CALIFORNIA COASTAL COMMISSION SAN DIEGO AREA 7575 METROPOLITAN DRIVE, SUITE 103 SAN DIEGO, CA 92108-4402 (619) 767-2370



October 17, 2002

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TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO KERI AKERS, COASTAL PROGRAM ANALYST

SUBJECT: STAFF RECOMMENDATION ON CITY OF ENCINITAS MAJOR LCP AMENDMENT NO. 1-02 (Recreational Trails Master Plan) (For Commission Consideration and Possible Action at the Meeting of November 5-8, 2002)

SYNOPSIS

SUMMARY OF AMENDMENT REQUEST

The subject amendment request revises the certified LCP Land Use Plan to address the creation of a citywide Recreational Trails Master Plan (Master Plan). On August 13, 2002, the City of Encinitas' proposed Local Coastal Program (LCP) amendment #1-02 was received in the San Diego District office. The submittal was filed as complete on September 12, 2002. The amendment is going forward at the November 2002 hearing at the request of the City of Encinitas.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending denial of the proposed LCP amendment as submitted, and subsequent approval if modified.

The purpose of the amendment is to incorporate text and map changes into the certified Land Use Plan (LUP) of the LCP to address the City's recent adoption of a Recreational Trails Master Plan. The Master Plan identifies proposed trail locations, design standards, and necessary steps to establish and maintain a citywide system of recreational trails for pedestrians, bicyclists and equestrians. The resolution adopting the Recreational Trails Master Plan and associated changes to the LUP, along with the City's proposed LCP text and Figure 4 changes, is attached as Exhibit 1. The Recreational Trails Master Plan map is attached as Exhibit 2.

The text changes to the Circulation Element and the Recreation Element, and the revisions to the Recreational Facilities Plan map (Figure 4), are relatively minor in nature and do not create any inconsistencies with other sections of the LUP. The existing LUP contains provisions for beach access points, preservation of scenic landforms and views, and protection of environmentally sensitive and/or highly erodible areas, all of which shall apply when designing trails or recreational facilities in the coastal zone. However, the proposed amendment does not reflect the fact that the Recreational Facilities Master Plan has been approved by the City, does not create a direct linkage between the adopted Recreational Trails Master Plan and the certified LCP. The proposed amendment also does not incorporate proposed trail locations as approved in the Recreational Trails Master Plan map into the revised Figure 4. The City does not propose to incorporate the Recreational Facilities Master Plan itself into the LCP. In order to ensure consistency between the Master Plan and the LCP, the Master Plan map (Exhibit 2) should be incorporated into the Recreation Element, with a condition that any change to the Master Plan map affecting coastal zone property shall require an LCP amendment. Additional language should also be provided in the Circulation Element and Recreation Element to clarify the standards that will be applied to any proposed trail development in the coastal zone, and to ensure protection of coastal resources.

The appropriate resolutions and motions begin on page 3. The suggested modifications begin on page 4. The findings for denial of the Land Use Plan Amendment as submitted begin on page 7. The findings for approval of the plan, if modified, begin on page 11.

BACKGROUND

Encinitas LCP

On November 17, 1994, the Commission approved, with suggested modifications, the City of Encinitas Local Coastal Program (both land use plan and implementing ordinances). The City accepted the suggested modifications and, on May 15, 1995, began issuing coastal development permits for those areas of the City within the Coastal Zone. The subject LCPA will be the ninth amendment to the City's certified LCP.

ADDITIONAL INFORMATION

Further information on the submittal may be obtained from <u>Keri Akers</u> at the San Diego Area Office of the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402, (619) 767-2370.

PART I. OVERVIEW

A. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

B. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

I. <u>MOTION</u>: I move that the Commission certify the Land Use Plan Amendment #1-02 for the City of Encinitas certified LCP as submitted.

STAFF RECOMMENDATION OF DENIAL OF CERTIFICATION:

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the land use plan amendment as resubmitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY CERTIFICATION OF LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Land Use Plan Amendment #1-02 for the City of Encinitas certified LCP as submitted and finds for the reasons discussed below that the submitted Land Use Plan Amendment fails to meet the requirements of and does not conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

II. <u>MOTION</u>: I move that the Commission certify the Land Use Plan Amendment #1-02 for the City of Encinitas certified LCP as submitted if modified in accordance with the suggested changes set forth in the staff report.

STAFF RECOMMENDATION: CERTIFICATION IF MODIFIED AS SUGGESTED:

Staff recommends a **YES** vote on the motion. Passage of the motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

<u>RESOLUTION TO CERTIFY SUBMITTED LAND USE PLAN AMENDMENT IF</u> <u>MODIFIED AS SUGGESTED</u>:

Subject to the following modifications, the Commission hereby certifies the Land Use Plan Amendment #1-02 for the City of Encinitas certified LCP as submitted and finds for the reasons discussed herein that, if modified as suggested below, the submitted Land Use Plan Amendment will meet the requirements of and conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan if modified as suggested below complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives nave been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

PART III. SUGGESTED MODIFICATIONS

Staff recommends that the following revisions be applied to the City's proposed amendments to the Circulation Element and Recreation Element language. The changes in **bold** indicates the Commission's suggested modifications; the <u>underlined</u> sections represent language that the Commission suggests be added, and the strikeout sections represent language that the Commission suggests be deleted. Where the City's amendments are not proposed to be modified by the Commission, they are shown as <u>underline</u> and strikeout without bolding. 1. On page C-10 of the Circulation Element, incorporate the following changes to Policy 4.4:

<u>The City has adopted shall prepare a Citywide Recreational Trails Master Plan and</u> <u>to Where possible</u>, establish a separate system of hiking trails, bicycle paths and equestrian trails from which motorized vehicles shall be banned. <u>The general location</u> <u>and type of each trail is shown on the Recreational Trails Master Plan Map</u> (Recreation Element, Figure 5). Any proposed modifications or additions to the <u>Recreational Trails Master Plan or Recreational Trails Master Plan Map</u> that may affect coastal zone property shall require an LCP amendment.

2. On page C-34 of the Circulation Element, add the following language at the end of the section entitled "Alternate Modes of Transit":

Within the coastal zone, design standards for recreational trails shall, at a minimum, comply with the requirements of the Resource Management Element of the certified LUP and any applicable implementing ordinances. Proposed trail alignments within or adjacent to environmentally sensitive habitat areas shall avoid significant disruption to and be compatible with the continuance of those habitat areas. In order to avoid impacts to sensitive areas, placement of recreational trails shall be limited to the outer 15 feet of any required buffer area for wetlands, riparian areas and/or other environmentally sensitive habitat. Any trail development or activities, including clearing, grading, construction, recreational uses or maintenance inconsistent with these requirements shall require an LCP amendment.

3. On page RE-5 of the Recreation Element, incorporate the following changes to Policy 1.16:

The City has adopted shall prepare and adopt a City-wide Recreational Trails Master Plan to and establish a recreational trails system. The proposed trail system is shown on the Recreational Trails Master Plan Map (Figure 5). Future trails, in addition to those planned for in the Recreational Trails Master Plan, this element-may be added to the existing systems to enhance the recreational opportunities of the City. Within the coastal zone, all proposed trails and trail alignments shall be consistent with the requirements of the Multiple Habitat Conservation Program (MHCP) subarea plan for the City of Encinitas, and shall not impact the MHCP's ability to create an effective biological core and linkage area. Any proposed modifications or additions to the Recreational Trails Master Plan or the Recreational Trails Master Plan map that would affect coastal zone property shall require an LCP amendment.

4. On page RE-20, incorporate the following changes to the section entitled "Development of a Trail System":

A number of policies included in both this element and the <u>Circulation Element Resource</u> Management Element are concerned with the development of a City-wide system of

hiking, biking, and equestrian trails in the City. While P precise development standards for the various types of trails are difficult to establish, since trail width and gradient will depend on topography, surface features, and availability of an easement, the preparation of a The Recreational Trails Master Plan will provide the planning guidance for the development of a City-wide recreational trails system. The Recreational Trails Master Plan addresses hiking, biking and equestrian trails and includes a detailed trails map (Figure 5), trail standards and an implementation and maintenance plan. For planning purposes, three categories of trails are considered in this General Plan:

Equestrian/Hiking Trail: This category of trail is to be used for horseback riding, hiking and jogging. No facilities are provided and the trail will be a minimally improved dirt path. The approximate width of the trail will be ten (10) feet. A sample cross section of this category of trail is provided in Figure 3.

Hiking/Bike Trail: This category of trail is used by bicycles and hikers. The bikeway should consist of an asphalt or concrete path. The hiking trail will be located adjacent to the bikeway and will be a minimally improved dirt path. Small rest stops may be located at strategic intervals along the trail. Figure 3 also includes a cross section of this category of trail.

Joint Use Trail: This category of trail may be used by equestrians, bicyclists and hikers. The bikeway and hiking trail will be developed in a similar fashion to that fond in the hiking/bike trail. The equestrian trail is separated from the hiking and bicycle trail by a planting and/or fence. A sample cross section of this type of facility is included in Figure 3.

Figure 4 provides a generalized trail system as part of the Recreational Facilities Plan. This sytem can incorporate the categories of trails described above to improve recreation oriented circulation throughout the City. The system is subject to further refinement as the City initiates public projects aimed at acquisition and improvement of specific segments of the trail system, or as individual private development projects are approved which can contribute trail easements and improvements to their portions of the system.

Within the coastal zone, design standards for recreational trails shall, at a minimum, comply with the requirements of the Resource Management Element of the certified LUP and any applicable implementing ordinances. Proposed trail alignments within or adjacent to environmentally sensitive habitat areas shall avoid significant disruption, and be compatible with the continuance, of those habitat areas. In order to avoid impacts to sensitive areas, placement of recreational trails shall be limited to the outer 15 feet of any required buffer area for wetlands, riparian areas and/or other environmentally sensitive habitat. Additionally, all proposed trails and trail alignments within the coastal zone shall be consistent with the requirements of the Multiple Habitat Conservation Program (MHCP) subarea plan for the City of Encinitas, and shall not impact the MHCP's ability to create an effective biological core and linkage area. Any trail development or activities, including clearing, grading, construction, recreational uses or maintenance inconsistent with these requirements shall require an LCP amendment.

5. On page RE-24, insert the following language after the first paragraph of the section entitled "General Plan Policies and Future Recreation Facilities":

Within the coastal zone, design standards for recreational facilities, including but not limited to parks and trails, shall at a minimum, comply with the requirements of the Resource Management Element of the certified LUP and any applicable implementing ordinances. Any recreational facility development or activities, including clearing, grading, construction, recreational uses or maintenance inconsistent with these requirements shall require an LCP amendment.

6. The approved Recreational Trails Master Plan map (Exhibit 2), adopted by the City Council on April 6, 2002, shall be incorporated into the Recreation Element as Figure 5, to support the proposed new Figure 4 (Recreational Facilities Plan) and provide additional detail on recreational trail uses proposed in the coastal zone.

PART IV. <u>FINDINGS FOR DENIAL OF CERTIFICATION OF THE</u> <u>CITY OF ENCINITAS LCP LAND USE PLAN AMENDMENT #1-02,</u> <u>AS SUBMITTED</u>

A. <u>AMENDMENT DESCRIPTION</u>

The purpose of the amendment is to incorporate text and map changes into the certified Land Use Plan (LUP) of the LCP to address the City's recent adoption of a Recreational Trails Master Plan. The Master Plan identifies proposed trail locations, design standards, and necessary steps to establish and maintain a citywide system of recreational trails for pedestrians, bicyclists and equestrians. The proposed text changes to the Circulation Element and Recreation Element refer to the adopted Master Plan, and update language in those elements that required the City to plan for a system of recreational trails. Revised Figure 4 shows updated information on future recreational facilities within the City.

B. <u>CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT</u>

The Commission finds, pursuant to Section 30512.2(b) of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, are not in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.

b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights or private property owners.

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan amendment does not conform with Chapter 3 of the Coastal Act to the extent necessary to accomplish the goals of the state for the coastal zone.

C. NONCONFORMITY WITH CHAPTER 3

The following Coastal Act policies, as summarized, apply to the proposed amendment:

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes 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

(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.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division. For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

(d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the

littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

Section 30240

(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.

Section 30251

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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed text changes to the Circulation Element and the Recreation Element, and the revisions to Figure 4 of the Recreation Element (Recreational Facilities Plan map), are relatively minor in nature and do not create any inconsistencies with other sections of the LUP. The existing LUP contains provisions for beach access points, preservation of scenic landforms and views, and protection of environmentally sensitive and/or highly erodible areas, all of which shall apply when designing trails or recreational facilities in the coastal zone. However, because the City does not propose to incorporate the Recreational Facilities Master Plan itself into the certified LCP, the proposed amendment does not create a direct linkage between the adopted Recreational Trails Master Plan and the LCP. It is therefore necessary to include additional language in the City's proposed text revisions to ensure that the Master Plan will be appropriately implemented within the coastal zone.

Additionally, the proposed trail locations and types, as shown on the approved Recreational Trails Master Plan map, are not incorporated onto the revised Figure 4 of the Recreation Element, and thus does not provide complete information based on the approved Master Plan. In order to ensure consistency between the Master Plan and the LCP, the LCP should include provisions that all existing requirements of the City's land use plan shall continue to apply within the coastal zone, the Recreational Trails Master Plan map (Exhibit 2), adopted by the City Council on April 6, 2002, should be incorporated into the Recreation Element of the LCP Land Use Plan as Figure 5, and future changes to the Master Plan affecting coastal zone resources would require an LCP amendment. Additional language, as described previously, should also be provided in the Circulation Element and Recreation Element to clarify the standards that will be applied to any proposed trail development in the coastal zone, and to ensure continuing protection of coastal resources. Finally, the Recreation Element and Circulation Element should reflect the fact that the Master Plan, as referenced, has already been approved and adopted by the City Council and is to be used as the standard of guidance in future recreational trail planning.

PART V. FINDINGS FOR APPROVAL OF THE CITY OF ENCINITAS LAND USE PLAN LAND USE PLAN #1-02, IF MODIFIED

A. <u>SUMMARY FINDING/CONFORMANCE WITH SECTION 30001.5 OF</u> <u>THE COASTAL ACT</u>

As suggested for modification, the amended land use plan will reflect the scope of the applicable Chapter 3 policies and ensure the protection of coastal wetlands, environmentally sensitive habitat areas, scenic areas, and natural landforms. The Commission finds, pursuant to Section 30512.2(b) of the Coastal Act, that the City of Encinitas Land Use Plan amendment, as set forth in the resolution for certification with suggested modifications, is consistent with the policies and requirements of Chapter 3 of the Coastal Act, to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act.

B. SPECIFIC FINDINGS FOR APPROVAL

As previously discussed, it is necessary to ensure that the Master Plan will comply with the existing standards of the City's certified LUP, and will protect coastal resources while providing the City's residents and visitors with recreational opportunities. The City's proposed amendments to existing language in the Recreation Element and Circulation Element fail to acknowledge that the Master Plan has been approved and adopted by the City Council, do not provide a direct linkage between the Master Plan and the LUP, and do not include a detailed map of proposed trail locations in the LUP. The City does not propose to incorporate the Residential Trails Master Plan into the certified LCP. The amendment, as proposed, is insufficient to meet Coastal Act requirements for protection of wetlands and environmentally sensitive habitat areas, scenic areas and natural landforms.

The suggested modifications are necessary because the Recreational Trails Master Plan, as a general planning document, does not provide sufficient detail on final trail locations and construction standards to ensure that environmentally sensitive habitat on coastal zone property will be protected. Although information provided in the Master Plan indicates that trail construction may be anticipated in areas that are within or adjacent to environmentally sensitive habitat, the Master Plan does not address potential impacts to such habitat. Since the Master Plan is not proposed to be incorporated into the LCP, an

enforceable linkage should be created between the Master Plan and the certified LCP by including language that addresses recreational trail development in the coastal zone, and ties potential trail development identified in the Master Plan to the existing LCP policies that ensure coastal resource protection. Additional standards are proposed to address sensitive habitat buffers and consistency with the MHCP because those issues are not addressed in the Master Plan.

If the suggested modifications are incorporated into the LUP, the Recreation Element and Circulation Element will accurately state the status of the approved Master Plan, require that activities undertaken as part of the Master Plan to be consistent with the City's certified LCP, and ensure protection of coastal resources. Additionally, the incorporation of the Recreational Facilities Master Plan map (Exhibit 2) dated November 15, 2001 into the Recreation Element as Figure 5 will provide accurate information on the proposed locations and nature of potential trails within the coastal zone. The suggested modifications also stipulate that if any changes are proposed to the Recreational Facilities Master Plan map that would affect coastal zone properties, an LUP amendment would be required. The proposed amendment, if modified, is also consistent with the general provisions and preservation goals of the San Diego County Multiple Habitat Conservation Program (MHCP), in which the City of Encinitas is a participant.

The following existing goals and policies of the City of Encinitas General Plan are part of the certified LCP, and are particularly relevant to the provision and protection of coastal resources and recreation facilities. They will continue to apply to future recreational facility and trail development within the coastal zone, along with any other applicable policies or ordinances in the certified LCP.

Recreation Element:

Policy 2.8: Encourage the maintenance of the bluffs, beach, shoreline, reefs and ocean and discourage any use that would adversely affect the beach and bluffs except a reasonable number of access public stairways, lifeguard towers, and similar public beach facilities. (Coastal Act/30211/30213)

Circulation Element:

Goal 6: The City will make every effort to provide public access and circulation to the shoreline, through private dedications, easements or other methods, and public transportation or other facilities. (Coastal Act 30211/30212/30212.5/30221)

Policy 6.1: The City will continue to defend the public's constitutionally guaranteed right of safe physical access to the shoreline. (Coastal Act 30211/30212/30214)

Policy 6.2: The City will cooperate with the State to ensure that lateral beach access is protected and enhanced to the maximum degree feasible, and will continue to formalize shoreline prescriptive rights. Irrevocable offers of dedication for lateral accessways between the mean high tide line and the base of the Coastal bluffs shall be required in

new development consistent with Section 30212 fo the California Coastal Act of 1976. (Coastal Act 30212/30214)

Policy 6.3: The City will encourage continued public vertical access by:

- Investigating and identifying all acquired access, improved and unimproved;
- Maintaining all City-owned improved access and view points and seeking to improve the unimproved access and view points within the City boundaries;
- Cooperating with the State in planning for the Cardiff and San Elijo State Beach areas and the South Carlsbad State Beach area to increase the external accessibility and usability of these beaches, as well as enhancing their visitor-serving potential; and
- Supporting continued use of the existing public sea level beach and bluffbacked beach accessways and the establishment of additional accessways, as determined appropriate to maintain adequate public access to public beaches. (Coastal Act 30211/30212/30212.5/30214/30220/30233)

Resource Management Element:

Goal 3: The City will make every effort possible to preserve significant mature trees, vegetation and wildlife habitat within the Planning Area. (Coastal Act 30240)

Goal 4: The City, with the assistance of the State, Federal and Regional Agencies, shall provide maximum visual access to coastal and and inland views through the acquisition and development of a system of coastal and inland vista points. (Coastal Act 30251)

Policy 4.4: The system of Vista Points will provide for the differing needs of automobile, bicycle, and pedestrian users, and will recognize as a recreational resource, the function of Vista Points as facilities for the passive, and occasionally remote enjoyment of the coastal and inland view. (Coastal Act 30251/30212.5/30210)

Policy 4.6: The City will maintain and enhance the scenic highway/visual corridor viewsheds. (Coastal Act 30251)

Policy 4.10: The City will develop a program to preserve views that also preserves the appropriate vegetation and removes obstacles that impact views. Trees and vegetation which are themselves part of the view quality along the public right-of-way will be retained. (Coastal Act 30251)

Policy 8.5: The City will encourage the retention of the coastal bluffs in their natural state to minimize the geologic hazard and as a scenic resource. ... (Coastal Act 30235/30240/30251/30253)

Goal 10: The City will preserve the integrity, function, productivity, and long term viability of environmentally sensitive habitats throughout the City, including kelp-beds, ocean recreational areas, coastal water, beaches, lagoons and their uplands, riparian areas,

coastal strand areas, coastal sage scrub and coastal mixed chapparal habitats. (Coastal Act 30230/30231/30240)

Policy 10.1: The City will minimize development impacts on coastal mixed chapparal and coastal sage scrub environmentally sensitive habitats by preserving within the inland bluff and hillside systems, all native vegetation on natural slopes of 25% grade and over other than manufactured slopes... (Coastal Act 30240/30250/30253)

Policy 10.5: The City will control development design on coastal mixed chapparal and coastal sage scrub environmentally sensitive habitats by including all parcels containing concentrations of these habitats within the Special Study Overlay designation. ... In addition, all new development shall be designed to be consistent with multi-species and and multi-habitat preservation goals and requirements as established in the statewide Natural Communities Conservation Planning (NCCP) Act. ...

Policy 10.6: The City shall preserve and protect wetlands within the City's planning area. ... There shall be no net loss of wetland acreage or resource value as a result of land use or development ...

Policy 13.1: The City shall plan for types and patterns of development which minimize water pollution, air pollution, fire hazard, soil erosion, silting, slide damage, flooding and severe hillside cutting and scarring. (Coastal Act 30250)

Policy 13.6: Establish and preserve wildlife corridors. (Coastal Act 30231/30240)

The approved Recreational Trails Master Plan does not propose changes to the City's existing beach access points and public vista points that are identified in the certified LCP. Within the coastal zone, the proposed trail system will access several significant resource areas, including the north shore of San Elijo Lagoon, an undeveloped area north of Manchester Avenue, and the Manchester Conservation bank lands. These areas are identified in the Multiple Habitat Conservation Program (MHCP) subarea plan for the City of Encinitas as softline and hardline planning areas within the biological core and linkage area (BCLA), and may contain environmentally sensitive habitat such as coastal sage scrub and southern maritime chapparal. The certified LCP (old Figure 4) previously showed recreational trails through these general areas, although the revised Figure 4 shows additional sub-trails within these areas and further refines the proposed alignments. As noted in the suggested modifications, the proposed trail locations and alignments located in the coastal zone must be considered conceptual in nature, since final alignments must be subject to existing LCP requirements for protection of sensitive coastal resources and the provisions of the Multiple Habitat Conservation Program (MHCP). The trails system in the coastal zone must be coordinated with the MHCP subarea plan, as provided in the suggested modifications, in order to ensure core and linkage integrity and effective protection of existing habitat within the BCLA.

In conjunction with the above-referenced goals and policies of the certified LCP, the proposed modifications will continue to provide protection for sensitive coastal resources, including native vegetation, steep slopes, environmentally sensitive habitat

areas, highly erodible areas, scenic views, and beach access, consistent with the requirements of Coastal Act Sections 30231, 30233, 30240, and 30251. Any changes to the Recreational Trails Master Plan or the Recreational Trails Master Plan Map that would affect coastal zone properties shall require an LCP amendment. The proposed amendment, as modified, will support and enhance the protective measures provided by the MHCP for sensitive resources in the coastal zone. Therefore, as modified, the amendment can be found consistent with the above-cited Coastal Act policies that address protection of coastal resources.

PART VII. <u>CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL</u> <u>QUALITY ACT (CEQA)</u>

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or the LCP amendment, does conform with CEQA provisions. The City of Encinitas has prepared and certified an EIR for the Recreational Trails Master Plan Amendment. The LCP amendment as submitted does not assure that the Master Plan will be implemented in a manner consistent with the requirements of the Coastal Act. If the amendment is modified as suggested to ensure the Master Plan is implemented in compliance with the LCP and with the additional standards specified in the suggested modifications, the amendment will not result in any adverse impacts to the environment. The Commission finds that the proposed amendment, if modified as suggested, does conform to CEQA provisions. Therefore, the Commission finds that approval of the LCP amendment will not result in any significant unmitigated adverse environmental impacts.

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RESOLUTION NO. 2002-08

MAY 2 0 2002

A RESOLUTION OF THE CITY COUNCIL COASTAL COMMISSION OF THE CITY OF ENCINITAS ADOPTING THE RECREATIONAL TRAILS MASTER PLAN, AMENDMENTS TO THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN, AND A NEGATIVE DECLARATION (CASE NO. 99-299 LCPA/GPA/EIA)

WHEREAS, the City of Encinitas General Plan supports the preparation of a Recreational Trails Master Plan and calls for the development of a City-wide system of hiking, biking, and equestrian trails; and

WHEREAS, the purpose of the Recreational Trails Master Plan is to identify the location of recreational trails throughout the City and the sphere of influence and to establish trail improvement, maintenance, and management standards; and

WHEREAS, a Legal Notice of Availability of a public review draft of the Recreational Trails Master Plan was made available and noticed for public review on December 9, 1999, and again on October 31, 2001; and

WHEREAS, the City of Encinitas completed an Environmental Initial Assessment (EIA) for the purpose of determining whether the Recreational Trails Master Plan project might have a significant effect on the environment. The EIA (SCH #1999121027) determined that the project could not have a significant effect on the environment and a Negative Declaration was prepared; and

WHEREAS, the Negative Declaration was circulated for a 30-day public review period, which ran from December 9, 1999 through January 10, 2000. Reponses to all comments received were prepared and have been included as a part of the Negative Declaration; and

WHEREAS, on March 21, 2000, the City of Encinitas Parks and Recreation Commission held a public hearing to consider the Recreational Trails Master Plan project (99-299 LCPA/GPA/EIA) and made a recommendation to the City Council to approve the Recreational Trails Master Plan project; and

WHEREAS, on April 13, 2000, and November 15, 2001, the City of Encinitas Planning Commission held public hearings on the Recreational Trails Master Plan project (99-299 LCPA/GPA/EIA) and at said hearings the Planning Commission considered the Draft Recreational Trails Master Plan, the amendments to the General Plan and Local Coastal Program Land Use Plan, the Draft Negative Declaration, public testimony, and the staff report; and

ENC 1-2002 EXHIBIT1

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WHEREAS, on November 15, 2001, the City of Encinitas Planning Commission made a recommendation to the City of Encinitas City Council to approve the Recreational Trails Master Plan project (99-299 LCPA/GPA/EIA) with modifications; and

WHEREAS, the City Council of the City of Encinitas conducted a duly noticed public hearing on the Recreational Trails Master Plan project at its February 20, 2002 regular meeting and at said meeting the City Council considered the February 2002 final draft of the Recreational Trails Master Plan, the amendments to the General Plan and Local Coastal Program Land Use Plan, the Negative Declaration, public testimony, the Planning Commission recommendation, the staff report and all attachments; and

WHEREAS, the City Council of the City of Encinitas conducted duly noticed public hearings on the Recreational Trails Master Plan project on March 18, 2002 and April 6, 2002, and at said meetings the City Council considered the February 2002 final draft of the Recreational Trails Master Plan, the amendments to the General Plan and Local Coastal Program Land Use Plan, the Negative Declaration, the Planning Commission recommendation, the staff report and all attachments; and

WHEREAS, as a result of its consideration, the City Council gave direction for preparation of a final Recreational Trails Master Plan, and corresponding amendments to said text and figures of the General Plan and Local Coastal Program Land Use Plan; and

WHEREAS, the City Council hereby approves amendments to the General Plan and Local Coastal Program Land Use Plan as indicated in Attachment "B", based on the following findings:

SEE ATTACHMENT "A"

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Encinitas as follows:

1. The City Council hereby adopts the Negative Declaration and certifies that the Negative Declaration for the Recreational Trails Master Plan project (State Clearinghouse No. 1999121027) has been considered and is in compliance with the requirements and provisions of the California Environmental Quality Act (CEQA). This document has been available to the general public, was presented to, reviewed and considered by the Planning Commission prior to its consideration and recommendation to the City Council, and was presented to, reviewed and considered by City Council prior to a decision on the proposed project. The City Council has determined that, in its independent judgment, the Negative Declaration constitutes a complete and accurate fulfillment of the requirements of CEQA, and City Guidelines pursuant thereto. The Negative Declaration is on file at the City of Encinitas, City file No. 99-299 GPA/LCPA/EIA.

- 2. Based on its consideration, the City Council hereby determines that the adoption of the Recreational Trails Master Plan, and amendments to the text and figures of the General Plan and Local Coastal Program Land Use Plan are consistent with provisions of State law, and are in the public interest.
- 3. The General Plan and Local Coastal Program Land Use Plan of the City of Encinitas are hereby amended as follows:

SEE ATTACHMENT "B"

- 4. The Community Development Director and the City Clerk are hereby directed to make all said changes to texts and figures of the General Plan and Local Coastal Program Land Use Plan; to distribute these to City officers and departments, and agencies as required by law; and to maintain documents accordingly. All documents related to these amendments including the environmental findings, notices, analyses, reports and recommendations shall be kept on file in the offices of the City of Encinitas.
- 5. That the amendments to the General Plan and Local Coastal Program Land Use Plan are intended to be carried out in a manner in full conformance with the California Coastal Act of 1976.
- 6. That the Community Development Director is hereby authorized to submit all documents related to these amendments to the Executive Director of the California Coastal Commission; and that the amendments to the General Plan and Local Coastal Program Land Use Plan, as indicated in Attachment "B" of this Resolution, are hereby approved and shall not become effective until the Local Coastal Program Amendment is approved by the California Coastal Commission.

PASSED AND ADOPTED this 6th day of April, 2002, by the following vote:

AYES: BOND, GUERIN, HOLZ, HOULIHAN, STOCKS, NAYS: NONE.

Christy Guerin, Mayor Oty of Encinitas

ATTEST: Deborah Cervone,

NONE.

NONE .

City Clerk

ABSENT:

ABSTAIN:

ATTACHMENT "A"

RESOLUTION NO. 2002-08

FINDINGS FOR APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS ADOPTING THE RECREATIONAL TRAILS MASTER PLAN, AMENDMENTS TO THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN, AND A NEGATIVE DECLARATION

(CASE NO. 99-299 GPA/LCPA/EIA)

Findings for the amendments to the General Plan and Local Coastal Program Land Use Plan:

a. That the proposed amendments are consistent with the purposes of the Encinitas General Plan and the approved Local Coastal Program Land Use Plan:

Facts: The City of Encinitas General Plan supports the preparation of a Recreational Trails Master Plan and calls for the development of a City-wide system of hiking, biking, and equestrian trails (Circulation Element policies 1.15, 3.3, 3.8, 3.11, 4.3, and 4.4; Recreation Element policies 1.16, 2.2, and 2.3). The purpose of the Recreational Trails Master Plan is to identify the location of recreational trails throughout the City and the sphere of influence and to establish trail improvement, maintenance, and management standards.

Discussion: Adoption of the Recreational Trails Master Plan is being proposed to satisfy the provisions called out by the City of Encinitas General Plan and Loca Coastal Program Land Use Plan in recognition of the desire for an integrated safe, and convenient circulation, transportation, and recreation system. The Recreational Trails Master Plan is intended to ensure proper implementation of the provisions and objectives of the Encinitas General Plan and the Local Coastal Program Land Use Plan. All relevant goals and policies set forth in the General Plan and Local Coastal Program Land Use Plan Land Use Plan have been addressed in the proposed Recreational Trails Master Plan.

Conclusion: The City Council finds that the proposed Recreational Trails Master Plan is consistent with the purposes of the Encinitas General Plan and Local Coastal Program Land Use Plan.

b. That the proposed amendments conform to the California Coastal Act of 1976.

Facts: On May 11, 1995, the California Coastal Commission effectively certified the City of Encinitas General Plan and Local Coastal Program Land Use Plan. As certified, the General Plan and Local Coastal Program Land Use Plan contain policies that support the preparation of a Recreational Trails Master Plan and call for the development of a City-wide system of hiking, biking, and equestrian trails (Circulation Element policies 1.15, 3.3, 3.8, 3.11, and 4.3; Recreation Element policies 2.2 and 2.3). In certifying the City of Encinitas Local Coastal Program, the California Coastal Commission found that it conformed to the California Coastal Act of 1976.

Discussion: The proposed amendments are minor and are consistent with the existing General Plan and Local Coastal Program Land Use Plan policies that support the preparation of a Recreational Trails Master Plan. Specifically, the proposed amendments state that "the City shall prepare and adopt a Citywide Recreational Trails Master Plan" and that "the preparation of a Recreational Trails Master Plan will provide the planning guidance for the development of a City-wide recreational trails system". Furthermore, "the Recreational Trails Master Plan shall address hiking, biking, and equestrian trails and shall include a detailed trails map, trail standards, and an implementation and maintenance plan".

Conclusion: The proposed amendments conform to the California Coastal Act of 1976.

That the proposed amendments are consistent with the public access and recreation standards of Chapter 3 of the California Coastal Act of 1976.

Facts: On May 11, 1995, the California Coastal Commission effectively certified the City of Encinitas General Plan and Local Coastal Program Land Use Plan. As certified, the General Plan and Local Coastal Program Land Use Plan contain policies that support the preparation of a Recreational Trails Master Plan and call for the development of a City-wide system of hiking, biking, and equestrian trails (Circulation Element policies 1.15, 3.3, 3.8, 3.11, and 4.3; Recreation Element policies 2.2 and 2.3). In certifying the City of Encinitas Local Coastal Program, the California Coastal Commission found that it was consistent with the public access and recreation standards of Chapter 3 of the California Coastal Act of 1976.

Discussion: The proposed amendments are minor and are consistent with the existing General Plan and Local Coastal Program Land Use Plan policies that support the preparation of a Recreational Trails Master Plan. Specifically, the proposed amendments state that "the City shall prepare and adopt a Citywide Recreational Trails Master Plan" and that "the preparation of a Recreational Trails Master Plan will provide the planning guidance for the development of a City-wide recreational trails system". Furthermore, "the Recreational Trails Master Plan shall

c.

address hiking, biking, and equestrian trails and shall include a detailed trails map, trail standards, and an implementation and maintenance plan". As drafted, the Recreational Trails Master Plan proposes 47.6 miles of new public paths, trails, and sidewalks, which will connect to the existing 33.3-mile public trail system in the City of Encinitas. Through implementation of the Recreational Trails Master Plan, public access throughout the City of Encinitas coastal zone will be greatly enhanced.

Conclusion: The proposed amendments are consistent with the public access and recreation standards of Chapter 3 of the California Coastal Act of 1976.

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ATTACHMENT "B" RESOLUTION NO. 2002-08

RECREATIONAL TRAILS MASTER PLAN

AMENDMENTS TO THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN (CASE NO. 99-299 GPA/LCPA/EIA)

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Recreational Trails Master Plan

Recommended General Plan/Local Coastal Program Land Use Plan Amendments

*Backshade indicates Local Coastal Program (LCP) Text. Text deletions are indicated with strikeout. Text additions are indicated with underline.

• <u>Circulation Element</u>

POLICY 4.4: <u>The City shall prepare and adopt a Citywide Recreational Trails Master Pla</u> and Where possible, establish a separate system of hiking trails, bicycle paths an equestrian trails from which motorized vehicles shall be banned. (backshade added)

Page C-31: In addition to the bikeway system, a planned pedestrian circulation system consisting of connecting sidewalks along circulation system streets, and a planned <u>Citywide system of</u> recreational trails described in the Recreation Element, will be linked together. The recreational trail system may also accommodate bicycles and equestrians. The installation of significant lengths of sidewalk along Circulation Element roads, as well as the improvement of substantial reaches of trail is planned. This system will promote pedestrian safety throughout the City by providing greater separation from vehicular traffic. The design of improvements for the pedestrian system will be flexible in recognition of its presence in urban and rural areas. The recreational trails, in particular will vary in their design to allow the use of existing corridors, such as the SDG&E easement and the rail corridor. As noted in this Element for street design, standards for the design and improvement of pedestrian sidewalks and parks may vary to accommodate and reflect local community character.

<u>Recreation Element</u>

POLICY 1.16: The City shall prepare and adopt a City-wide Recreational Trails Maste <u>Plan and establish a recreational trails system</u>. Future trails, in addition to those planned for in the Recreational Trails Master Plan, this element may be added to the existing systems to enhance the recreational opportunities of the City. (backshade added)

Page RE-20: Development of a Trail System

A number of policies included in both this element and the <u>Circulation Element Resource</u> Management Element are concerned with the development of a City-wide system of hiking, biking, and equestrian trails in the City. <u>While Pp</u>recise development standards for the various types of trails are difficult to establish, since trail width and gradient will depend on topography, surface features, and availability of an easement, the preparation of a Recreational Trails Master Plan will provide the planning guidance for the development of a City-wide recreational trails system. The Recreational Trails Master Plan shall address hiking, biking, and equestrian trails and shall include a detailed trails map, trail standards, and an implementation and maintenance plan. For planning purposes, three sategories of trails are considered in this General Plan; <u>Equestrian/Hiking Trail</u>: This category of trail is to be used for horseback riding, hiking and jogging. No facilities are provided and the trail will be a minimally improved dirt path. The approximate width of the trail will be ten (10) feet. A sample cross section of this category of trail is provided in Figure 3.

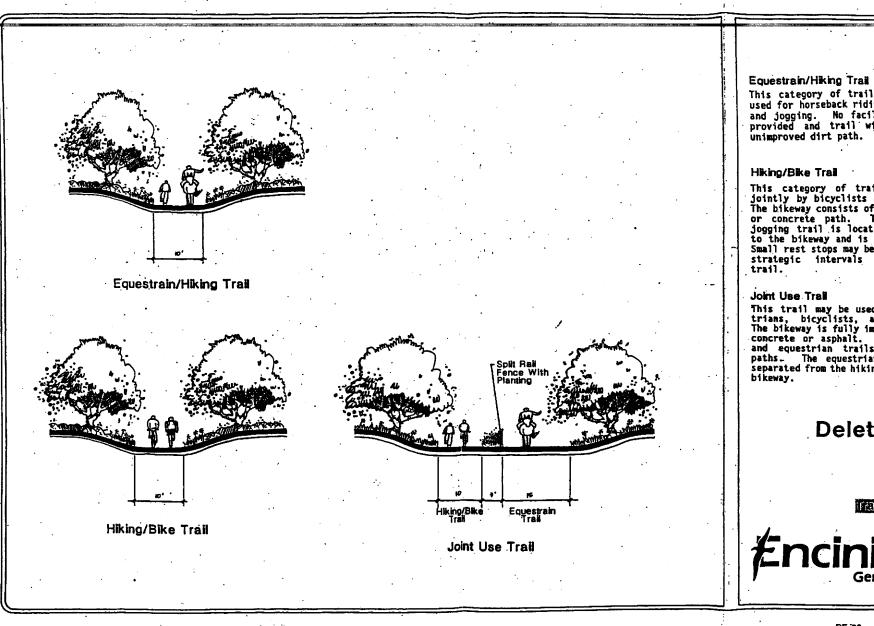
<u>Hiking/Bike Trail</u>: This category of trail is used, and hikers. The bikeway should consist of an asphalt or concrete path. The hiking trail will be located adjacent to the bikeway and will be a minimally improved dirt path. Small rest stops may be located at strategic intervals along the trail. Figure 3 also includes a cross section of this category of trail.

Joint Use Trail: This category of trail may be used by equestrians, bicyclists and hikers. The bikeway and hiking trail will be developed in a similar fashion to this found in the hiking/bike trail. The equestrian trail is separated from the hiking and bicycle trail by a planting and/or fence. A sample cross section of this type of facility is included in Figure 3.

Figure 4 provides a generalized trail system as part of the Recreation Facilities Plan. This system can incorporate the categories of trails described above to improve recreation oriented circulation throughout the City. The system is subject to further refinement as the City initiates public projects almed at acquisition and improvement of specific segments of the trail system, or as individual private development projects are approved which can contribute trail casements and improvements to their portions of the system.

Page RE-24: General Plan Policies and Future Recreation Facilities

The Land Use Element describes a land use designation that is applicable for identifying areas of the City where future parks, trails, and other recreational facilities may be located. The Special Studies Overlay designation indicates areas where these facilities may be located once the necessary land or easements have been acquired. Other sites adjacent to these designated areas may be purchased or acquired as development exactions for more intensive recreational uses when land is made available. The boundaries of the Special Studies Overlay zones are indicated in Figure 4. Additional areas not within the Special Study Overlay may also be appropriate sites for parkland, trails, and other recreational facilities based on the criteria above, and may also be acquired for that purpose.



Equestrain/Hiking Trail

This category of trail is to be used for horseback riding, hiking and jogging. No facilities are provided and trail will be an unimproved dirt path.

Hiking/Bike Trail

This category of trail is used jointly by bicyclists and hikers. The bikeway consists of an asphalt or concrete path. The hiking/ jogging trail is located adjacent to the bikeway and is unimproved. Small rest stops may be located at strategic intervals along the trail

Joint Use Trail

This trail may be used by eques-trians, bicyclists, and hikers. The bikeway is fully improved with concrete or asphalt. The hiking and equestrian trails are dirt paths. The equestrian trail is separated from the hiking trail and bikeway.

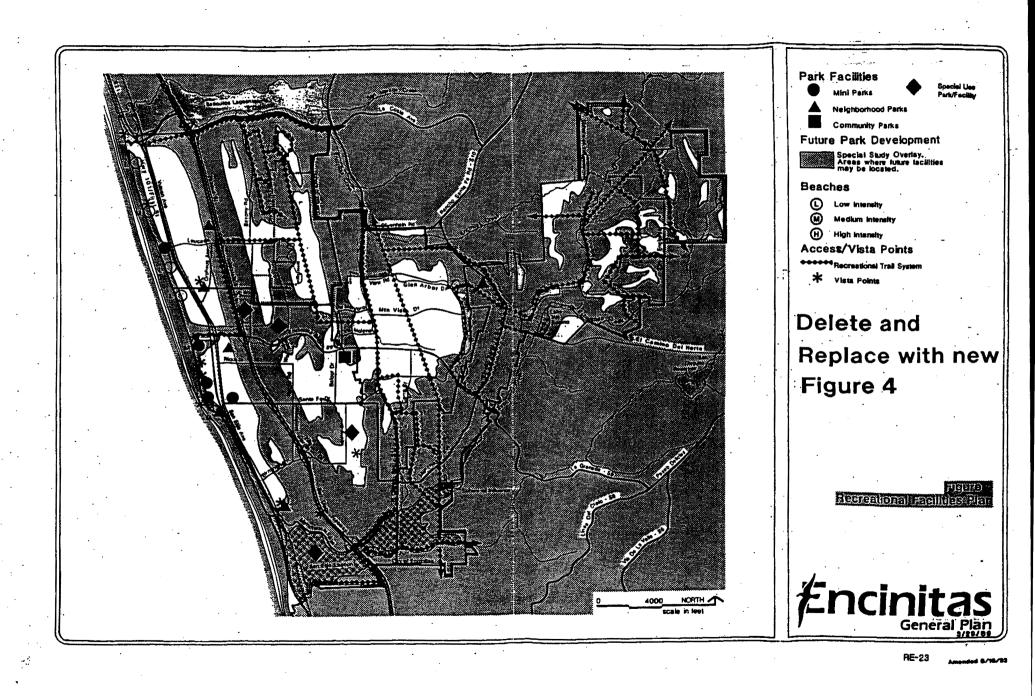
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General Plan



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