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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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Filed: April 11, 1997
49th Day: May 30, 1997
180th Day: October 8, 1997
Staff: EL-SD
Staff Report: May 21, 1997
Hearing Date: June 10-13, 1997



STAFF REPORT: APPEAL

WED 11a

LOCAL GOVERNMENT: City of Coronado

DECISION: Approved with Conditions

APPEAL NO.: A-6-COR-97-44

APPLICANT: California Department of Transportation Agent: Larry Carr

PROJECT LOCATION: State Route 75, between Tulagi Road (NAB Gate 4) and the Silver Strand State Park undercrossing (3.23 miles within the median strip of the Silver Strand Highway), Coronado, San Diego County.

PROJECT DESCRIPTION: Install 32-inch-high median barrier within existing 22-foot-wide, unpaved median.

APPELLANTS: Ira Spector and the California Department of Transportation

STAFF NOTES:

SUMMARY OF STAFF'S PRELIMINARY RECOMMENDATION:

Staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed.

SUBSTANTIVE FILE DOCUMENTS: Certified City of Coronado Local Coastal Program; Appeal applications dated April 10 and 15, 1997; Coronado City Council Resolution No. 7493

I. APPELLANTS' CONTENTIONS. This project has been appealed both by the applicant and by a member of the public. The bases for the appeals differ significantly. The applicant contends first, that the project should have been exempt from coastal development permit requirements as a repair and maintenance activity; and second, that, if it is determined that a permit is required, most of the City's permit conditions are inconsistent with the certified LCP, i.e., are not required by the LCP. The other appellant contends that the project is not necessary from a safety standpoint and raises concerns with those sections of the City's LCP related to preservation of visual resources, particularly a scenic highway.

II. LOCAL GOVERNMENT ACTION. The coastal development permit was first denied by the City's Planning Commission. It was then appealed to the Coronado City Council, which approved the project, with conditions, on April 1, 1997.

III. APPEAL PROCEDURES.

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea. Furthermore, developments approved by counties may be appealed if they are not the designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by a city or county. (Coastal Act Sec. 30603(a))

For development approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance, the grounds for an appeal to the Coastal Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or public access policies set forth in this division.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the staff recommends "substantial issue", and no Commissioner objects, the substantial issue question will be considered moot, and the Commission will proceed directly to a de novo public hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified local coastal program and the public access and recreation policies of Chapter 3 of the Coastal Act.

The only persons qualified to testify before the Commission at any stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE.

Staff recommends that the Commission determine that NO SUBSTANTIAL ISSUE exists with respect to the grounds on which the appeal has been filed, pursuant to PRC Section 30603.

MOTION

Staff recommends a YES vote on the following motion:

I move the Commission determine that Appeal No. A-6-COR-97-44 raises no substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

FINDINGS AND DECLARATIONS.

1. Project Description/Local Approval. The applicant is proposing to install a 32-inch-high concrete median barrier along a portion of the Silver Strand Highway (State Route 75) in Coronado. The barrier would be installed within the existing, 22-foot-wide median, and would extend in a north to south direction from Tulagi Road (Naval Amphibious Base Gate 4) and the Silver Strand State Park undercrossing (roughly the northern end of the Coronado Cays development). Total length of the proposed median barrier is 3.23 miles. The project would impact some existing, scattered Nuttall's Lotus plants within the unpaved median; Nuttall's Lotus is identified as a candidate species for the endangered species listing by state and federal resource agencies. The applicant's proposal includes mitigation, in the form of exotics removal and seeding with Nuttall's Lotus outside the median but within less disturbed areas of the right-of-way, at a ratio of 5:1, with a five-year monitoring and maintenance program.

Although the proposal was initially denied by the Planning Commission, the City Council, on appeal, approved a median barrier for the subject site. However, the City's approval included several special conditions addressing both visual and biological resources. The City's approval would allow the applicant to construct either of two alternative projects: the first is outlined in Conditions 1 and 2, and consists of lowering the traffic speed along the highway from 65 mph to 55 mph and relocating the southbound lanes further west to accommodate a wider median and eliminate altogether the need for any barrier. The second alternative allows installation of a three-beam barrier (metal crossbeams attached to wooden posts). Conditions 3-11 address various aspects of this second alternative, including design, associated landscaping and biological mitigation. The City imposed the conditions requiring these alternatives in order to reduce the adverse visual and biological impacts of the project. Condition 12 requires the applicant to conduct an historic review of the highway; the applicant has not objected to this condition, so it is not addressed herein.

2. Coastal Development Permit Requirements. The applicant contends that the median barrier project is a repair and maintenance activity and that most repair and maintenance activities for existing roads and highways are exempt from coastal development permit requirements under 30610(d) of the Coastal Act. This Coastal Act policy is paraphrased in the City of Coronado's LCP Land Use Plan and Coastal Permit Ordinance (Section III.D.15(c) of the land use plan and Section 86.70.052.C. of the municipal code). The applicant argues that repair and maintenance activities are further described in the Interpretive Guideline on Exclusions from Permit Requirements. This document is utilized by the Commission in determining permit requirements but is not part of Coronado's LCP, and thus cannot be used by the City to determine when a permit is required. Moreover, because there are identified, quantified adverse impacts to a sensitive plant species (Nuttall's Lotus), the Commission, even if it defined the proposed development as "repair and maintenance," would not exempt the proposed activity from coastal development permit requirements under the Guideline. In any event, the City identified the proposed median barrier as new development requiring a coastal development permit, not as a repair and maintenance activity. Since the proposal is for installation of a new structure where none now exists, the Commission finds the City's interpretation reasonable.

3. Visual Resources/Public Views/Public Safety. With respect to this issue, the following certified LCP Land Use Plan policies and goals are most applicable:

Section III. B.

6. Maintain high standards for visual aesthetics and preserve these scenic qualities as recreational resources.

Section III. H.

1. Consider and protect as a resource of public importance the scenic and visual qualities of the community.

2. Require that permitted development be sited and designed to safeguard existing public views to and along the ocean and bay shores of Coronado, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

5. Reaffirm the Scenic Highway Element of the City's General Plan which designates the Silver Strand and San Diego-Coronado Bay Bridge portions of State Highway 75 as Scenic Highway, and the Scenic Highway Modifying Chapter of the City's Zoning Ordinance which regulates land use adjoining Scenic Highways.

In addition, Local Coastal Program Policy 107, Visual Resources and Special Communities, includes the following provisions, in part:

Three locations in Coronado are scenic Coastal Areas of statewide interest. These areas are the designated scenic highway portions of State Highway 75, Glorietta Bay, and the Hotel Del Coronado.

State Highway 75 tranverses Coronado from Imperial Beach to the San Diego-Coronado Bay Bridge. ... The highway has two "scenic" portions. One scenic section tranverses the Silver Strand from Imperial Beach to Pomona Avenue at the Hotel Del Coronado. This section provides excellent views of beaches, salt marsh, salt ponds, fresh water vernal ponds, San Diego Bay, the Pacific Ocean, Point Loma, Glorietta Bay, the Hotel Del Coronado, and the birds and other wildlife that inhabit these locales. ...

The Silver Strand Highway is one of only four designated scenic highways in San Diego County. The area it extends through (the Silver Strand) is a long sandbar connecting the cities of Coronado and Imperial Beach; the road runs in a north-south direction between San Diego Bay and the Pacific Ocean. There are Naval facilities at the northern and southern ends of the route, residential uses and a resort hotel about midway on the San Diego Bay side, and State Park facilities on both sides of the highway. The subject site for the proposed median barrier is the northern half of the highway; there is already existing metal and three-beam median barrier along much of the southern portion.

The Silver Strand Highway is visually significant from a statewide perspective, and the Commission is concerned that any development along its length preserve public ocean views and be aesthetically pleasing. The appellant contends that any form of median barrier will visually degrade the area and is inconsistent with the scenic highway parameters. However, safety devices and other typical highway appurtenances are not prohibited on scenic highways, but beauty and design are to be considered in any such installations, consistent with the cited LCP policies.

Neither the concrete barrier proposed by CalTrans nor the three-beam barrier approved by the City will obstruct any existing public views of the ocean. Either barrier is only 32" in height, which is below the line of sight of most vehicles/drivers. Moreover, ocean views are only available from the northbound travel lanes at the far southern end of the proposed barrier. Renderings prepared by CalTrans demonstrate that no loss of view will occur along this portion of the route. Further north, there may be some areas where intermittent views of dunes and beach will be momentarily obstructed, due to elevational differences between the northbound and southbound travel lanes and exactly where within the median the barrier will be placed. In most locations, however, the southbound lanes are higher in elevation than the northbound ones, so the existing highway already blocks most views towards the ocean for northbound travellers.

The City has addressed the visual resources concern by requiring a design that will match existing median barrier to the south of the subject site, thus carrying out the LCP policy requiring new development to be compatible with the character of surrounding areas. Moreover, the three-beam barrier is open between and below the beams, such that it does not present the appearance of a

solid wall as would the concrete barrier and views of dunes and beach will still occur. The City has also required extensive landscaping of the approved barrier, to soften its appearance as well as to potentially increase the habitat value of the median. While the Commission finds it appropriate and necessary to address visual resources and to protect this scenic area, it finds that the specifics of how this is accomplished can be very subjective. In past highway projects, the Commission has typically required landscaping improvements, even on projects not affecting designated scenic highways. So the City's action, in addition to being consistent with its certified LCP, is also consistent with the direction generally taken by the Commission.

The appellant further contends that the applicant has not justified the need for a median barrier from a traffic safety standpoint, such that any proposed design should be denied to protect visual amenities and to reduce unnecessary public expenditures. While the applicant allows that the actual accident rate within the subject site is very low, other parameters, namely the average daily trips (ADTs) and the width of the existing median, are used to determine the need for a median barrier. The Median Barrier Warrants, issued March, 1968 by the Traffic Department, establishes the criteria and associated calculations to determine the need for safety devices. Existing and estimated ADTs of between 20,000-25,000 and an existing median width of 22 feet place this portion of the Silver Strand Highway within a category justifying the need for a median barrier.

Thus, installation of a barrier to improve safety is consistent with the City's LCP. The City's conditions of approval insure that the installed barrier will be consistent with the visual policies of the LCP. The City's conditions regarding visual impacts are a reasonable interpretation of the visual resource policies. To address the appellant's concerns over the use of public money, the appropriateness of, or justification for, public expenditures is not a Coastal Act issue and is not addressed in the certified LCP. Therefore, the Commission finds that no substantial issue exists with regard to the approved development's conformity with the visual resource policies of the LCP.

4. Biological Resources (Nuttall's Lotus). The Silver Strand, which connects the cities of Coronado and Imperial Beach, is a long sandbar, with the predominant vegetation being various coastal dune communities. Nuttall's Lotus is a species of dune plant, and is rare in California. Thus, it is identified as a candidate species with the California Department of Fish and Game (CDFG) and U.S. Fish and Wildlife Service (USFWS), although it has not been listed as endangered at this time. The existing unpaved median consists of heavily disturbed coastal dune habitat, with a scattering of Nuttall's Lotus throughout the project site. Approximately 1500 individual plants could be displaced along the 3.23-mile alignment according to the Project Report dated November, 1996. The project, as proposed by CalTrans, with a solid concrete median barrier having a 24-inch-wide base on top of a 48-inch-wide continuous footing of hard-packed (graded) material, would directly impact approximately .56 hectares (1.38 acres) of the existing unpaved, partially vegetated median by placement of the concrete barrier. It would further indirectly impact additional habitat through shadowing and sand transport

inhibition. Because of uncertainty over the potential extent of indirect impacts, CalTrans, in their Project Report, assumed loss of the total aerial extent of the 3.23-mile length of median as a biological impact, which amounts to 3.63 acres altogether (converting 1.47 hectares to acres).

The applicant has proposed to mitigate for the loss of Nuttall's Lotus at a replacement ratio of 5:1. The proposal includes the removal of exotic vegetation (iceplant) within unimproved right-of-way areas, replanting of those areas with native species, and collecting seed from the existing Nuttall's Lotus plants within the project site prior to their disturbance and planting it along with other native species outside the median, within less disturbed areas of the right-of-way.

The City's LCP specifically identifies undisturbed coastal dunes as "environmentally sensitive habitat areas" (ESHAs) and the existing strand median and CalTrans right-of-way in general has been defined as "highly disturbed" and "less disturbed," respectively. Thus, under the certified City of Coronado LCP, these areas do not qualify as ESHA. However, the certified land use plan also includes Action Program item D.5., which provides that the City will continue to coordinate its environmental preservation efforts with other governmental entities. The state and federal resource agencies are considering listing Nuttall's Lotus as an endangered species, such that its presence within the project site is a concern.

The City identified this concern in their permit review, and attached conditions addressing protection of the species. In addition to reiterating the applicant's proposed mitigation program, the City required, through conditions of approval, that a three-beam barrier, rather than a concrete barrier, be installed. The three-beam design, with metal cross-beams attached to 6-inch by 8-inch wooden posts, greatly reduces the impacts of the proposal, resulting in only .05 acres of direct impact (0.02 hectares in the Project Report). This barrier design also eliminates one of the indirect impacts CalTrans identified as being associated with a concrete barrier, namely the inhibition of sand transport. A three-beam barrier will allow sand to continue moving across the highway to the east, where it currently nourishes both coastal dunes and nesting sites for the California least tern and western snowy plover, two endangered bird species. The USFWS identified the loss of sand transport with the concrete barrier as a significant concern when CalTrans proposed the project to that agency. Assuming the concrete barrier to be a given, the USFWS accepted (in their letter of June 14, 1996 to CalTrans) the applicant's proposal to periodically remove accumulated sand from the western side of the barrier and relocate it to the habitat areas to the east, along with monitoring the habitats to assure the change in sand transport was not having a detrimental effect.

In addition to requiring that the barrier be constructed of three-beam rather than concrete, the City gave the applicant the option of creating a barrier by widening the median rather than installing a structure. The widening of the median would be required to be accompanied by a reduction in the speed limit. The applicant raises the issue that widening the median will result in a greater loss of Nuttall's Lotus, since the plant also grows within the

right-of-way west of the existing southbound lanes. However, widening the median would maintain the existing sand transport and retain all Nuttall's Lotus plants within the existing median. It would not necessarily result in a greater loss of Nuttall's Lotus because the number of plants potentially affected by widening the median has not yet been quantified. In addition, this alternative would have no visual impacts resulting from the placement of any type of median barrier.

The three-beam design significantly reduces project impacts on Nuttall's Lotus while other conditions still include appropriate mitigation for the remaining adverse visual impacts. The City's permit is thus fully consistent with the certified LCP, more responsive to the sand transport issue than the original proposal, and reduces the adverse visual and biological impacts. Therefore, the Commission finds that no substantial issue exists with regard to the approved development's conformity with the biological resource policies of the LCP.

5. Public Access and Recreation. Since this site is the first coastal road, being the only road between the ocean and bay, both the policies of the certified City of Coronado LCP and the public access and recreation policies of Chapter 3 of the Coastal Act are applicable. Several policies and action goals of the certified land use plan are pertinent to the subject development, and state:

Section III. A.

1. Preserve existing shoreline access over public lands.

Section III. B.

1. Preserve existing public recreational facilities for public use.
3. Increase access to and encourage the use of the extensive beach frontage along the Silver Strand.
6. Maintain high standards for visual aesthetics and preserve these scenic qualities as recreational resources.

Finally, the following Chapter 3 policies of the Coastal Act are most pertinent to the subject appeal, and state, in part:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30223

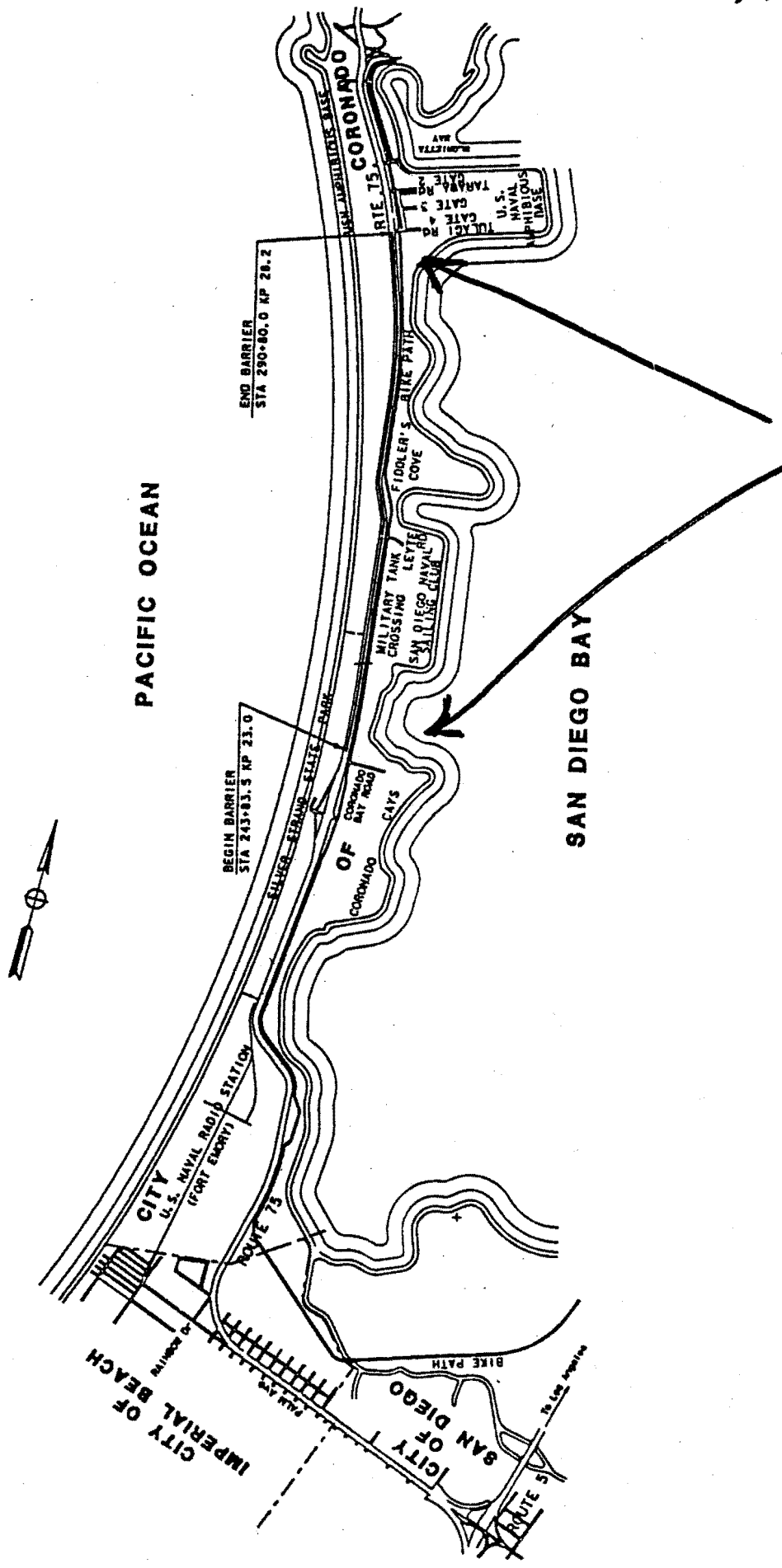
Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Installation of a median safety barrier along the existing Silver Strand Highway will not interfere with public access. Public access concerns have not been raised by either appellant. However, one of the City's conditions of approval raises the potential for access concerns and is thus addressed herein. The City's first approved alternative is to reduce traffic speed and widen the existing median, eliminating any need for a median barrier. The condition requires that the southbound lanes be moved westward (towards the ocean) to accommodate a wider median. Since there is existing State Park land and public beach along much of the western alignment of the highway, there was initially a concern that widening the median could result in a loss of public parkland, if additional right-of-way needed to be acquired to meet the terms of the permit. However, the Commission finds that this alternative will not require additional right-of-way.

The Median Barrier Warrants calculations used by the applicant to determine when and what type of safety devices are needed identifies a median width of 46 feet as "safe" under nearly all road conditions, including those present at the subject site. In other words, cross-median accidents are so rare with a median of this width that barriers are not warranted. The existing median is 22 feet in width, and CalTrans already owns an additional 38 feet of right-of-way along the western edge of the existing road. Thus, the required widening could be accomplished entirely within existing right-of-way, such that no State Parks lands or public recreational facilities would be affected. Therefore, the Commission finds that no substantial issue exists with regard to the approved development's conformity with the public access and recreation policies of the certified LCP and Coastal Act.

In summary, based on the preceding findings, the Commission finds that no substantial issue exists with respect to the grounds upon which the appeals were raised. Therefore, the proposed development, as conditioned by the local government, can be found fully consistent with the City of Coronado certified LCP and the public access and recreation policies of the Coastal Act.

A-6-COR-97-44



Project Area

EXHIBIT NO.	1
APPLICATION NO.	A-6-COR-97-44
Vicinity Map - Site Plan	
California Coastal Commission	

A-6-COR-97-4

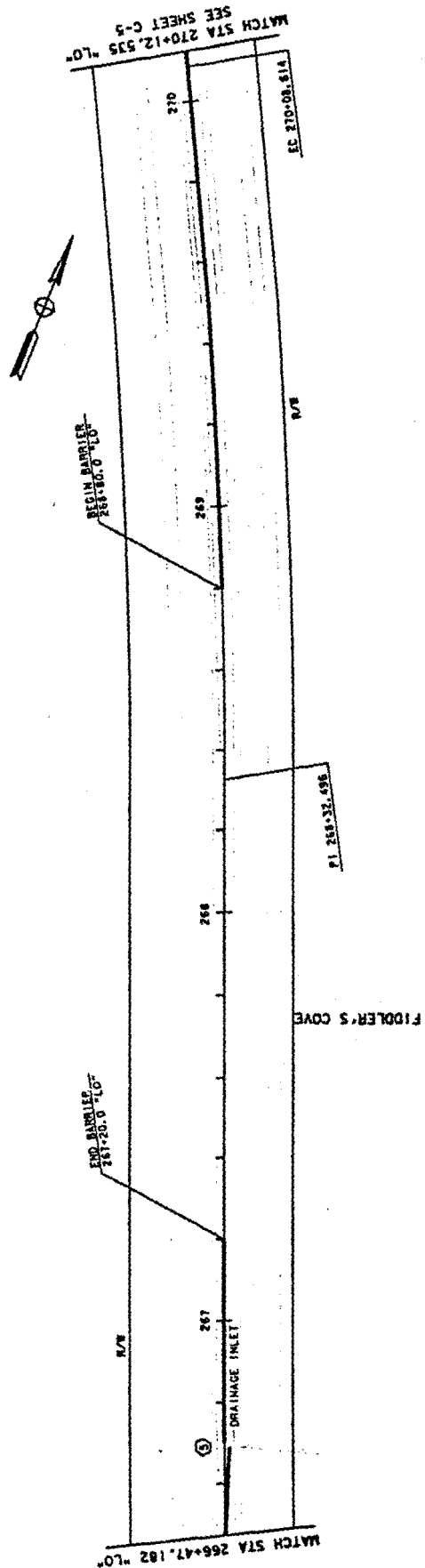
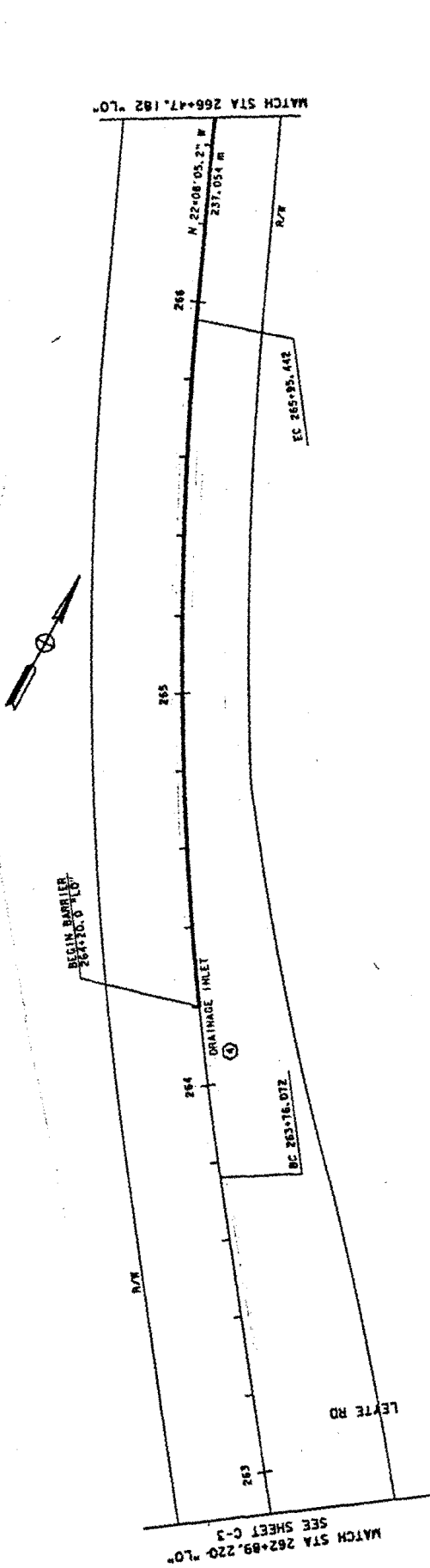
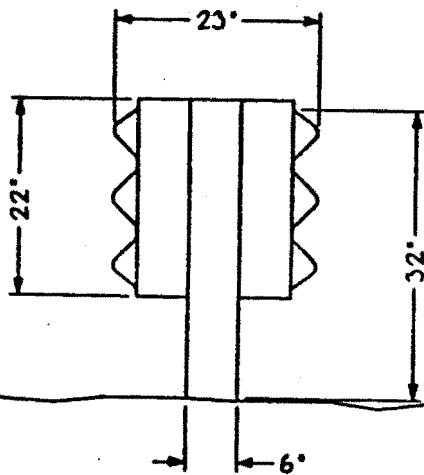
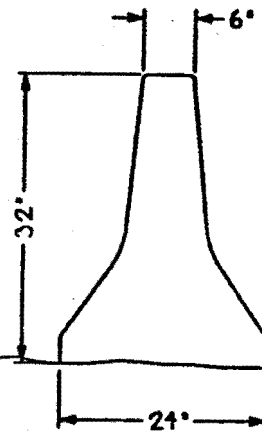


EXHIBIT NO.	2
APPLICATION NO.	A-6-COR-97-44
Typical Alignment	
California Coastal	

TYPICAL MEDIAN BARRIERS



THREE BEAM
BARRIER



CONCRETE
BARRIER

EXHIBIT NO.	3
APPLICATION NO.	A-6-COR-97-44
Median Barrier Type	
California Coastal Commission	

RESOLUTION NO. 7493

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO CALIFORNIA APPROVING WITH CONDITIONS A COASTAL PERMIT TO CONSTRUCT A NEW MEDIAN BARRIER WITHIN THE CENTER MEDIAN OF STATE ROUTE 75 (SILVER STRAND HIGHWAY) FROM SILVER STRAND STATE PARK UNDERCROSSING TO TULAGI RD (NAVAL AMPHIBIOUS BASE GATE 4) IN THE CITY OF CORONADO ;

WHEREAS, the State of California Department of Transportation ("CALTRANS" hereinafter) desires to construct a new 32 inch high concrete median barrier of approximately 3.23 miles in length within the center median of State Route 75 (Silver Strand Highway) from Silver Strand State Park undercrossing to Tulagi Rd (Naval Amphibious Base Gate 4) in the City Of Coronado ("PROJECT" hereinafter);

WHEREAS, the State of California Coastal Commission certified the City of Coronado's ("CITY" hereinafter) Local Coastal Program (LCP) in 1983 and in doing so delegated the State's Coastal Permit regulatory authority over most types and areas of development within the coastal zone to the CITY;

WHEREAS, the median of the Silver Strand Highway is part of the Coastal Zone and is an area under CITY Coastal Permit authority, but appealable to the California Coastal Commission;

WHEREAS, the PROJECT meets the CITY LCP and Coronado Municipal Code (CMC) Section 86.70.030 definition of "development"; the LCP and CMC Section 86.70.050 requires all "development" to obtain a Coastal Permit prior to construction; and in accordance with the LCP and CMC Chapter 86.70, CALTRANS has requested CITY approval of a Coastal Permit (CP 5-96/PC 19-96);

WHEREAS, the Silver Strand is a unique coastal resource with significant natural scenic beauty, recreational uses and opportunities, and natural ecological features; and the CITY has been working strongly for many years to preserve and enhance this valuable resource (as is documented by the Silver Strand Beautification project and the recently approved undergrounding of overhead utility lines within the PROJECT area);

WHEREAS, the construction of a solid concrete barrier within the median of this scenic corridor will be significantly at cross purposes to these beautification efforts and would negatively impact this natural resource and setting;

WHEREAS, the Silver Strand Highway is the primary and sole vehicle access to the Coronado Cays residential planned community development of approximately 1200 dwelling units and the Coronado Cays Homeowners Association

Board of Directors on November 27, 1996 passed a resolution opposing a concrete median barrier stating *"that the installation of a concrete median barrier along Highway 75 is likely to materially degrade the appearance of the Silver Strand Highway"* and that *"the Board of Directors believes that the installation of a traditional concrete median barrier may be significantly at cross purposes to ... the efforts of the City of Coronado and the Silver Strand Beautification Committee to improve the appearance of the Silver Strand."*

WHEREAS, the Silver Strand Beautification Committee which has been working for 3 years on improving and enhancing the beauty and natural scenic quality of the Silver Strand has reviewed CALTRANS proposed PROJECT and state that *"From an aesthetic point of view, we feel a median barrier will distract from the natural environment we are trying to enhance. ... The 1994 Federal ISTE A grant was awarded the City to provide an "enhanced" southern entrance to the village of Coronado; ..."*

WHEREAS, the Planning Commission of the CITY did pursuant to Section 66854 of the Government Code, hold a public hearing on this requested Coastal Permit on February 11, 1997 and the Planning Commission denied, with findings, CALTRANS preferred concrete barrier alternative ;

WHEREAS, CALTRANS appealed the Planning Commission's action to the City Council of the CITY and pursuant to Section 66854 of the Government Code conducted a public hearing on this requested Coastal Permit appeal on March 18, and April 1, 1997;

WHEREAS, said Public Hearings was duly noticed as required by law and all persons desiring to be heard were heard at said hearing; and

WHEREAS, evidence was submitted and considered to include without limitation:

- 1.) All documentation associated with and for this Coastal Permit application (CP 5-96/PC 19-96), the related staff report, and all material submitted either in writing or verbally for the Planning Commission and City Council public hearings for said application, incorporated herein and made a part hereof;
- 2.) Oral testimony from staff, applicant, and public made a part of the public record at said Coastal Permit Public Hearings.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Coronado does hereby make the following findings:

1. The Silver Strand is considered to be a "Scenic Resource" and the Highway is an official State designated "Scenic Highway" by the State Legislature, and by the CITY's LCP, the City of Coronado Scenic Highway and Local Coastal Elements of the CITY General Plan and the City of Coronado Scenic Highway Overlay Zone Chapter of the CITY's Zoning Ordinance. SR 75 is one of only four designated Scenic Highways in San Diego County and is the longest stretch of Scenic Highway in the County.
2. As a designated "Scenic Highway", development within the Scenic Highway is subject to Section 261 of the California Streets & Highways Code, State Scenic Highways, which establishes "planning and design standards" for scenic highways as follows: *"... In establishing and applying such standards for, and undertaking the development of, official scenic highways, the department shall take into consideration the concept of the "complete highway," which is a highway which incorporates not only safety, utility, and economy but also beauty. The department shall also take into consideration in establishing such standards that, in a "complete highway," pleasing appearance is a consideration in the planning and design process. In the development of official scenic highways, the department shall give special attention both to the impact of the highway on the landscape and to the highway's visual appearance..."*
3. The Silver Strand Highway "corridor" - meaning the road's visible surroundings - has many "intrinsic qualities" to include but not limited to natural scenic beauty, recreational uses and opportunities, and natural ecological features including:
 - a.) The Strand Highway corridor is a "sensitive environment" within a unique and relatively undisturbed natural setting on a narrow (800-2000 ft. width in project area) coastal dune peninsula between the Pacific Ocean and San Diego Bay, with views of the ocean, bay, beaches, salt marshes, salt ponds, fresh water vernal ponds, Point Loma, and the birds and other wildlife that inhabit these areas from motorists from the highway and from bicyclists and pedestrians on a parallel paved bike path running the entire length of the Silver Strand.
 - b.) The PROJECT median and highway corridor is known to have Nuttall's Lotus (a plant which is a candidate for listing as endangered by the California Department of Fish and Game.
 - c.) The Strand Highway corridor is also known to have a high population of federally listed animal species, the California least tern and the western snowy plover.
 - d.) The Strand Highway corridor is used for many recreational uses including biking, jogging, pedestrian walking, beach use, picnicking, camping within the adjoining Silver Strand State Park, boating, and a recently approved ISTEIA (Intermodal Surface Transportation Efficiency Act) grant project to construct nature interpretative trails and signs, and pedestrian overlook sites, discovery points, and sculptures.
4. Because of these intrinsic qualities, the unique setting, the unusual circumstances, and the sensitive environment the CITY is concerned that a median barrier project which is ordinarily insignificant in its impact on the environment may in this particularly sensitive environment be significant and that any barrier or structure should be

sympathetic to this setting and have as little disturbance as possible to this valuable resource.

5. The City of Coronado's "Local Coastal Program Land Use Plan" and "Local Coastal Program Policy 107, Visual Resources and Special Communities" relevant policies state: "It is the policy of the City of Coronado to:
 - a.) Reaffirm the Scenic Highway Element of the City's General Plan which designates the Silver Strand and San Diego-Coronado Bay Bridge portions of State Highway 75 as a Scenic Highway, and the Scenic Highway Modifying Chapter of the City's Zoning Ordinance which regulates land use adjoining Scenic Highways.
 - b.) Consider and protect as a resource of public importance the scenic and visual qualities of the community.
 - c.) Request and encourage that permitted development be sited and designed to safeguard existing public views to and along the ocean and bay shores of Coronado, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.
 - d.) Three locations in Coronado are scenic Coastal Areas of statewide interest. These areas are the designated scenic highway portions of State Highway 75, Glorietta Bay, and the Hotel Del Coronado.
 - e.) State Highway 75 transverses Coronado from Imperial Beach to the San Diego-Coronado Bay Bridge. The highway has two "scenic" portions. One scenic section transverses the Silver Strand from Imperial Beach to Pomona Avenue at the Hotel Del Coronado. This section provides excellent views of beaches, salt marsh, salt ponds, fresh water vernal ponds, San Diego Bay, the Pacific Ocean, Point Loma, Glorietta Bay, the Hotel Del Coronado, and the birds and other wildlife that inhabit these locales."
6. Local Coastal Program Policy 107 Section V identifies major view corridors and describes the detailed visual analysis that were performed by six different agencies or consultants including a study by the Division of Highways of the California State Department of Public Works for the then proposed designation of the Silver Strand as a "Scenic Highway". Three different figures or maps depict the findings of the State Highway's, VTN Consultant Group, and the Comprehensive Planning Organization of the San Diego region. In all figures significant views are identified within the proposed CALTRANS PROJECT area.
7. The Scenic Highway Element of the CITY's General Plan contains the following relevant policies and goals:
 - a.) "A Scenic Highway Element controls urban development and incompatible uses that might otherwise compromise the quality of a scenic corridor provided by the natural environment."
 - b.) To "Preserve and enhance the unique visual, biological and ecological resources of the Scenic corridor.
 - c.) To Prevent and eliminate (when reasonably possible) conditions that detract from or compromise the quality of the aesthetic resources of the Scenic Highway Corridor."

8. The Scenic Highway Overlay Zone Chapter (86.44) of the Coronado Municipal Code contains the following relevant regulations:
- a.) "86.44.010... *The regulations are designed to eliminate unsightly conditions which may distract or impair the safety of highway users, to protect views from scenic highways and to retain unusual and attractive natural and man-made features within the scenic corridor;*
 - b.) 86.44.090 *"Buildings and structures shall be so designed and located on site as to create a harmonious relationship with surrounding development and the natural environment";*
 - c.) *"Buildings, fences, walls or structures and plant materials shall be constructed, installed or planted so as not to unnecessarily obstruct scenic views visible from the scenic highway, but rather to enhance such scenic views. Fences and walls shall be constructed to allow see-through wherever possible";*
 - d.) *"Potentially unsightly features shall be located so as to be inconspicuous from the scenic highway or effectively screened from view by planting and/or fences, walls or grading";*
 - e.) *"Insofar as feasible, natural topography, vegetation and scenic features of the site shall be retained and incorporated into the proposed development";*
 - f.) *"Any grading or earth moving operation in connection with the proposed developments shall be planned and executed so as to blend with the existing terrain both on and adjacent to the site, and vegetative cover shall be provided to hide scars on the land resulting from such operations."*
9. The U.S. Fish and Wildlife Service and CITY is concerned that if a typical solid concrete barrier is installed in the median it *"may indirectly impact lotus plants to the east of the barrier by inhibiting prevailing winds which in turn could be important in maintaining a microclimate for the plant species to thrive."* (letter from Gail C. Kobetich, Field Supervisor, U.S. Fish & Wildlife Service dated June 14, 1996 to Chris White, Chief, Environmental Analysis, CALTRANS) A three beam barrier (TBB) consisting of horizontal metal beam guard rails supported by wood posts would help to mitigate this concern by allowing prevailing winds to move underneath the raised TBB.
10. The U.S. Fish and Wildlife Service and CITY is concerned that *"wind transport of sand to the eastern portion of the Silver Strand is expected to be inhibited by the installation of a concrete barrier. It is expected that sand crossing from west to east is important in maintaining the dune community on the eastern side of the strand which is utilized as a nesting area for two federally listed species, the California least tern (tern) and western snowy plover (plover)"* (letter from Gail C. Kobetich, Field Supervisor, U.S. Fish & Wildlife Service dated June 14, 1996 to Chris White, Chief, Environmental Analysis, CALTRANS). The CITY is also concerned that a concrete barrier will allow sand to accumulate or build up along the western face of the barrier creating long-term maintenance concerns. A three beam barrier would mitigate both of these concerns by allowing blowing sand to continue to naturally move below the raised TBB from the west to the east.

11. According to Caltrans over the past 8 years (1988 - 1995) there has been approximately 20,000 to 25,000 Average Daily Traffic (ADT) vehicle trips per day on the Strand and during this same period there has been only 3 "cross median accidents" (defined by Caltrans as an accident where one vehicle crosses the median and strikes another vehicle). Over this 8 year period there has been a total of 58.4 million to 73 million total vehicle trips on the Silver Strand Highway and only 3 cross median accidents or 1 in 22 million vehicle trips resulted in a cross median accident.
12. The existing median width along the Strand is 22 ft. or 83% wider than the 12 ft. recommended (not required) minimum by the CALTRANS design manual for conventional highways.
13. The Silver Strand Highway has a number of signalized intersections and is therefore designated by the State legislature as a "Highway" not a "Freeway" or "Expressway" and some of the CALTRANS Traffic Manual design standards and warrants for "Freeways" are not requirements for "Highways" but are simply guides. For example section 7-02.03B of CALTRANS Traffic Manual states that for nonfreeways "...*The volume/median width and accident warrants apply to Freeways only, but they may be used as a guide for nonfreeways. A problem is created at each intersection opening in the barrier. The two ends of the barrier in this situation require special treatment. Careful consideration of the number of intersections, accident history, alignment, grade, and sight distance as well as traffic volumes and median width must be given for nonfreeway installations.*"
14. According to CALTRANS Traffic Manual section 7-02.4 which discusses the characteristics of concrete and metal thrie beam barriers and where one type is more desirable in one location than another states specifically "*The installation of median barriers shall be* (doesn't say "may be") *governed by the following : ... For medians between 20 and 36 feet wide (Strand is 22 feet) where there are special considerations such as retention of median plantings (Strand median has nuttals lotus and other native plants and sand movement), thrie beam barrier may be used in lieu of concrete barrier.*"
15. A metal with wood post median barrier, the thrie beam barrier (TBB), is preferred aesthetically, visually, ecologically, and environmentally over any style of concrete barrier in this particular location and setting for the following reasons:
 - a) TBB is more rural, coastal, or marine like in character and will blend into the natural setting of the Silver Strand better thus causing less man made disturbance to the natural scenic beauty and ecological features of this Scenic Highway corridor and coastal landscape.
 - b) TBB is open on the bottom providing less overall mass and will creates less of a negative visual image in that the median will not appear to be partitioned off in a east west condition.
 - c) In CALTRANS own words the TBB .. "*alternative is preferred because it presents less visual impact.*" and that "*TBB would have less impact than CB (concrete barrier) because of its more open nature.*" CALTRANS also states that "*per the Visual Study, CB (concrete barrier) will present a "wall-like" appearance...*" (CALTRANS draft project report and visual study dated September 25, 1995)

- d) TBB will provide for better or more views across the median since some views are possible below the barrier and in between the metal railings.
- e) TBB in the PROJECT area will match or be consistent with the existing TBB located in the median of the southerly portion of the Silver Strand Highway.
- f) TBB will allow sand, water, wind, and animals to migrate freely below the barrier as naturally occurs with no barrier.
- g) Sunlight is less restricted and more dispersed with TBB.
- h) TBB will allow for more favorable growing conditions of native plants.
- i) TBB will provide a larger area for potential landscaping within the median adjacent to the barrier since the metal barrier only has 6"x8" inch posts.
- j) "*Environmental impacts with TBB are limited to the disturbance caused by the barrier posts*" (Caltrans draft project). TBB will not require grading of the entire median and removal of all of the existing plant material within the median including the Nuttall's Lotus (a plant which is a candidate for listing as endangered by the California Department of Fish and Game) since TBB will only have 6"x8" posts as opposed to a concrete barrier which has a continuous 24 inch base on top of a 48 inch continuous footing of hard packed material.
- k) TBB having a rough, smaller area, multi-faced metal barrier would be less of an attraction for graffiti.
- l) TBB will look better over time than concrete.

16. With the objection of the CITY CALTRANS recently raised the speed limit on the Silver Strand Highway from 55 to 65 MPH. CALTRANS' study only consisted of a pure technical engineering and traffic study based on the 85th percentile speed. CITY contends that as provided for in the CALTRANS traffic manual other factors should have been taken into account including accident history and unusual conditions and therefore the speed limit should have been retained at and should return to 55 MPH.

Unusual conditions consist of: an unprotected bike path running parallel to the highway, roughly 20 feet away from vehicle traffic lanes, which is heavily used by both bicyclists and pedestrians and is unusual relative to most freeways; The Silver Strand Highway is not a "Freeway" but a "Highway" with a number of intersections, some protected with signals, some not, and parking areas along the side of the highway where vehicles that are uncontrolled or unprotected enter and leave the area, again unusual relative to most freeways; In addition, as a State designated "Scenic Highway" many visual distractions exist to vehicle operators which may reduce the safe operation of vehicles and increasing the speed limit only compounds this safety concern. These distractions include views of beaches, salt marsh, salt ponds, fresh water vernal ponds, San Diego Bay, the Pacific Ocean, Point Loma, birds and other wildlife, views of adjacent boaters, picnickers and campers within the adjoining Silver Strand State Park, and views of the adjacent recently approved ISTE A grant project which includes nature interpretative trails and signs, and pedestrian overlook sites, discovery points, and sculptures.


BE IT FURTHER RESOLVED that the City Council of the City of Coronado does hereby approve Coastal Permit CP 5-96/PC 19-96 with the following conditions:

1. That CALTRANS return the maximum speed limit on SR-75 on the Silver Strand Highway back to 55 MPH for the reasons described in the above finding no. 16; and
2. That CALTRANS widen the median by moving the south bound travel lanes within the PROJECT area a sufficient distance to the west in order to satisfy the warrants that no median barrier would be required and none is installed, OR
3. If CALTRANS desires to construct a median barrier within the PROJECT area CALTRANS shall install the "thrie beam barrier" type as per sections 7.02.4 and 7.02.6 of the CALTRANS Traffic Manual and with the horizontal metal rails being of minimum size and mass and that the vertical support posts be wood also of minimum size and mass and the overall height be as low as possible and the barrier be as transparent as possible or evaluate and install a "box beam" or "cable" barrier; and
4. Where the median is relatively flat, one double-sided thrie beam, box beam, or cable barrier shall be installed in the center of the median; where there is a significant change in grade between the north and south bound travel lanes one double-sided thrie beam, box beam, or cable barrier shall be installed within the median adjoining one side of a travel lane only, if possible, with the goal to be as few barriers as possible and said barrier to be as most open and transparent as possible; and
5. If the ends of the thrie beam, box beam, or cable barriers are exposed at openings and need protection from vehicles said barrier ends shall be turned or angled away from the on-coming traffic without the installation of crash cushions. Where this may not be possible and crash cushions are required they shall be of the "mechanical system" type, compatible in style and color to the barrier and as low in height and mass as possible, plastic drums shall be avoided; and
6. Within 6 months of the thrie beam, box beam, or cable barrier being installed CALTRANS shall install temporary irrigation and landscaping of native plantings in an ornamental fashion along both sides of the barrier for the entire length of the barrier within the PROJECT area; and
7. Within 6 months of the thrie beam, box beam, or cable barrier being installed CALTRANS shall install temporary irrigation and native ornamental flowers and shrubs within the center of the median at a minimum of five locations as described and depicted (excluding pygmy palms) in the February 7, 1987 letter from Lawrence R. Carr, Project Manager of CALTRANS to the CITY. If need be said landscaping shall be in-between two overlapping thrie beam, box beam, or cable barriers or in the center of a "split" barrier; and
8. Within 6 months of the thrie beam, box beam, or cable barrier being installed CALTRANS shall install temporary irrigation and complete the biological mitigation/habitat restoration of the Nuttall's Lotus plant at a 5:1 mitigation to impact ratio as proposed and described in the CALTRANS November 1996 "Project Report" including periodic selective weeding, and monitoring for five years to include reseeding or replanting as needed; and

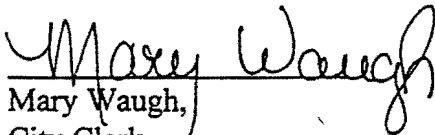
9. That CALTRANS include the CITY in the design and development stage of the PROJECT including landscape plant species selection and locations and that CITY approve the construction plans of the median barrier and landscaping; and
10. CALTRANS shall be responsible for the installation and permanent maintenance of the thrie beam, box beam, or cable barrier and all landscaping and irrigation required above; and
11. The installation and ongoing maintenance costs of the thrie beam, box beam, or cable barrier and all landscaping and irrigation installation and maintenance costs required above shall be the responsibility of CALTRANS as CALTRANS is currently providing for the landscaping on SR-163 in San Diego adjacent to Balboa Park as explained to the CITY at the City Council meeting of March 18, 1997; and
12. That CALTRANS conduct an Historic Review of the Strand Scenic Highway.

PASSED AND ADOPTED by the City Council of the City of Coronado, California, this 1st. day of April 1997 by the following vote, to wit:

AYES: Blumenthal, Ovrom, Schmidt, Smisek, and Williams
NAYS: None
ABSENT: None
ABSTAIN: None


Tom Smisek, Mayor
City Council of the City of Coronado

Attest:


Mary Waugh,
City Clerk

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