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes (Lomas Santa Fe Drive, Cedros Avenue, and Highway 101, in

this instance). Two lanes in each direction shall remain open on Highway 101 at all times. If more than one staging site is utilized, the plans shall indicate which sites are connected with which portions of the overall development, and each individual site shall be removed and/or restored immediately following completion of its portion of the overall development.

3. Water Quality/Monitoring Report. Prior to the issuance of the coastal development permit for Phase I, the applicant shall submit for the review and written approval of the Executive Director, a water quality/urban runoff control and monitoring plan for the storm drain outlet discharge. The plan shall indicate that all best management practices have been incorporated into the project design to ensure the discharge from the proposed outlet is consistent with local and regional standards. In addition, the applicant shall submit an annual report including the results of testing and monitoring activities performed on the storm drain outlet discharge, and any remedial or prevention measures taken to improve water quality. Monitoring activities shall include, at a minimum, the monitoring required under the City's NPDES permit (Order 90-42) for stormwater and urban runoff discharges, including the chemical and visual analysis performed yearly on all storm drains in the City under the Dry Weather Non-point Source Discharge Screening Program, and shall include progress reports as submitted to the Regional Water Quality Control Board. The applicant shall submit copies of all other required state or federal discretionary permits for the development herein approved, including but not limited to the State Water Resources Control Board, the Regional Water Quality Control Board (RWQCB), and the National Pollution Discharge Elimination System (NPDES), as required. Any mitigation measures or other changes to the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit. Five years after the date of Commission approval, the applicant shall provide a report to the Commission incorporating the results of the storm water discharge monitoring at the proposed outlet performed over the past 5 years, any mitigation measures taken, on-going efforts to reduce non-point source pollution in the City, and an examination of alternatives to the beach-level discharge, including construction of an ocean out-fall. If excessive levels of bacteria, organic material or other toxins are found as a result of the testing and monitoring program, the City shall propose construction of an ocean outfall, low flow diverters, or other means to reduce or eliminate the contamination. The determination of "excessive levels" shall be made in consultation with the Regional Water Quality Control Board, and in conformance with NPDES permits. If high levels of toxins are reported at any point during the monitoring period, the City shall take appropriate measures to begin to resolve the problem prior to the five year report.

4. Disposal of Graded Spoils. Prior to the issuance of the coastal development permit for Phase I, the applicant shall identify the location for the disposal of graded material from the storm drain excavation, or submit a written acknowledgement that the location is not within the coastal zone. 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. Maintenance of Sand on Concrete Apron. Prior to the issuance of the coastal development permit for Phase I, the applicant shall submit for the review and written approval of the Executive Director, a program for the maintenance of sand on the approved concrete apron, which shall be the responsibility of the applicant. The program shall include, at a minimum, a written commitment that at least two feet of sand shall be placed along the length and width of the apron, such that the entire surface of the apron is covered, and that maintenance will occur at least monthly from Memorial Day through Labor Day weekend for the life of the project, and shall identify the method by which sand will be placed on the apron, and the party responsible for the maintenance.

6. Concrete Apron Coloration. Prior to the issuance of the coastal development permit for Phase I, the applicant shall submit for the review and written approval of the Executive Director, a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed concrete apron. Tones designed to match the surrounding natural sand and minimize the project's contrast with the surrounding beach shall be utilized.

7. Contractor's Acknowledgement. Prior to awarding the Notice to Proceed (NTP) to the contractor for Phase I, the applicant shall submit a signed statement from the project contractor indicating that the contractor has received a copy of the coastal development permit and special conditions and is aware of all permit conditions.

B. Phase II: Grade Separation and Beach Deposition.

Phase II of the amendment is subject to the following conditions:

1. Army Corps of Engineer Approval. Prior to the issuance of the coastal development permit for Phase II, the applicant shall submit to the Executive Director for review and written approval, all of the following:

a. A written determination from the Army Corps of Engineers, and supporting documentation submitted by the applicant, indicating the amount and location on-site of excavated material which is determined by the Corps to be suitable for use as beach nourishment material on the beach at Fletcher Cove;

b. A written description and/or map of the above location(s) where deposition of excavated material is permitted by the Corps of Engineers.

2. Timing of Beach Sand Deposition. Prior to the issuance of the coastal development permit for Phase II, the applicant shall submit to the Executive Director for review and written approval, plans and implementation measures for deposition of the excavated material on the beach which incorporate the following:

a. A written agreement from the applicant to the Executive Director to transport and distribute approximately 44,000 cubic yards of Torrey Sandstone, as approved by the Corps of Engineers as suitable beach nourishment material, to the beach at Fletcher Cove during the approved time period;

b. Deposition shall be permitted only in the time period after Labor Day weekend of any year to prior to Memorial Day weekend of the following year. This requirement may be modified only upon written approval by the Department of Fish and Game or the U.S. Fish and Wildlife Service, and if the Commission approves the modifications as an amendment to this permit;

c. A detailed preliminary construction schedule. The applicant shall submit a final construction schedule to the Executive Director when it is available.

3. Final Plans for Beach Replenishment. Prior to the issuance of the coastal development permit for Phase II, the applicant shall submit to the Executive Director for review and written approval, plans for the beach deposition site(s) which include the method of deposition, geometry of the beach fill, maximum berm elevations, and shore advance distances. The plans shall establish the seaward limit of the final beach fill, surveyed and tied into stable monuments, which shall be utilized for subsequent monitoring of the beach replenishment effort. The plans shall provide for raking or other means to scarify the replenished beach upon completion of deposition.

4. Grunion Monitoring Program. Prior to the issuance of the coastal development permit for Phase II, the applicant shall submit to the Executive Director for review and written approval, a grunion monitoring program developed in consultation with and approved by the State Department of Fish and Game.

5. State Lands Commission Approval. Prior to the issuance of the coastal development permit for Phase II, the applicant shall submit to the Executive Director for review and written approval, a survey of the current mean high tide line completed to the satisfaction of the State Lands Commission. Also, the applicant shall obtain a written determination from the State Lands Commission that:

- a) No state lands are involved in the development; or
- b) State lands are involved in the development, and all permits or leases required by the State Lands Commission have been obtained; or
- c) State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.

6. Access/Staging Areas/Traffic Control. Prior to the issuance of the coastal development permit for Phase II, the applicant shall submit to the Executive Director for review and written approval, the following:

a. A traffic control plan, approved by the City of Solana Beach, for the grade separation/Lomas Santa Fe Drive bridge portion of the project, to include detour routes and construction access routes, and for the beach deposition, to include access routes, pedestrian safety measures at the deposition site, the maximum number of full and return truckloads of deposition material possible per day, and projected deposition rates per day.

b. Detailed plans incorporated into the construction bid documents showing the locations, both on- and off-site, which will be used as staging and storage areas for materials and equipment during the construction of the project. Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes (Lomas Santa Fe Drive, Cedros Avenue, and Highway 101, in this instance). Two lanes in each direction shall remain open on Highway 101 at all times. If more than one staging site is utilized, the plans shall indicate which sites are connected with which portions of the overall development, and each individual site shall be removed and/or restored immediately following completion of its portion of the overall development.

7. Landscape Plans. Prior to the issuance of a coastal development permit for Phase II, the applicant shall submit for the review and written approval of the Executive Director, a detailed landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features for the grade separation project. Drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible. The plan shall indicate all existing trees to be removed, and emphasis shall be placed on replanting as many of the existing trees as is feasible. The plan shall include the following written commitment:

(1) A planting schedule that indicates that the planting plan associated specifically with the grade separation project shall be implemented within 60 days of completion of construction.

(2) 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 screening requirements.

8. Final Plans. Prior to the issuance of the coastal development permit for Phase II, the applicant shall submit to the Executive Director for review and written approval, final construction plans for the grade separation and all related components, stamped and approved by the City of Solana Beach in substantial conformance with the submitted plans dated November 22, 1994.

9. Public Rights. By acceptance of this permit for Phase II, the applicant acknowledges, on behalf of him/herself and his/her successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit and construction of the permitted development shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

10. Grading and Erosion Control. Prior to the issuance of the permit for Phase II, the applicant shall submit final grading plans for the grade separation project stamped and approved by the City of Solana Beach, to the Executive Director for review and written approval. The plan shall incorporate the following elements which shall be included in written notes on the grading plans:

a. All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities.

b. All areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized in advance of the rainy season. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss from the construction site.

11. Disposal of Graded Spoils. Prior to the issuance of the coastal development permit for Phase II, the applicant shall identify the location for the disposal of graded material from the grade separation site determined to be unsuitable for beach deposition, or submit a written acknowledgement that the location is not within the coastal zone. 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.

12. Contractor's Acknowledgement. Prior to awarding the Notice to Proceed (NTP) to the contractor for Phase II, the applicant shall submit a signed statement from the project contractor indicating that the contractor has received a copy of the coastal development permit and special conditions and is aware of all permit conditions.

13. Monitoring Sand Replenishment. Prior to the issuance of the coastal development permit for Phase II, the applicant shall submit to the Executive Director, a monitoring plan, developed in cooperation with the San Diego Association of Governments Shoreline Erosion Committee, to monitor changes to beach width after replenishment efforts have been completed. The plan shall include, at a minimum, recordation of pre-project and post-project beach and nearshore profiles as measured from survey transect ranges SD-600 and SD-630, as utilized by the Corps of Engineers in the Coast of California Study from 1983 to 1988 along the Solana Beach site, and at Cardiff State Beach. The inland locations shall be tied to stable monuments and incorporated into the final beach replenishment plans. Measurements of beach width at those

locations shall be recorded in spring and autumn consistent with the monitoring program established by the Shoreline Erosion Committee for a minimum three year period following completion of deposition, or until other beach replenishment projects at the same location as the proposed project. Annual reports including the recorded information shall be submitted to the Executive Director.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Original Project Description. On October 10, 1995, the Commission approved an application for construction of a 1.4 mile railroad undercrossing below Lomas Santa Fe Drive, a bridge over the railroad crossing, relocation and upgrade of an existing storm drain located within Lomas Santa Fe Drive, construction of a 9 ft high, 17 ft wide, 24 ft long outfall structure, concrete apron and energy dissipator on Fletcher Cove beach, and deposition of a maximum of 230,000 cubic yards of excavated material on the beach between Cliff Street and North Seascape Surf Park in Solana Beach. Deposition of the beach material was to require the construction of an approximately 15-foot to 25-foot wide, 4 to 8 foot high temporary access road from Cardiff State beach to the southern end of the deposition area to allow haul trucks to drive along the sand. Approximately 1,400 cubic yards of rip-rap was to be placed seaward of the access road from the entry point at Cardiff Beach south to Cliff Street, to protect the road from wave action during the deposition period. Steel plates would be placed across the reef formation at the south end of Cardiff State Beach to protect the reef from truck traffic and to create an even driving surface along the shoreline. Trucks would exit the beach at Fletcher Cove. If all of the suitable sand could not be deposited on the beach within the proposed time period of September 1996 to April 1997, up to 72,000 cubic yards of sand would have been stockpiled on two vacant lots located north of the Solana Beach Transit station, west of Cedros Avenue.

Special conditions placed on the project required the applicants, as proposed, to place the maximum amount of beach quality sand from the project site onto the beach, as determined by the Army Corps of Engineers. Additional special conditions included a prohibition on placement of sand during the peak summer season to avoid biological and recreational impacts, and implementation of a grunion monitoring program. To reduce public access and visual impacts of the energy dissipator, special conditions required the applicant to maintain a layer of sand over the proposed concrete apron during the summer season, to color the apron to blend with the surrounding sand, and prohibited construction of the energy dissipator during the summer season. Long-term water quality impacts were required to be monitored and controlled through compliance with the City of Solana Beach's general NPDES permit for stormwater and urban runoff discharges, the construction activity storm water permit, and submission of a water quality/storm drain runoff management plan. Other conditions included submission of grading and erosion control plans, a traffic control plan, landscape plans, final plans for the grade separation, the storm drain and energy dissipator, the beach deposition and access road, and the stockpile sites. Approval from the State Department of Parks and Recreation

and the State Lands Commission and identification of the export site for any non-beach quality material was also required.

2. Amendment Request. Since the Commission approved the permit, the Army Corps of Engineers has issued a permit which authorizes either of two alternative sand deposition operations. Alternative 1 involves the deposition of up to 44,000 cubic yards of Torrey Sandstone material. Alternative 2 involves the deposition of an additional 100,000 cubic yards (maximum) of Terrace Deposits, with additional special conditions requiring monitoring of water quality, nearshore marine flora and fauna, and, if necessary, mitigation in the form of restoration of habitat impacts or creation of an artificial reef at a 1:1 ratio. Due to the open-ended nature of the mitigation requirements associated with Alternative 2 and the unpredictable costs of unknown mitigation, NCTD and the City of Solana Beach are now proposing to deposit only the 44,000 cubic yards of Torrey Sandstone.

The reduced amount of beach deposition material will result in substantial changes to the sand deposition portion of the project. The lesser amount of material makes it feasible to use haul trucks with a smaller load capacity, which can use the existing Plaza Street ramp to access the beach without damaging the ramp. Thus, the beach fill is now proposed to be placed along a 1,000-foot stretch of shoreline centered on the Plaza Street access ramp at Fletcher Cove. The sand would extend out from the mean high tide mark approximately 300 feet into the surf zone, and then extend approximately 500 feet north and south from the access ramp. The redesigned project eliminates the need for the previously approved temporary access road and rip rap. State Parks approval would no longer be required, as no State Parks land would be involved. Beach sand deposition would take place between September 12, 1997 and April 23, 1998, one year later than previously proposed, to accommodate the NCTD's revised schedule.

In addition, the applicants are requesting that the proposed project be segmented into two phases to allow the storm drain upgrade and energy dissipator portion of the project (Phase I) to proceed prior to the grade separation/beach sand deposition portion (Phase II). The City of Solana Beach is prepared to begin construction on the storm drain upgrade immediately. The existing system is currently of insufficient size at a number of locations to accommodate 100-year storm flows, which has resulted in localized flooding. The grade separation and beach sand deposition has been scheduled to occur approximately 1 year later, in order to ensure that the beach nourishment can occur during the winter months.

No changes or alterations to the design of the storm drain or the grade separation is proposed with this amendment. The applicants have included in their amendment request changes to the previously approved special conditions which would be required to allow construction of the revised project (See Exhibit 3). The majority of the changes to the special conditions are procedural changes required to separate the storm drain phase of the project from the grade separation/beach replenishment phase; the substance of most of the conditions remains the same as previously approved by the Commission. As amended herein, the applicants will be able to commence construction of Phase

I of the project (the storm drain upgrade and energy dissipator) when all of the special condition attached to Phase I of the project have been satisfied. Phase II of the project (the grade separation and beach deposition) can commence construction when the applicants have satisfied all of the special conditions for Phase II of the project.

3. Storm Drain Upgrade (Phase I). The storm drain improvements involve upgrading the existing storm drain located within the Lomas Santa Fe Drive right-of-way and down Plaza Street from 48 inches to 60 inches in diameter. The pipe size would increase to 72 inches as it enters a proposed outfall and energy dissipator structure north of the existing beach access ramp at Fletcher Cove. The applicant has indicated that the existing storm drain is of insufficient size to accommodate 100-year storm flows. In addition, depressing the railroad tracks would attract storm water runoff into the right-of-way that could not be handled by the existing storm drain. Therefore, the proposed upgraded storm drain system has been designed to protect the railroad trench and the surrounding area from flooding.

The applicant is not proposing to change the design of the storm drain upgrades from what was previously approved by the Commission. At this time, NCTD is not ready to proceed with the grade separation/beach replenishment portion of the project, which requires specific timing to deposit the sand during the winter months when impacts to biological habitats are least, and to avoid the peak recreational season. The proposed amendment will allow the City of Solana Beach to proceed with construction of the storm drain upgrade as required to prevent flooding, while NCTD continues to finalize the grade separation/beach replenishment project. In its review of the original project, the Commission found that the storm drain upgrade was in conformance with Sections 30210, 30211, 30212, 30212.5, 30214(a), 30251, 30253, and 30604(c) of the Coastal Act. These findings are hereby incorporated by reference. The amendment will allow construction of the upgraded storm drain to proceed in a timely manner, consistent with the Commission's approval. Seven special conditions have been attached to Phase I of the project dealing with timing of construction, traffic control, disposal of graded soils, water quality, coloring of the proposed concrete apron and maintenance of sand on the apron, and final plans. These conditions are substantively identical to the previously approved conditions placed on the original permit, modified only to eliminate references to Phase II of the project.

The proposed amendment has been conditioned in order to be found consistent with the public access, visual resources, water resources, human health, and geotechnical hazard policies of the Coastal Act. Therefore, the Commission finds Phase I of the project, as conditioned, consistent with the appropriate sections of the Coastal Act.

4. Beach Sand Deposition/Grade Separation (Phase II). In its approval of the original project, the Commission found that there are several provisions of the Coastal Act which encourage use of suitable material to supply the region's littoral zones with sand. Deposition of beach quality material on the region's shoreline creates and protects coastal recreational areas for use by the general public, consistent with Sections 30233, 30240, 30230, 30231. These findings are incorporated by reference herein.

The original project proposed the deposition of up to 225,605 cubic yards of material from the grade separation on to local beaches. The actual amount of sand to be deposited would be determined through the Army Corps of Engineers (ACOE) permit process, where a determination as to the suitability and compatibility of the excavated material would be made. The Commission approved the project on the condition that the entire quantity of beach sand deemed "suitable" by the ACOE be placed on the beach. Since the Commission approval, the ACOE has authorized either of two deposition alternatives. Alternative 1 involves the deposition of up to 44,000 cubic yards of Torrey Sandstone; Alternative 2 involves the additional deposition of up to 100,000 cubic yards of Terrace Deposits. Special conditions placed on the project by the Corps address construction practices, scheduling, final plans, disposal operations, debris management, soils inspection and monitoring, and the composition of the deposition materials. The conditions are consistent with the Commission's previous approval.

Because of the experimental nature of Alternative 2, the ACOE imposed mitigation requirements that apply if alternative 2 is implemented. These include a monitoring program to assess project impacts on the adjacent aquatic environment including water quality, nearshore marine flora and marine fauna. Mitigation in the form of restoration of habitat impacts or creation of artificial reef at a 1:1 ratio may also be required. The ACOE did not require these monitoring and mitigation measures for Alternative 1. The applicant does not want to implement Alternative 2. The applicant proposes to amend the coastal development permit condition that requires the maximum amount of material determined suitable by the ACOE to be deposited on the Beach. The applicant is requesting that rather than take the maximum amount of material determined by the ACOE to be suitable for beach replenishment (a maximum of 144,000 cubic yards), only 44,000 cubic yards of material, be placed on the beach.

As discussed in the findings of approval of the coastal development permit, there are a number of Coastal Act sections which encourage the deposition of beach quality material on the shoreline, and also require the protection of marine resources. The ACOE has determined that the deposition of the Torrey Sandstone material would not pose a threat to marine resources; thus, extensive mitigation and monitoring of potential impacts is not required. However, although the ACOE has found that the Terrace Deposits are "suitable" for beach nourishment, as demonstrated by the monitoring requirements and undefined nature of the mitigation potentially required with implementation of Alternative 2, there is a potential for adverse impacts associated with Alternative 2 which have not yet been clearly identified. Since the extent of the impacts and required mitigation associated with deposition of up to 100,000 cubic yards of Terrace Deposits cannot be established at this time, the Commission finds that in this particular case, deposition of just the Torrey Sandstone material is the alternative most protective of coastal resources, while still allowing beach replenishment to occur.

The reduced amount of deposition material will also eliminate some of the impacts associated with the previously approved project. As noted previously, the lesser amount of material will allow the use of haul trucks with a smaller

load capacity, which can use the existing Plaza Street ramp to access the beach without damaging the ramp. Thus, the parking lot at Cardiff State beach will not be required for access to the beach, nor will the beach access road and rip rap be required. The Plaza Street access ramp is much closer to the grade separation site, than Cardiff State Beach, and thus haul trucks will not have to travel on Highway 101 to deposit the material. Therefore, the revised project will lessen the project's impacts on public access and recreation.

Thirteen Special Conditions have been attached to Phase II of the project through this amendment. These conditions are substantively similar to the conditions previously approved by the Commission, addressing plans for the deposition, timing, grunion monitoring, State Lands Commission approval, staging areas, landscaping, public rights, grading and erosion control, disposal of material not suitable for beach replenishment, and monitoring of the sand deposition. The conditions have been revised to reflect the changes in the beach deposition portion of the project (i.e., the reduction in deposition material and shift in deposition site, the references to the access road, potential stockpiles, State Parks approval, and the change in the project timing to one year later), and to eliminate references to Phase I of the project from the conditions. The proposed amendment has been conditioned in order to be found consistent with the public access, visual resources, sensitive resources, water resources, human health, and geotechnical hazard policies of the Coastal Act. Therefore, as conditioned, the Commission finds Phase II of the proposed project consistent with the appropriate sections of the Coastal Act.

6. Local Coastal Planning. Section 30604 (a) requires that a coastal development permit amendment shall be issued only if the Commission finds that the permitted development as amended will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

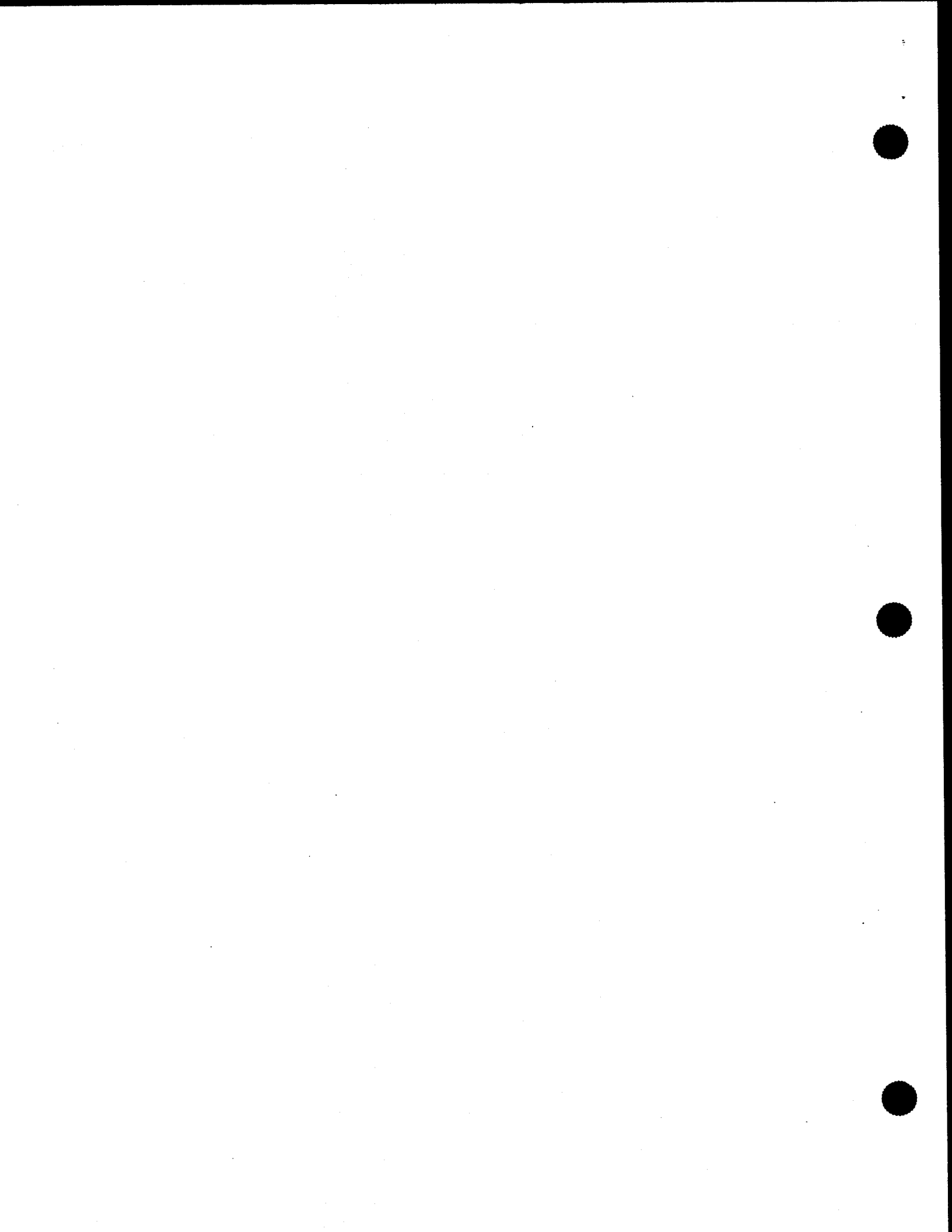
The project site is located primarily within an area designed by the City of Solana Beach and the previously certified LCP for the County of San Diego, (which the Commission uses for guidance in Solana Beach and Encinitas), as right-of-way for the railroad. Fletcher Cove and the beach deposition area are designated for recreational park uses. The storm drain upgrade, grade separation, and beach deposition, as amended, are consistent with the requirements of these designations. As conditioned, the project is consistent with the all applicable policies of the County LCP, and with Chapter 3 of the Coastal Act. The Commission therefore finds that proposed development, as conditioned, will not prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program.

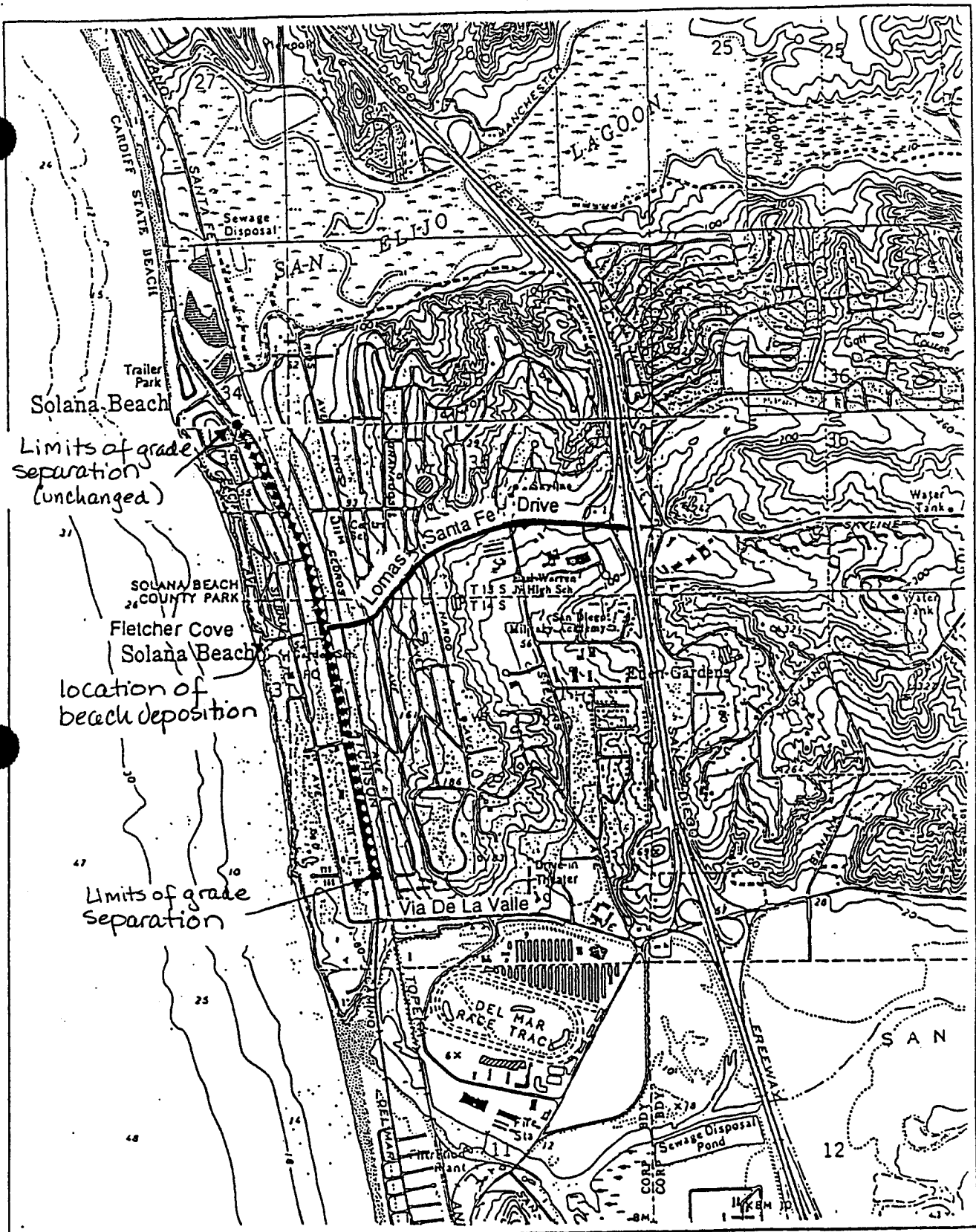
7. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit or amendment to be supported by a finding showing the permit or permit amendment, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

The proposed amendment has been conditioned in order to be found consistent with the public access, visual resources, sensitive resources, water resources, human health, and geotechnical hazard policies of the Coastal Act. Mitigation measures, including conditions prohibiting sand deposition from occurring in the summer, requiring water quality programs, erosion and grading control plans, and permission from other resource agencies, will minimize all adverse environmental impacts. Only as conditioned, can it be found that 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 amendment is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

(1390A)





Base Map: USGS Del Mar, Encinitas, Rancho Santa Fe Quadrangles, 7.5 Minute Series.

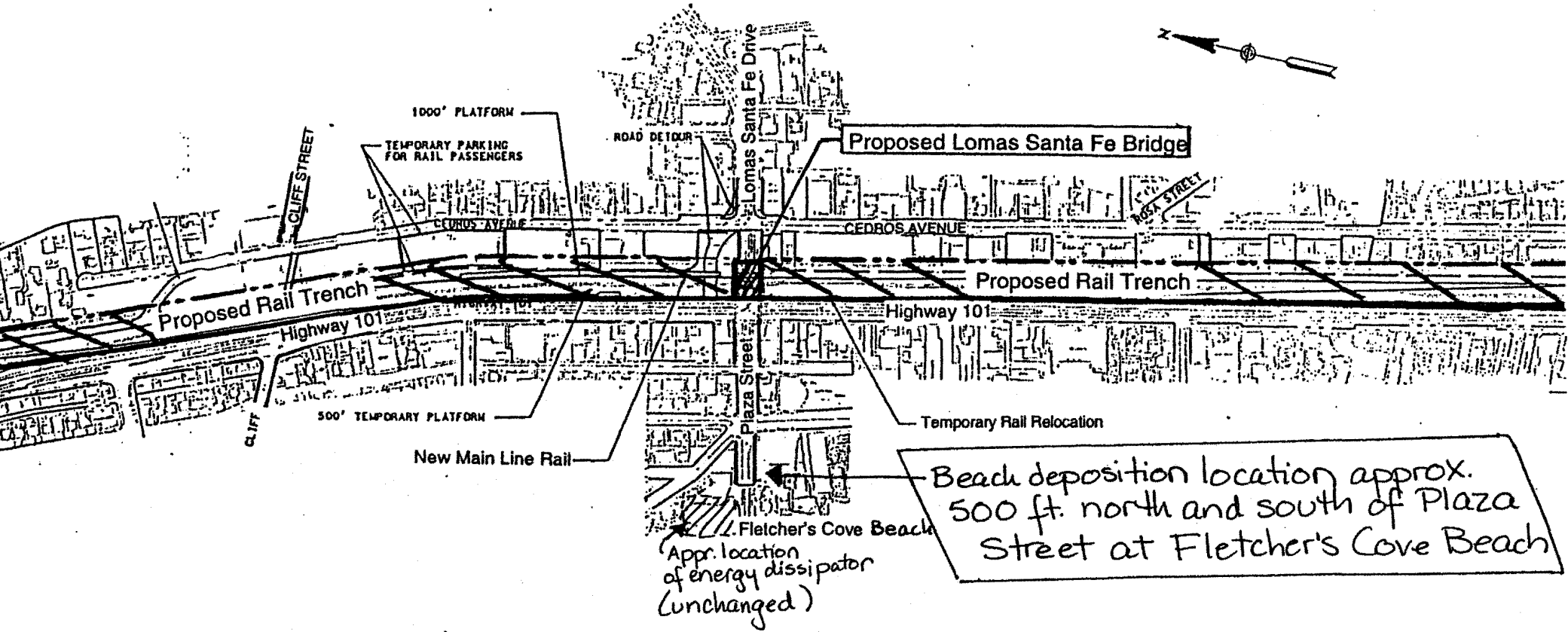
Approx. Scale 1" = 2,000'

Lomas Santa Fe Drive Grade Separation

Project Location Map

EXHIBIT NO. 1
APPLICATION NO.
6-94-207-A
Location Map

Grade separation & energy dissipator design
 unchanged through this amendment



California Coastal Commission
 EXHIBIT NO. 2
 APPLICATION NO.
 6-94-207-A
 Site Plan

PRELIMINARY-NOT FOR CONSTRUCTION

FOR REDUCED PLANS
 ORIGINAL SCALE IS IN INCHES

DESIGNED BY D. GOODMAN CHECKED BY J. POHLE DRAWN BY D. GOODMAN DATE 9/24/94	NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT BOARD OCEANSIDE - SAN DIEGO COMMUTER RAIL PROJECT	LOMAS SANTA FE GRADE SEPARATION SOLANA BEACH IIB X-XX-XXX	AS SHOWN DRAWING NO. G1..
			SITE PLAN



October 1, 1996

Ms. Diana Lilly
Coastal Planner
California Coastal Commission
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108-1725

RECEIVED

OCT 01 1996

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RE: APPLICATION NUMBER 6-94-207

Dear Ms. Lilly:

Thank you for meeting with the applicants for the above referenced project on September 17, 1996, based on our discussion at the time, the North County Transit District (NCTD) and the City of Solana Beach propose to revise the project description and the special conditions of the project as follows (please note that the standard conditions remain the same as approved by the Coastal Commission):

1. Detailed Project Description. The previously approved project is divided into two major phases: 1) Relocating and upgrading the existing storm drain and outfall structure located within the Lomas Santa Fe Drive right-of-way and at Fletcher Cove, including the construction of an energy dissipator structure on the beach; 2) Depressing the at-grade railroad crossing below the existing street level at Lomas Santa Fe Drive, constructing the Lomas Santa Fe Drive Bridge over the railroad, and associated road improvements along with depositing a maximum of approximately 44,000 cubic yards of Torrey Sandstone material excavated from the grade separation site onto the beach in the Fletcher Cove Area.

Construction activities for the proposed project are scheduled to last approximately 24 months. The project area is located in the western portion of the City of Solana Beach, just east of Highway 101. Fletcher Cove/Solana Beach Park is approximately 2 blocks to the west. In order to ensure that the beach nourishment portion of Phase 2 can occur during the winter months, the applicants are requesting that the existing coastal development permit be amended to allow for the issuance of a separate permit for each phase.

Phase 1 of the project would upgrade the existing storm drain located within the Lomas Santa Fe Drive ROW from 36 inches to 60 inches in diameter. The existing storm drain is of insufficient size at a number of locations to accommodate 100-year storm flows, and the proposed improvements would remedy this condition. The upgraded storm drain would outlet at the beach at Fletcher Cove Beach Park. The drain would discharge into an energy dissipation device north of the existing Fletcher Cove access ramp. The proposed energy dissipator would be a rectangular concrete structure, approximately 9-feet in height, 17-feet in width, and 24-feet in length, located on the sand against the bluff immediately north of the access ramp. Storm water would outlet from the dissipator onto the

NORTH COUNTY TRANSIT DISTRICT
311 South Tremont Street, Oceanside, CA 92054
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California Coastal Commission

beach via an opening near the front and top of the structure. A flat, concrete apron would extend out approximately 25-feet from the seaward side of the dissipator to protect the existing access ramp from undercutting and erosion. The top of the dissipator would be outfitted with a 4-foot high protective railing to create a viewing platform, augmenting the recreational beach use area. In order that the Phase 1 work will not interfere with the beach nourishment proposed as part of Phase 2, the final elevation of the energy dissipator and concrete apron has been designed to be above the mean high tide line. In Phase 2, the beach nourishment is proposed to extend out from the mean high tide mark approximately 300 feet into the surf zone, and then to extend north and south approximately 500 feet from a point centered at the Plaza Street Access Ramp at Fletcher Cove.

Phase 2 of the project will lower an approximate 1.4 mile segment of the existing railroad track, from Ocean Street to 500 feet north of Via de la Valle, as much as 30 feet below the existing grade. The depressed track would be contained in an open cut trench that would extend approximately 3,900 feet north and 3,600 feet south of Lomas Santa Fe Drive. The new trench would accommodate a new depressed main track and passenger platform, and would allow room for the installation of a second track at a future date. The second track would allow for enhanced operational efficiency, but, of itself, would not increase the number of daily trains that use the Commuter Rail System above the current number.

The Lomas Santa Fe Bridge would be constructed between Cedros Avenue and Highway 101 to span the open trench of the grade separation. The bridge would provide two (2) travel lanes in each direction, bicycle lanes, and sidewalks. As part of the bridge construction, the project also proposes improvements on Lomas Santa Fe Drive at its intersection with Cedros Avenue and Highway 101. These improvements include installation of one additional westbound and eastbound turn pocket at Cedros Avenue and at Highway 101 (there is currently one (1) turn pocket at each of these locations), and a westbound right turn only lane would be provided at Highway 101. In addition, northbound and southbound left turn pockets would be provided for Cedros Avenue at Lomas Santa Fe Drive. The area remaining along the western edge of the railroad right-of-way (ROW) after the grade separation will be offered to the City of Solana beach, which plans to create a linear park west of the ROW, east of Highway 101, at a future date.

Approximately 316,715 cubic yards of material (sand and sediment) would be excavated as part of the grade separation project. After lengthy review and testing of the excavated material, the Army Corps of Engineers has determined that approximately 44,000 cubic yards of Torrey Sandstone material is suitable for beach nourishment. The remaining material from the project will be trucked to a disposal location outside of the coastal zone. The sand would be deposited between September 12, 1997 and April 23, 1998.

The beach fill is proposed to be placed along the 1,000-foot stretch of shoreline centered on the Plaza Street Access Ramp to Fletcher Cove. The material is proposed to be trucked to the site using the existing access ramp at Fletcher Cove. A temporary pedestrian access way would be constructed on the south side of the ramp to separate pedestrian and truck traffic and to keep beach areas open to the public, consistent with providing a safe working site.

III. Special Conditions.

The permit is subject to the following conditions:

Phase 1 Storm Drain and Energy Dissipator

1 Timing of Construction/Access/Staging Areas/Traffic Control. Prior to the issuance of the coastal development permit for Phase 1, the applicant shall submit to the Executive Director for review and written approval, the following:

a. A final construction schedule, approved by the City of Solana Beach, for the project, which shall be incorporated into construction bid documents. The schedule shall indicate that no construction of the energy dissipator shall take place between Memorial Day and Labor Day of any year.

b. A traffic control plan, approved by the City of Solana Beach, to include detour routes and construction access routes, and for the energy dissipator, pedestrian safety measures at the Plaza Street Access Ramp to Fletcher Cove.

c. Detailed plans incorporated into the construction bid documents showing the locations, both on-site and off-site, which will be used as staging and storage areas for materials and equipment during the construction of the project. Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes.

2. Maintenance of Sand on Concrete Apron. Prior to the issuance of the coastal development permit for Phase 1, the applicant shall submit to the Executive Director for review and written approval, a program for the maintenance of sand on the approved concrete apron. The program shall include, at a minimum, a written commitment that at least two feet (2') of sand shall be placed along the length and width of the apron, such that the entire surface of the apron is covered, and that maintenance will occur at least monthly from Memorial Day through Labor Day weekend for the life of the project, and shall identify the method by which sand will be placed on the apron, and the party responsible for the maintenance.

3. Final Plans. Prior to the issuance of the coastal development permit for Phase 1, the applicant shall submit to the Executive Director for review and written approval, final construction plans for the project, including storm drain upgrade, energy dissipator, and all related components, stamped and approved by the City of Solana Beach, in substantial conformance with the submitted plans dated November 22, 1994, and subsequent plans for the storm drain upgrade submitted August 25, 1995.

4. Disposal of Graded Spoils. The applicant shall inform the contractor that the location for the disposal of graded material from the storm drain excavation must be outside of the coastal zone, or, 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. Contractor's Acknowledgement. Prior to the awarding Notice to Proceed (NTP) to the contractor for Phase 1, the applicant shall submit to the Coastal Commission a signed statement from the project contractor indicating that the contractor has received a copy of the coastal development permit and special conditions and is aware of all permit conditions.

6. Concrete Apron Coloration. Prior to the issuance of the coastal development permit for Phase 1, the applicant shall submit to the Executive Director for review and written approval, a color board or other indication of the color scheme to be utilized in the construction of the energy dissipator and concrete apron. Tones designed to match the surrounding natural sand and minimize the project's contrast with the surrounding beach shall be utilized.

7. Water Quality. Prior to the issuance of the coastal development permit for Phase 1, the applicant shall submit to the Executive Director for review and written approval, a water quality control plan for the storm drain outlet discharge. The plan shall indicate that all best management practices have been incorporated into the project design to ensure the discharge from the proposed outlet is consistent with local and regional standards. The City of Solana Beach, as the responsible agency for the storm drain outlet discharge, shall submit copies of all other required state or federal discretionary permits for the development herein approved, i

including but not limited to the State Water Resources Control Board, the Regional Water Quality Control Board, and the National Pollution Discharge Elimination System, as required. Any mitigation measures or other changes to the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

Phase 2 Grade Separation and Beach Nourishment.

1. Army Corps of Engineer Approval. Prior to the issuance of the Coastal development permit for Phase 2, the applicant shall submit to the Executive Director, for review and written approval, all of the following:

- a. A written determination from the Army Corps of Engineers, and supporting documentation submitted by the applicant, indicating the amount and location on-site of excavated material which is determined by the Corps to be suitable for use as beach nourishment material on beaches within the City of Solana Beach;
- b. A written description and/or map of the above locations(s) where deposition of excavated material is permitted by the Corps of Engineers;

2. Timing of Beach Sand Deposition. Prior to the issuance of the coastal development permit for Phase 2, the applicant shall submit to the Executive Director for review and written approval, plans and implementation measures for deposition of the excavated material on the beach which incorporate the following:

- a. A written agreement from the applicant to the Executive Director to transport and distribute the approximately 44,000 cubic yards of Torrey Sandstone, as approved by the Corps of Engineers to the beaches of Solana Beach;
- b. Deposition shall be permitted only in the time period after Labor Day weekend of any year to Memorial Day weekend of the following year.
- c. A detailed construction schedule, incorporated into construction bid documents, indicating the time period the suitable material will be available for deposit on the beach. Deposition shall occur immediately following availability in the period following Labor Day weekend to Memorial Day weekend of the following year.

3. Final Plans for Beach Nourishment. Prior to the issuance of the coastal development permit for Phase 2, the applicant shall submit to the Executive Director for review and written approval, plans for the beach deposition site which include the method of deposition, geometry of the beach fill, maximum berm elevations, and shore advance distances. The plans shall establish the seaward limit of the final beach fill, surveyed and tied into stable monuments, which shall be utilized for subsequent monitoring of the beach replenishment effort.

4. State Lands Commission Approval. Prior to the issuance of the coastal development permit for Phase 2, the applicant shall submit to the Executive Director for review and written approval, a survey of the current mean high tide line completed to the satisfaction of the State Lands Commission. Also, the applicant shall obtain a written determination from the State Lands Commission that:

- a) No state lands are involved in the development; or
- b) State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or
- c) State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.

5. Grunion Monitoring Program. Prior to the issuance of the coastal development permit for Phase 2, the applicant shall submit to the Executive Director for review and written approval, a grunion monitoring program, consistent with the recommendations contained in the biological impact study for the project dated April 1995, developed in consultation with the State Department of Fish and Game. The program shall include, monitoring for spawning activities during predicted runs and ceasing deposition of sand in areas where eggs are deposited.

6. Timing of Construction/Access/Staging Areas/Traffic Control. Prior to the issuance of the coastal development permit for Phase 2, the applicant shall submit to the Executive Director for review and written approval, the following:

- a. A final construction schedule, approved by the City of Solana Beach, for the entire project, which shall be incorporated into construction bid documents. The schedule shall indicate that no beach nourishment shall take place between Memorial Day and Labor Day of any year.

b. A traffic control plan, approved by the City of Solana beach, for the grade separation/Lomas Santa Fe Drive bridge portion of the project, to include detour routes and construction access routes, and for the beach deposition, to include access routes, pedestrian safety measures at the deposition site, the maximum number of full and return truckloads of deposition material possible per day, and projected deposition rates per day.

c. Detailed plans incorporated into the construction bid documents showing the locations, both on-site and off-site, which will be used as staging and storage areas for materials and equipment during the construction of the project. Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes (Lomas Santa Fe Drive, Cedros Avenue, and Highway 101, in this instance). Two lanes in each direction shall remain open on Highway 101 at all times. If more than one staging site is utilized, the plans shall indicate which sites are connected with which portions of the overall development, and each individual site shall be removed and/or restored immediately following completion of its portion of the overall development.

7. Landscape Plans. Prior to the issuance of the coastal development permit for Phase 2, the applicant shall submit to the Executive Director for review and written approval, a detailed landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features for the grade separation project. Drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible. The plan shall indicate all existing trees to be removed, and emphasis shall be placed on replanting as many of the existing trees as is feasible. The plan shall include the following written commitment:

(1) A planting schedule that indicates that the planting plan associated specifically with the grade separation project shall be implemented within 60 days of completion of construction.

(2) 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 screening requirements.

8. Final Plans. Prior to the issuance of the coastal development permit for Phase 2, the applicant shall submit to the Executive Director for review and written approval, final construction plans for the project, including the grade separation, street improvements, storm drain upgrade, energy dissipator, and all related components, stamped and approved by the City of Solana Beach, in substantial conformance with the submitted plans dated November 22, 1994, and the revised plans dated August 25, 1995.

9. Public Rights. By acceptance of this permit, the applicant acknowledges, on behalf of him/herself and his/her successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit and construction of the permitted development shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

10. Grading and Erosion Control. Prior to the issuance of the coastal development permit for Phase 2, the applicant shall submit to the Executive Director for review and written approval, final grading plans for the grade separation project, stamped and approved by the City of Solana Beach. The plan shall incorporate the following elements which shall be included in written notes on the grading plans:

a. All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities.

b. All areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized in advance of the rainy season. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss from the construction site.

11. Disposal of Graded Spoils. The applicant shall inform the contractor that the location for the disposal of graded material from the grade separation site determined to be unsuitable for beach deposition must be outside of the coastal zone, or, 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.

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12. Contractor's Acknowledgement. Prior to the awarding Notice to Proceed (NTP) to the contractor for Phase 2, the applicant shall submit to the Coastal Commission a signed statement from the project contractor indicating that the contractor has received a copy of the coastal development permit and special conditions and is aware of all permit conditions.

13. Monitoring Plan. Prior to the issuance of the coastal development permit for Phase 2, the applicant shall submit a monitoring plan, developed in cooperation with the San Diego Association of Governments (SANDAG) Shoreline Erosion Committee, to monitor changes to beach width after replenishment efforts have been completed. The plan shall include, at a minimum, recordation of pre-project and post-project beach and near-shore elevations, and beach width, as measured from at least five inland locations along the length of the Solana Beach site, and two locations at Cardiff State Beach. The inland locations shall be tied to stable monuments and incorporated into the final beach replenishment plans. Measurements of beach width at those locations shall be recorded in January and July for a minimum three year period, or until other beach replenishment projects occur along the beaches of Solana Beach. Annual reports including the recorded information shall be submitted to the Executive Director.

I will contact you this week to verify that these revision are sufficient to continue the permitting process. Please feel free to contact me at 967-2864 if I can provide any additional information on this matter.

Sincerely,



W. T. Farquhar
Associate Planner/Rail

cc: Paul Price/NCTD
Betty Laurs/NCTD
Robert Semple/City of Solana Beach
David Cannon/MEC
Eric Lathers/BRG

