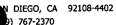
CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103







February 4, 2003

49th Day: 180th Day: March 25, 2003 August 3, 2003

Staff:

GDC-SD

Staff Report: Hearing Date: March 20, 2003 April 8-11, 2003

REGULAR CALENDAR STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-03-14

Wed 15i

Applicant:

City of Solana Beach

Agent: Dan Goldberg

Description:

Construction of a linear park approximately 1.8 miles long and 20 to 60

feet-wide containing a multi-use path, two community gardens, artwork,

benches, fencing and landscaping.

Zoning

Right-of-Way

Plan Designation

Right-of-Way

Site:

Within the North County Transit District Right-of-Way along the east side of Highway 101 extending from Via De La Valle on the south to the north end of Solana Beach near San Elijo Lagoon, Solana Beach, San Diego County. (APN Nos. 263-01-13, 14, 16, 17; 298-310-02; 298-212-16, 17

and; 298-42-33)

Substantive File Documents: Certified County of San Diego Local Coastal Program;

Solana Beach Linear Park Master Plan; CDP Nos. 6-00-149/City of

Solana Beach.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed linear park with conditions requiring the use of Best Management Practices to address polluted runoff and the submission of a landscaping plan to enhance the visual quality of the site incorporating the use of native, drought-tolerant or non-invasive landscaping with low-flow irrigation. The proposed development will improve an existing undeveloped railway right-of-way adjacent to Highway 101 resulting in enhanced public access and visual resources. With the attached conditions, the proposed development can be found consistent with all applicable Chapter 3 policies of the Coastal Act.



I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION:

I move that the Commission approve Coastal Development Permit No. 6-03-14 pursuant to the staff

recommendation.

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. <u>Final Plans</u>. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final plans for the proposed linear park improvements. Said plans shall be in substantial conformance with the plans submitted with this application by Schmidt Design Group dated 2/11/03 and shall be subject to the review and written approval of the Executive Director.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director.

No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit amendment unless the Executive Director determines that no additional amendment is legally required.

- 2. Final Landscape Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a detailed final landscape plan for the proposed development. Said plan shall be in substantial conformance with the draft landscape plan submitted with this application by Schmidt Design Group dated 2/11/03, but shall be revised to include the following:
 - a. A plan showing the type, size, extent and location of all proposed vegetation and any necessary irrigation.
 - b. Only drought tolerant native or non-invasive plant materials may be utilized throughout the project site, except that only native, drought-tolerant plant materials may be utilized throughout the 250 lineal foot area south of the proposed park's northern terminus adjacent to San Elijo Lagoon.
 - c. Low-flow efficient irrigation systems shall be utilized. Any irrigation system shall be designed with drip lines, where feasible; check valves at low points to reduce excess drainage; automatic controllers; rainy weather shut off controls; and, if rotor heads are used, minimal head coverage overlap.

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

- 3. Runoff Control Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a runoff control plan that incorporates Best Management Practices (BMPs), designed to reduce both the volume and pollutant load of runoff from the proposed development to the greatest extent feasible. The plan shall be subject to the following criteria and include the following components:
 - (a) Opportunities for directing runoff from the proposed multi-use path to permeable spaces for infiltration shall be utilized to the maximum extent feasible. Where this is infeasible, maintain post-development peak runoff rate and average volume at levels that are similar to pre-development levels.
 - (b) Runoff should be conveyed from the site in a non-erosive manner.

(c) Animal waste bag dispensers accompanied by signage which encourages park users to dispose of animal waste in proper receptacles shall be provided and regularly stocked. Covered trash receptacles shall be included.

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

4. <u>Sign Program</u>. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a comprehensive sign program, documenting all signage proposed for the development site. No commercial or other advertising shall be permitted. Said plans shall be subject to the review and written approval of the Executive Director.

The permittee shall undertake development in accordance with the approved sign plans. Any proposed changes to the approved sign plans shall be reported to the Executive Director. No changes to the approved plans shall occur without an 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\History. The proposed development involves the construction of an approximately 1.8 mile-long, 20-60 foot-wide linear park containing a multi-use concrete path, benches, two community gardens, artwork, and landscaping to be located within the west side of the North County Transit District's right-of-way which parallels Highway 101 in the City of Solana Beach. The subject site is currently vacant without vegetation with the exception of an approximately 500 foot-long center section of the linear park has already been constructed adjacent to Lomas Santa Fe Drive and Highway 101 (ref. CDP #6-00-149/Solana Beach). The city-wide linear park will represent the City of Solana Beach's portion of a planned multi-jurisdictional "coastal rail trail" (multi-use pathway) project that is proposed to extend from Oceanside south to the Santa Fe Depot in the City of San Diego within railway/ public right-of-ways and some private property for length of approximately 18 miles. The proposed development will extend throughout Solana Beach from its south end at Via De La Valle to the north near San Elijo Lagoon.

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

The project site is located within 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. Prior to the incorporation of Solana Beach, the Commission certified the County of San Diego LCP subject to suggested modifications. The County did not accept the modifications, so the LCP was never certified. The Commission, however, uses those portions of the LCP that were not subject to suggested modifications for guidance.

2. Parking/Public Access. Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development within public transportation . . .

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

Minimize energy consumption and vehicle miles traveled.

The proposed development involves the construction of an approximately 1.8 mile-long linear park area containing a multi-use path, benches, two community gardens, artwork, and landscaping. An approximately 10 ft-wide concrete path will traverse in a winding fashion through the center of the park affording local residents and visitors a recreational opportunity to bike, walk or run through the north/south extent of the City. The park will also enhance the public's ability to walk or bike to beach access points west of the proposed linear park. For instance, the multi-use path connects on its north end at the stop-light/cross walk at Solana Vista Drive which is a street that leads west to the public access stairs at Tide Beach Park approximately two blocks away. At Lomas Santa Fe Drive, users of the park can cross Highway 101 and walk/bike to Fletcher Cove the City's primary beach access park located approximately 1-½ blocks west of Highway 101. In addition, the City has long-range plans to construct pedestrian bridges over the railroad tracks near both the south and north ends of the linear park to provide safe access for residents or visitors into the linear park, toward the shoreline.

Because Fletcher Cove Park is the main accessible public beach area serving the City of Solana Beach that is close to the downtown area, it is a very popular destination point for residents and visitors alike. As such, the streets and public parking lots surrounding Fletcher Cove are used for beach access. In addition, a number of the existing commercial developments along Highway 101 in this area were constructed prior to the incorporation of the City of Solana Beach and fail to meet the City's current parking standards. As a result, the streets and public parking lots in this area are also used for parking for the existing commercial development. The proposed development will occur within the North County Transit District's right-of-way adjacent to the west side of

Highway 101. The railway right-of-way within the City consists of varying widths from 20 to 100 feet. In a previous Commission action, the railway right-of-way within Solana Beach has been identified as an area that could be developed to provide a reservoir of public parking for beachgoers (CDP Nos. #6-00-149/Solana Beach and 6-96-27/McCleod). However, the need to reserve areas within the proposed linear park for public parking is not necessary to assure public access to the coast. The proposed linear park will itself enhance public access and reduce the need for automobile traffic by accommodating access to the coast by users of the nearby transit center. The proximity of the transit center which provides train and bus service to Solana Beach from cities to the north and south, affords beachgoers a non-automobile access opportunity to the shoreline, thus reducing the demand for public parking.

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

3. <u>Visual Resources</u>. Section 30251 of the Coastal Act states, in part:

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

The proposed linear park will be located within the railway right-of-way which is located adjacent to the east of Highway 101. Highway 101 is designated as a 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 approximately 1.8 mile-long, 20-60 foot-wide subject site is currently vacant and unvegetated. An approximately 4 foot-high chain-link fence lies on its east side separating the proposed park area from the below-grade railway tracks. The applicant proposes to install an approximately 10 foot-wide concrete multi-use path in the center of the park, with approximately 2 feet-wide decomposed granite (dg) to be placed on either side of the concrete path. The remaining park area will mostly consist of landscaping elements including trees and grasses and will include features such as two railroad viewing overlooks, artwork "stops" and two community gardens. Although the park will be located on the west side Highway 101 approximately 2 blocks east of the beach, no public views of the ocean or the shoreline currently exist across the site. Therefore, no public views to or along the coast will be adversely affected by its construction.

The plans submitted with the application indicate that the City has future plans to install two bus shelters adjacent to Highway 101, although these are not included as part of the

subject application. However, since the bus stop shelters will be located along Highway 101, a designated scenic highway, the Commission is concerned that advertising signs not be attached to any future bus shelter structure which would lessen the visual compatibility of the project with the surrounding area and create a visual blight along the scenic corridor. Therefore, Special Condition #4 has been attached which prohibits commercial or other advertising from being placed anywhere within the linear park. In addition, landscape planting areas are proposed to be interspersed throughout the park in a manner which will serve to enhance the visual appearance of the site and the recreational experience of its users. The landscaping will also serve to mask or break-up the appearance of commercial structures located on the east side of the railroad tracks. Special Condition #2 has been attached which requires the applicant to submit a final landscape plan for the proposed development which includes the use of drought tolerant native or non-invasive vegetation and low-flow irrigation. In addition to beautifying the intersection along this scenic highway, the use of drought tolerant native or non-invasive species will reduce the need for water and fertilizers and, thereby, reduce polluted runoff. In addition, Special Condition #2 requires that only native plant species be utilized within the most northern 250 feet of the linear park adjacent to San Elijo in order that the vegetation within that section of the park is visually, as well as biologically, consistent with the naturally vegetated hillside that lies between the park and the lagoon. As conditioned, the proposal will not result in any adverse visual impacts and will enhance the overall visual quality of the area. Therefore, the proposed project can be found to be consistent with Section 30251 of the Act.

4. Runoff/Water Quality. Section 30230 of the Coastal Act requires that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act requires that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30231 of the Act requires that the biological productivity of coastal waters, streams, etc., be maintained by, among other means, controlling runoff. The proposed development involves the construction of an approximately 1.8 mile-long linear park with

approximately 95,040 sq. ft. of pavement (10 ft.-wide concrete pathway). Since the site is currently vacant and unvegetated, the paved areas will represent a significant increase in impervious surfaces. The majority of the run-off from the proposed impervious surfaces will flow through a two-foot wide strip of decomposed granite on either side of the and then over landscaping. Any additional runoff that is not effectively absorbed by the decomposed granite or landscaping will sheet-flow onto Highway 101 and, through storm drains, to an outlet at Fletcher Cove approximately 1 ½ blocks west of the subject site. The storm drain outlet at Fletcher Cove is designed to provide low-flow diversion into the City's sewer system. However, the northern-most extent of the park will flow to the street and eventually toward San Elijo Lagoon.

During periods that the low-flow diversion at Fletcher Cove is not in operation and anytime runoff flows into San Elijo Lagoon to the north or San Dieguito Lagoon to the south, such runoff from the proposed development could affect water quality of coastal waters. Fertilizers and pesticides associated with the proposed landscaping of the linear park or the two small community gardens could result in polluted run-off in the form of nutrients and organic phosphates. In addition, the use of non-native, invasive plant species could adversely affect the environmentally sensitive habitat of nearby San Elijo Lagoon or other coastal waters if seeds from these plants species were introduced via runoff or bird feces into coastal waters. Such invasive species could supplant or replace the natural environmental habitat of the lagoon. In addition, the use of the park by people walking their dogs raises concern with dog fecal matter entering into the storm drain system leading to the ocean. If not controlled or properly managed, these forms of polluted runoff can harm marine life and may pose a risk to public health, which can result in beach closures.

Special Condition #2 includes source control measures, which when implemented will serve to reduce the potential for the development to be a source of pollutants, and reduce the potential for nuisance runoff which can convey pollutants to the storm drain system. Special Condition #2 requires vegetation selected for landscaping to be native droughttolerant species or adapted non-invasive material. In addition, to further protect San Elijo Lagoon which is located near the northern end of the proposed linear park, Special Condition #2 also requires that only drought-tolerant native species be used within the most northern 250 feet of the park. The limitation of native species in this area will serve as a vegetation buffer between any non-native species and the lagoon and reduce the risk of invasive species from entering into the lagoon. In addition, the use of drought-tolerant vegetation greatly reduces the need for intensive irrigation, which in turn reduces the potential for excessive irrigation to result in nuisance runoff from the site. Additionally, any irrigation system utilized is required to be efficient technologically, which will serve to prevent excess irrigation and resulting nuisance runoff from occurring. Further, native or adapted plants are well suited to regional conditions, and therefore do not have to be sustained with heavy fertilizer or pesticide applications. Minimizing the need for topical agents such as fertilizer and pesticides should reduce or eliminate their application, thereby minimizing pollutants susceptible to stormwater and nuisance runoff from the site.

Additionally, Special Condition #3 has been attached which requires the applicant to implement a drainage and runoff control plan that incorporates the use of BMP's such as vegetation to filter stormwater runoff to the maximum extent feasible and an animal waste control program that incorporates the use of animal waste bag dispensers and trash receptacles.

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

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

The project site was designated for public/semi-public uses in the previously certified County of San Diego Local Coastal Program, and is zoned and designated for right-of-way uses in the City of Solana Beach. The project site is located adjacent to Highway 101 a designated state scenic highway in the Solana Beach Circulation Element, and in the 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. The proposed development will serve to encourage the use of alternative transportation modes, consistent with the Coastal Act requirement. Therefore, as conditioned, the project will not have any impacts on coastal resources and will not prejudice the ability of the City of Solana Beach to prepare a certifiable Local Coastal Program.

6. <u>California Environmental Quality Act (CEQA)</u>. 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.

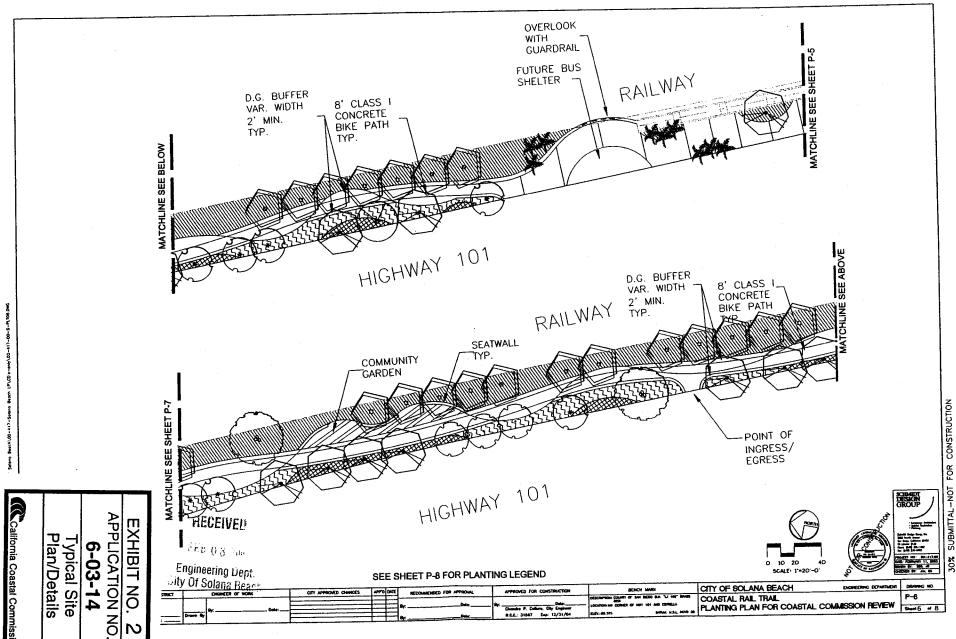
As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the public access, water quality and visual resource protection policies of the Coastal Act. As conditioned, there are no less 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. <u>Notice of Receipt and Acknowledgment</u>. 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. <u>Expiration</u>. 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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment</u>. 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. <u>Terms and Conditions Run with the Land</u>. 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.

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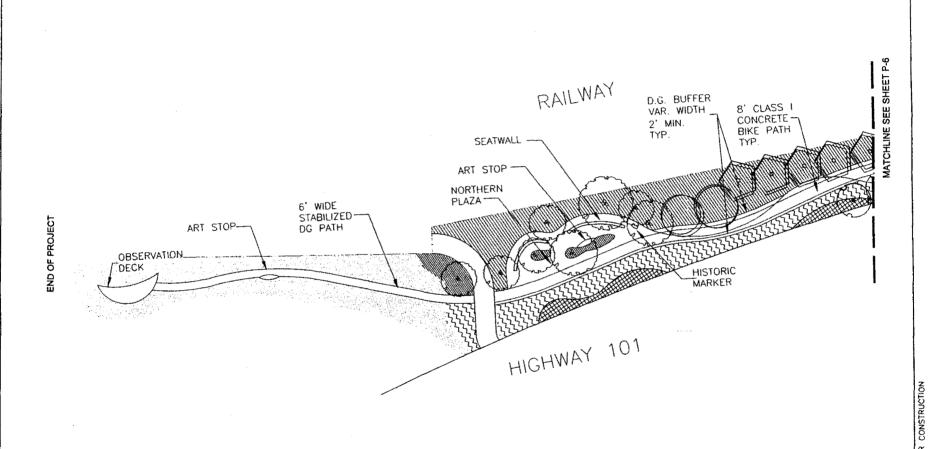


EXHIBIT NO. 3

APPLICATION NO. Northern End Plan 6-03-14 Site

T rept. Beach SEE SHEET P-8 FOR PLANTING LEGEND







CITY OF SOLANA BEACH DIGNEEDING REVIEWS
COASTAL RAL TRAIL
PLANTING PLAN FOR COASTAL COMMISSION REVIEW