

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

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Permit Application No. 6-97-18/lro

Date June 11, 1997

ADMINISTRATIVE PERMIT

APPLICANT: California Department of Parks and Recreation

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

PROJECT LOCATION: Entrance to Tamarack parking lot at Carlsbad State Beach, 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: July 10, 1997
9:00 a.m., ThursdayLOCATION: Holiday Inn - Ventura
450 East Harbor Blvd.
Ventura, 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 Laurinda 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 two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. 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 project at the same location on 3/17/94, however, 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.

By way of history regarding Commission action on mechanical fee collection devices, the Commission also approved 16 fee collection devices (XS-91-1 through 16) 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 proposed 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.

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.

Regarding the subject device, 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. The Department has indicated that after repetitious monitoring requirements, there has never been any identified impacts to public access and the devices have never been installed. For this reason the Department is seeking permission for a longer duration of the permit so that they do not need to continue to re-apply to the Commission for the proposed development every three years as well as relief from having to conduct a monitoring program once the permit has been obtained. The Department has indicated that for the time being, the City will continue to reimburse the Department, but only after a coastal development permit has first been obtained.

Therefore, in order to address the Department's concern at this time, the Executive Director is requiring a revision to the previously approved monitoring condition such that monitoring will only be required upon actual installation of the mechanical fee collection device. Also, the fee collection device shall be authorized to remain for three years commencing with the actual date of installation. In this fashion, the permit will be subject to the two year expiration date provided for in the Commission's standard conditions, but the monitoring requirement and period of authorization will only be triggered if and when the device is actually installed.

If the device is installed in the future, the Department will be required to comply with the monitoring condition that was previously required in order to ensure that there are no adverse impacts to public access as a result of implementation of the device. As noted in previous staff reports for the devices, such potential impacts may include the creation of new unauthorized trails by persons trying to avoid paying the parking fee, traffic conflicts or significant complaints about the fee device. Three annual monitoring reports will be required. It should also be noted for the permit record that even though the Department has never identified any adverse impacts associated with installation of the fee devices statewide at other locations, this does not necessarily mean that there will not be any impacts at the subject location. Each location must be reviewed on a case-by-case basis because the nature of use varies greatly from locale to locale. Also, even if no impacts have yet to be identified at the subject location there is always the potential that this situation will change in the future as a result of demographic changes.

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. In-Lieu Fee. The fee collection device will be installed only used if the City fails to execute an agreement reimbursing the Department for lost revenues.
2. Three Year Authorization. The Department shall notify the Executive Director in writing within five days after installation of the mechanical fee collection device. This device shall be authorized to remain for three years from the date that the mechanical fee collection device is installed. At the end of the three year time period, the device shall be removed unless the permittee has obtained an amendment.
3. Monitoring Program. Following installation of the mechanical fee collection device, the Department shall monitor impacts of the installation of the device to determine whether the device adversely impacts coastal resources. Monitored impacts shall include traffic conflicts and/or the establishment of unauthorized trails in order to avoid paying the parking fee. Monitoring shall also include collection 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. At the end of each year that the device is installed, the Department shall submit a report to the Executive Director describing the results of the monitoring. Mitigation measures shall be identified, such as installing fences and signage to prevent new trails from impacting resource areas and incorporated into any future amendment request for retention of the mechanical fee collection device.

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)