

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036



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Permit Application No. 6-97-18/lroDate April 17, 1997ADMINISTRATIVE PERMIT

Wed 3a

APPLICANT: California Department of Parks and Recreation

PROJECT DESCRIPTION: Installation of a mechanical fee collection device in State Beach parking lot.

PROJECT LOCATION: Carlsbad State Beach, entrance to Tamarack parking lot, at Tamarack Avenue west of Carlsbad Boulevard, Carlsbad, San Diego County. (No APN)

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, are discussed on subsequent pages.

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE and TIME: May 14, 1997
9:00 a.m., WednesdayLOCATION: Radisson Hotel - Santa Barbara
1111 E. Cabrillo Boulevard
Santa Barbara, CAIMPORTANT - Before you may proceed with development, the following must occur:

For this permit to become effective you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development. BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE PERMIT AUTHORIZATION FROM THIS OFFICE.

PETER DOUGLAS
Executive DirectorBy: Lurinda R. Owens

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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 three 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

The Department of Parks and Recreation is proposing to install a mechanical fee collection device at Tamarack parking lot at Carlsbad State Beach. The 60-space lot is located west of Carlsbad Boulevard opposite Tamarack Avenue and is bounded by Carlsbad Boulevard,

the ocean, and the Agua Hedionda Lagoon inlet jetty to the south. The fee collection device is proposed to be located at the entrance to the parking lot for automobile/motorcycle parking only; persons who walk or ride bicycles into the lot are not subject to the parking fee. Located in the City of Carlsbad, the State Beach comprises approximately one and a half miles of coastline. Facilities include a restroom with an outdoor shower, two acres of landscaping with picnic tables, six stairways, and a pedestrian walkway adjacent to the beach. The subject lot is the only developed parking lot adjacent to the beach in the City. Pedestrian routes to the beach from Carlsbad Boulevard are well defined and there is no problem with use of unauthorized trails causing erosion. Nearby parking areas consist of free curbside parking along Carlsbad Boulevard, as well as adjacent neighborhood and commercial streets.

The Coastal Commission approved an identical project to the subject proposed project at the same location on 3/17/94. The Commission also approved (XS-91-1 through 16) 16 fee collection devices, after several public hearings, in the coastal zone at various state parks on 1/13/92. To date, most of these devices have been installed and are in operation. The proposed project was one of the 16 projects proposed by the Department of Parks and Recreation for installation of mechanical fee collection devices (i.e., iron rangers) described above. Due to operating budget reductions, the Department chose to install these fee collection devices in order to offset these cutbacks. The Department raised fees and also increased the number of recreation areas where fees were collected. In San Diego County, six mechanical fee collection devices were installed at: South Carlsbad State Beach (Ponto Beach), Cardiff State Beach (north parking lot), Cardiff State Beach (south parking lot), Torrey Pines State Beach (north parking lot), Torrey Pines State Beach (south parking lot) and San Onofre State Beach (Trestles parking lot). The fee collection program began in April 1992 at South Carlsbad, in October 1991 at Cardiff and in November 1991 at Torrey Pines.

The previously approved mechanical fee collection device at this location was never installed because the City of Carlsbad has been reimbursing the State Department of Parks and Recreation via an in-lieu fee for lost revenues. This in-lieu fee payment was to cease June 30, 1994 (unless it was re-negotiated), so the Department re-applied to install the device in February, 1994 via CDP #6-93-216 which was approved on March 17, 1994. The latter permit was subject to four special conditions as follows: 1) fee collection for parking only; 2) three year limit; 3) submittal of three annual reports to monitor adverse impacts from the installation of the device; and 4) that by accepting the permit, the applicant agreed that the fee collection device would only be used if the City failed to execute an agreement reimbursing the Department for lost revenues. The permit expired on 3/17/97 and at that time, the device had not been installed because the City was continuing to reimburse the Department for lost revenues. The Department is thus re-applying to install the device at this time.

To address potential impacts to the surrounding environment, as part of their application for the 16 devices referenced above, the Department stated that they would complete three

annual monitoring reports. Prior to installing the devices, Department of Parks and Recreation district staff was informed of their responsibility to monitor and report any adverse effects resulting from the devices as well as any complaints concerning traffic impacts. The first annual report submitted in December of 1992 concluded that there were no new parking patterns, no new publicly initiated trails or park entrances associated with any of the monitored locations. While the Surfrider Foundation contended that unauthorized trails have been made in San Diego County as a result of the new devices, Commission and Department staff did not concur based on the fact that there was no documentation as to when these trails had been made and that they in fact appeared to be several years old.

The Department also proposed an outreach program, which was to be a part of the monitoring report. The Department reported that sales of the Golden Bear pass (available for \$5 annually for low income and disabled persons) steadily increased over a five year period. In addition, a free handbook entitled "California Escapes" was developed to inform the public of opportunities and programs such as the Golden Bear pass. As part of the Department's internal re-organization, a new set of goals have been adopted. The preamble to this effort recognizes the "dramatic changes in economic, demographic, and societal conditions" of the State of California. The goal encourages employees "to meet the demographic needs of the State revitalizing the Department's ability to meet it's mission". Two new full time positions have been created to serve in the outreach program. The results of this report were reported to the Commission at the February 1993 meeting.

The second annual report concluded that the Department did not observe any significant changes to the categories listed above and only received one complaint about fee devices in general at a location not within the Commission's jurisdiction. The Department also continued its outreach program which was very successful and received a lot of interest from members of the public.

As was found at the end of the three-year period, the Department had not observed any adverse effect from the installation of the fee collection devices authorized under XS-91-1 through 16. In addition, the Department has showed a strong commitment to developing and implementing a public outreach program, which resulted in a much greater public awareness of the special low income passes.

It should be mentioned, however, that as noted in the adopted findings dated 8/13/91 for XS-91-8 through 11 and XS-91-15, it was identified that there is a conflict in parking between out of area beach-goers and coastal residents at the Trestles parking lot at San Onofre State Beach, north of the subject site. This beach is used primarily by surfers. As was noted in the findings:

“...whether people choose to use the fee lots which provide easy access to the beach and include public amenities and require a longer walk to the beach, is a matter that the Commission cannot control....”

The Commission's mandate is to protect public access to the coast and in this vein, it is doing so by allowing increased public facilities, and by denying preferential parking programs in the residential areas near the beach. As such, it was found that the fee collection device at this location was consistent with the public access policies of the Coastal Act.

Over the past three years, since the Department was continuing to be reimbursed from the City of Carlsbad, the mechanical fee collection device has not been installed. As such, the annual monitoring reports concluded that there were no adverse impacts to report. Commission staff reviewed the monitoring reports that were submitted by the Department for other coastal areas where the mechanical fee collection devices have been installed as a means for comparison with the subject site. No adverse impacts were reported. Nevertheless, in order to continue to ensure that there are no adverse impacts, such as creation of new unauthorized trails by persons trying to avoid paying the parking fee, traffic conflicts or significant complaints about the fee device, the project is conditioned to continue the submittal of three annual monitoring reports. In addition, the permit is limited to three years, similar to the previous Commission action, in order to fully evaluate any potential adverse impacts of the device installation.

One of the most important goals of the Coastal Act is to protect, provide and enhance public access opportunities for all persons to and along the coast. (Sections 30210-30214, 30221, 30252 of the Coastal Act) Section 30001.5(c) of the Coastal Act requires that public access and public recreational opportunities be maximized, consistent with sound resource conservation principles. Other provisions of State law require the Department to impose new fees at all State Parks where it is feasible to do so. Currently, the Department manages 260 miles of California's coastline and through their mandated responsibilities is implementing and furthering Coastal Act policies by providing public facilities that enhance and make more accessible coastal recreational experiences. As discussed above, the primary purpose underlying the installation of the fee collection device is to obtain sufficient revenue to enable the Department to continue the maintenance and operation of the State Park along the coast for the enjoyment of people from throughout the State and Nation. Beyond the coast, the adequacy of revenues to defray Department operating costs is important for park units throughout the State as well. Under all the facts and circumstances present in this case, the Commission finds that this project is consistent with Coastal Act goals and policies of providing public access to and along the shoreline. By incorporating the findings for XS-91-1 through XS-91-15, the Commission finds that installation of this fee collection device will not impact public access and is therefore consistent with the Coastal Act. Approval of the proposed project, as conditioned, should not prejudice the ability of the City of Carlsbad to implement its certified LCP.

SPECIAL CONDITIONS:

1. Permitted Development. This permit shall be limited to the use of a mechanical device for collecting parking fees only.

2. Duration of Development. This permit is valid for three years, until May 16, 2000.

3. Monitoring Program. The Department shall submit three annual reports to the Executive Director for review and approval, which monitor any adverse impacts from the installation of the device. Monitored impacts shall include the establishment of unauthorized trails in order to avoid paying the parking fee, and tabulation of any phone calls and letters of complaint from the public and surrounding public officials relative to adverse off-site impacts and/or traffic conflicts. Mitigation measures shall be identified, such as installing fences and signage to prevent new trails from impacting resource areas.

4. In-Lieu Fee. By acceptance of this permit, the applicant agrees that the fee collection device will only be used if the City fails to execute an agreement reimbursing the Department for lost revenues.

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

(7018R)