

CALIFORNIA COASTAL COMMISSION

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49th Day: November 15, 2000
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Staff: GDC-SD
Staff Report: December 14, 2000
Hearing Date: January 9-12, 2001

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-00-149

Applicant: City of Solana Beach

Agent: Neil Cole

Description: Construction of a linear park approximately 500 feet long and 20 to 30 feet wide containing a multi-use path, two bus stop shelters, benches and landscaping.

Lot Area	10,000 sq. ft.
Pavement Coverage	6,300 sq. ft. (63%)
Landscape Coverage	3,700 sq. ft. (37%)
Zoning	Right-of-Way
Plan Designation	Right-of-Way

Site: Within the North County Transit District Right-of-Way at the Northeast corner of Highway 101 and Lomas Santa Fe Drive, Solana Beach, San Diego County. (APN 298-310-02)

Substantive File Documents: Certified County of San Diego Local Coastal Program; Solana Beach Linear Park Master Plan; Draft City of Solana Beach LCP; CDP No. 6-94-207/NCTD and 6-96-27/McCleod.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed linear park with conditions requiring the use of Best Management Practices to address polluted runoff and the submission of a landscaping plan to enhance the visual quality of the site incorporating the use of drought-tolerant, non-invasive landscaping with low-flow irrigation. With the attached conditions, the proposed development can be found consistent with all applicable Chapter 3 policies of the Coastal Act.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-00-149 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and 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 policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) 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 conditions:

1. **Final Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final plans for the proposed linear park improvements. Said plans shall be in substantial conformance with the plans submitted with this application by Flores, Lund and Mobayed date stamped 9/27/00 and shall be subject to the review and written approval of the Executive Director.

The permittee shall undertake the 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 amendment unless the Executive Director determines that no additional amendment is required.

2. Final Landscape Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a detailed final landscape plan for the proposed development. Said plan shall indicate the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant native or adapted non-invasive plant materials and low-flow efficient irrigation systems shall be utilized. Any irrigation system shall be designed with drip lines where feasible, and check valves at low points to reduce excess drainage, automatic controllers, rainy weather shut off controls and if rotor heads are used, minimal head coverage overlap. The plans shall include landscaping consisting of trees and ground cover.

The permittee shall undertake development in accordance with the approved landscape plan. 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. Runoff Control Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a runoff control plan that incorporates "good housekeeping practices" and /or Best Management Practices (BMPs), designed to reduce both the volume and pollutant load of runoff from the proposed development, to the greatest extent feasible. The plan shall be subject to the following criteria and at a minimum, include the following components:

- (a) To the extent practicable, by design or performance, maintain post-development peak runoff rate and average volume at levels that are similar to pre-development levels.
- (b) Opportunities for directing runoff from the proposed multi-use path to permeable spaces for infiltration shall be utilized to the maximum extent feasible.
- (c) Runoff should be conveyed from the site in a non-erosive manner.
- (d) Animal waste bag dispensers accompanied by signage which encourages park users to dispose of animal waste in proper receptacles shall be provided, and regularly stocked. Covered trash receptacles shall be included.

The permittee shall undertake the 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.

4. Bus Shelter Signage. Signage at the proposed bus shelters shall be limited to the proposed city identification lettering of "Solana" and "Beach" as indicated on sheet 11 of the construction plans submitted by the applicant on September 27, 2000 and any bus schedule/transit related postings. No commercial or other advertising shall be permitted.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed development involves the construction of an approximately 500 foot-long, 20-30 foot-wide linear park containing a multi-use path, two bus stop shelters, benches and landscaping to be located within the west side of the North County Transit District's right-of-way which parallels Highway 101 in the City of Solana Beach. The subject site is currently vacant without vegetation. The park and path will accommodate pedestrians that currently utilize a pedestrian bridge leading from the North County Transit Center (NCTC) over the railway tracks to the subject site. The proposed park is the first phase of a city-wide linear park facility planned along the entire length of the railway right-of-way. In addition, the city-wide linear park will represent the City of Solana Beach's portion of a planned multi-jurisdictional "coastal rail trail" (multi-use pathway) project that is proposed to extend from Oceanside south to the Santa Fe Depot in the City of San Diego within railway right-of-way. The proposed development will be located on the northeast corner of Highway 101 and Lomas Santa Fe Drive, immediately west of the North County Transit Center.

Special Condition #1 has been attached which requires the submission of final plans. The submission of final plans will allow the Executive Director to review any potential minor change to the approved plans to determine if the changes are in substantial conformity with that approval.

The project site is located within an area that was previously covered by the County of San Diego's Certified Local Coastal Program (LCP). However, the County LCP was never effectively certified and therefore is used as guidance with Chapter 3 Policies of the Coastal Act used as the standard of review.

2. Transit/Parking/Public Access. Section 30252 of the Coastal Act 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, (4) providing adequate parking facilities or providing substitute means of serving the development within public transportation . . .

In addition, Section 30253 (4) of the Coastal Act requires that new development shall:

Minimize energy consumption and vehicle miles traveled.

The proposed development involves the construction of a small linear park area containing a multi-use path, benches and two bus stop shelters. The park will extend from the pedestrian railway overcrossing of the North County Transit Center south to the intersection of Highway 101 and Lomas Santa Fe Drive, a distance of about 500 feet. Highway 101 and Lomas Santa Fe Drive are both designated as a major coastal access routes within the previously certified County of San Diego LCP, which the Commission uses for guidance in review of development within Solana Beach. In addition to the pedestrian railway overcrossing, the park will connect to an existing concrete stairway that leads down to the western train platform. The site is located approximately 1½ blocks from the beach at Fletcher Cove Park which is within walking distance of the North County Transit Center and the proposed linear park. Because Fletcher Cove Park is the main accessible public beach area serving the City of Solana Beach that is close to the downtown area, it is a very popular destination point for residents and tourists alike. As such, the streets and public parking lots surrounding Fletcher Cove are heavily used for beach access. In addition, a number of the existing commercial developments along Highway 101 in this area were constructed prior to the incorporation of the City of Solana Beach and fail to meet the City's current parking standards. Since not all of the existing commercial development in the area has sufficient parking, the streets and public parking lots in this area are also used for parking for the existing commercial development.

The proposed development will occur within the North County Transit District's right-of-way adjacent to the west side of Highway 101. The railway right-of-way within the City consists of varying widths from 20 to 100 feet. In a previous Commission action, the railway right-of-way within Solana Beach has been identified as an area that could be developed to provide a reservoir of public parking for beachgoers (CDP #6-96-27/McCleod). The proposed development site, for example, is located approximately 1½ blocks from Fletcher Cove. In addition, prior to the City's adoption of the Linear Park Master Plan, Commission staff provided comments identifying that these areas within the right-of-way should be considered as potential public parking sites. However, in the case of the subject development, the 500 foot-long, approximately 20-30 foot-wide linear strip located at the intersection of Highway 101 and Lomas Santa Fe Drive does not provide an adequate or safe area to install parking. In addition, this segment of the linear park will not generate additional demands for parking. Instead the project will serve to facilitate public transit use which reduces the demand for automobile parking. As such, the park will serve as a bus transfer location for commuters of the railway and an access path for commuters wishing to visit downtown Solana Beach and the beach. However, because other areas within the railway right-of-way may contain suitable sites for beach parking, the Commission encourages the City to consider these areas as potential beach parking reservoirs in the design of any future linear park proposals.

The proposed development will provide improved access to the coast by users of public transit, serve to lessen automobile traffic and provide a nice amenity to the downtown area. No adverse impacts to public access are anticipated with this proposal, and, therefore, the Commission finds the proposed development consistent with Section 30252 and 30253 of the Coastal Act.

3. Visual Resources. Section 30251 of the Coastal Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The proposed linear park facility will be located within the railway right-of-way which is located adjacent to the east of Highway 101 and immediately north of Lomas Santa Fe Drive. Highway 101 is designated as a state scenic highway in the Solana Beach Circulation Element, and in the previously certified County of San Diego LCP, which the Commission uses for guidance in the City of Solana Beach. In addition, the City of Solana Beach's Highway 101 Corridor Specific Plan designates Lomas Santa Fe Drive as a view corridor.

The approximately 500 foot-long, 20-30 foot-wide subject site is currently vacant and unvegetated. An approximately 4 foot-high concrete safety wall lies on its east side separating the proposed park area from the below-grade railway tracks. Motorists and pedestrians currently are afforded only a view of the concrete safety wall as they pass this location. The applicants propose to install a paved multi-use path over approximately 63% of the area and landscape the remaining approximately 37% with trees and groundcover. In addition, two bus shelter/pickup areas are proposed within the park adjacent to Highway 101. The shelters will consist of two approximately 8½ foot-high unwallled, post-supported overhangs that include concrete benches. Signage above the shelters will consist of two approximately 24 inch-high stainless-steel lettered words "Solana" and "Beach". The bus shelters will be similar in design and material with features of the North County Transit Center. Therefore, the proposed structures will be visually compatible with the character of the neighboring transit center. In addition, the bus shelters will be placed in an area that does not block existing views of the coast. However, since the bus stop shelters will be located along Highway 101, a designated scenic highway, the Commission is concerned that advertising signs not be attached to the bus shelter structure which would lessen the visual compatibility of the project with the surrounding area and create a visual blight along the scenic corridor. Therefore, Special Condition #4 has been attached which prohibits commercial or other advertising from being placed on the bus shelters. In addition, landscape planting areas are proposed to be interspersed throughout the park in a manner which will serve to minimize the appearance of the bus shelters and concrete wall. Special Condition #2 has been attached which requires the applicant to submit a final landscape plan for the proposed

development which includes the use of drought tolerant native or non-invasive vegetation and low-flow irrigation. In addition to beautifying the intersection along this scenic highway, the use of drought tolerant native or non-invasive species will reduce the need for water and fertilizers and, thereby, reduce polluted run-off. As conditioned, the proposal will not result in any adverse visual impacts and will enhance the overall visual quality of the area. Therefore, the proposed project can be found to be consistent with Section 30251 of the Act.

4. Runoff/Water Quality. Section 30231 of the Coastal Act requires that:

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 30231 of the Act requires that the biological productivity of coastal waters, streams, etc., be maintained by, among other means, controlling runoff. The proposed development involves the construction of an approximately 10,000 sq. ft. linear park with approximately 6,700 sq. ft. of pavement. Since the site is currently vacant and unvegetated, the paved areas will represent a significant increase in impervious surfaces. The majority of the run-off from the proposed impervious surfaces will sheet-flow onto Highway 101 and, through storm drains, to an outlet at Fletcher Cove approximately 1 ½ blocks west of the subject site. In addition, some run-off will enter into some of the proposed landscaped areas before entering into the storm drain system. The storm drain outlet at Fletcher Cove is designed to provide low-flow diversion into the City's sewer system. Thus, runoff from the site will be treated prior to its discharge into the ocean. However, low-flow diversion is only operational during dry weather and small storm events. When flows exceed a certain capacity, the low-flow device is "turned off".

During periods that the low-flow diversion is not in operation, runoff from the proposed development could affect water quality of coastal waters. Fertilizers and pesticides associated with the proposed landscaping of the linear park could result in polluted runoff in the form of nutrients and organic phosphates. In addition, the use of the park by people walking their dogs raises concern with dog fecal matter entering into the storm drain system leading to the ocean. If not controlled or properly managed, these forms of polluted runoff can harm marine life and may pose a risk to public health, which can result in beach closures. Special Condition #2 includes source control measures, which when implemented shall serve to reduce the potential for the development to be a source of pollutants, and reduce the potential for nuisance runoff which can convey pollutants to the storm drain system. Special Condition #2 requires vegetation selected for landscaping to be native drought-tolerant species or adapted non-invasive material. The use of drought-tolerant vegetation greatly reduces the need for intensive irrigation, which

in turn reduces the potential for excessive irrigation to result in nuisance runoff from the site. Additionally, any irrigation system utilized is required to be efficient technologically, which will serve to prevent excess irrigation and resulting nuisance runoff from occurring. Further, native or adapted plants are well suited to regional conditions, and therefore do not have to be sustained with heavy fertilizer or pesticide applications. Minimizing the need for topical agents such as fertilizer and pesticides should reduce or eliminate their application, thereby minimizing pollutants susceptible to stormwater and nuisance runoff from the site. Additionally, Special Condition #3 has been attached which requires the applicant to implement a drainage and runoff control plan that incorporates the use of BMP's such as vegetation to filter stormwater runoff to the maximum extent feasible and an animal waste control program that incorporates the use of animal waste bag dispensers and trash receptacles.

The proposed development represents a small segment of planned city-wide linear park facility within the railway right-of-way. As such, the potential adverse impacts to water quality associated with the proposed development are probably similar to those that would occur in future extensions of the linear park. Therefore, the City is encouraged to incorporate the use of congruent low-maintenance landscaping and similar BMP's in the design of any future linear park extension.

With implementation of low-maintenance landscaping and BMP's, as conditioned, the potential water quality impacts resulting from the proposed development will be reduced to the maximum extent feasible. Therefore, as conditioned, the Commission finds the proposed development consistent with Section 30231 of the Coastal Act.

5. Local Coastal Planning. Section 30604 (a) 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 project site was designated for public/semi-public uses in the previously certified County of San Diego Local Coastal Program, and is zoned and designated for right-of-way uses in the City of Solana Beach. The project site is located adjacent to Highway 101 a designated state scenic highway in the Solana Beach Circulation Element, and in the previously certified County of San Diego LCP, which the Commission uses for guidance in the City of Solana Beach. The proposed project is consistent with these designations.

While the location and size of the proposed development site does not accommodate the onsite installation of public parking, the Commission's approval identifies that other areas within the City's railway right-of-way should be considered as potential reservoir locations for beach parking. Therefore, as conditioned, the project will not have any impacts on coastal resources and will not prejudice the ability of the City of Solana Beach to prepare a certifiable Local Coastal Program.

6. 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 which 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 water quality and visual resource protection policies of the Coastal Act. There are no feasible alternatives or additional mitigation measures available which would substantially lessen any significant adverse impact which the activity might 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

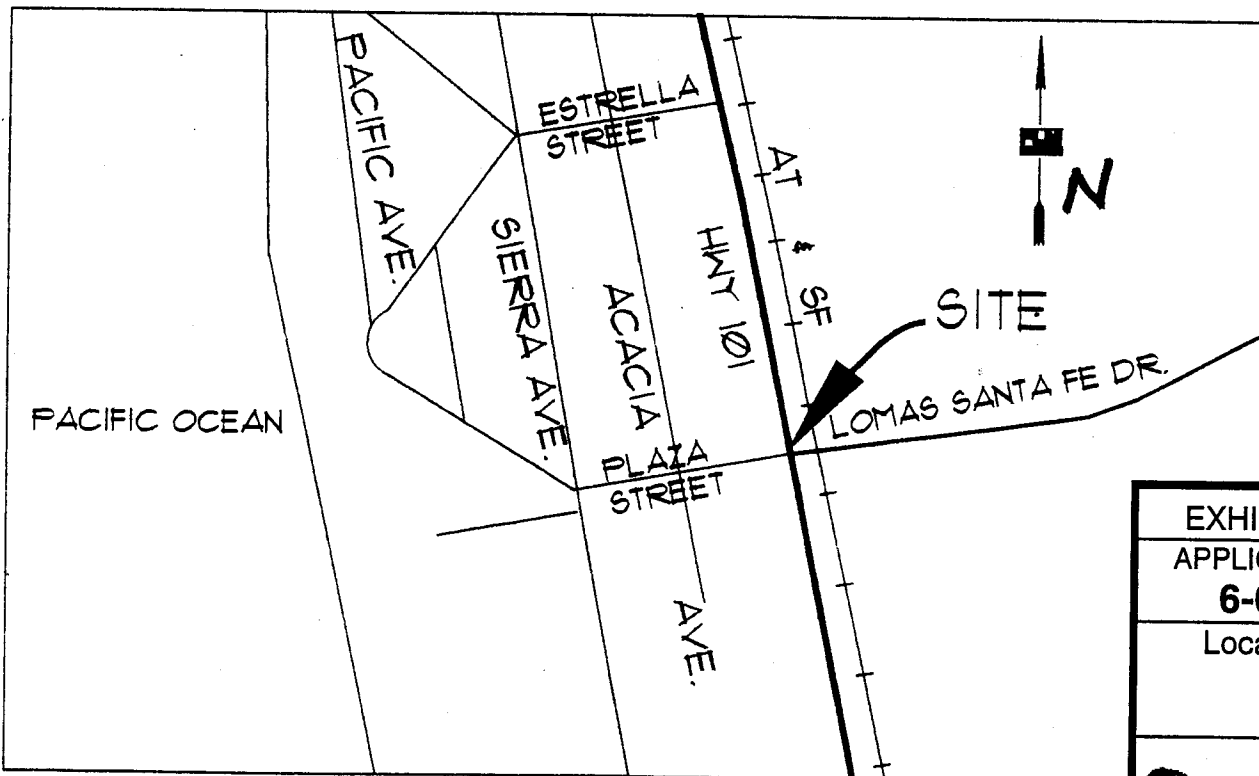
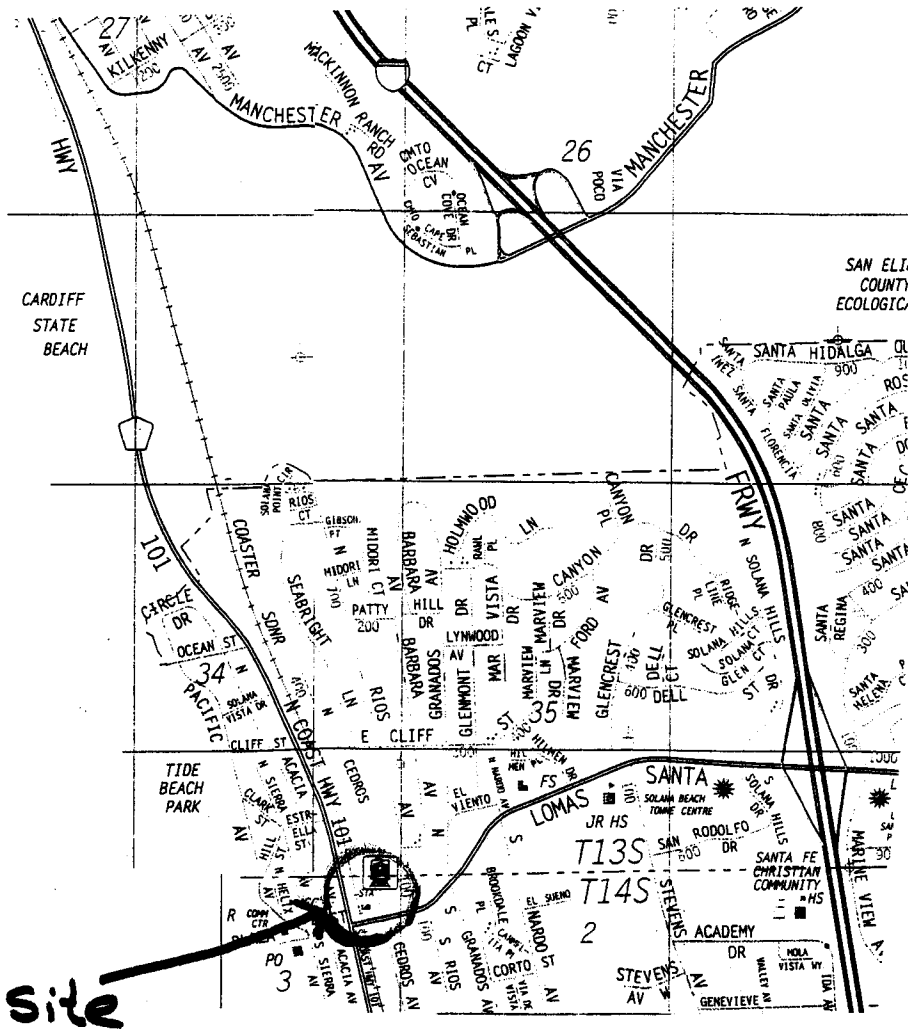

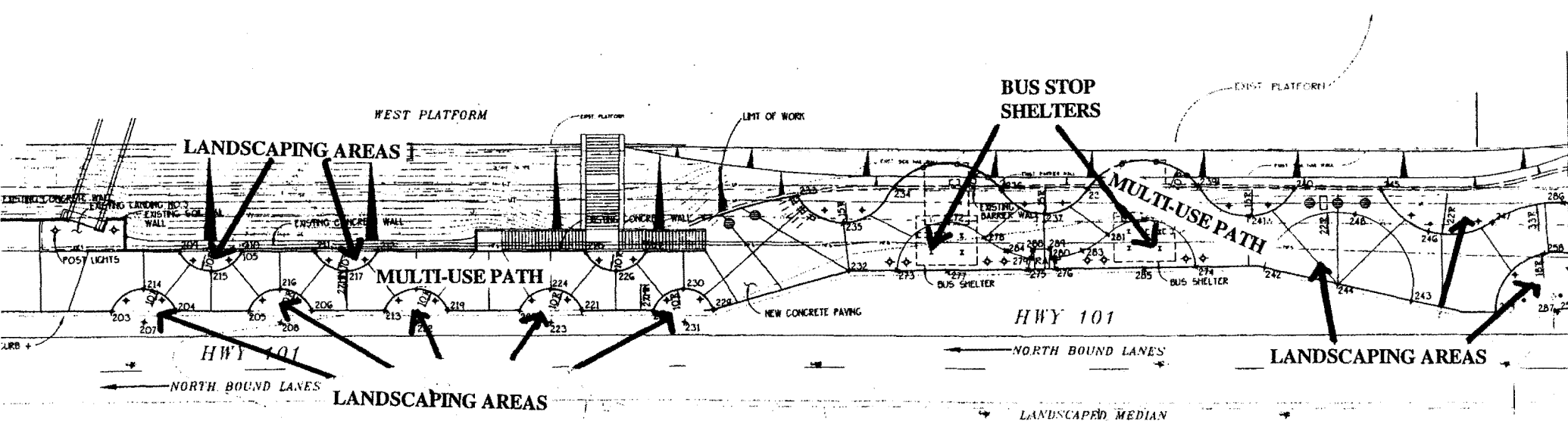



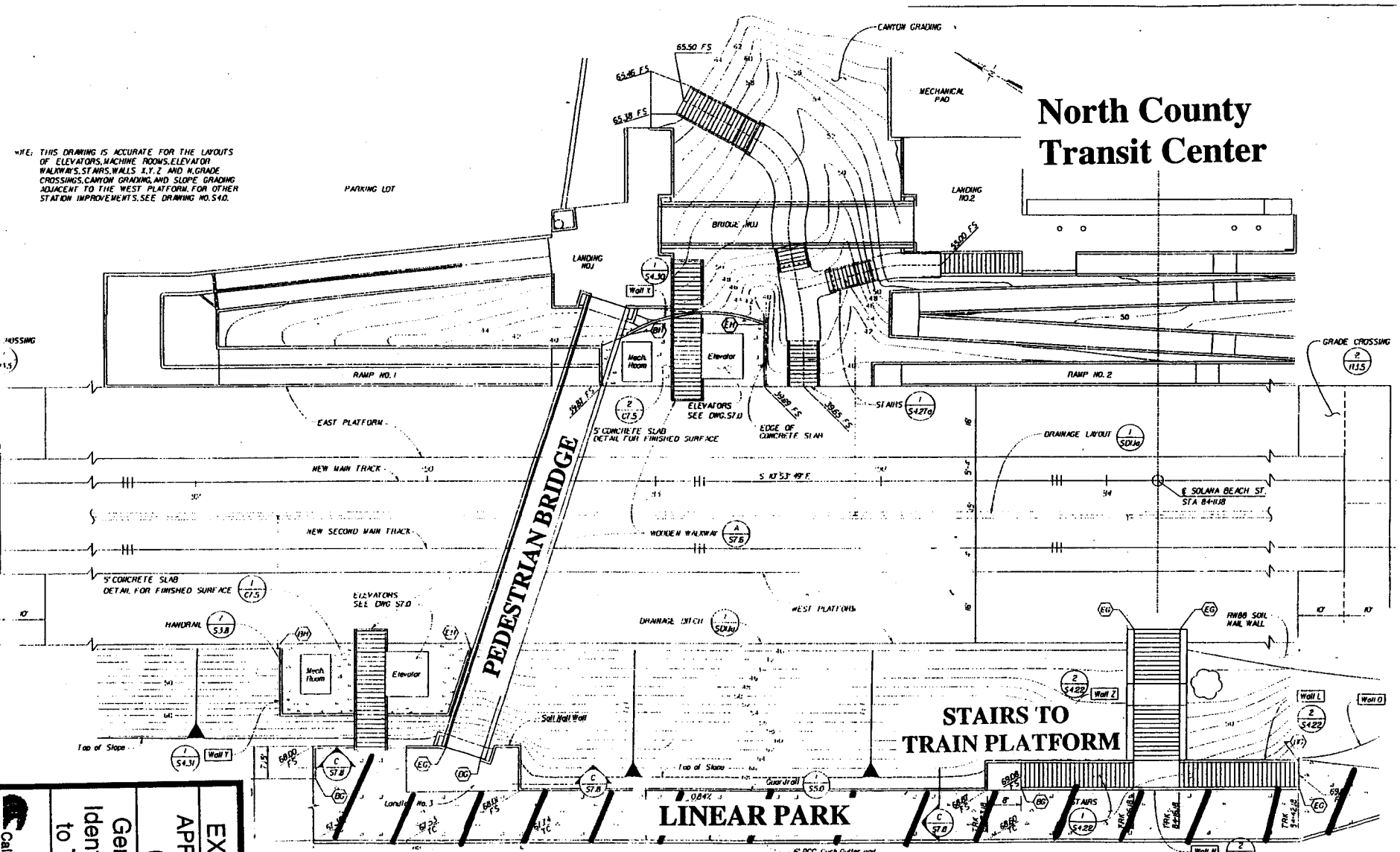
EXHIBIT NO. 1
APPLICATION NO.
6-00-149
Location Map
 California Coastal Commission



 California Coastal Commission	EXHIBIT NO. 2
	APPLICATION NO. 6-00-149
	Detailed Site Plan

NOTE: THIS DRAWING IS ACCURATE FOR THE LAYOUTS OF ELEVATORS, MACHINE ROOMS, ELEVATOR WALKWAYS, STAIRS, WALLS, X, Y, Z AND W, GRADE CROSSINGS, CANYON GRADING, AND SLOPE GRADING ADJACENT TO THE WEST PLATFORM FOR OTHER STATION IMPROVEMENTS. SEE DRAWING NO. S4.D.

North County Transit Center



Lomas Santa Fe Drive

California Coastal Commission
 General Site Plan
 Identifying Proximity
 to Transit Center
 6-00-149
 APPLICATION NO.
 EXHIBIT NO. 3

HIGHWAY 101

CHECKED BY C. SHIEH	DATE 10/16/97
BY APP.	

CITY TRANSIT DEVELOPMENT BOARD
 JIEGO COMMUTER RAIL PROJECT

CITY OF SOLANA BEACH
 Approved By City Engineer:
Charles P. [Signature] 6/21/98

HR
 HR Engineering, Inc.
 7600 Nicholson Dr., Suite 1500
 Irvine, CA 92618-1507

LOMAS SANTA FE DRIVE GRADE SEPARATION
 CITY OF SOLANA BEACH
 IFR 9802
 STRUCTURAL AND GRADING
 ELEVATOR AND STAIR ISLAND

DATE: 10/16/97
 DRAWING NO. S4.D

● All on track for Solana Beach park

Construction set to begin to beautify swath of land parallel to railway

By Carrie Dennington

SOLANA BEACH — You won't have to look much longer at the narrow swath of dirt, rocks, weeds and trash that stretches the length of town between the railroad tracks and Coast Highway 101.

Construction is scheduled to begin in two months on a \$4 million linear park that will replace the strip of orange-brown dirt and chainlink fence with paths, bushes, trees and public artwork.

The park will cater to pedestrians, joggers and bicyclists, and commuters trying to reach

bus stops and the Amtrak and Coaster rail station. It eventually will include three new pedestrian bridges over the giant trench where the railroad tracks split this coastal city in two.

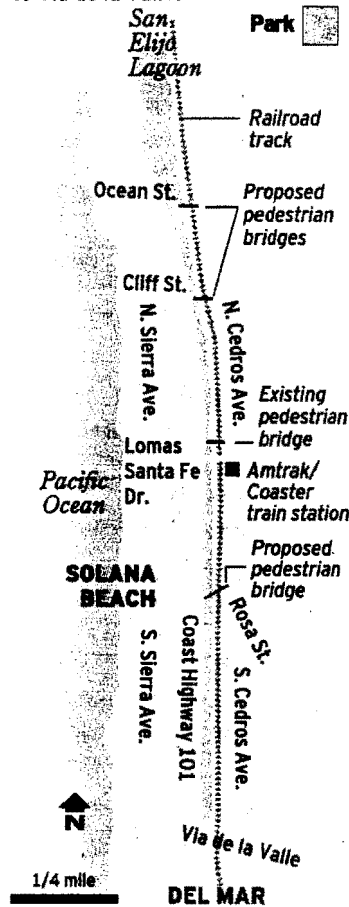
The park will be 15 to 40 feet wide except at the north end, where it may spread out to 70 feet. When completed, it will have benches, bicycle racks, trash cans, drinking fountains and picnic tables.

Phase 1, a small area from

SEE **Park, B6**

Linear park

Solana Beach will build a park running east of Highway 101 to the top of the railroad cut and south from the San Elijo Lagoon to Via de la Valle.



SOURCE: City of Solana Beach

PETE CHENARD / Union-Tribune

EXHIBIT NO. 4
APPLICATION NO. 6-00-149
San Diego Union Article from August 9, 2000
Page 1 of 2
California Coastal Commission

► PARK

CONTINUED FROM PAGE B1

Construction to start soon in Solana Beach

the current rail-station pedestrian bridge south to Lomas Santa Fe, is expected to be finished by March.

Construction on Phase 2, the bulk of the project, is scheduled to begin in March and be completed by July. It stretches from the bridge north to San Elijo Lagoon and from Lomas Santa Fe south to Via de la Valle. A pedestrian bridge from Coast Highway 101 to Cedros Avenue at Rosa Street also will be built.

Construction dates for Phase 3 — two pedestrian bridges from Coast Highway to Cedros at Cliff and Ocean streets — have not been set.

Mayor Joe Kellejian said the park will make Solana Beach a memorable place to visit. He envisions visitors shopping at stores and eating at restaurants along the west side of Coast Highway 101, crossing over to the linear park, then taking the bridges to the Cedros design district with its art galleries and shops.

"I call it our golden corridor," he said. "We are a tourist area. We have all the makings for a wonderful area people can come and visit . . . Our golden corridor is a place we can enjoy and invite others to enjoy, too."

The linear park is the first link of the proposed Coastal Rail Trail, a 44-mile, multiuse pathway along the railroad tracks that would run from the San Luis Rey River in Ocean-side south to the Santa Fe Depot in San Diego. Construction of other sections is scheduled to start in 2002 and 2003.

"Solana Beach is way ahead of us," said associate engineer Steven Jantz of Carlsbad, which is acting as lead agency for the coastal rail trail. "Good. It's important. We'll carry on from there."

Planning for Solana Beach's segment started in 1995. Funding came from many state and federal sources, including the federal Transportation Enhancement Act.

Members of the community also are chipping in.

Local artists are donating artwork to be placed throughout the park. Residents are giving trees and other landscaping. And ideas from the community may be implemented into the design.

"There's an important theme," said resident Sean MacLeod, who is on the park steering committee. "It's not just a linear park. We're trying to achieve artwork throughout. The art is the park."

A detailed sketch of Phase 1 is on view at City Hall. The project area overlooks the train station located east of the tracks and includes the entrances and pathways to the train platform and bus stops. Bidding will open next month.

Final design drawings for Phase 2 are to be shown to the public in late September or early October. Construction of the Rosa Street bridge is scheduled to begin in June.

The bridges at Cliff and Ocean streets have not been fully funded but are included in the linear park's \$4 million price tag.

Carrie Dennington is a Union-Tribune news assistant.