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STAFF REPORT AND RECOMMENDATION
ON CONSISTENCY CERTIFICATION

Consistency Certification No	CC-029-02
Staff	JRR-SF
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APPLICANT: North County Transit District

DEVELOPMENT LOCATION: Oceanside, San Diego County. (Exhibit 1-3)

DEVELOPMENT DESCRIPTION: Oceanside-Escondido Rail Project. (Exhibit 4)

EXECUTIVE SUMMARY

The North County Transit District (NCTD) proposes the Oceanside-Escondido Rail Project. The NCTD will convert an existing 22-mile freight rail corridor that runs parallel to State Route 78 (SR-78) into a Diesel Multiple Unit passenger rail system. The existing right of way connects the cities of Oceanside, Vista, San Marcos, Escondido, and unincorporated areas of San Diego County. The project includes the construction of 1.7 miles of new track to provide service to California State University, San Marcos (inland of the coastal zone). The line will have 15 stations (two that are in the coastal zone) and the system will be single-tracked with three sections of passing track, each 3.5 miles in length. The existing track supports three freight rail round trips per week. After the completion of the proposed project, NCTD will operate a maximum of 72 passenger trains per day in addition to the freight traffic, which will occur at night.

The proposed project is consistent with the public access policies of the California Coastal Management Plan (CCMP). The addition of passenger service on these tracts will relieve traffic congestion that is currently degrading automobile access to the coast. Additionally, the project will offset future traffic impacts associated with

expected growth in the region, and thus help to maintain access to the shoreline. Therefore, the project is consistent with Sections 30210 and 30252 of the Coastal Act.

The proposed project is inconsistent with the wetland protection policies of the CCMP. The project requires dredging and filling of coastal wetlands that have established in an existing drainage ditch adjacent to the tracts. The project is not an allowable use for fill of wetland resources as identified by Section 30233(a)(1-8) of the Coastal Act. However, the project is the least damaging feasible alternative and includes feasible mitigation. Although the project is consistent with the alternatives and mitigation test, it is not consistent with the allowable use test, and therefore, the project is not consistent with Section 30233 of the Coastal Act.

The proposed project is consistent with the water quality policies of the CCMP. The project will reduce automobile vehicle miles traveled and will have a corresponding reduction in non-point source pollution. In addition, over time, the benefits to water quality resources will likely increase. The project also includes appropriate Best Management Practices (BMPs) to minimize water quality impacts from construction and operation of the project. Therefore, the project is consistent with Section 30231 of the Coastal Act.

The project creates a conflict between the access and water quality policies of the CCMP on the one hand and wetland policies on the other. If the proposed project were denied based on wetland policy requirements, the existing and future access and water quality impacts from traffic congestion would not be reduced. The increased traffic problems will result in the continued deterioration of these resources. Therefore, the project results in a conflict among Coastal Act policies. The access and water quality benefits from this project are significant and the project benefits other coastal resources and issues because it is an extension of a mass transit facility that will improve air quality and reduce energy consumption. The wetland impacts are not significant for two reasons. First, the amount of wetland fill is small, 0.275 acre (11,979 square feet). Second, the impact to the resource is not significant because it is disturbed and has low habitat value, is affected by urban encroachment, and does not support any endangered, threatened, or special status species. Therefore, pursuant to Section 30007.5, concurrence with this consistency certification is on balance most protective of coastal resources.

Although the project involves grading of coastal sage scrub habitat in the coastal zone, the project is consistent with environmentally sensitive habitat area (ESHA) policy (Section 30240) of the Coastal Act. The habitat affect is degraded and occurs in small patches. Also, it is isolated from any other habitat areas by urban development and transportation corridors. Finally, the area does not support any sensitive wildlife species, including coastal California gnatcatchers. Therefore, the habitat in the coastal zone affected by the project is not an ESHA.

The proposed project is consistent with the air quality and energy consumption policies (Section 30253 of the Coastal Act) of the CCMP. The project will reduce automobile vehicle miles traveled, and thus will have a corresponding reduction in air

pollution and energy consumption. The project does not affect visual resources (Section 30251 of the Coastal Act) or archaeological sites (Section 30244 of the Coastal Act). Therefore, it is consistent with those policies of the CCMP.

SUBSTANTIVE FILE DOCUMENTS:

(See page 27)

STAFF SUMMARY AND RECOMMENDATION:

I. Project Description.

The NCTD proposes to convert an existing 22-mile freight rail corridor that runs parallel to SR-78 into a Diesel Multiple Unit passenger rail system. The existing right-of-way connects the cities of Oceanside, Vista, San Marcos, Escondido, and unincorporated areas of San Diego County. The project includes the construction of 1.7 miles of new track to provide service to California State University, San Marcos (inland of the coastal zone). The line would have 15 stations (two that are in the coastal zone) and the system would be single-tracked with three sections of passing track, each 3.5 miles in length (none of which are in the coastal zone). The existing track supports three freight rail round trips per week. After the completion of the proposed project, NCTD will operate a maximum of 72 passenger trains per day in addition to the freight traffic, which will occur at night.

The NCTD proposes to expand services at the existing Oceanside Transit Center, which is in the coastal zone. The changes include the following:

1. Addition of a center platform access way immediately south of the existing pedestrian under crossing; and
2. Construction of a ticket kiosk.

The NCTD will not add additional parking, because it recently expanded the parking lot.

The NCTD will also construction a new station near the intersection of the right-of-way and South Coast Highway. The Coast Highway Station is located on a 2.65-acre site on the south corner of Godfrey Street and South Coast Highway (Exhibit 3). The station will consist of a platform, covered waiting areas, ticket vending machines, bicycle racks, light fixtures, water fountains, and 87 parking spaces.

II. Status of Local Coastal Program.

The standard of review for federal consistency determinations is the policies of Chapter 3 of the Coastal Act, and not the Local Coastal Program (LCP) of the affected area. If an LCP that the Commission has certified and incorporated into the California Coastal Management Program (CCMP) provides development standards that are applicable to the project site, the LCP can provide guidance in applying Chapter 3 policies in light of local

circumstances. If the Commission has not incorporated the LCP into the CCMP, it cannot guide the Commission's decision, but it can provide background information. The Commission has certified the City of Oceanside's LCP and fully incorporated it into the CCMP.

III. Applicant's Consistency Certification.

The North County Transit District certifies the proposed activity complies with the federally approved California Coastal Management Program and will be conducted in a manner consistent with such program.

IV. Staff Recommendation.

The staff recommends that the Commission adopt the following motion:

MOTION. I move that the Commission concur with the North County Transit District's consistency certification.

The staff recommends a **YES** vote on this motion. A majority vote in the affirmative will result in adoption of the following resolution:

A. Concurrence.

The Commission hereby **concurs** with the consistency certification made by the North County Transit District for the proposed project, finding that the project is consistent with the California Coastal Management Program.

V. Findings and Declarations.

The Commission finds and declares as follows:

A. Access and Recreation Resources. Sections 30210 and 30252 require maximum public access to the shoreline and identify mass transit and traffic congestion as coastal access issues. These sections provide, in relevant part, that:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access ... shall be provided for all the people....

Section 30252

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....

In past actions, the Commission has considered traffic congestion to be an impact on public access to the shoreline. Increased traffic on roads which also provide access

to coastal recreation areas makes it more difficult for the public to get to the beach. Additionally, Section 30252 of the Coastal Act identifies the connection between public transit and public access to the shoreline. This section provides that public access can be maintained or enhanced by the extension of public transit and non-automobile circulation. The proposed project will provide passenger service from inland areas (Cities of Escondido, San Marcos, and Vista). The right-of-way is mainly configured in an east-west alignment. However, it changes direction after Coast Highway, where it parallels the shoreline. Coastal destinations in Oceanside include public beaches and a recreational boating harbor. Thus, the proposed project will provide an alternative means to get to the ocean. The main highway that provides access to the shoreline for inland areas is SR-78.

The NCTD states that the purpose of the project includes the following:

1. *Provide an alternate mode of transportation to the automobile in the SR-78 corridor;*
2. *Alleviate the traffic along this crucial corridor between coastal and inland North County;*
3. *Provide an efficient non-automobile linkage to some of the area's key destinations and employment centers;*
4. *Reduce auto-related air emissions, thereby contributing to the improvement of regional air quality; and*
5. *Support local land use efforts to revitalize underutilized areas and to assist in the growth of targeted development areas.¹*

The primary purpose of the project mostly is to alleviate traffic congestion on SR-78, the primary east-west corridor in northern San Diego County. In its consistency certification, the NCTD describes the traffic congestion of SR-78 as follows:

The SR-78 corridor is faced with numerous transportation issues, primarily as a result of rapid growth in the North County area. The population growth has brought increased travel demands and altered travel patterns. SR-78 currently operates at or near capacity and will not be able to meet forecasted traffic demands.²

The environmental impact report (EIR) for this project provides more details on the existing traffic congestion issues on SR-78. That document describes the traffic issues as follows:

¹ Consistency Certification, p. 1.

² Consistency Certification, p. 37.

SR-78 is the principal east-west corridor in northern San Diego County between I-5 and I-15. It is anchored by the two largest cities in northern San Diego County, Oceanside and Escondido, and traverses the cities of Carlsbad, Vista, and San Marcos, and a small portion of unincorporated County land. The closest parallel expressways are SR-76, located from 2 to 15 miles to the north of SR-78, and an uncompleted SR-56, located 15 miles to the south. SR-78 carries interregional, intraregional, commuter, and recreational travel. The corridor contains a diverse mixture of residential, local commercial, light industrial, and educational land uses along both sides of the corridor, generating increasing volumes of trips.

SR-78 has been recently expanded from a four-lane freeway to a six-lane freeway; however, traffic demands will exceed the capacity of the six-lane facility as early as the year 2000. SR-78 currently operates at a LOS D to F, which equates to moderate to heavy congestion (SANDAG 1995). Despite the widening, congestion occurs daily, particularly westbound from Jefferson Street to I-5, eastbound from El Camino Real to College Boulevard, and in both directions from Nordahl Road to I-15.

Caltrans' planned improvements to SR-78 include upgraded interchanges, ramp metering, and the addition of auxiliary lanes. Forecasts indicate significant increases in traffic demand by the year 2015, eventually reaching a LOS F, which equates to heavy congestion, despite planned freeway improvements. Increasing highway capacity alone will not meet the corridor's future traffic needs (SANDAG 1995).³

Between 1996 and 2000, the average daily traffic volumes on SR-78 have in the project area have increased from approximately 10 to 30 percent.⁴ According to Caltrans, further widening of SR-78 is not feasible because of existing development and economic constraints.⁵ In addition, highway widening will likely have significant impacts on other coastal resources, such as habitat, wetlands, water quality, and air quality. As an alternative to highway widening, the NCTD proposes to provide passenger rail service along this corridor. The NCTD estimates that the proposed project will reduce automobile traffic by approximately 132,000 vehicle miles traveled (VMT) per day, which corresponds to a reduction 28.5 million VMT per year.⁶

The expansion of this public transit system will also have cumulative traffic benefits. The proposed project is part of a regional public transportation system designed to provide an alternate means of transit in the San Diego area. This regional transit

³ EIR, pp. 3.1-1 – 3.1-2.

⁴ http://www.sandag.org/uploads/publicationid/publicationid_517_670.pdf, p. 6.

⁵ EIR, pp. 1-4 – 1-5.

⁶ Consistency Certification, p. 37

system includes bus service, light-rail and commuter trains, and trolleys. As identified by Section 30252 of the Coastal Act, public transit improvements such as this project benefit public access resources. Additionally, the proposed project will increase acceptance of public transit as a desirable mode of transportation. As its acceptance and use increases, public agencies may be motivated to further improve the public transit system and these improvements will result in corresponding reductions in traffic congestion.

Not only will the project improve access by decreasing traffic, it will directly provide increased access to the shoreline. Specifically, the project includes two stations that are near the shoreline. The project corridor terminates at the Oceanside Transit Center, which will allow riders of the proposed service to access other transportation modes and allow riders to access many coastal areas in the region. The applicant describes the proposed improvements and future access potential as follows:

The proposed project would involve the implementation of a regional transportation facility, which consists of infrastructure that provides a new accessway to the coast. It is likely that facility will encourage visitation and recreation within the coast [sic].⁷

In conclusion, the proposed project will improve public access to the shoreline by reducing traffic on roads that also provide for shoreline access and by encouraging mass transit as an alternative means to get to the shoreline. Therefore, the Commission finds that the proposed project is consistent with Sections 30210 and 30252 of the Coastal Act, and thus it is consistent with the access policies of the CCMP.

B. Wetland Fill. Section 30233 of the Coastal Act provides, in part, that:

(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:

...

(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.

1. Habitat Description. The proposed project involves the placement of fill within delineated wetlands within the coastal zone. NCTD generally describes the coastal zone wetlands affected by this project as follows:

⁷ Consistency Certification, pp. 11-12.

... the existing railroad tracks were built above the surrounding ground and their presence has created a drainage swale. Water found in the swale area flows in an west to east direction, which indicates that these wetlands are fed from a source other than Loma Alta Creek, which flows east to west. It appears that nuisance runoff flows from the cemetery on the bluff near Ditmar Street and residences above are major contributors to these wetlands. While these wetlands are in the floodplain, they would probably not exist without the channeling caused by the existing rail tracks, as the water would spread out and dissipate....

The affected wetlands are connected to Loma Alta Creek by their location in the 100-year floodplain and could function as a tributary to Loma Alta Creek in the event that a major storm event fills the drainage channel. Storm flows would overflow into the existing drainage culvert located east of the Coastal Zone into Loma Alta Creek, where the flows would then continue in an east to west direction in the existing Loma Alta concrete lined channel. They are also hydrologically connected via existing storm drain culverts that cross under the tracks and empty into the concrete-lined Loma Alta Creek. ...

The wildlife value of these wetlands is low. Within the Coastal Zone, Loma Alta Creek is a concrete-lined channel. No aquatic species are present nor are any federal or state listed species, species of special concern or other sensitive species utilizing the impacted wetlands.⁸

The NCTD has identified several different types of wetland habitat affected by the project (Exhibit 5). The following tables identify the type and amount of habitat affected and describes the wetlands.

TABLE 1: WETLANDS AND STREAM HABITAT WITHIN THE COASTAL ZONE AND AFFECTED BY THE PROJECT⁹

HABITAT TYPE	ACRES OF IMPACT IN COASTAL ZONE	MITIGATION RATIO
Giant Reed	0.029	2:1
Cismontane alkali marsh	0.099	3:1
Disturbed cismontane alkali marsh	0.015	3:1

⁸ Letter dated July 3, 2002

⁹ Consistency Determination, July 2002, p. 26 and pp. 30-31.

Freshwater marsh	0.032	3:1
Disturbed freshwater marsh	0.049	3:1
Disturbed Wetlands	0.044	2:1
Unvegetated Stream Channel	0.003	1:1
Concrete Lined Channel	0.004	
TOTAL	0.275	

TABLE 2: DESCRIPTION OF WETLAND HABITAT WITHIN THE COASTAL ZONE¹⁰

Giant Reed	Areas within the project study area designated as giant reed are comprised of monotypic or nearly monotypic stands of the large alien grass giant reed (<i>Arundo donax</i>). Typically it occurs on moist soils and in streambeds and may be related directly to soil disturbance or introduction of propagules by grading or flooding.
Cismontane Alkali Marsh	The cismontane alkali marsh within the project study area is dominated by species such as common pickleweed (<i>Salicornia virginica</i>), Parish's glasswort (<i>Salicornia subterminalis</i>), alkali heath (<i>Frankenia salina</i>), California sea-blite (<i>Suaeda californica</i>), salt grass (<i>Distichlis spicata</i>), and alkali weed (<i>Cressa truxillensis</i>). The disturbed cismontane alkali marsh contains some of the above-mentioned species but contains non-native species such as Bermuda grass (<i>Cynodon dactylon</i>), sea fig (<i>Carpobrotus chilensis</i>), and bristly ox-tongue (<i>Picris echioides</i>).
Freshwater Marsh	Freshwater marsh occurs in drainages seepages and other perennially moist low places. This community is characterized by perennial emergent monocots (e.g., grasses and lilies), two to three meters tall such as cattails and bulrushes. Onsite the freshwater marsh is dominated by slender cattail (<i>Typha domingensis</i>) and broad-leaved cattail (<i>Typha latifolia</i>). Species such as saltmarsh bulrush (<i>Scirpus maritimus</i>), pale spike-rush (<i>Eleocharis macrostachya</i>), slender creeping spike-rush (<i>Eleocharis montevidensis</i>), and California bulrush (<i>Scirpus californicus</i>) also occur within the freshwater marsh. The disturbed

¹⁰ Consistency Determination, July 2002, p. 25.

	freshwater marsh onsite contains an extensive non-native component including species such as castor bean (<i>Ricinus communis</i>), cocklebur, and bristly ox-tongue.
Disturbed Wetlands	Within the project study area, disturbed wetlands consist of Bermuda grass, curly dock (<i>Rumex crispus</i>), rabbitfoot beardgrass (<i>Polypogon monspeliensis</i>), cocklebur (<i>Xanthium strumarium</i>), and bristly ox-tongue.

2. Allowable Use. Section 30233(a) does not authorize wetland fill unless it meets the "allowable-use" test. To comply with this requirement, the activity must fit into one of eight categories of uses permitted for wetland fill enumerated in Sections 30233(a)(1-8). Fill for the proposed project does not appear to fall within any of the eight categories. However, because the proposed project will provide a public service, the Commission has considered whether the fill falls within Section 30233(a)(5). This section authorizes fill for "*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.*"

In order to determine if the fill is for an incidental public service purpose, the Commission must determine that the project is both incidental and a public service. Since the rail improvements will be constructed by a public agency in order to provide mass transportation services to the public, this fill is clearly for a public-service purpose. However, it is not clear that the "public-service purpose" represented by this project is "incidental" within the meaning of that term as it is used in Section 30233(a)(5).

The courts have defined the term incidental as "depending upon or appertaining to something else as primary" (*Davis v. Pine Mountain Lumber Co.* (1969) 273 Cal.App.2d 218, 222-223 [77 CR 825].) In this case, the primary activity is to improve the tracks in order to support passenger service. Specifically, the NCTD proposes to upgrade the track to current standards including raising the elevation of the tracks above the 100-year flood plain and it is these improvements that result in the fill. Therefore, the Commission finds that the fill is the primary activity and not incidental.

The Commission has considered the circumstances under which fill associated with the expansion of an existing "roadbed or bridge" might be allowed under Section 30233(a)(5). Specifically, the Commission has considered the expansion of an existing road or bridge as an "incidental public service purpose" when no other alternative exists and the expansion is necessary to maintain existing traffic capacity.

The State Court of Appeal has recognized this definition of Incidental Public Service as a permissible interpretation of the Coastal Act. In the case of *Bolsa Chica Land Trust et al., v. The Superior Court of San Diego County*, the court found that:

... we accept Commission's interpretation of sections 30233 and 30240... In particular we note that under Commission's interpretation, incidental public services are limited to temporary disruptions and do not usually include permanent roadway expansions. Roadway expansions are permitted only when no other alternative exists and the expansion is necessary to maintain existing traffic capacity.

An important question raised in this case is the applicability of this interpretation to transportation infrastructure other than roads and bridges, such as the proposed improvements to this rail corridor. The Commission has recently applied this Coastal Act interpretation to transportation facilities other than roads. One such case was a light-rail track extension proposal in San Diego (CC-64-99), where bridge support pilings was placed in a wetland. Although the Commission determined that the proposal was not an allowable use under Section 30233 it used the above-described interpretation of incidental public service purposes to come to that conclusion. In another example, the Commission considered safety improvements at the Santa Barbara Airport, CC-58-01, to be for incidental public service purposes because the project was necessary to maintain existing capacity. The Commission's analysis in CC-64-99 and CC-58-01 supports the proposition that the above-identified interpretation of section 30233(a)(5) may be applied to forms of public transportation other than roads.

Based on past Commission interpretations, the fill for the expansion of existing roadways and bridges may be considered to be an "incidental public service purpose" only if 1) there is no other alternative, and 2) the expansion is necessary to maintain existing traffic capacity. As described in the alternative section below, there is no less environmentally damaging feasible alternative. The purpose of the railroad improvements that will result in wetland fill is to reduce the risk of flood damage to the existing railroad tracks by elevating them above the 100-year flood plain, and thus allow NCTD to operate passenger service on these tracks. Thus the project will not result in an expansion of the existing tracks themselves. However, the proposed project will allow passenger service to occur on these tracks and without the improvements the new service could not occur. It appears that the existing freight operations could continue on the tracks without the proposed improvements. In other words, there is no evidence to support the conclusion that these improvements are necessary to maintain the existing freight traffic. In fact, the primary purpose of the project is to expand the uses of the tracts. Therefore, the Commission finds that the project is not necessary to maintain existing capacity.

In conclusion, the Commission finds that the proposed project is not for incidental public service purposes for the following reasons: 1) the fill is a primary part of the project and 2) the improvements will expand existing capacity. Therefore the project does not qualify as an incidental public service purpose, and, further, does not in any other way qualify as one of the eight enumerated allowable uses under Section 30233.

3. Alternatives. Section 30233(a) of the Coastal Act also requires the Commission to consider alternatives and to find that the proposed project is the least environmentally damaging feasible alternative. After a thorough analysis of alternatives, the Commission concludes that the proposed project is the least damaging feasible alternative.

The coastal zone wetlands affected by the project are established in a drainage ditch that channels runoff from the existing tracts and nearby development. The fill is necessary to raise the elevation of the tracks above the 100-year floodplain. This safety improvement is necessary to meet generally accepted rail construction standards and is a requirement of the federal grant.¹¹ Because the habitat is located immediately adjacent to the tracks, the NCTD cannot raise the track elevation without filling these coastal zone wetlands. Since the proposed project uses existing tracks and right-of-way, an alternate route would require significantly more construction and is likely to have significantly greater environmental effects, and would make the project significantly more expensive.

In addition, the applicant has considered Expanded Express Bus Service and "no project" as alternatives. In its consistency certification, the NCTD describes its conclusion on these alternatives as follows:

Alternatives to the proposed project that would not require filling of wetlands within the coastal zone included the Expanded Bus Alternative and the No Project Alternative. The Expanded Express Bus Alternative was evaluated and rejected from further investigation in the 1990 Environmental Impact Report (EIR) for the Oceanside-Escondido Rail Project. This alternative would consist of intensified bus service between Oceanside and Escondido. Initially, the combination of Expanded Express Bus Alternative and the maintenance of local service would probably provide some mobility and accessibility benefits similar to the proposed project. However, as traffic volumes increase, the ability of a bus system to maintain desired travel speeds would become more difficult. The disadvantage of this alternative is that bus systems are not able to adjust to changes in demand as easily as a rail system because they operate during peak hours on congested freeways and roadways. The No Action Alternative includes existing plus committed roadway improvements and existing transit services within the project study area. This alternative was also rejected because it would not alleviate the need for this project.¹²

In evaluating these alternatives, the NCTD has concluded that the proposed activity is the least damaging feasible alternative. From the information submitted by the NCTD, the Commission agrees with its conclusion. Therefore, the Commission finds

¹¹ Pers. comm. Bruce Smith, PE, NCTD, (email) 7/24/02.

¹² Consistency Determination, July 2002, p. 32.

that the proposed activity is the least environmentally damaging feasible alternative, and therefore, is consistent with the alternatives test of Section 30233(a) of the Coastal Act.

4. Mitigation. Section 30233(a) of the Coastal Act provides that the Commission requires feasible mitigation for unavoidable impacts to wetland resources. The applicant proposes to mitigate for habitat impacts from the proposed project. The mitigation ranges from 3:1 (three acres of restored habitat for every acre affected) to 1:1, depending on the nature of the impact and the type of habitat (see TABLE 1 above). The NCTD will mitigate the wetland impacts as follows: 1) cismontane alkali marsh at a ratio of 3:1, with 1:1 creation and 2:1 enhancement of existing habitat; 2) freshwater marsh at a ratio of 3:1, with at least 1:1 creation; and 3) giant reed and disturbed wetlands at a ratio of 2:1 (creation). The NCTD will partially mitigate the wetland impacts by recreating the earthen drainage ditch. The NCTD will meet its remaining mitigation requirements by a combination of onsite and offsite creation and enhancement. NCTD describes the mitigation for the entire project (both within and inland of the coastal zone) as follows:

Onsite

The onsite southern willow scrub mitigation will include creation of southern willow scrub within two areas that are currently upland access paths that cross Loma Alta Creek.... Onsite southern willow scrub and mule fat scrub enhancement will include revegetation within the portion of Loma Alta Creek downstream of the proposed Crouch Street Station... and removal and revegetation of all remaining giant reed patches.... In addition, southern willow scrub under the jurisdiction of CDFG only will be created along areas that are currently uplands; stream channel will be created within these areas by installing articulated concrete block and planting with southern willow scrub species....

Mitigation for temporary impacts to 0.01 acre of concrete-lined open channel and 0.01 acre of natural-lined open channel will consist of restoring the channel to a grade that does not alter the flow rates. Best management practices will be employed to minimize impacts to water quality....

Offsite

... The offsite southern willow scrub mitigation includes enhancement of southern willow scrub within Loma Alta Creek within disturbed southern willow scrub (30 percent exotics) and creation of southern willow scrub within an area that is currently non-native annual grassland.... In addition, mule fat scrub enhancement will occur within disturbed mule fat scrub within this same area.

*Offsite southern willow scrub mitigation includes creation and enhancement within the Escondido Creek on the Lake Val Sereno Mitigation Site.... Southern willow scrub creation will occur within an area that is eucalyptus woodland. Southern willow scrub enhancement will occur within disturbed southern willow scrub and eucalyptus wetland. Within the eucalyptus wetland, there is 80 percent or more exotic species. Within the disturbed southern willow scrub there are two areas with exotics, including one area with 30 percent exotics and one area with 50 percent exotics. It is important to note that this portion of Escondido Creek (a tributary to San Elijo Lagoon) is infested with aggressive invasive species including German Ivy (*Delairea odorata*) and giant reed.*

The 4.43 acres of southern willow scrub offsite creation proposed for permanent impacts to wetlands under the jurisdiction of the ACOE and CDFG will be mitigated at the Rancho Del Oro Mitigation Site and at the Lake Val Serena, Mitigation Site. Of the 1.86 acres of proposed offsite creation of southern willow scrub under the jurisdiction of CDFG only, 1.17 acres will be mitigated at the Rancho Del Oro and Lake Val Sereno Mitigation Sites; however, the remaining 0.39 acre of wetlands creation (for impacts to CDFG wetlands only) proposed will occur offsite at the Trans Net Pilgrim Creek Mitigation Bank.¹³

Except for the re-creation of the drainage ditch, all of the mitigation proposed by the applicant will occur inland of the coastal zone boundary. This is necessary because there is no available mitigation sites within the watershed of Loma Alta Creek within the coastal zone (the creek is a concrete storm drain within the coastal zone.) The mitigation is consistent with the Coastal Act because the wetlands within the coastal zone affected by the project is a drainage ditch that supports small fragmented areas of wetlands that are significantly disturbed or degraded. Finally, the prevailing evidence suggests that the wetlands would not exist if not for the railroad tracks. For those wetlands where the mitigation ratio is 2:1, the habitat is primarily vegetated with non-native invasive plants. Specifically, the giant reed habitat is almost exclusively comprised of *Arundo donax*, a large exotic grass giant reed. In addition, the disturbed wetlands (which will also be mitigated at a 2:1 ratio) consists of exotics such as Bermuda grass, cocklebur, and bristly ox-tongue. Thus, considering the degraded nature of these wetlands, the lack of biological or hydrological connections to other habitat areas, the fact that the habitats occur in small isolated patches, and the fact that the final project will include a reconstructed drainage ditch (which may allow these wetlands to re-emerge), the proposed mitigation is adequate to compensate for the project's impacts. Therefore, the Commission finds that the proposed project is consistent with the mitigation requirement of Section 30233.

¹³ Conceptual Wetlands Mitigation and Monitoring Plan for the Oceanside-Escondido Rail Project, San Diego County, California, July 2002, pp. 14-34.

5. Conclusion. In conclusion, the Commission finds that the proposed activity is the least damaging feasible alternative and includes feasible mitigation. However, the Commission also finds that the proposed project is not an allowable use for wetland fill, and therefore, the project is not consistent with the wetland resource policies of the CCMP.

C. Water Quality. Section 30231 of the Coastal Act provides for the protection of water quality resources. That section provides:

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.

Within the Coastal Zone, the proposed project will modify an existing railroad track within the existing right-of-way. In addition, the project will improve the quality of coastal waters by reducing non-point sources of water pollution in the area. The reduction will result from two factors:

1. The project will reduce traffic by 28.5 million VMT per year. Because the hydrocarbons that drip from automobiles are flushed by runoff from the streets and highways into rivers, streams, wetlands, and the ocean, this reduction will reduce the incoming pollution to coastal waters.
2. Passenger rail vehicles are much cleaner than highway vehicles with respect to oil and grease drips. In part this is because any drips from rail vehicles fall into a ballasted right-of-way, where the gravel and soil act as a filter to prevent runoff from moving contaminants and because trains involve less oil, grease, and other hydrocarbons.

As described in the Access Section above, the proposed project will reduce the number of vehicles on the road. An estimated 28.5 million VMT per year is a significant reduction in vehicles on local highways. In addition, the rail will contribute to a regional mass transit program and as public transit becomes a more accepted mode of transportation the use of mass transit is likely to increase. As the percentage of traffic accommodated by mass transit grows, there will be a corresponding reduction in non-point source pollution from automobiles. However, there will not be a significant increase in non-point source pollution as ridership of the rail system grows.

In addition, the proposed project includes measures to reduce water quality impacts from the construction and operation of the project. The NCTD describes these measures as follows:

Best Management Practices (BMPs) will be used to ensure that no siltation or erosion will occur within the onsite drainages and will be incorporated into the final design of the project, as part of the Storm Water Pollution Prevention Plan (SWPPP). Applicable state and local stormwater permit requirements for operations of industrial facilities will be prepared and implemented. Stormwater runoff systems for facilities such as the stations will be designed to prevent erosion impacts and meet applicable permit conditions. A combination of some of the following erosion and sediment control practices will be implemented during and after construction.

Short-term Construction BMPs

- 1) Silt fences for siltation control.*
- 2) Placement of gravel and/or sand bags.*
- 3) Geotextiles and mats for erosion control.*
- 4) Straw bales.*
- 5) Buffer zones will be established at the downgradient boundaries of the impact area to prevent wash-off into channels.*
- 6) Siltation basins, if necessary.*

Long-Term Post-Construction BMPs

- 1) Creation, enhancement and restoration of wetland habitat (southern willow scrub, freshwater marsh and mule fat scrub) along Loma Alta Creek and San Marcos Creek will serve to increase the filtering ability of this wetland corridor.*
- 2) Energy dissipation structures such as rip-rap pads and detention ponds.*
- 3) All areas of the maintenance facility where fueling and washing will occur will be sloped to drain to inlets that are connected to oil/water separators. Flow-through will discharge into the sanitary sewer system.*
- 4) Regular maintenance of all drainage facilities to ensure that they perform as specified.*
- 5) Final design will include best available control technology for the aboveground and/or underground storage tanks, including oil/water separators to prevent leaks and spills.*

- 6) *Fossil filters will be installed within storm water outlet structures located at the parking lots at each station.*¹⁴

With these measures, the project will not have significant water quality impacts. Therefore, the Commission finds that the proposed project will reduce existing impacts to water quality resources and is consistent with the water quality policy of the CCMP.

D. Conflict between Coastal Act Policies. Section 30007.5 of the Coastal Act provides the Commission with the ability to resolve conflicts between Coastal Act policies. That section provides that:

The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner that on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

1. Conflict. In order for the Commission to consider balancing Coastal Act policies, it must first establish that there is a conflict between these policies. The fact that a project is consistent with one policy of the Coastal Act and inconsistent with another policy does not necessarily result in a conflict. Rather, the Commission must find that to object to the project based on the policy inconsistency will result in coastal zone effects that are inconsistent with the Coastal Act. In this case, as described above, the proposed project is inconsistent with the wetland protection policies of the Coastal Act because it is not an allowable wetland fill activity as identified by Section 30233(a)(1-8). However, as described in the access section above, the purpose of the proposed passenger service is to provide for current and future congestion relief on SR-78 and improve public transit alternatives in northern San Diego County. As described in the Access Section above, SR-78 is operating at LOS D to F and it is one of the primary routes that inland residents would use to get to the beach. Therefore, existing traffic is interfering with access to the coastal recreational opportunities within northern San Diego County. As traffic congestion increases with expected growth of the region, these access impacts will worsen.

Other than bus service, the proposed project will provide the first major mass transit for inland residents to get to the coast. Without the project, people living in inland areas will have to continue using their automobiles on existing highways, mainly SR-78. However, this highway, along with most other highways in the region, is heavily congested and this traffic is likely to worsen as population in the region continues to

¹⁴ Consistency Certification, July 2002, pp. 14-15

grow. As the traffic increases, the ability for the public to get to the coast will become more difficult. Clearly, continuation of the existing situation is inconsistent with the access goals of the Coastal Act.

Additionally, the proposed project presents a conflict between the water quality and the wetland policies of the Coastal Act. As described above, the proposed project will improve the quality of coastal waters. In the near-term, the project will reduce non-point source pollution because it will have an immediate reduction on traffic congestion on SR-78. Additionally, the development of a mass transit system, for which this project is an important link, will contribute significant benefits to the quality of coastal waters. As the system extends to new areas and the popularity of public transit increases, a higher percentage of the area's transportation needs will be met by mass transit. As more riders on the mass transit system replace automobiles, there will be further reductions in water quality impacts from cars. However, there will not be a corresponding increase in water pollution for the mass transit system. Eventually, San Diego's transit system will result in significant benefits to water quality. Section 30231 of the Coastal Act requires the maintenance and restoration of the quality of coastal waters. Therefore, the Commission finds that the proposed project creates a conflict between wetland and water quality policies of the Coastal Act.

In conclusion, the proposed project includes wetland fill that is inconsistent with the wetland policies of the Coastal Act. However, this project will provide access and water quality benefits that are necessary to maintain and improve these resources. Without the project, increased traffic on roads and highways in the region will degrade access and water quality resources in a manner inconsistent with the Coastal Act. Therefore, the Commission finds that the proposed project creates a conflict among Coastal Act policies.

2. Conflict Resolution. After establishing a conflict among Coastal Act policies, Section 30007.5 requires the Commission to resolve the conflict in manner that is on balance most protective of coastal resources. In this case, the proposed project will result in the fill of only 0.275 acre (11,979 square feet) of wetlands. As described above, the wetlands exist within a drainage ditch between the railroad berm and a steep sloped bluff. The source of water appears to be runoff from the tracts and adjacent development. Much of the vegetation within the wetlands is non-native and the wetlands do not support any sensitive fish or wildlife species. In conclusion, the proposed project's wetland impacts are relatively small (0.275 acre) and the resource has been degraded by transportation projects and other urban developments.

On the other hand, the proposed project will benefit public access to the shoreline by providing alternate transportation that will contribute to decreasing traffic congestion on existing roads that provide vehicular access to the coast. Additionally, the project will reduce the adverse access effects from future traffic congestion caused by expected growth of the area and it increases opportunities for mass transit in the region. The project will also have significant benefits to water quality resource by

reducing non-point source pollution from automobiles. In conclusion, the Commission finds that the proposed project will have significant resource benefits.

In resolving this conflict, the Commission finds that the impacts on coastal resources from not constructing the project will be more significant than the project's wetland habitat impacts, which will be mitigated. Therefore, the Commission finds that approving the project is, on balance, most protective of coastal resources.

E. Environmentally Sensitive Habitat Areas. Section 30240 of the Coastal Act provides that:

(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.

Within the coastal zone, most of the project area consists of urban development. As the rail corridor reaches the eastern boundary of the coastal zone, the right-of-way contains some small amount of habitat, including the wetlands described above and coastal sage scrub (CSS) habitat. The NCTD consistency certification describes the CSS habitat as follows:

*Focused surveys for the federally-listed threatened coastal California gnatcatcher (*Poliophtila californica*) and the federally- and state-listed endangered least Bell's vireo (*Vireo belli*; *pusillus*) were conducted wherever suitable habitat was present in or adjacent to the study area during the year 2000. The coastal California gnatcatcher and least Bell's vireo are not present within the coastal zone, and critical habitat designated for the coastal California gnatcatcher is not present along the ROW [right-of-way] within the coastal zone. The coastal sage scrub and coastal bluff scrub habitat identified along the ROW within the coastal zone is disturbed and occurs in small and isolated patches. These habitats are not connected to a larger coastal sage scrub habitat.... Implementation of the proposed project would not result in direct impacts to any federally- or state-listed threatened or endangered species within the coastal zone, but one sensitive plant species would be directly impacted. Approximately four box thorn plants (*Lycium californicum*), recognized as sensitive by the California Native Plant Society (CNPS List 4, 1-2-1), would be directly impacted by project grading. This impact is not considered significant because a relatively small number of plants would be impacted and they are a low-sensitivity species (i.e., CNPS List 4 only). No other federally or state*

listed threatened or endangered species, candidate species, proposed species, species of special concern, or any other sensitive species has been identified within the coastal zone....¹⁵

As described by NCTD, the approximately 10,000 square feet (0.23 acre) of CSS within coastal zone portion of the right-of-way is not an environmentally sensitive habitat area (ESHA). . According to the applicant, this habitat does not support any coastal California gnatcatchers, is not critical habitat, and is not identified in the draft Multiple Habitat Conservation Plan for northern San Diego County or the Oceanside sub-area plan as core habitat or as linkage between habitats. In addition, the habitat is surrounding by urban development including houses, roads, and the railroad tracks (Exhibit 6). In letter from the NCTD to the Commission, the applicant provides more detailed justification for the conclusion that the CSS affected in the coastal zone is not ESHA:

- 1. The area in question is located east of South Coast Highway, between Ditmar Street and Lakewood Lane in the City of Oceanside. The U.S. Fish and Wildlife Service has issued a Biological Opinion ... for the project and noted that all of the gnatcatcher locations identified by the Service are outside of the Coastal Zone. The U. S. Fish and Wildlife Service or the California Department of Fish and Game have not identified in this area or near this area coastal California gnatcatchers. A focused gnatcatcher survey was also performed for the project (Dudek, September 15, 2000, copy attached in Supplemental Information appendix C) that also did not discover any coastal California gnatcatchers in or near the area....*
- 2. The coastal sage and coastal bluff scrub habitat located within the right-of-way is not designated as critical habitat for the gnatcatcher. They are disturbed and occur in small and isolated patches...*
- 3. The draft Oceanside Subarea Plan, Multiple Habitat Conservation Program does not identify this area as part of a core area or linkage between core areas....*
- 4. As stated in number 1 above, there are no gnatcatchers present in the area. Although a finger patch of Coastal Sage/Chaparral Scrub habitat is located on the north side of Oceanside Boulevard near the project area, it does not support any gnatcatchers....*
- 5. NCTD has identified four box thorn (Lycium californicum) plants in the area. This is a low sensitivity species (CNPS List 4 only). It is not a*

¹⁵ Consistency Certification, July 2002, p. 39.

*federally or state listed threatened or endangered species, candidate species, proposed species, or species of special concern....*¹⁶

As described above, the affected area does not connect to any other wildlife habitat. The only other habitat in the vicinity is a finger of CSS/chaparral north of Oceanside Boulevard (and inland of the coastal zone) is isolated from the project site by a primary road, Oceanside Boulevard, and houses on top of the bluffs. The habitat is also isolated from Loma Alta Creek, which is south of the right-of-way, by the railroad tracks and urban development and by the fact that in this area Loma Alta Creek is a concrete flood-control channel. Finally, any habitat within the affected area will be preserved by the applicant's commitment to re-vegetate the disturbed slopes with a hydroseed mixture of native CSS plants.¹⁷ Finally, the applicant proposes to mitigate for all the project's CSS impacts (both within and inland of the coastal zone) by acquiring equivalent habitat at a 2:1 ratio (the Commission notes that this mitigation would not necessarily be acceptable if the area was an ESHA).

In conclusion, there is a small amount of coastal sage scrub habitat within the coastal zone affected by the proposed project. This habitat is degraded and does not support coastal California gnatcatchers. The resource agencies have not identified it as sensitive habitat. Finally, the habitat is isolated from other habitat by existing development. Therefore, the Commission finds that the habitat is not an ESHA, and thus that the project is consistent with the ESHA policy (Section 30240) of the Coastal Act.

F. Public Works Facilities. Section 30254 of the Coastal Act provides, in part, that:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; ...

As described above, the NCTD proposes to improve an existing rail line to provide passenger service. This new service is necessary to support existing and planned development in northern San Diego County. Most of the development supported by this project is located inland of the coastal zone boundary. The area within the coastal zone is already developed with urban development. The proposed rail service will not support any development in this area that is inconsistent with the urban nature of this part of the coastal zone. Both of the proposed stations will not affect urban development because one already exists and the other will be infill in a developed area. Therefore, the project will accommodate the needs of development that is consistent with the policies of the Coastal Act. In conclusion, the Commission finds that this project is consistent with the public works policy (Section 30254 of the Coastal Act) of the CCMP.

¹⁶ Letter dated July 3, 2002, pp. 1-2.

¹⁷ Pers. Comm. Bruce Smith, 8-20-02.

G. Air Quality and Energy Consumption. Section 30253 provides for the protection of air quality and energy resources of the coastal zone. That section provides, in part, that:

New development shall:

...

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

The proposed project will improve air quality resources and minimize energy consumption. The NCTD estimates that the proposed project will reduce automobile traffic by approximately 132,000 VMT per day, which corresponds to a reduction 28.5 million VMT per year.¹⁸ According to the NCTD, the reduction in automobile traffic will save 174 billion Btu of energy annually.¹⁹

Additionally, the project is consistent with the requirements of the Air Pollution Control District (APCD). The NCTD identifies this passenger service as a potential tool to manage air quality. The applicant describes this issue as follows:

The proposed project is in conformity with the State Implementation Plan (SIP) for air quality attainment, which is required by the California Clean Air Act (CCAA) of 1988. The CCAA requires the San Diego Air Basin to submit a SIP that shows how the air basin will meet the National Ambient Air Quality Standards. The San Diego Air Basin's portion of the SIP deals with its strategies for achieving the federal ozone and carbon monoxide (CO) standards. To conform with the SIP and the CCAA, (1) a project must be included in a plan and program (such as a Regional Transportation Plan [RTP]) that has been found to conform, and (2) the severity and number of violations of the CO standards in the area substantially affected by the project must be eliminated or reduced. The proposed project is included in the San Diego Association of Governments' (SANDAG) 1994 RTP and 1994-2.001 Regional Transportation Improvement Plan, which have both been found to conform with the SIP by SANDAG. In addition, an air quality analysis demonstrated that, within areas "substantially affected by the project", CO impacts will not occur with implementation of the project.²⁰

¹⁸ Consistency Certification, p. 37

¹⁹ Ibid.

²⁰ Ibid.

The air quality benefits are partially offset by increased pollution caused by the train's use of diesel fuel. However, as described in the Access Section above, the proposed project will probably have significant VMT reductions as the regional mass transit program expands and as public transit becomes a more accepted mode of transportation. As the percentage of traffic accommodated by mass transit grows, there will be a corresponding reduction in air pollution from automobiles. However, there will not be a corresponding increase in air pollution as ridership of the rail system grows. As ridership grows there will be more reductions in air quality impacts from automobiles.

In conclusion, the Commission finds that the proposed project will reduce energy consumption and improve air quality resources. Additionally, the project is consistent with the requirements of the APCD. Therefore, the Commission finds that the project is consistent with Section 30253 of the Coastal Act, and thus with the energy consumption and air quality policies of the CCMP.

H. Archaeological Resources. Section 30244 of the Coastal Act provides for the protection of archaeological resources of the coastal zone. That section provides that:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The NCTD believes that geologic conditions along the alignment and at several stations, including the Coast Highway Station, have the potential to contain paleontological resources and that the project could result in potential impacts to this resource. In order to avoid impacts to this resource the consistency certification describes the following mitigation measures:

- (a) *A qualified paleontologist will be retained to conduct field monitoring for evidence of paleontological resources. If any paleontological resources are found, the contractor will be asked to stop construction activities in order to assess, collect and document the findings.*
- (b) *A qualified paleontologist will attend the pre-grade meeting to discuss the monitoring, collecting, and safety procedures for the project and will supervise the field monitoring during earth-moving activities in the area.*
- (c) *Full-time monitoring will be conducted during earth-moving activities within the high-sensitivity units, half-time monitoring will be conducted on the moderate units, and periodic monitoring will be conducted on the low potential units. Igneous and heavily metamorphosed rocks, artificial fill, and slopewash will not require monitoring.*

- (d) *Screening of sediments will be conducted under the supervision of the paleontologist during monitoring because many significant vertebrate remains are small. Up to a 6,000-pound matrix sample can be processed for any single locality as published in the Society of Vertebrate Paleontologists News Bulletin (June 1994).*
- (e) *The paleontological monitor will notify NCTD if fossils are discovered during construction activities. The paleontological monitor will recommend appropriate action to NCTD.*
- (f) *During monitoring, scientifically significant specimens will be properly salvaged after evaluation by, and under the supervision of, the paleontologist. During fossil salvage, contextual stratigraphic data will also be collected. This will include lithologic descriptions, localities plotted on a USCS 7.5' Series topographic quadrangle, photographs, and field notes. Specimens will be prepared to the point of identification, stabilized, identified, and curated on a long-term loan basis in a suitable repository that has a retrievable storage system, such as the San Diego Museum of Natural History.*

A final report will be prepared at the end of earth-moving activities and will include an itemized inventory of recovered fossils and appropriate stratigraphic and locality data. This report will be sent to NCTD signifying the end of mitigation. The report will also accompany any recovered fossils, along with field logs and photographs, to the designated repository. In regards to archaeological resources, a Programmatic Agreement among the North San Diego County Transit Development Board (NSDCTDB), PTA, the Advisory Council on Historic Preservation and the California State Historic Preservation Officer was executed in November 1998 pursuant to Section 106 of the National Historic Preservation Act. Prefect modifications will not affect the requirements of this agreement which NCTD is committed to implementing.²¹

With these measures the proposed project will protect archaeological and paleontological resources. Therefore, the Commission finds that the proposed project is consistent with Section 30244 of the Coastal Act, and therefore with the archaeological resource policy of the CCMP.

²¹ Consistency Certification, p. 33.

I. **Visual Resources.** Section 30251 of the Coastal Act provides that:

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 NCTD will operate the proposed rail service on existing tracts through the City of Oceanside. In the eastern part of the coastal zone, the NCTD will modify the existing tracts. This part of the project will not result in any visual effects. The project will replace existing track with new track in a slightly different location. The new track will remain in the existing right-of-way. In addition to the track modifications within the coastal zone, the project requires the construction of one new station and modification to an existing station. The modifications to the Oceanside Transit Center are minor and will not affect any visual resources. Although the Coast Highway Station in Oceanside requires the construction of an entirely new facility on a 2.65-acre site, which is currently vacant but previously developed area. The station will consist of a platform, covered waiting areas, ticket vending machines, bicycle racks, light fixtures, water fountains, and 87 parking spaces. The project site is within an already developed area of Oceanside and will be consistent with the existing visual character of the area. In its consistency certification, the NCTD describes the visual impacts from the proposed Coast Highway Station as follows:

At the Coast Highway Station, the visual quality of this area is low because of the disjointed development pattern prevalent in the vicinity. Incorporation of a station site would add positive elements (improved pedestrian circulation) to the Coast Highway viewshed, which is considered a significant visitor use area in the City of Oceanside.

Although the physical character of the station would be a visual improvement in the area, an adverse visual effect would result from the increase in lighting in the immediate area, particularly the existing mobile homes. Although there is some vegetation currently growing along the property boundary, it is likely that platform night-time lighting would penetrate this vegetation and result in a nuisance to the homes adjacent to the site. Increased activities in the parking lot proposed to

the east of the existing homes would also be an adverse but not significant distraction at such short distances.²²

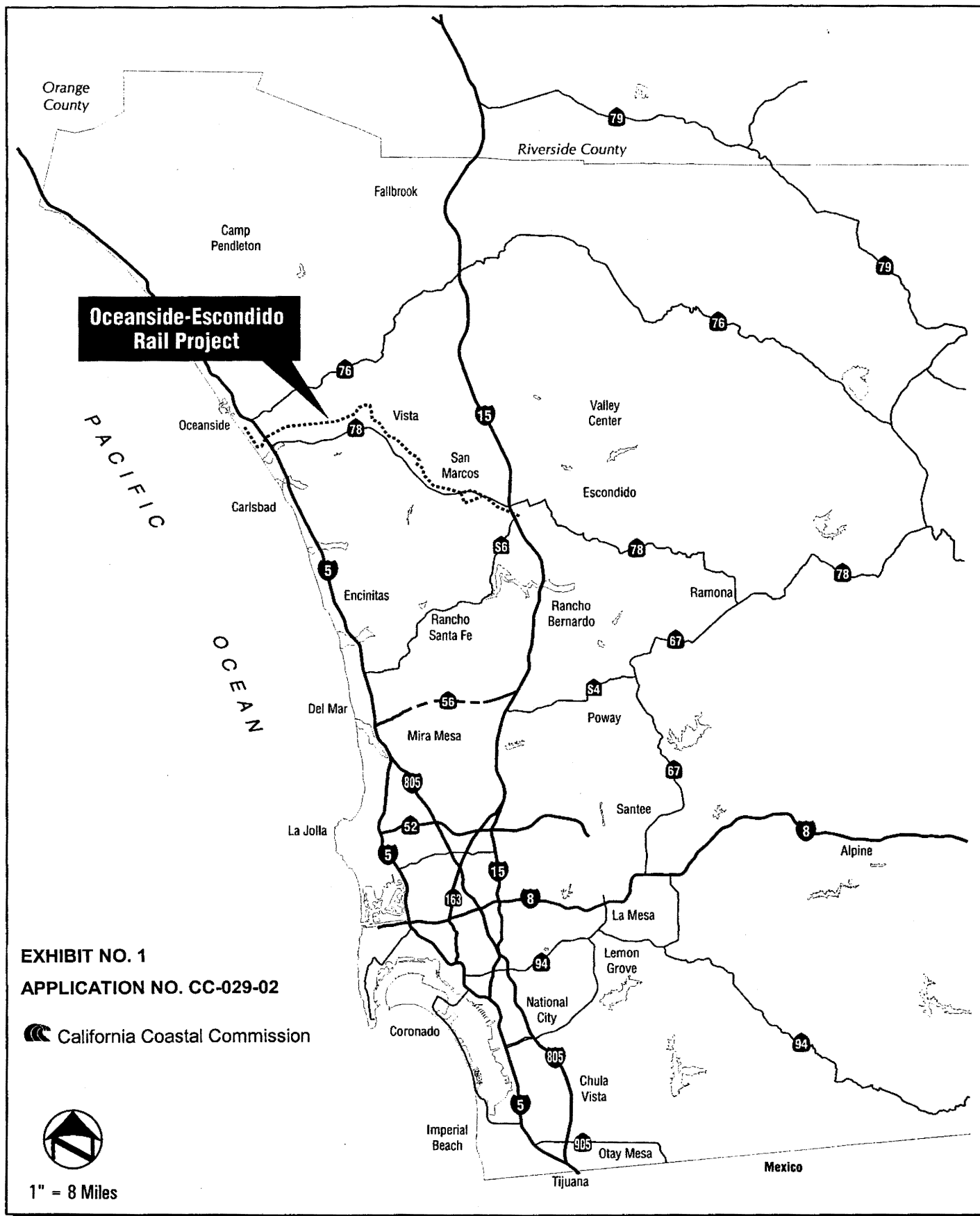
In general, the area around the Coast Highway Station is developed with urban, commercial, and residential land uses. The area does not have any unique visual resources nor does it provide any significant views of the ocean or coast. Although the station may affect local views from other land uses, including residential uses, the impact is similar to other development in the area and the station will not significantly change the nature of the visual character of the area. Regardless, the views affected are not public views of the coast.

In conclusion the Commission finds that there will be no visual impacts from the modifications to existing Oceanside Transit Center and from the modifications of the tracks within the existing right-of-way. In addition, the Commission finds that the construction of the Coast Highway Station will be consistent with the visual character of the area and will not block views of the shoreline and ocean. Therefore, the Commission finds that the project is consistent with Section 30251, and thus it is consistent with the visual policy of the CCMP.

²² Consistency Certification, p. 35.

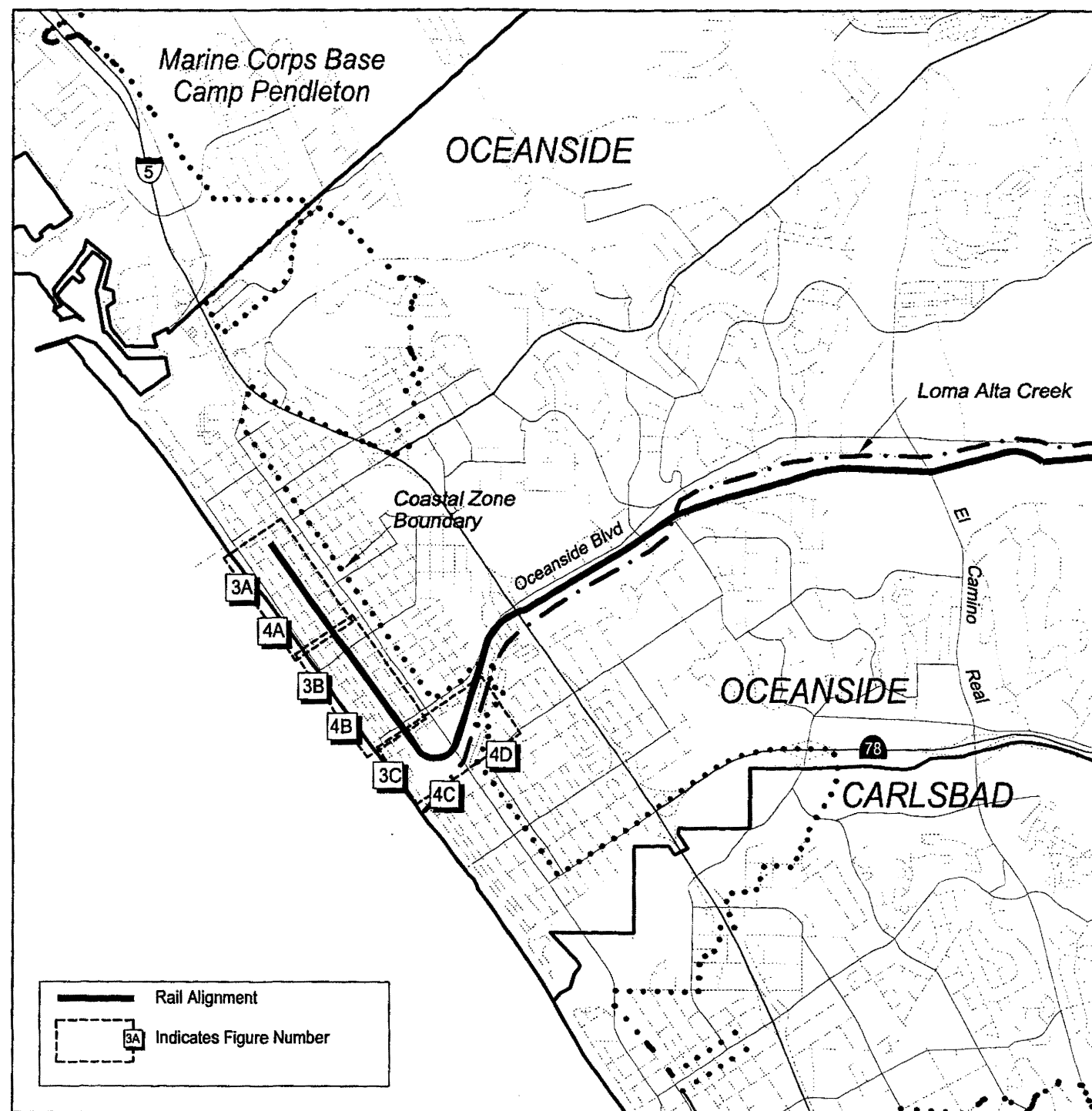
VI. Substantive File Documents

1. Draft Environmental Assessment/Subsequent Environmental Impact Report for the Oceanside-Escondido Rail Project, October 1996.
2. Final Subsequent Environmental Impact Report, January 1997.
3. Draft CEQA Findings of Fact and Mitigation, Monitoring, and Reporting Program for the Oceanside-Escondido Rail Project, January 1997.
4. Addendum to the Final Subsequent Environmental Impact Report/Re-Evaluation of NEPA environmental assessment/FONSI for the Oceanside-Escondido Rail Project, August 2001.
5. CC-064-99, Metropolitan Transportation Agency, Extension of Light-Rail, City of San Diego.
6. U.S. Army Corps of Engineers Public Notice for permit number 200100289-TCD.
7. U.S. Fish and Wildlife formal consultation and re-initiation of formal consultation for the Oceanside-Escondido Rail Project in San Diego County California (1-6-97-F-11 and 1-6-97-F-11R1).
8. Conceptual Wetlands Mitigation and Monitoring Plan for the Oceanside-Escondido Rail Project, San Diego County, California, July 2002.
9. CC-058-02, City of Santa Barbara, modifications to the Santa Barbara Airport.

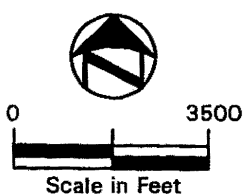


NCTD - Oceanside-Escondido Rail Project - California Coastal Act Certification of Consistency
Regional Map

FIGURE
1



SOURCE: SANDAG



LEGEND

100+00 Track

Property Boundary

Coastal Zone Boundary

Existing Contours

AGL Vegetation Types/Landcovers

Limits of Grading (Figures 3A, 3B & 3C)

Limits of Grading (Figures 4A, 4B, 4C & 4D)

Data Station

LEGEND: Vegetation Communities

Wetlands

Arundo donax
Cismontane Alkali Marsh
Southern Willow Scrub
Mulefat Scrub
Coastal and Valley Freshwater Marsh
Disturbed Wetland
Southern Coast Live Oak Riparian Forest
Southern Sycamore Riparian Woodland
Tamarisk Scrub

Symbol

ARU
CAM
SWS
MFS
FWM
DW
ORF
SYC
TS

Waters of the U.S./State

Open Channel
Open Channel - Concrete-lined
Waters of the U.S.
Waters of the U.S.
Concrete-lined/Culverted

OC
OC_C
1'
1'

Uplands

Ruderal
Disturbed habitat/developed
Eucalyptus Woodland
Ornamental Landscape Plants
Isocoma Scrub
Annual Grassland
Coastal Bluff Scrub
Coastal Sage Scrub
Disturbed Coastal Sage Scrub
Coast Live Oak Woodland
Valley Needlegrass Grassland
Baccharis Scrub

Symbol

RUD
D/D
EUC
ORN
IS
AGL
CBS
CSS
dCSS
LOW
VGL
BS

* See Biological Resources Report.

NOTE:

1. A lower case 'd' in front of a vegetation type designator indicates that it is disturbed.
2. A label of (CDFG only) indicates that the wetland is under the jurisdiction of California Department of Fish & Game only. If there is no (CDFG only) label, the wetlands are under the jurisdiction of the ACOE & CDFG.
3. A number shown with Waters of the U.S./State indicates width of unvegetated channel.

LEGEND: Sensitive Species

Plant

Lycium californicum

Symbol

Lc

Status

USFWS	CDFG	CNPS
None	None	List 4, 1-2-1

NOTE:

Numbers indicate individual plant counts.

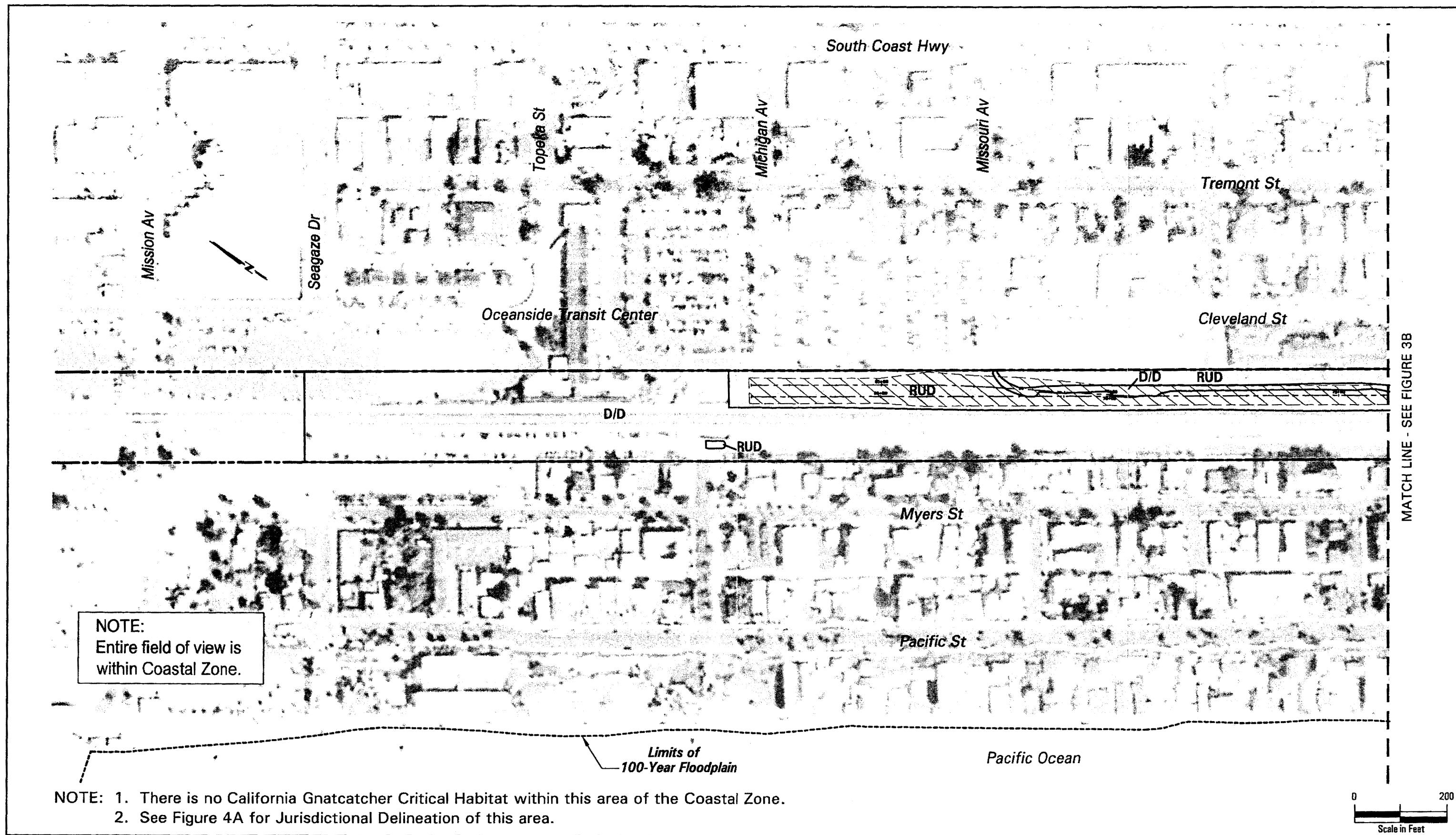
EXHIBIT NO. 2

APPLICATION NO. CC-029-02

California Coastal Commission

NCTD - Oceanside-Escondido Rail Project - California Coastal Act Certification of Consistency
Vicinity Map/Figure Index Map & Legends

FIGURE
2



NOTE: 1. There is no California Gnatcatcher Critical Habitat within this area of the Coastal Zone.
2. See Figure 4A for Jurisdictional Delineation of this area.

PHOTO SOURCE: Aerial Access, MrSID Aerial Imagery, Jan/Mar 2002

EXHIBIT NO. 3, PAGE 1
APPLICATION NO. CC-029-02

California Coastal Commission

NCTD - Oceanside-Escondido Rail Project - California Coastal Act Certification of Consistency
Proposed Project within Coastal Zone

**FIGURE
3A**

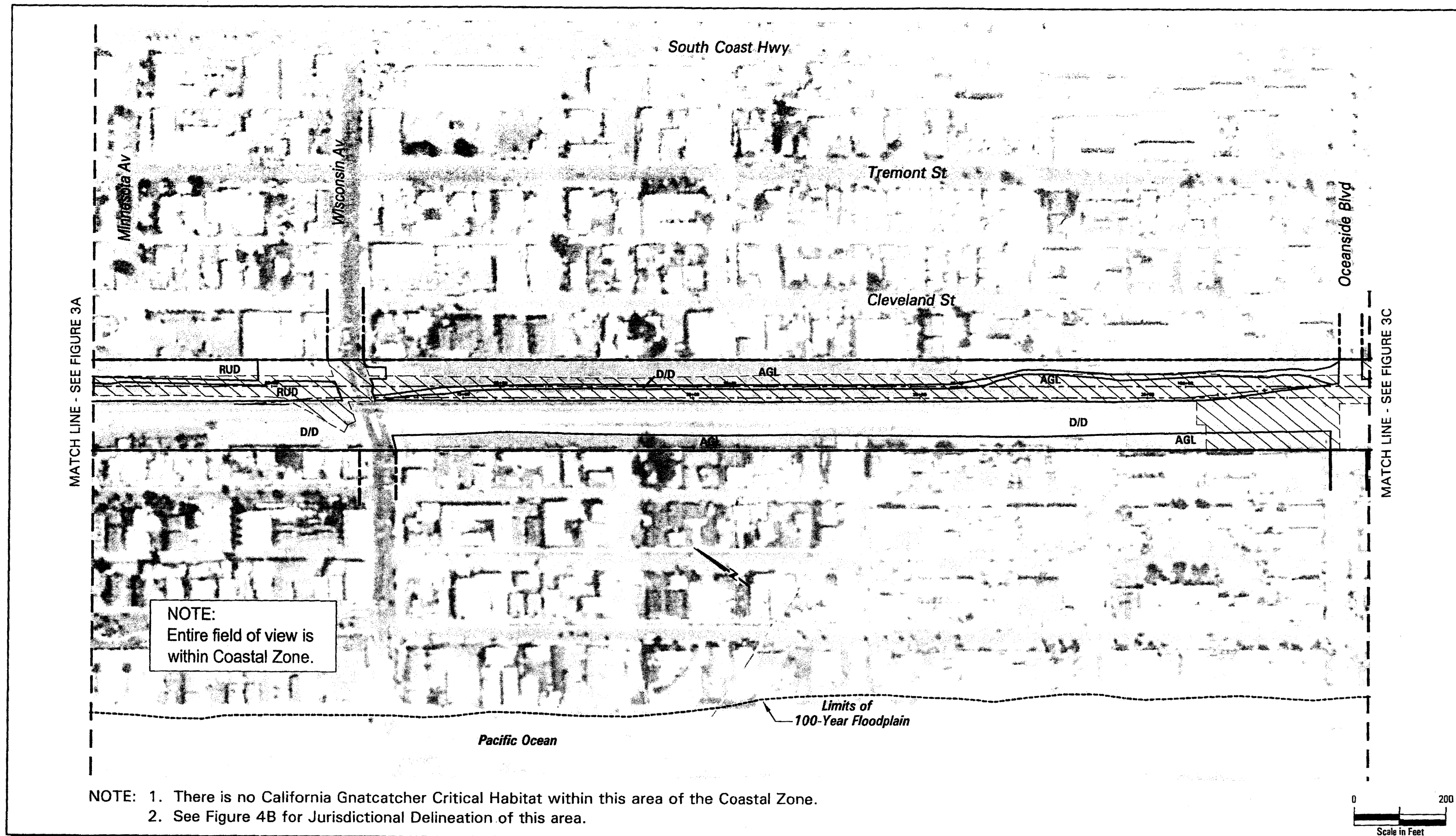


PHOTO SOURCE: Aerial Access, MrSID Aerial Imagery, Jan/Mar 2002

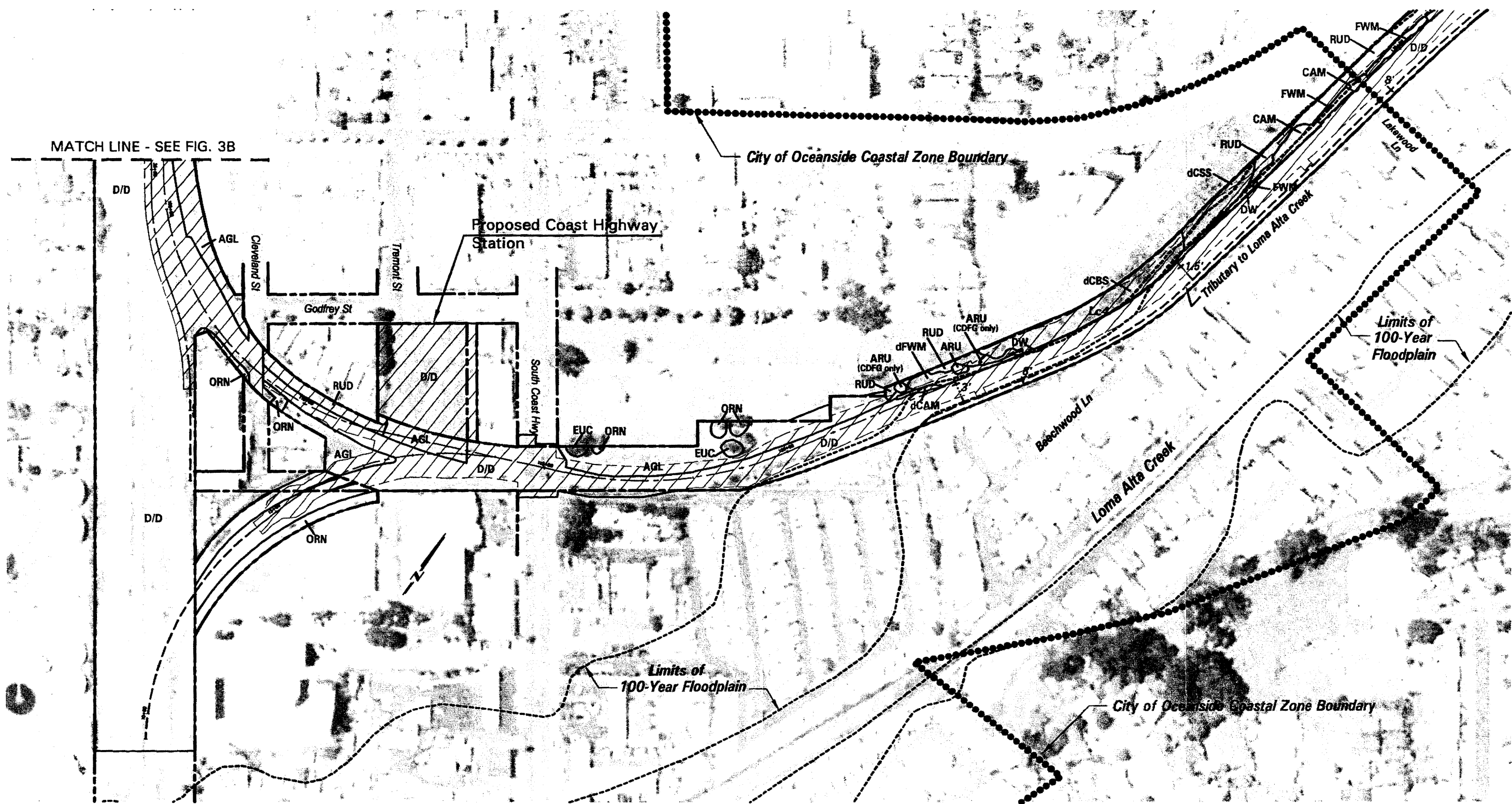
EXHIBIT NO. 3, PAGE 2

APPLICATION NO. CC-029-02

California Coastal Commission

NCTD - Oceanside-Escondido Rail Project - California Coastal Act Certification of Consistency
Proposed Project within Coastal Zone

FIGURE
3B



NOTE: 1. There is no California Gnatcatcher Critical Habitat within this area of the Coastal Zone.
 2. See Figure 4C & 4D for Jurisdictional Delineation of this area.



PHOTO SOURCE: Aerial Access, MrSID Aerial Imagery, Jan/Mar 2002

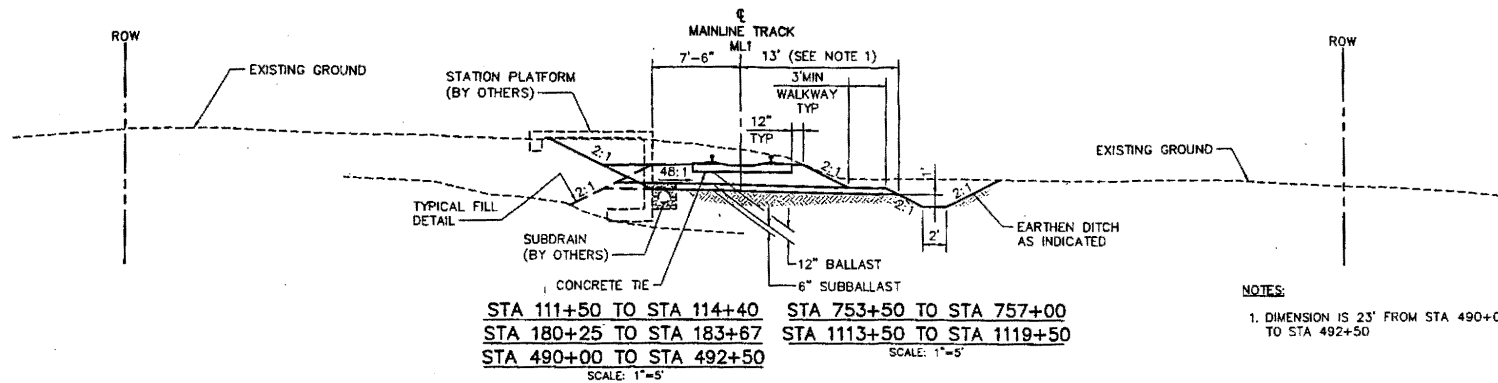
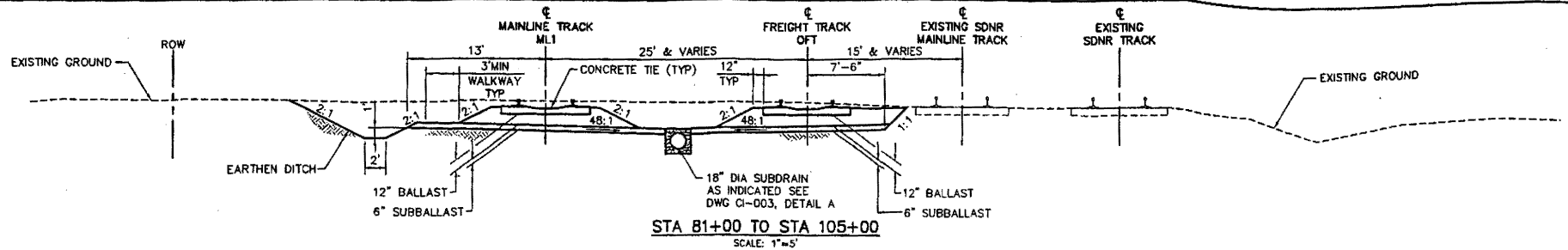
EXHIBIT NO. 3, PAGE 3

APPLICATION NO. CC-029-02

California Coastal Commission

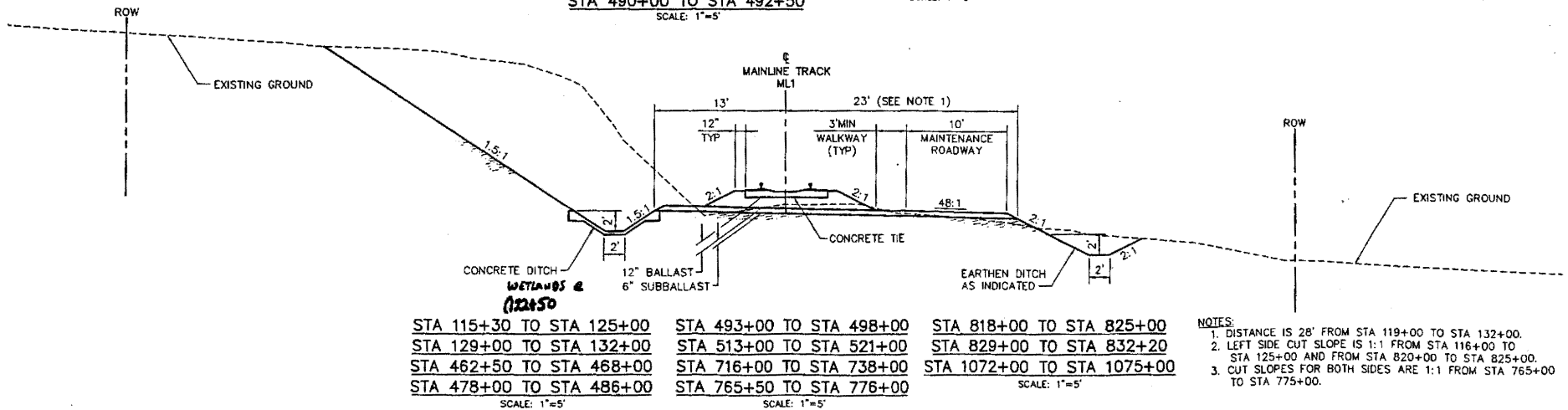
NCTD - Oceanside-Escondido Rail Project - California Coastal Act Certification of Consistency
Proposed Project within Coastal Zone

**FIGURE
3C**



NOTES:

1. DIMENSION IS 23' FROM STA 490+00 TO STA 492+50



NOTES:

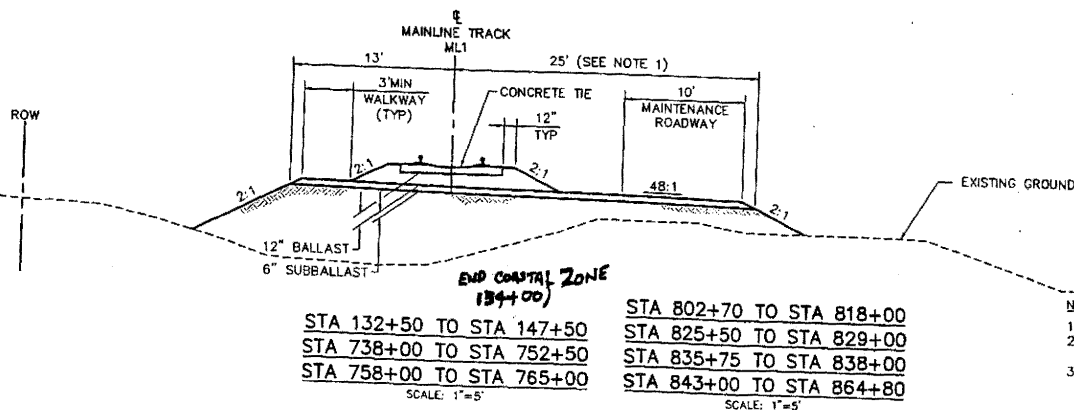
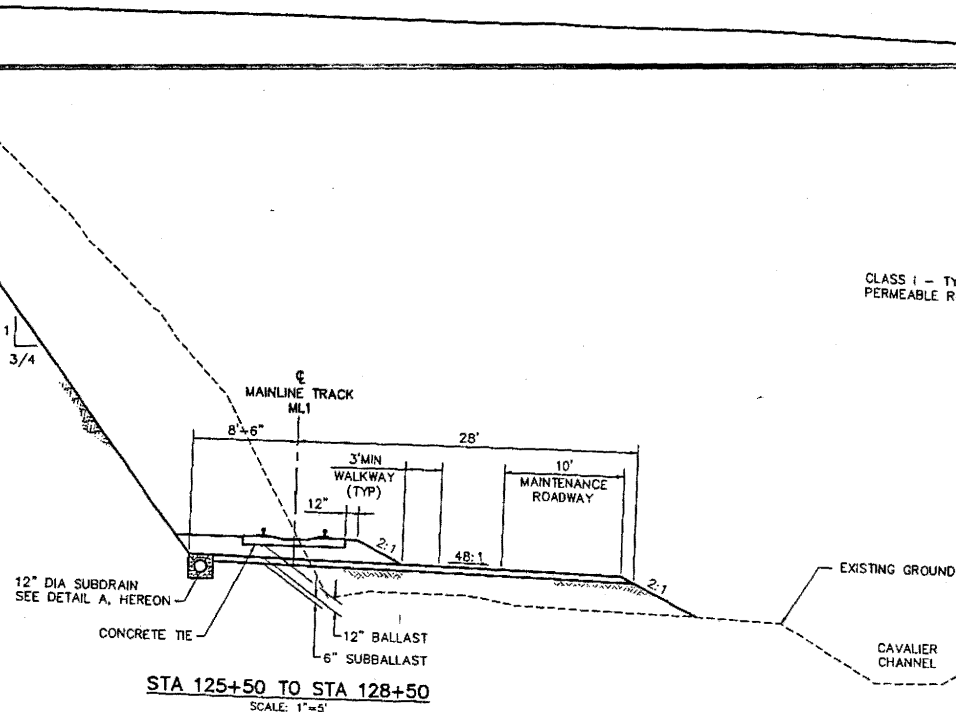
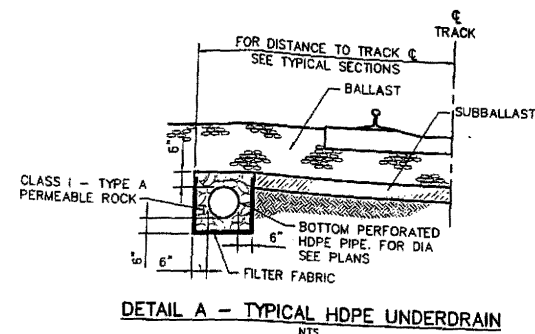
1. DISTANCE IS 28' FROM STA 119+00 TO STA 132+00.
2. LEFT SIDE CUT SLOPE IS 1:1 FROM STA 116+00 TO STA 125+00 AND FROM STA 820+00 TO STA 825+00.
3. CUT SLOPES FOR BOTH SIDES ARE 1:1 FROM STA 765+00 TO STA 775+00.

EXHIBIT NO. 4, PAGE 1

APPLICATION NO. CC-029-02

<p>INFORMATION CONFIDENTIAL: All plans, drawings, specifications, and all information contained herein shall remain the property of the North San Diego County Transit Development Board; and shall not be used for any purpose not provided for in agreements with the North San Diego County Transit Development Board.</p>		<p>DESIGNED BY: J. A. RANETA</p> <p>DRAWN BY: J. M. VILLA</p> <p>CHECKED BY:</p> <p>APPROVED BY:</p> <p>DATE: MAY 21, 2001</p>		<p>NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT BOARD</p> <p>NCTD</p> <p>Agencies & Associates: Siskin/Parsons Associates</p> <p>Engineers & Architects: URS Baker Woodard - Ogle</p> <p>Engineers & Architects: W. T. & S. S. Co.</p> <p>Engineers & Architects: LSI Engineering Services</p> <p>Engineers & Architects: W. T. & S. S. Co.</p> <p>Engineers & Architects: Siskin/Parsons Associates</p>		<p>OCEANSIDE - ESCONDIDO RAIL PROJECT</p> <p>MAINLINE TRACKWORK</p> <p>TYPICAL SECTIONS 2</p>		<p>SCALE: AS SHOWN</p> <p>CONTRACT NO.:</p> <p>DRAWING NO. CI-002</p> <p>REV. SHEET NO.:</p>	
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100% SUBMITTAL



STA 802+70 TO STA 818+00
STA 825+50 TO STA 829+00
STA 835+75 TO STA 838+00
STA 843+00 TO STA 864+80
SCALE: 1"=5'

NOTES:

1. DISTANCE IS 28' FROM STA 132+50 TO STA 147+50.
2. CUT SLOPE FOR BOTH SIDES ARE 1:1 FROM STA 746+00 TO STA 752+00 AND STA 806+00 TO STA 810+50.
3. 2' DEEP X 2' WIDE EARTHEN DITCH AT BOTH SIDES FROM STA 745+00 TO STA 752+00, STA 758+00 TO STA 765+00, STA 805+00 TO STA 810+00, STA 850+00 TO STA 853+00 AND FROM STA 857+00 TO STA 863+00.
4. 2' DEEP X 2' WIDE EARTH DITCH IN LEFT SIDE FROM STA 762+00 TO STA 765+00 AND FROM STA 843+00 TO STA 850+00.
5. CUT SLOPE FOR LEFT SIDE IS 1:1 FROM STA 835+75 TO STA 838+00.

EXHIBIT NO. 4, PAGE 2

APPLICATION NO. CC-029-02



California Coastal Commission

INFORMATION CONFIDENTIAL
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DESIGNED BY
J. A. WARETA
DRAWN BY
J. M. VILLA
CHECKED BY
APPROVED BY
DATE
MAY 21, 2001



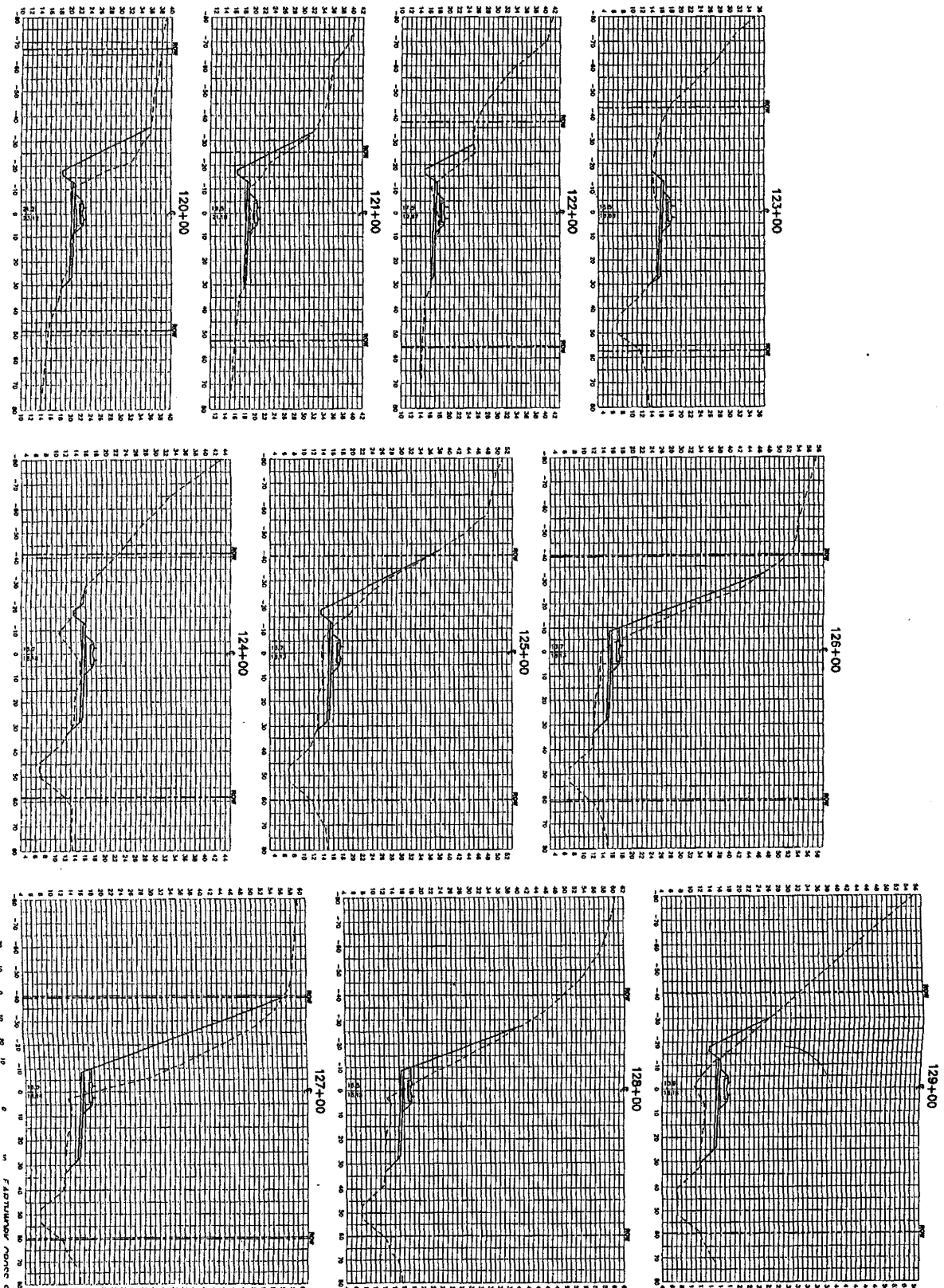
NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT BOARD



Frederic R. Harris, Inc.
SUBMITTED: _____ APPROVED: _____

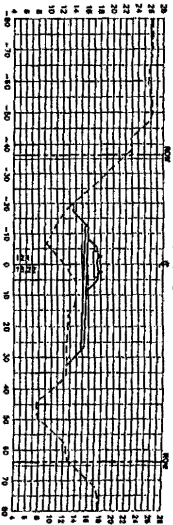
OCEANSIDE - ESCONDIDO RAIL PROJECT
MAINLINE TRACKWORK
TYPICAL SECTIONS 3

SCALE AS SHOWN
CONTRACT NO.
DRAWING NO. CI-003
REV. SHEET NO.

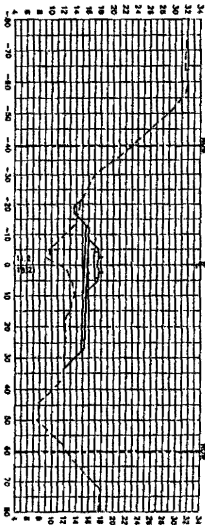


XS-03

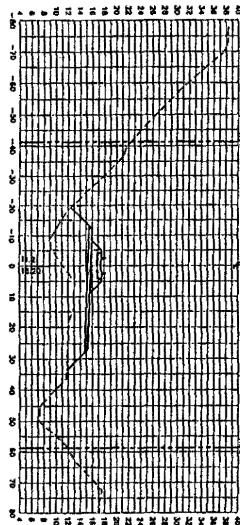
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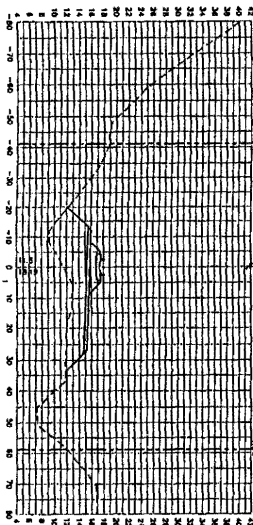
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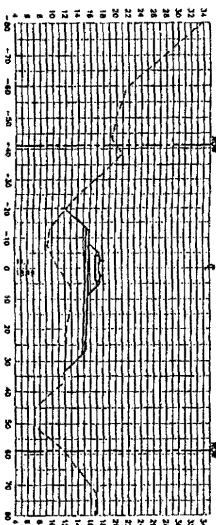
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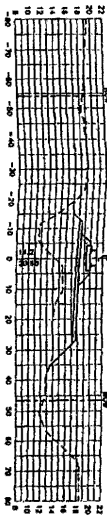
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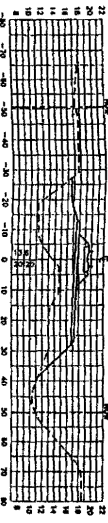
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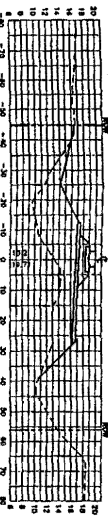
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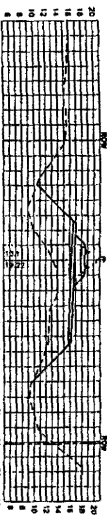
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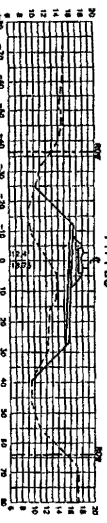
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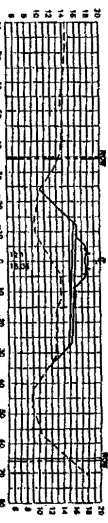
142+00



141+00



140+00



139+00



138+00



EARTHWORK CROSS SECTIONS

XS-04

