

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

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**RECORD PACKET COPY****Wed 8a**

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Staff: WNP-SD  
Staff Report: 12/10/99  
Hearing Date: 1/11-14/00

**REGULAR CALENDAR**  
**STAFF REPORT AND PRELIMINARY RECOMMENDATION**

Application No.: 6-99-32

Applicant: City of Oceanside

Agent: Bill Teas

Description: Construction of an 8-foot wide, approximately 1,600-foot long paved segment of bikeway along the southern side of the San Luis Rey River.

Site: South side of San Luis Rey River, between Coast Highway and San Diego Northern Railroad right-of-way, Oceanside, San Diego County.

Substantive File Documents: City of Oceanside Certified Local Coastal Program;  
Coastal Development Permit RC-7-98

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**STAFF NOTES:****Summary of Staff's Preliminary Recommendation:**

Staff recommends approval of the proposed development subject to special conditions, which would mitigate the project's impact at this sensitive location. Because the bike path is proposed within 100-feet of the San Luis Rey River and at one point immediately adjacent to riparian habitat, issues are raised regarding its impact on sensitive plants and animals along the river and its proposed location near the river. To resolve these issues, special conditions are recommended which require the applicant to revise the project to not improve any portion of the bikeway within 50 feet of sensitive riparian habitat that is located near the Pacific Coast Highway bridge and that a new alignment for the bike path be provided such that it does not cross under the railroad bridge adjacent to Pacific Street within an area identified as containing brackish marsh vegetation. Other conditions are proposed to install bollards or similar devices as a means to protect the brackish marsh located under and near the railroad bridge as it crosses the south side of the San Luis Rey

River; restrict development to the period of July 15 - March 15 of any year to assure no development will occur within the breeding season of the endangered avian least Bell's Vireo; require final construction and mitigation plans for the bike trail in substantial conformance with the preliminary plans; and reserve a 100-buffer upland from the river's edge as open space while allowing public access improvements within the buffer (bike trail and signage) and a fence to restrict inappropriate uses within the buffer. It is staff's understanding that the City is not in agreement with the staff recommendation.

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#### **PRELIMINARY STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

- I. **MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-99-32 pursuant to the staff recommendation.*

#### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a YES vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

#### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned, will be in conformity with the adopted local coastal program. Approval of the permit complies with the California Environmental Quality Act because there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

#### **II. Standard Conditions.**

See attached page.

#### **III. Special Conditions.**

The permit is subject to the following condition:

1. **Seasonal Construction Restrictions.** Prior to issuance of the coastal development permit, the applicant shall submit a construction schedule to the Executive Director for review and written approval. Said schedule shall include documentation that no construction activity will occur between March 15 and September 15 of any year because the resource agencies have identified sensitive avian species within the project area.

The permittee shall undertake the development in accordance with the approved construction schedule. Any proposed changes to the approved schedule shall be reported to the Executive Director. No changes to the schedule shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Final Revised Plans. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, in consultation with the California Department of Fish and Game, final construction plans for the proposed project. Said final construction plans shall be in substantial conformance with the submitted revised plans dated 5/12/99 by Transtech, but shall be revised as follows:

a. A minimum 50-foot buffer shall be maintained between the bike path and all identified riparian habitat near the eastern terminus of the project by the Pacific Street Bridge. Within 50-feet of identified riparian habitat, the bike path shall not be improved (i.e., no grading or paving shall occur). All proposed paving and improvements must terminate at least 50-feet from such identified habitat areas. In this area, minor trimming of existing vegetation may occur to allow unimpeded access on the existing dirt pathway;

b. A new alignment for the bike path is provided such that it does not cross under the railroad bridge adjacent to Pacific Street within an area identified as containing brackish marsh vegetation; the bike path shall follow the proposed alignment as it travels south parallel to the railroad tracks (Exhibit 2). Bollards or a similar barrier shall be installed adjacent to the bike path near the railroad bridge as the bridge crosses the south side of the San Luis Rey River to prevent bicycles from entering the brackish marsh area, but allow for continued pedestrian use.

c. Low, open type fencing shall be installed adjacent to the bike path, between the bike path and the San Luis Rey River.

The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Final Mitigation Plans. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final mitigation plans for impacts to disturbed coastal sage scrub habitat impacted by the proposed bike path that have first been approved by the California Department of Fish and Game and which are in substantial conformance with the preliminary mitigation plan dated January, 1999 by Dudek and Associates.

The permittee shall undertake the development in accordance with the approved mitigation plans. Any proposed changes to the approved final mitigation plans shall be reported to the Executive Director. No change to the mitigation plans shall occur without a Commission-

approved amendment to the permit unless the Executive Director determines that no such amendment is required.

4. Open Space Deed Restriction. No development, as defined in section 30106 of the Coastal Act shall occur within 100-feet of the water's edge of the south side of the San Luis Rey River as shown in Exhibit #3 except for:

- (1) removal of non-native and invasive vegetation, planting and enhancement of native vegetation as identified in the proposed mitigation plan, except as provided in Special Condition #2a above, the paved bike path in the upper half of the buffer, fencing, public access signage and bollards permitted herein

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on development in the designated open space. The deed restriction shall include legal descriptions of both the applicant's entire parcel(s) and the open space area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Staging Areas/Access Corridors. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, detailed plans incorporated into the construction bid documents for the location of access corridors to the construction sites and staging areas. Access corridors and staging areas shall be located in a manner that has the least impact on environmentally sensitive areas. If more than one staging site is utilized, the plans shall indicate which sites are connected with which portions of the overall development, and each individual site shall be removed and/or restored immediately following completion of its portion of the overall development.

The permittee shall undertake development in accordance with the approved grading and erosion control plans. Any proposed changes to the approved grading and erosion control plans or grading schedule shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Grading/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 that have been approved by the City of Oceanside. The approved plans shall incorporate the following requirements:

- a. No grading activities shall be allowed during the rainy season (the period from November 1<sup>st</sup> to March 31<sup>st</sup> of each year). All disturbed areas shall be replanted immediately following grading and prior to the beginning of the rainy season.
- b. The permittee shall submit a grading schedule to the Executive Director demonstrating compliance with the above restriction.
- c. All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities. All areas disturbed, but not completed, during the construction season, shall be stabilized in advance of the rainy season. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss during construction.

The permittee shall undertake development in accordance with the approved grading and erosion control plans. Any proposed changes to the approved grading and erosion control plans or grading schedule shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant proposes to construct a section of bike trail that would extend along the southern side of the San Luis Rey River in the City of Oceanside. The 1,600-foot long segment of bikeway is a segment of the San Luis Rey River Recreational Trail, which extends inland of the coastal zone. Within the coastal zone, the trail proceeds under Coast Highway and then west along the south side of the San Luis Rey River within existing dirt trails to the railroad tracks where it will connect with Cleveland Street and ultimately the Oceanside Transit Center.

The bike trail will be constructed of asphalt and be 8-feet wide and approximately 1,600 feet in length. The proposed construction corridor is 12-feet wide: 8 feet for the paved trail and a 2-foot shoulder on each side. Other components of the bikeway (safety fence, emergency access road) are outside the Commission's permit jurisdiction. Approximately 250 cubic yards of grading is proposed to construct the bike trail within the Commission's jurisdiction. A mitigation plan is proposed to mitigate project impacts.

The City of Oceanside has a certified LCP. However, the project is within the Commission's original jurisdiction area and thus the standard of review is Chapter 3 policies of the Coastal Act with the certified LCP used as guidance.

2. Environmentally Sensitive Habitats. Section 30231 of the Coastal Act 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.

Section 30233 of the Coastal Act states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

In addition, Section 30240 of the Coastal Act provides for the protection of sensitive habitats and parklands, and states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(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 project site is the elevated floodplain of the San Luis Rey River with elevations varying between 5 to 12 feet mean sea level. Most of the site is disturbed and the majority of the former native plant communities are no longer present. Dirt roads and trails traverse the site. Property directly to the south of the project site is vacant with a motel and mobile home park further to the south, on top of a terraced site west of Coast Highway. Residential and commercial uses are located east and west of the portion of the trail along the railroad tracks.

There are several plant communities/habitats within the project site (southern willow scrub and freshwater marsh along the margins of the San Luis Rey River, disturbed wetlands adjacent to the railroad bridge crossing of the river, open water in the river channel, disturbed coastal sage scrub habitat bordering the edges of existing dirt access roads, disturbed habitat from previous temporary road access and off-highway vehicle activity, developed habitat along the railroad easement and ornamental plantings along the southerly margins of the project area). The proposed bike path will be an average of 100 feet from the river and approximately 80-100 feet from existing residential and commercial uses to the south. At its closest point, the proposed bike path will be as close as 50 feet from the river near the easternmost section of the trail. The proposed bike path will also be located approximately 15-20 feet lower in elevation compared to improved property to the south. The biological study submitted with the application identifies that the regional significance of the biological resources in the project area is low, however the existing habitat, while highly disturbed, serves as a biological buffer between the adjacent commercial/residential development to the south and the riparian habitat to the north along the river. The existing habitat serves as a transition zone between wetland and upland habitats and may serve as a wildlife corridor for movement along the margins of the river.

According to the biological consultant who drafted the mitigation plan (Dudek and Associates), although no riparian or wetland impacts will occur as a result of the proposed development, revegetation and enhancement of 0.12 acres of disturbed southern willow

scrub and freshwater marsh habitat is proposed because these areas are near areas that are proposed for revegetation and enhancement. This work will be achieved through exotic plant removal; container plantings and seeding with appropriate seed mixes and will occur near the water's edge. Also proposed is the revegetation and enhancement of 1.33 acres of existing disturbed coastal sage scrub and disturbed habitat through removal of exotics and seeding with a CSS seed mix. This is intended to provide an overall enhancement of the currently degraded coastal sage scrub habitat and will help address the control of exotics and weeds on the area.

Another component of the proposed mitigation will be the seeding of the perimeter slopes created by the project with a transitional native seed mix, which will be compatible with the adjacent native habitats and revegetated areas. A 3-year maintenance and monitoring program is proposed to measure the progress and establishment of the revegetation/enhancement effort and to evaluate achievement of established success criteria. Special Condition #3 has been attached to require final mitigation plans for the proposed bike path in substantial conformance with those submitted with the application.

The Commission and other resource agencies have typically found that development must be setback at least 100 feet from the edge of any marsh or wetland habitat or 50-feet from riparian resources to protect the biological values of the habitat. This buffer area is important because it serves to reduce the amount of human activity on sensitive wildlife species, provides an area which can filter drainage and runoff from developed areas before it impacts wetlands and provides an upland resting area for some wetland animal species. However, in some cases, the Commission has found that nature trails/bikepaths can be located within the upper half of the required buffer without disrupting habitat values. In this case, given one exception, the alignment of the bikepath adjacent to the San Luis Rey River will vary from 50- feet to 100- feet from the edge of the river. Human intrusion by pedestrians and bicyclists currently exists in the area. The Commission finds that given the existing conditions, locating the bikepath closer than 100 feet from the river will not significantly disrupt habitat values of the San Luis Rey River. Thus, the Commission can generally accept the bikeway in the upper portion of the buffer as established from the water's edge and associated freshwater marsh located along the water's edge.

However, at one location near the eastern boundary of the coastal zone, adjacent to the Pacific Coast Highway Bridge, a stand of willows is located immediately adjacent to the proposed alignment. As proposed, the widening of the existing dirt trail to include the improved bikeway would result in impacts to willows on both sides of the existing dirt trail and not allow for any buffer area.

Section 30233 of the Coastal Act identifies the permitted uses within wetlands and provides that wetland impacts, if unavoidable, must be determined to be the least environmentally damaging alternative and adequate mitigation must be provided. The proposed bike path is not one of the permitted uses identified in Section 30233. In addition, the City has submitted an alternatives analysis.



Various alternative alignments were analyzed for constructing the bike path under the I-5 and Coast Highway Bridges along the river. The large bridge abutment, pier, and protective riprap for the I-5 Bridge and large pier for the Coast Highway Bridge are major constraints to moving the trail alignment to the south of the proposed alignment. Any alignment to the south is not feasible because it would require removal of protective riprap and significant grading into the I-5 Bridge abutment. This alignment would not provide a 100-foot buffer from wetland habitat and may require removal of some willow trees. Additionally, steep coastal bluffs and dense native habitat characterize areas further to the south of the alignment.

An alignment that follows an existing heavily traveled dirt path was chosen to avoid impacts to wetland habitat. Although the existing dirt path is adjacent to southern willow scrub habitat rendering it impossible to provide a 100-foot buffer from wetlands, no direct impacts to wetlands would occur.

As indicated above, the City finds that moving the alignment of the bikeway to the south is unfeasible given existing conditions. That is, moving the alignment would still result in impacts to sensitive riparian and upland vegetation and increased grading. The Commission concurs it is not a feasible alternative. Similarly, moving the alignment to the north would result in the bikeway being located nearer to the water's edge of the San Luis Rey River and its associated freshwater marsh vegetation. The Commission typically requires a 100-foot setback from such vegetation and it would not be possible to provide such a setback given the existing conditions. Thus, this alternative would not be feasible.

The City has indicated that it can eliminate any direct impacts to the willows by not widening the existing dirt path to the proposed 8-foot bikeway width in this area. The City indicates that although some pruning of willows would have to be done to maintain the width of the existing dirt path (approximately 6-feet wide) to accommodate the bikeway, this could be done without having to remove any willows. After visiting the site, the Commission's biologist agrees that the pruning could be done without adversely affecting riparian resources. Thus given this proposal by the City, the Commission finds that no direct impacts to coastal resources would result from the project. However, while no direct impacts would occur, no buffer from the willows would be provided.

As noted above, while the Commission has accepted reduced buffers, and has accepted public access improvements within the upper half of buffers, this project proposes a public access improvement with no buffer. While the Commission can accept that no wetland impacts would occur with the pruning of the willow trees, it can not accept that no buffer would be provided. As noted above, buffers serve to reduce the amount of human activity on sensitive wildlife species, provide an area which can filter drainage and runoff from developed areas before it impacts wetlands and provide an upland resting area for some wetland animal species. In this case, if no buffer were provided, the proposed development could result in adverse impacts to the willow trees from human activity. Also, to accept no buffer would set an adverse precedent. Thus, while the City and the Commission have found that the alignment cannot feasibly be moved, a buffer could still be provided within 50-feet of the willows if no construction of the bikeway took place at that location. The

majority of adverse impacts associated with the bikepath result from paving it, particularly in the area that is near the willows. For that reason the Commission finds that no grading or paving associated with the bikeway can occur within 50-feet of the willows. Thus, the existing dirt path in this area must be left intact within 50-feet of the willows.

Special Condition #2 requires the applicant to submit revised plans which indicate that no improvements to the existing dirt path may occur within 50-feet of the identified riparian habitat in the area of the Pacific Coast Highway Bridge. Special Condition #2 also requires that the bike path not cross under the railroad bridge adjacent to Pacific Street (western end of project) within an area identified as containing brackish marsh vegetation as previously proposed. Rather, the bike path shall follow the proposed alignment as it travels south to Cleveland Street parallel to the railroad tracks. Bollards or a similar barrier to prevent bicycles, but allow for continued pedestrian use, shall be installed adjacent to the bike path near the railroad bridge as it crosses the south side of the San Luis Rey River. This will prevent intrusion into the brackish marsh located just off-site of the project site. Only as conditioned, to provide revised plans documenting these requirements, can the Commission find the project consistent with Sections 30233 and 30240 of the Coastal Act.

However, while the Commission can accept the bike path within the upper half of the 100-foot buffer from the water's edge and 50-feet from the identified willow trees, Special Condition #4 requires that the buffer must be preserved as open space to preserve the habitat values along the river corridor that will be further enhanced by the proposed mitigation program. This buffer must be fenced between the bike path and the river to ensure human and animal intrusion will not disrupt the habitat values of the buffer.

The development of the bike path will result in impacts to 0.07 acres of disturbed coastal sage scrub (CSS), 1.31 acres of disturbed habitat (i.e., dirt roads, graded areas and other disturbed areas that lack native vegetation and are dominated by non-native weed species) and 0.19 acre of ruderal habitat. While impacts to CSS will occur as a result of the proposed development, the Department of Fish and Game (DFG) has determined the impacts to be acceptable, provided mitigation is provided. Because the CSS proposed to be impacted is highly disturbed, isolated from other such habitat and is not considered habitat for any sensitive biological species, it is not considered to be environmentally sensitive habitat and its removal, in this particular case, will not disrupt any habitat values. Thus, the proposed impacts can be found consistent with Coastal Act policies. However, the DFG will require mitigation for this impact by requiring it be replaced at a 1:1 ratio through the acquisition of mitigation credits of coastal sage scrub habitat in an approved conservation bank. Additionally, as noted above, its removal will also be mitigated on-site by the proposed revegetation and enhancement of 1.33 acres of existing disturbed coastal sage scrub.

The California Department of Fish and Game (CDFG) has determined that the project is located within a non-core area of the Multiple Habitat Conservation Programs' (MHCP) study area. Measures approved by the City to mitigate the project's biological impacts include: the avoidance and monitoring of the onsite southern willow scrub habitat that supports a Nuttall's lotus population during construction; fencing of significant biological

areas to prevent encroachment during construction of the bike trail and revegetation of the area between the completed bike trail and the river with native species. CDFG recommends the incorporation of the following mitigation measures: an appropriate construction season to avoid impacts to least Bell's vireos is from September 15 to March 15. Special Condition #1 has been attached to prohibit construction during the identified breeding period.

The project site is located mostly within the 100-year floodplain, is relatively flat and contains minor natural and manmade drainage areas that flow towards the San Luis Rey River. The trail alignment would also drain to the river. However, construction and operational impacts are minimal because of the narrow width of the bike trail and its relatively low intensity of use by non-polluting vehicles. Project plans have been submitted to the Regional Water Quality Control Board (RWQCB) who has reviewed the surface runoff. RWQCB staff has given no recommendations for any additional best management practices. In any event, the City has conditioned the project to implement material and best management practices during site grading and non-structural post-construction BMPs such as a public education program (providing signage prohibiting dumping of any kind). Additionally, the City's Erosion Control Ordinance and Storm Water Ordinance will be followed to further ensure erosion and sedimentation will be minimized so that water quality will be maintained. Special Condition #5 requires that no grading activities shall be allowed during the rainy season (the period from November 1<sup>st</sup> to March 31<sup>st</sup> of each year), that all disturbed areas shall be replanted immediately following grading and prior to the beginning of the rainy season, that a grading schedule shall be submitted and that all permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities. Thus, the Commission finds the overall water quality will not be adversely impacted by the proposed project, consistent with the above policies of the Coastal Act.

The City has required that all construction areas adjacent to sensitive habitat shall be delineated with orange plastic fencing to ensure protection during construction, and that all staging areas shall occur off-site or on an area that does not contain native plant habitats. Special Condition #6 requires that access corridors and staging areas shall be located in a manner that has the least impact on environmentally sensitive areas. If more than one staging site is utilized, the plans shall indicate which sites are connected with which portions of the overall development, and each individual site shall be removed and/or restored immediately following completion of its portion of the overall development.

In summary, no direct encroachment into wetland or riparian areas is proposed and as conditioned, adequate buffers will be provided from sensitive vegetation and reserved as open space while allowing public access improvements (bike trail and signage) and a fence to restrict inappropriate uses within the buffer, construction is limited to non-breeding periods and a mitigation plan is proposed which would mitigate project impacts. While the attached conditions will require a small portion of the path to remain unimproved to avoid direct and indirect impacts to identified riparian habitat, the intent of the project can still be met and sensitive coastal resources will be preserved. Therefore, the Commission finds the proposal, as conditioned, consistent with Sections 30231 and 30240 of the Act.

3. Public Access/Recreation. Section 30210 of the Coastal Act 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 states:

(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, or,

(3) agriculture would be adversely affected.

In addition, Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

These policies address the public's right of access to the sea and public recreational sites, and require that access considerations be given high priority in reviewing any development proposals. In addition, lower cost recreational facilities should be encouraged and provided. The proposed development is one segment of the San Luis Rey River Recreational Trail, which is an inland trail that goes along the riverbank and connects to a trail in the Camp Pendleton Marine Base. The City indicates that the western portion of the trail, that is the subject of this coastal permit, will provide an important non-vehicular link to coastal areas and resources for residents in the eastern portion of the City and eventually unincorporated areas of the County. The Recreational Trails Element of the City of Oceanside General Plan - Bicycle Circulation Master Plan (1996) includes this important regional trail linkage along the south side of the San Luis Rey River. The Class I trail (separated from roadways) is currently constructed from College Blvd. on the south levee of the San Luis Rey Flood Control project to I-5. From I-5, pedestrians and bicyclists are currently required to travel along the north side of SR-76 through the I-5/SR interchange area and then along Coast Highway to access beach areas. The City states this is a dangerous alternative route that is not endorsed by Caltrans or the City. The City states the western portion of the bike trail will provide a safe, off-road final access point to coastal areas. The completed bikeway will enable tourists and residents expanded recreational

opportunities and afford expanded opportunity for low cost coastal recreational activity including access and views to scenic areas. In summary, the proposed development will significantly increase public recreational opportunities in this area. Therefore, the Commission finds the proposal consistent with all public access and recreation policies of the Coastal Act.

4. 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. As conditioned, such a finding can be made for the proposed project.

The City of Oceanside has a certified LCP. However, the proposed development will occur within an area where the Commission retains permit jurisdiction. As such, Chapter 3 policies of the Coastal Act are the standard of review. The property is zoned Open Space within the certified Oceanside Local Coastal Program and the bike path is consistent with this designation. As conditioned, the development has been found consistent with all applicable Chapter 3 policies of the Coastal Act. The Commission, therefore, finds that approval of the proposed development, as conditioned, will not prejudice the ability of the City of Oceanside to continue to implement its certified Local Coastal Program.

5. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits 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 that the activity may have on the environment.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project as conditioned, has been found consistent with the environmentally sensitive habitat and public access and recreation policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project 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.



City of Oceanside, San Luis Rey River Bike Trail

**Vicinity Map With Vegetation Map Sheet Index**

6-99-32



# ASSESSOR PARCEL MAP SAN LUIS REY RIVER TRAIL

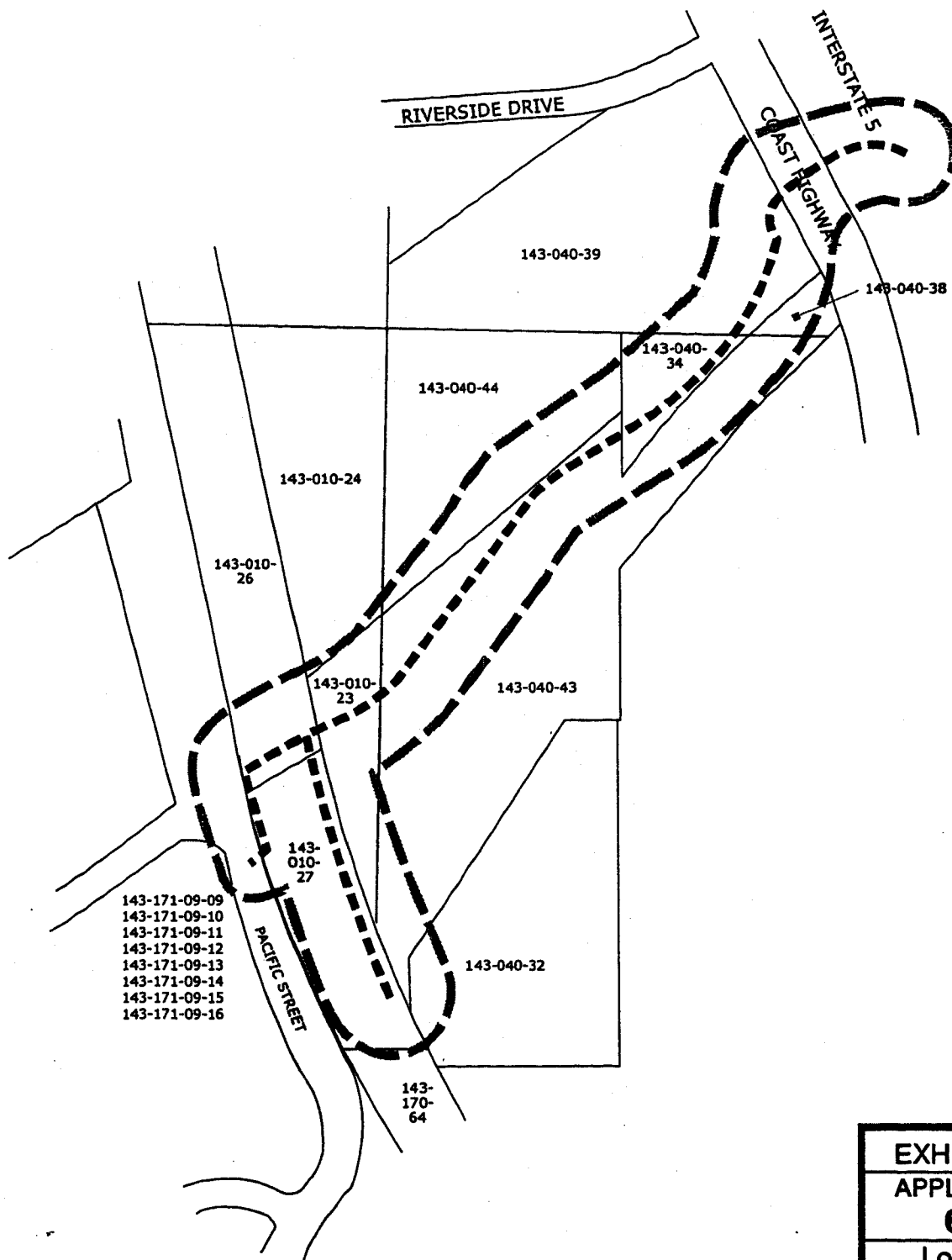


EXHIBIT NO. 1b  
APPLICATION NO.  
**6-99-32**  
Location Map



See Sheet 2

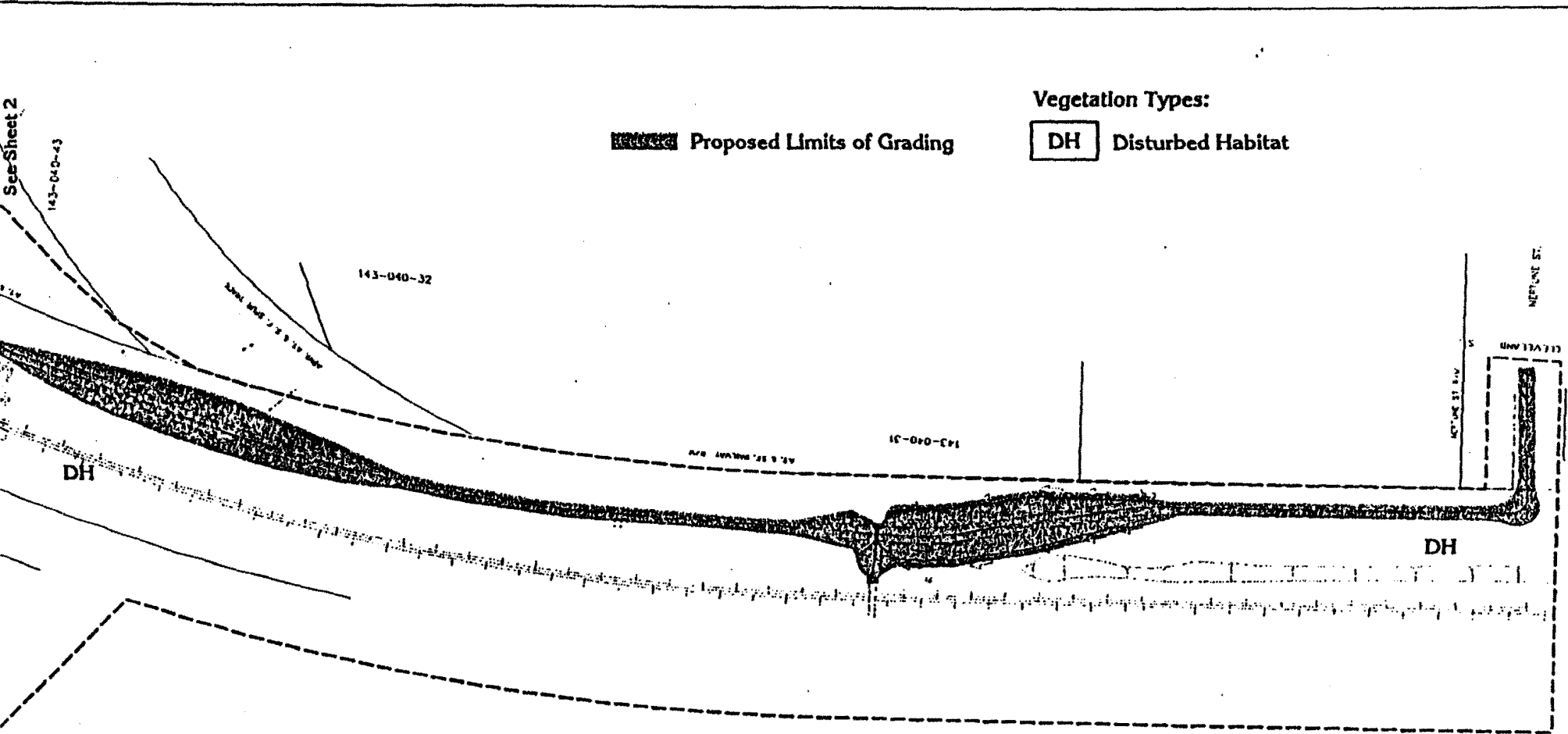


EXHIBIT NO. 2  
APPLICATION NO.  
6-99-32  
Trail Alignment  
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Aerial, Inc., February 1995 & Translack 1998 (respectively)

**Proposed Limits of Grading**

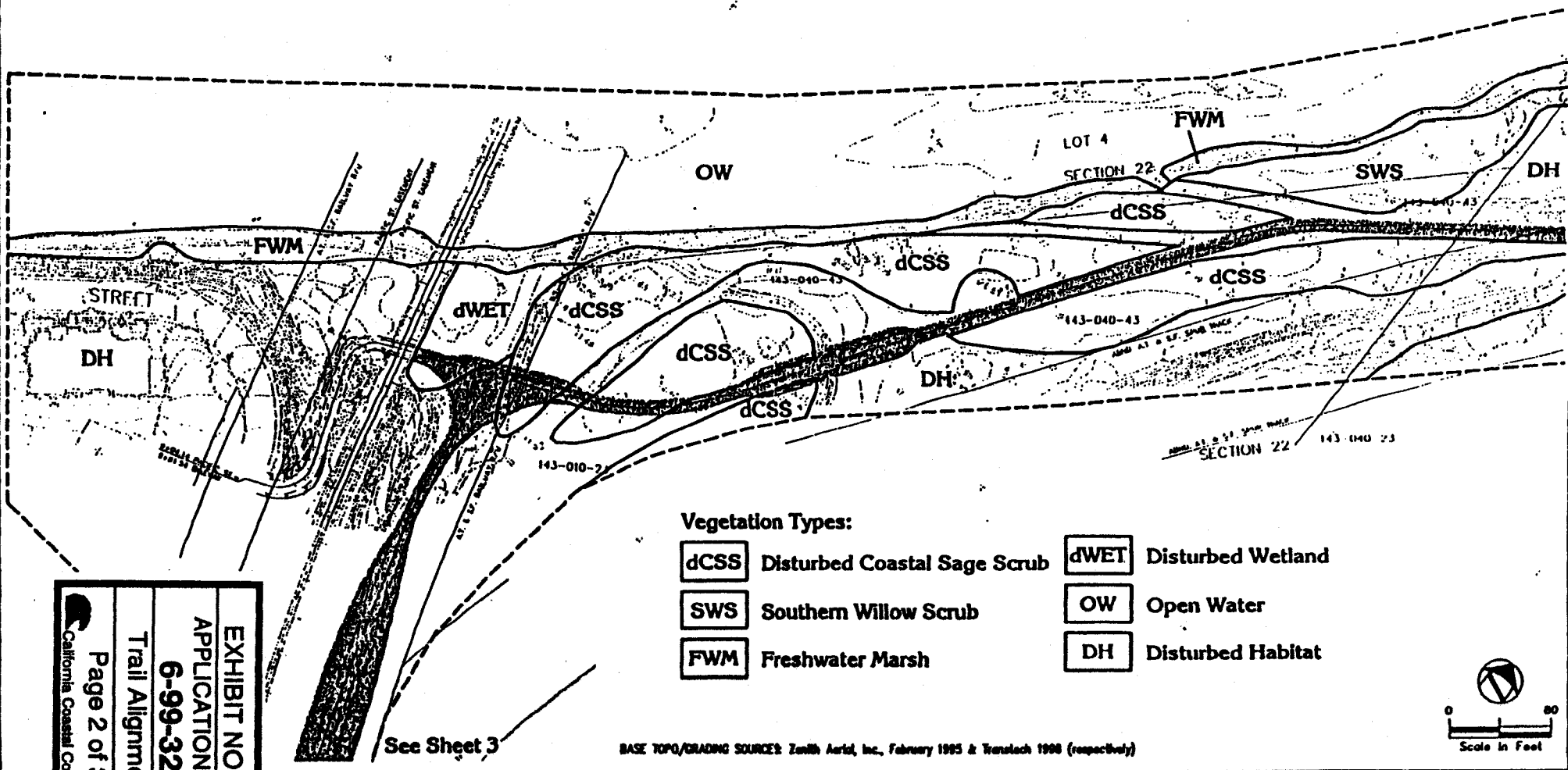
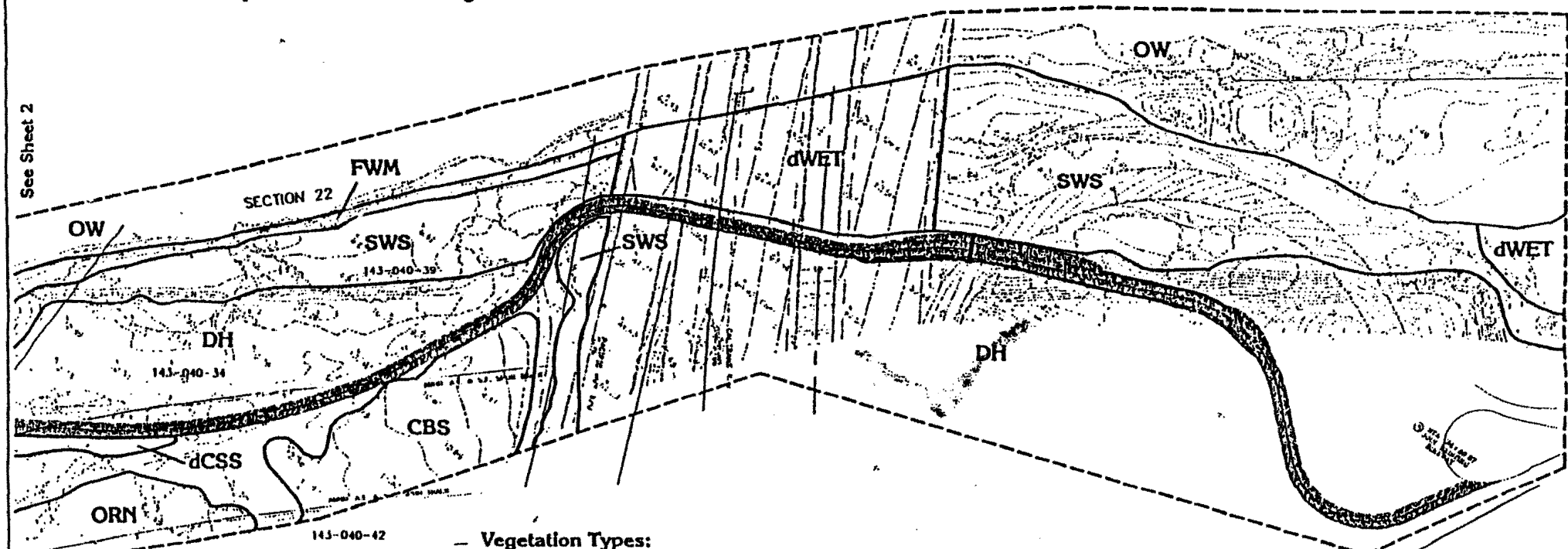


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**Proposed Limits of Grading**



**Vegetation Types:**

|             |                              |             |                     |
|-------------|------------------------------|-------------|---------------------|
| <b>dCSS</b> | Disturbed Coastal Sage Scrub | <b>dWET</b> | Disturbed Wetland   |
| <b>CBS</b>  | Coyote Brush Scrub           | <b>OW</b>   | Open Water          |
| <b>SWS</b>  | Southern Willow Scrub        | <b>ORN</b>  | Ornamental Planting |
| <b>FWM</b>  | Freshwater Marsh             | <b>DH</b>   | Disturbed Habitat   |

ard, Inc., February 1995 & Transack 1996 (respectively)

**City of Oceanside, San Luis Rey River Bike Trail - Biological Resources Report  
Vegetation Map With Proposed Limits of Grading - Sheet 1**

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