

## CALIFORNIA COASTAL COMMISSION

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## RECORD PACKET COPY

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REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-15

Applicant: City of Encinitas Engineering Services Agent: Leroy Bodas

Description: Widening of Manchester Avenue from two vehicle lanes to four vehicle lanes with striped median, two bicycle lanes, A.C. berms and drainage culvert extensions.

Site: Manchester Avenue from Via Poco to just east of Mira Costa College, Encinitas, San Diego County.

Substantive File Documents: City of Encinitas Certified Local Coastal Program (LCP); Negative Declaration for Manchester Avenue Widening Project by the City of Encinitas; CDP Nos. 6-84-203/County of San Diego & 6-84-578/MiraCosta College.

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development subject to special conditions which require that sedimentation be controlled, urban pollutants from roadway runoff be filtered, temporary erosion control measures be developed and installed and that construction staging areas be identified. In addition, a condition is proposed to address public access by requiring that the proposed bicycle lane on the south side of the roadway be separated from vehicle traffic and be designed to also accommodate pedestrian access. With these conditions, increased runoff from the widened road will be controlled and filtered so as to reduce the potential for adverse impacts to the adjacent sensitive habitat area (San Elijo Lagoon) and public access will be enhanced as safe pedestrian access is not currently available in this location.

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### PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

#### I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development 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. Standard Conditions.

See attached page.

#### III. Special Conditions.

The permit is subject to the following conditions:

1. Runoff Control. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, runoff control plans designed by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from the developed site over runoff that would occur from the existing undeveloped site, as a result of a ten-year frequency storm over a six-hour duration (10 year, 6 hour rainstorm). Runoff control shall be accomplished by the use of on-site detention/desilting basins. The runoff control plans shall also include soil or sand filtration or its equivalent sufficient to trap oils and suspended solids, preventing them from entering the riparian and wetland areas of San Elijo Lagoon. The necessary desiltation basins/filtration devices shall be placed on the north side of Manchester Avenue only. The development shall be implemented consistent with the approved plans.

2. Erosion Control. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final grading and erosion control plans which incorporate the following:

- a. All grading activity shall be prohibited between October 1st and April 1st of any year.

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

c. All areas disturbed by grading shall be stabilized in advance of the rainy season (October 1st to March 31st of each year). 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. Said plantings shall be accomplished with the use of native species compatible with the adjacent native vegetation. The species list shall be subject to Executive Director approval, prior to issuance of the permit.

The development shall be implemented consistent with the approved plans.

3. Construction Access/Staging Areas. Prior to the issuance of the coastal development permit, the applicant shall submit 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 phase of this project. The staging/storage plan shall be subject to review and written approval of the Executive Director. Construction corridors and staging areas shall be located in a manner that has the least impact on biological resources of the area, and shall be limited to existing disturbed areas and roadways. Encroachment into environmentally sensitive habitat areas shall not be permitted. The development shall be implemented consistent with the approved plans.

4. Final Plans/Pedestrian Access. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, final plans for the development that are in substantial conformance with the plans submitted with this application titled Widening of Manchester Avenue dated January 30, 1998. Said plans shall also include that portions of the proposed bicycle lane on the south side of the roadway be designed to also accommodate pedestrians and be separated from vehicle lanes through the use of an A.C. berm or other similar means. The development shall be implemented consistent with the approved plans.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/History. The proposed development involves the widening of an approximately 3/4 mile segment of Manchester Avenue from Via Poco (just east of the Interstate 5 interchange) to just east of Mira Costa College in the Cardiff community of the City of Encinitas. The roadway is proposed to be widened from two vehicle lanes to four vehicle lanes and will include a striped median, two bicycle lanes, A.C. berms and the extension of existing drainage culverts.

Manchester Avenue in the location of the proposed development is currently a two lane road. From Via Poco (near Interstate 5) to Mira Costa College, Manchester Avenue currently exists as a two lane substandard local roadway. Fronting Mira Costa College, Manchester Avenue exists as a two lane road, but has previously been improved to its ultimate width as a prime arterial. Then, from Mira Costa College east, Manchester Avenue again exists as a two lane substandard local roadway. As such, the proposed development involves widening the roadway where it is currently substandard and only restriping (and other proposed improvements) where it is currently improved to its ultimate width.

Manchester Avenue in this location runs generally in an east/west direction. Directly adjacent and south of the roadway is the San Elijo Lagoon Ecological Reserve and Regional Park. Existing uses along the north side of the roadway include an agricultural produce sales stand and dirt parking lot, open field agricultural uses, Mira Costa College and a church.

In May of 1984, the Commission approved a permit request from the County of San Diego for the realignment of Manchester Avenue (ref. CDP #6-84-203). This permit established a new alignment for Manchester Avenue, just north of the existing roadway such that no encroachments into the sensitive habitat areas of San Elijo Lagoon would occur. Subsequently, in March of 1985, the Commission approved a permit for construction of Mira Costa College along the north side of Manchester Avenue, approximately one-half mile east of Interstate 5 (ref. CDP #6-85-578). As part of this permit, the applicant was required to improve that portion of Manchester Avenue that fronts the college to its ultimate width and along its previously approved alignment (pursuant to CDP #6-84-203). Those improvements were subsequently completed.

The City of Encinitas has a certified LCP. Although the proposed development is located within the City of Encinitas' Coastal Zone, the proposed development falls within the Commission's area of original jurisdiction where coastal development permit issuing authority is not transferred to the City. As such, the standard of review for the proposed development is Chapter 3 policies of the Coastal Act, with the City's LCP used as guidance.

2. Environmentally Sensitive Habitat Areas. Section 30231 of the Coastal Act is applicable to the proposed development and states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow,

encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Section 30240 (b) of the Coastal Act is applicable and states:

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The proposed road widening project is located in the Cardiff community of the City of Encinitas and generally runs along the north side of the San Elijo Lagoon Ecological Reserve and Regional Park. San Elijo Lagoon, which is an environmentally sensitive habitat area, is managed jointly by the California Department of Fish and Game (DFG) and the San Diego County Parks and Recreation Department. The lagoon provides habitat for at least five State or Federal-listed threatened or endangered birds that include the California least tern, the light-footed clapper rail, Belding's savannah sparrow, the brown pelican and the western snowy plover. As such, the potential for adverse impacts on sensitive resources resulting from the proposed development could be significant.

While the proposed road widening project is to occur adjacent to San Elijo Lagoon, no direct impacts to the lagoon or environmentally sensitive habitat areas are proposed. The widening will occur entirely on the north side of the existing roadway, away from the lagoon. In addition, the area north of the existing road where the road is to be widened is highly disturbed and is used for agricultural purposes.

While there are no direct impacts to sensitive lagoon resources, indirect impacts associated with runoff and sedimentation could result from the proposed development. Currently, runoff from the road and surrounding undeveloped/agricultural area drains to various points and then is discharged through culverts into San Elijo Lagoon. As part of the proposed road widening project, the applicant is also proposing to extend the existing drainage culverts. In addition, the applicant is proposing to install desiltation basins at the inlets of all the extended drainage culverts which discharge into San Elijo Lagoon and to maintain the basins as necessary, during the rainy months. In this way, sedimentation from the widened road and surrounding area will be collected so as not to be discharged into the lagoon.

While the proposed development does include plans to address sedimentation for the project once constructed, because of the proximity of the development to San Elijo Lagoon and its sensitive resources, the Commission is also concerned with runoff/sedimentation during the construction phase of the project. One means to control off-site sedimentation during construction is to limit the construction period and prohibit grading activities during the months when rain and resulting sedimentation is likely to occur (October 1st to April 1st). In the case of the proposed development, the

Commission finds it appropriate to apply such a grading restriction, due to potential impacts on adjacent and downstream resources. Special Condition #2 has been proposed to state this restriction. In addition, this condition also requires that all permanent and temporary erosion controls be developed and installed prior to or concurrent with on-site grading activities and that all areas that are disturbed by grading shall be stabilized prior to the onset of the rainy season.

As required by the Commission under CDP #6-85-578, drainage from Mira Costa College is directed into several sedimentation/filtration basins before being discharged into San Elijo Lagoon. The parking lot for the college is also routinely swept to help to reduce sedimentation impacts. In addition, to address water quality concerns of the runoff from the college paved parking area related to hydrocarbons and other urban pollutants, the Commission also required that filtration basins be installed. Consistent with the concerns raised by the Commission in review of the permit for Mira Costa College, because of the potential for impacts to downstream resources from urban pollutants with the proposed widened roadway, Special Condition #1 has been proposed. This condition requires that the applicant submit final runoff control plans for the development which include the provision of on-site basins to control sedimentation and filter any urban pollutants. Commission staff has reviewed the proposed development with the Regional Water Quality Control Board staff who have stated that a permit (401 certification) is not required for the proposed development, but that the above requirement for filtration of urban pollutants should be addressed with this proposal.

Finally, the staging of construction equipment and materials necessary to complete the project raises the potential for impacts to the wetland resources of San Elijo Lagoon. For this reason, Special Condition #3 has been proposed. The condition requires the applicant to submit plans that document that areas for the staging of equipment and materials for the development will avoid the use of wetland areas or any other environmentally sensitive habitat areas.

In summary, the subject development is proposed to occur directly adjacent to an environmentally sensitive habitat area. While no direct habitat impacts are proposed or will occur, the potential for indirect impacts to sensitive habitat areas associated with polluted runoff and sedimentation from the project both during construction and after project completion could be significant. However, with the proposed conditions which address grading, timing of construction and runoff/sedimentation, the Commission finds that potential adverse impacts to adjacent and downstream sensitive resources will be reduced to the maximum extent feasible. Therefore, the Commission finds the proposed development, as conditioned, consistent with Sections 30231 and 30240 (b) of the Coastal Act.

3. Public Access. Section 30604 (c) of the Coastal Act requires that a specific access finding be made in conjunction with any development located between the first coastal

roadway and the sea. In addition, Section 30210 of the Coastal Act is applicable and states:

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.

In addition, Section 30212 of the Coastal Act is applicable and states, in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby...

Additionally, Section 30252 of the Coastal Act is applicable and states, in part:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development...

Manchester Avenue functions as an east/west coastal access route within southern Encinitas. The subject development proposes the widening of Manchester Avenue from two lanes to four lanes. The proposal also includes the provision of new bike lanes on both sides of the roadway where none currently exist. This proposal will enhance public access because at this time, portions of Manchester Avenue in this area are very narrow, with no bike lanes or shoulder provided. The narrow road and lack of shoulder and bike lanes poses a barrier to both pedestrian and bicycle access. As such the widening of the road and the provision of bike lanes will not only enhance access, but safety as well. In addition, the City has also agreed to make the proposed bicycle lane on the south side of the roadway, in the area(s) where no shoulder currently exists, a combination bicycle/pedestrian lane and provide a six-inch A.C. berm to separate the lane from vehicular traffic. Special Condition #4 has been proposed to require that the City submit final plans for the project which incorporate the combination bicycle/pedestrian lane.

While the proposed road widening project will have a positive effect on traffic on Manchester Avenue by helping to relieve traffic congestion during the a.m. and p.m. peak periods, the flow of traffic will still be constrained by the Manchester Avenue/Interstate 5

interchange which is not scheduled to be upgraded until approximately the year 2006. At that time, the widening of Manchester Avenue to its ultimate width will occur along its established future alignment. In any case, the proposed interim widening from two to four lanes will have a positive effect on traffic and thus on the public's ability to access the coast in this area. Therefore, as conditioned, the Commission finds that the proposed development is consistent with all applicable public access and recreation policies of the Coastal Act.

4. Growth Inducement. Section 30250 (a) of the Coastal Act is applicable and states, in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....

Given that the proposed development involves the widening of a major east/west coastal access route, the question arises as to whether the project will be growth inducing. In other words, is the road being widened to serve existing development or is it being proposed to accommodate new development? In this particular case, the road widening project is proposed as an interim measure to help alleviate peak hour traffic congestion and not to accommodate new development.

In addition, while growth in the area served by the roadway is anticipated to occur, any such growth occurring within the coastal zone would need to be consistent with the City's certified LCP. The impacts of buildout of the LCP have been previously analyzed and found to be consistent with Chapter 3 policies of the Coastal Act. The approved LCP Circulation Element indicates Manchester Avenue as a prime arterial to ultimate six-lane width. Therefore, the proposed road widening is to provide relief from existing traffic congestion and any growth associated with the widened roadway (within the coastal zone) would be required to conform with the certified LCP, the Commission finds that the proposed project is consistent with Section 30250 (a) of the Coastal Act.

5. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development 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 City of Encinitas received approval of its LCP by the Commission in November of 1994 and coastal development permit issuing authority was delegated to the City in May of 1995. Although the proposed development is located within the City's Coastal Zone,



the proposed development falls within the Commission's area of original jurisdiction where coastal development permit issuing authority is not transferred to the City. As such, even though the City has a fully certified LCP, the Commission will continue to review permits for development in those areas identified as original jurisdiction.

The City's LCP designates Manchester Avenue in this area as a six-lane prime arterial. The proposed project is only an interim widening of this roadway to four travel lanes at this time and will not affect the ultimate roadway alignment established by the Commission under CDP Nos. 6-84-203 and 6-84-578. In addition, the proposed project will not influence future plans or improvements to the Interstate 5/Manchester Avenue interchange. The proposed development is consistent with LCP policies which require that any right-of-way dedication or widening of this road be completed on the north side so as not to impact San Elijo Lagoon. The proposed development will have no direct impacts on environmentally sensitive habitat areas and as conditioned, the potential for indirect impacts associated with runoff/sedimentation will be reduced to the maximum extent feasible. As conditioned, the proposed development is consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds the proposed development, as conditioned, will not prejudice the ability of the City of Encinitas to continue to implement its certified LCP.

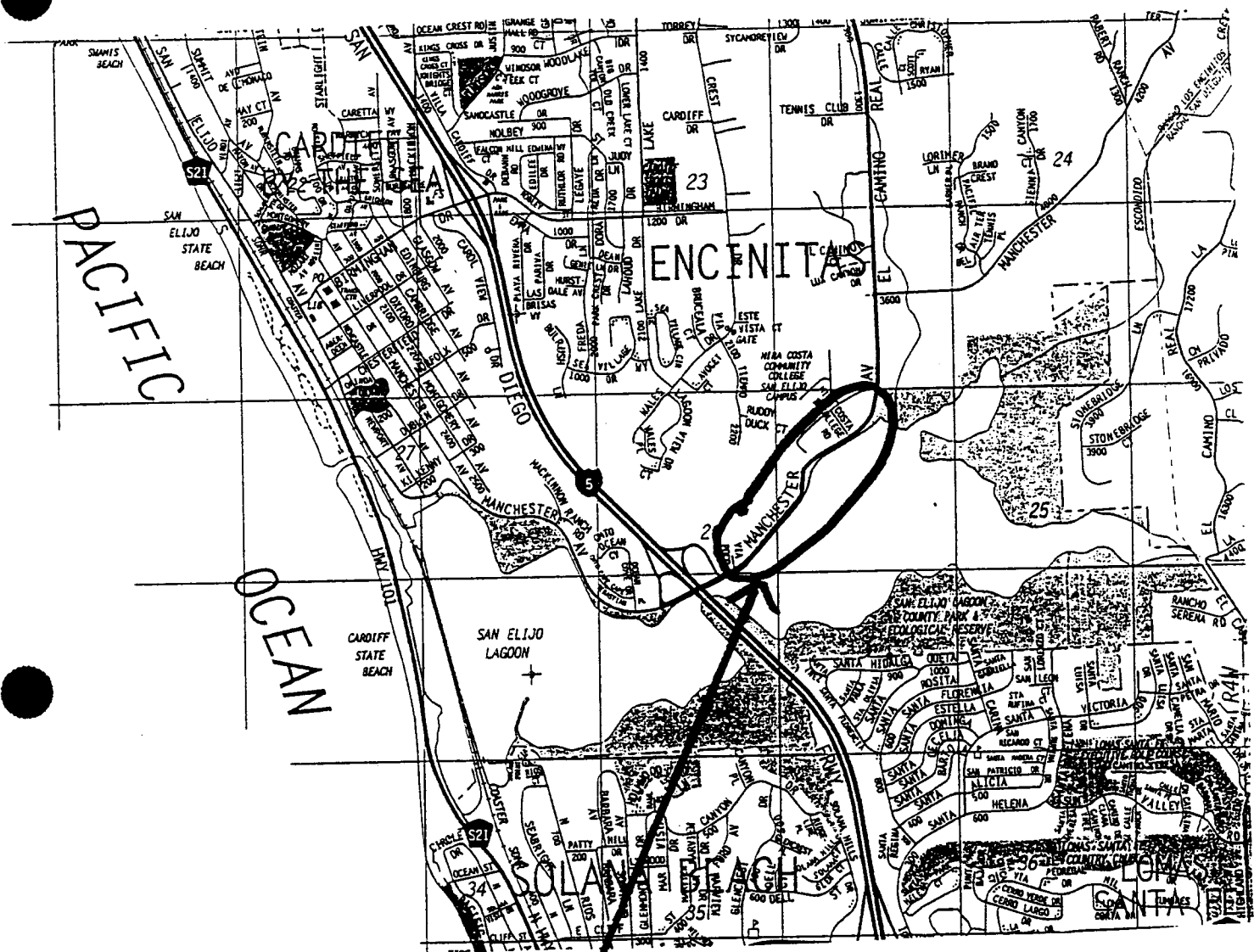
6. California Environmental Quality Act. Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

As discussed herein, the proposed project, as conditioned to provide pedestrian access along the roadway and incorporate desiltation/filtration basins to control and filter runoff from the roadway into San Elijo Lagoon, will not cause significant adverse impacts to the environment. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the proposed activity may have on the environment. Therefore, the Commission finds the proposed project, as conditioned, is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

#### STANDARD CONDITIONS:


1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. 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.



PROJECT SITE



EXHIBIT NO. 1
APPLICATION NO.
6-98-15
Location Map
 California Coastal Commission

# MANCHESTER AVENUE WIDENING

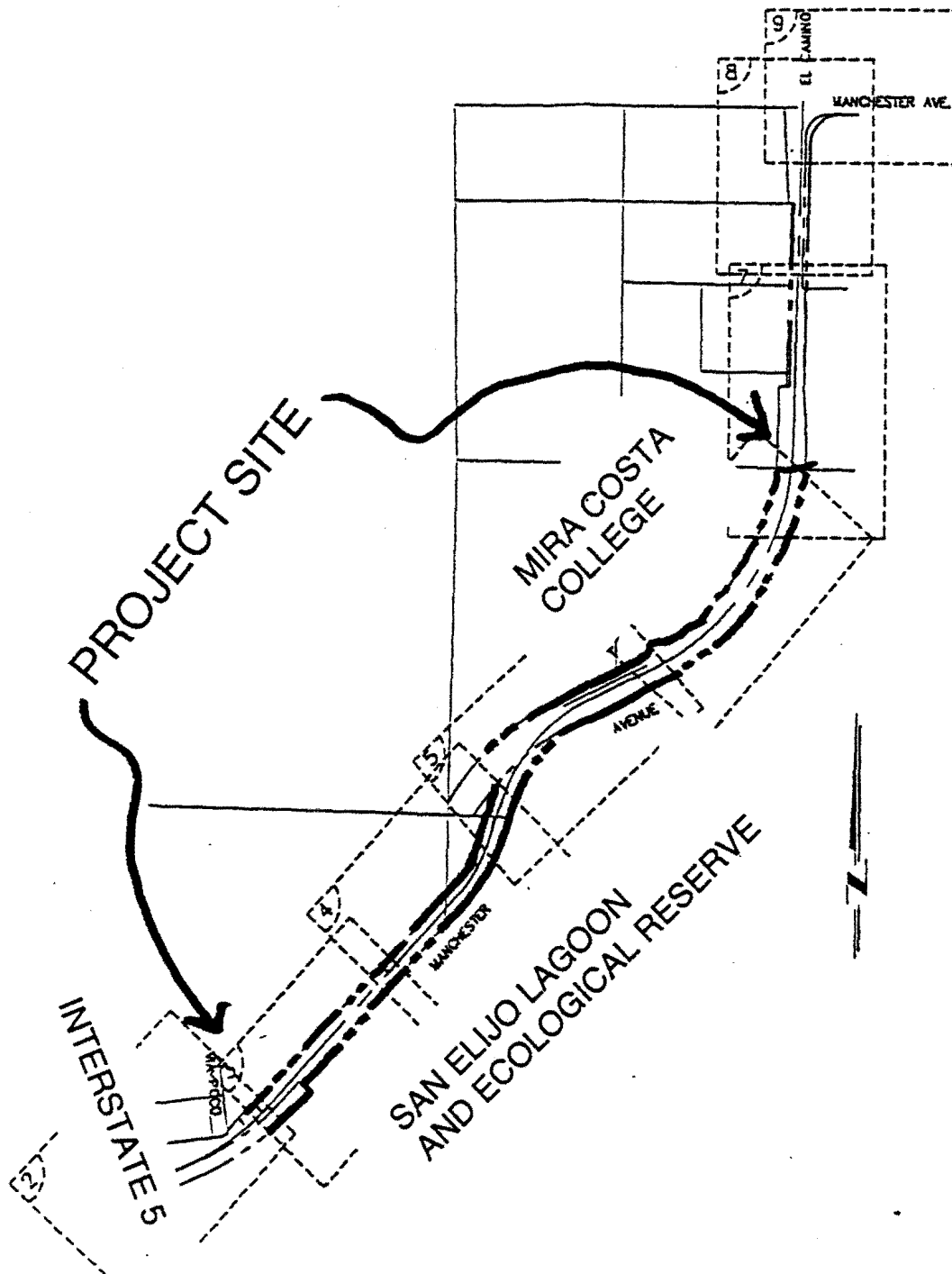


EXHIBIT NO. 2  
APPLICATION NO.  
**6-98-15**  
Site Plan