

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Disposal of Graded Spoils. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the export of fill materials. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

2. Building Materials. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the executive director, a color board or other indication of the bridge materials and color scheme to be utilized in the construction of the proposed development. Bridge colors shall be compatible with the surrounding natural environment (earth tones) including deep shades of brown, gray and green, with no white, light or bright colors except as minor accent features.

The permittee shall undertake the development in accordance with the approved colors and materials. Any proposed changes shall be reported to the Executive Director and such changes shall not occur without a Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Final Improvement Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final improvement plans for the proposed development that are in substantial conformance with plans by Tylin McDaniel dated July 31, 2003 submitted with this application. Said plans shall be subject to the review and written approval of the Executive Director.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes shall be reported to the Executive Director and such changes shall not occur without a Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant is proposing to construct a pedestrian/bicycle bridge over the grade-separated railroad tracks to provide access from the residential neighborhoods and the Cedros Design District on the east side of the railroad tracks with the future Coastal Rail Trail, business and the beach on the west side of the tracks. The bridge would be constructed across the railroad tracks that are set approximately 25- ft. below grade in this location near the Highway 101/Dahlia Drive intersection on the west side and near the Rosa Street/Cedros Avenue intersection on the east side of the tracks (Exhibit 2). The bridge would facilitate beach access on the south side of the City by providing an additional crossing of the railroad tracks between Via de la Valle and Lomas Santa Fe Drive (the only two current locations to get across the railroad tracks). In addition, the bridge would directly link up with the future Coastal Rail Trail project.

The planned multi-jurisdictional "coastal rail trail" (multi-use pathway) is proposed to extend from Oceanside south to the Santa Fe Depot in the City of San Diego within railway/public right-of-ways and some private property for approximately 18 miles. The coastal rail trail will extend throughout Solana Beach from its south end at Via De La Valle to the north near San Elijo Lagoon. CDP permit #6-03-14 approved the rail trail in Solana Beach.

There will be approximately 500 cu.yds. of cut and 100 cu.yds. of fill required to complete the project. Special Condition #1 requires the applicant to identify the export site and, if the site is within the coastal zone, demonstrate that a permit allowing export has been approved for that site.

The project site is located within the City of Solana Beach, which does not have a certified Local Coastal Program (LCP). Therefore, Chapter 3 of the Coastal Act is the standard of review.

2. Visual Resources. Section 30251 of the Coastal Act addresses visual resources, and states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration

of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

The site is located within existing NCTD right-of-way, west of I-5 and east of Old Highway 101. Highway 101 is major coastal access route and scenic roadway. The proposed 10-foot high, approximately 385 foot long (including ramps) two-span bridge would cumulatively impact the viewshed in the area by adding another structure visible from Highway 101. However, according to the City the project has been designed to minimize the visual impact of the bridge on the surrounding area as the bridge would provide a seamless transition between the Cedros Design District from the east and the Coastal Rail Trail/Highway 101 from the west. According to the City the arch design is consistent with adjacent buildings and the pedestrian bridge to the north at the train station. The height of the bridge is dictated by requirements of the railroad. The bridge is proposed with the minimum possible vertical clearance to the railroad tracks.

The City states that although a few trees will be removed, there will be no landscaping provided as part of the project. The trees that are to be removed are located in the bridge alignment and are comprised of non-native queen palms that were planted during the renovation of the adjacent buildings. Seven palm trees (approximately 25-foot tall) would be removed. The trees are located within a 15-foot wide path between two commercial buildings. One palm tree would be removed from the parking lot behind the buildings. Additionally, miscellaneous non-native plants and shrubs would be removed in the same path. The City states there is no opportunity in the area surrounding the bridge to provide additional landscaping. After review of the site, staff concurs with the City's conclusion.

In its approval of the buildings that flank the trees proposed for removal, the Commission required landscaping (CDP #6-96-27). However, the landscaping was required along the Cedros Avenue frontage to screen the project from the street rather than between the buildings which are located at the rear of the lot. The removal of the trees with this application will not affect the previous permit or result in visual concerns. Thus, removal of the subject trees would not adversely affect public views from Cedros Avenue. Moreover, the Commission has previously approved landscaping along the Coastal Rail Trail route which would help mask or break-up the appearance of the bridge as viewed from Highway 101 located on the west side of the railroad tracks. However, to ensure that the visual impact of the bridge is mitigated to the maximum extent feasible, Special Condition #2 has been attached which requires the applicant to submit a color board or other indication of the bridge materials and color scheme to be utilized in the construction of the proposed development. Bridge colors shall be compatible with the surrounding natural environment (earth tones) including deep shades of brown, gray and green, with no white, light or bright colors except as minor accent features. This will help integrate the project visually with the surrounding environment.

Although preliminary plans have been submitted, Special Condition #3 has been attached which requires the submission of final plans. The submission of final plans will allow the Executive Director to review any potential minor change to the approved plans to determine if the changes are in substantial conformity with the Commission's approval. As conditioned, the proposal will not result in significant adverse visual impacts. Therefore, the proposed project can be found to be consistent with Section 30251 of the Act.

3. Public Access/Recreation. The following policies of the Coastal Act are applicable to the proposed development:

Section 30213.

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

Section 30223.

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The project's primary purpose is to facilitate pedestrian/bicycle access on the south side of the City by providing an additional crossing of the grade-separated railroad tracks between Via de la Valle and Lomas Santa Fe Drive. The bridge will also directly link up with the future Coastal Rail Trail project and as such is a lower cost visitor and recreational facility that is supporting coastal recreation in an upland area. Therefore, the Commission finds the proposed development is consistent with Sections 30213 and 30223 of the Act.

4. Local Coastal Planning. Section 30604 (a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The project site is zoned and designated for right-of-way uses in the City of Solana Beach. The project site is located adjacent to Highway 101 a designated state scenic highway in the Solana Beach Circulation Element, and in the County of San Diego LCP, which the Commission uses for guidance in the City of Solana Beach. The proposed project is consistent with these designations and supports recreational use in the coastal zone. Therefore, as conditioned, the project will not have any impacts on coastal resources and will not prejudice the ability of the City of Solana Beach to prepare a certifiable Local Coastal Program.

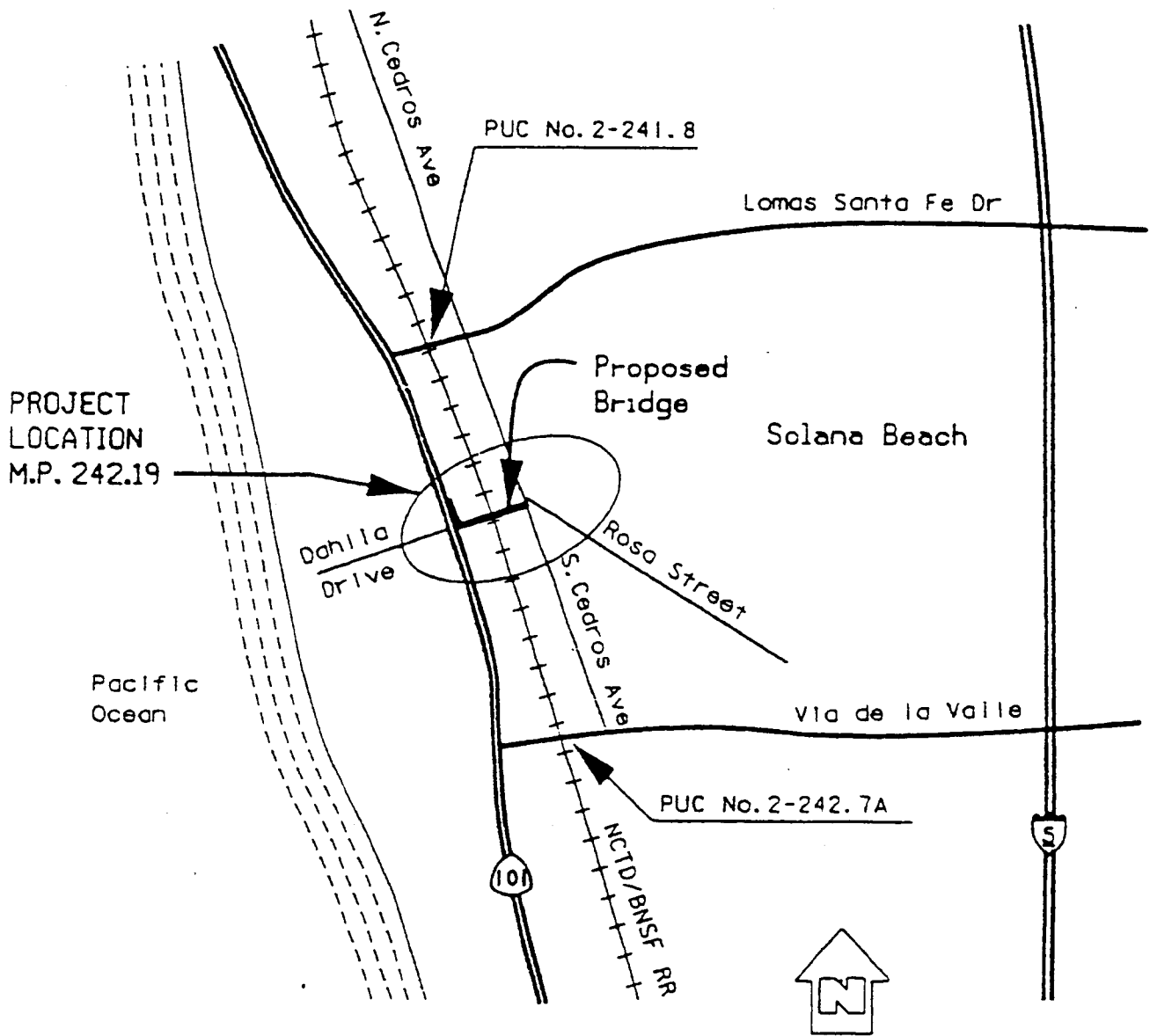
5. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

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

environment. Therefore, the Commission finds the proposed project is the least environmentally-damaging alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.


STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



LOCATION MAP

NO SCALE

EXHIBIT NO. 1
APPLICATION NO.
6-03-072
Location Map
 California Coastal Commission

0+74.86
Elev 68.55

Elev 73.65

Elev 73.75

No Scale

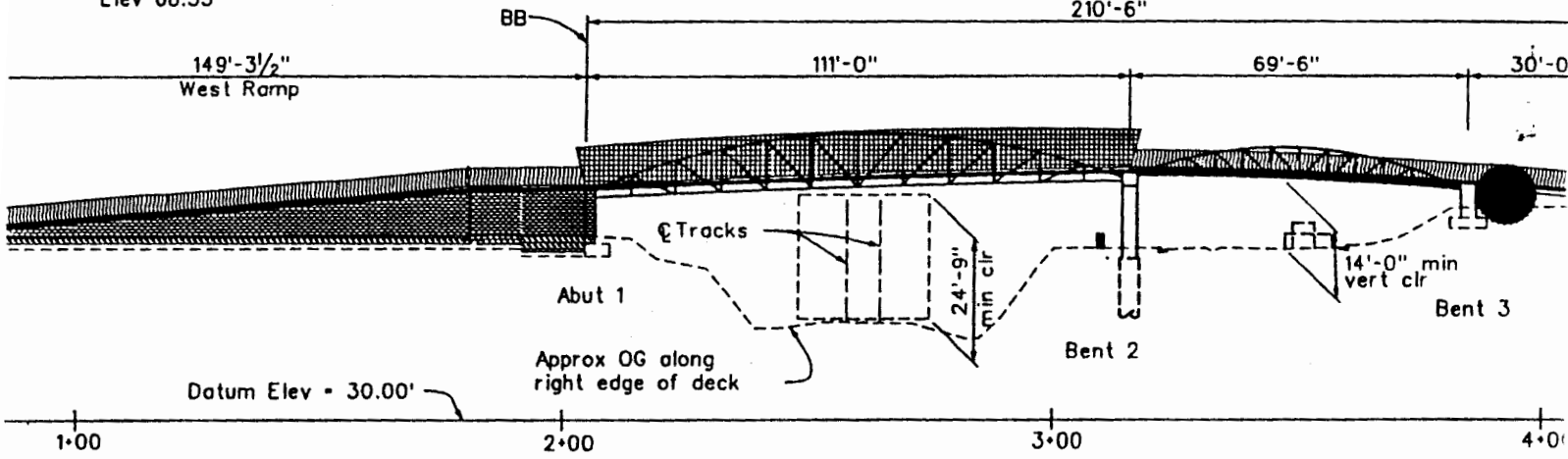
210'-6"

149'-3 1/2"
West Ramp

111'-0"

69'-6"

30'-0"

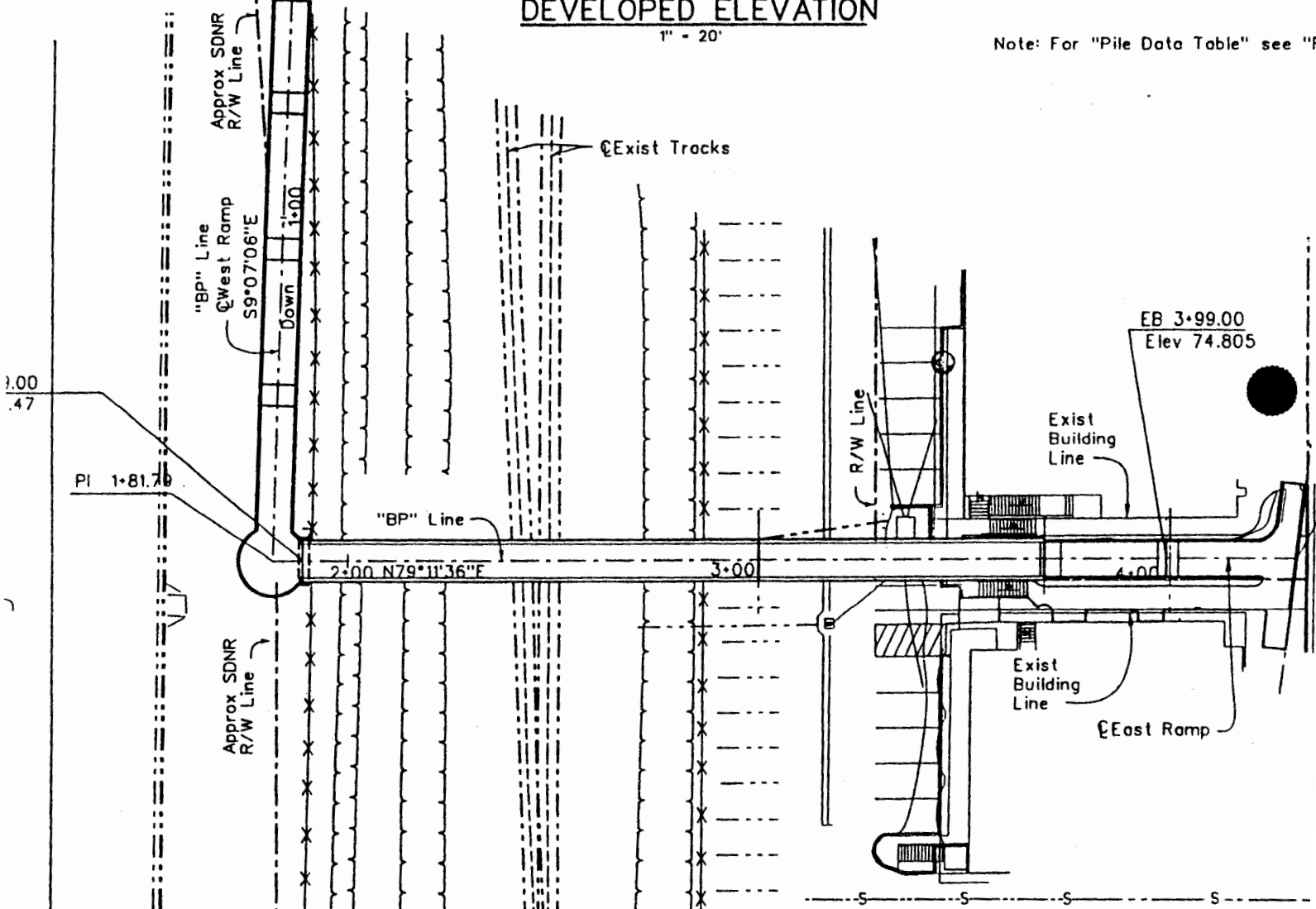


DEVELOPED ELEVATION

1" = 20'

Note: For "Pile Data Table" see "F"

Begin Ramp 0+54.21
Elev 66.65



Legend:

○ - Indicates point of minimum vert clearance

or shall verify all controlling
ins before ordering or
by materials.



PLAN
1" = 20'

Note:
For "General Notes"

EXHIBIT NO. 2
APPLICATION NO.
6-03-072
Site Plan

DEPARTMENT	SANTA FE IRRIGATION DISTRICT	ENGINEER OF WORK	CITY APPROVED CHANGES	APP'D DATE
	A Toledo	By: _____	Date: _____	
	Drawn By			

By: California Coastal Commission