

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



Tue 5a

Filed: 11/28/05
49th Day: 1/16/06
180th Day: 5/27/06
Staff: GDC-SD
Staff Report: 2/16/06
Hearing Date: 3/7-10/06

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-05-127

Applicant: City of Solana Beach **Agent:** Dan Goldberg

Description: Construction of an approximately 412 ft.-long, approximately 23 ft.-high pedestrian/bicycle bridge across grade-separated railroad tracks to provide access from residential neighborhoods on the east side of the railroad tracks to the Coastal Rail Trail, businesses and beach areas on the west side of the railroad tracks.

Site: Railroad right of way between North Cedros Avenue and Highway 101, Solana Beach, San Diego County. APN 263-342-02 and 298-310-03.

Substantive File Documents: City of Solana Beach General Plan; Coastal Development Permits 6-00-149/City of Solana Beach, 6-03-14/City of Solana Beach and 6-03-72/City of Solana Beach.

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final plans for the proposed development that are in substantial conformance with plans by T.Y.Lin International-McDaniel dated received with this application on November 28, 2005. Said plans shall be subject to the review and written approval of the Executive Director and shall include the following:

- a. 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 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:

A. Detailed Project Description/History. The applicant is proposing to construct an approximately 412 ft.-long, approximately 23 ft.-high pedestrian/bicycle bridge over the grade-separated railroad tracks to provide access from the residential neighborhoods on the east side of the railroad tracks to the "Coastal Rail Trail", businesses and beaches on the west side of the tracks. No grading or landscaping is proposed. The bridge will be constructed across the railroad tracks that are set approximately 25- ft. below grade in this location near the Highway 101/Cliff Street intersection on the west side and near the North Cedros Ave./East Cliff St. intersection on the east side of the tracks (Exhibit 2). The bridge will be designed to resemble a railroad trestle bridge consisting of steel and concrete and will be surrounded by safety screening. Although Highway 101 is considered a scenic highway, the proposed bridge will not block or affect any existing views of the ocean, shoreline or of nearby San Elijo Lagoon. In 2003, the Commission approved a similarly designed pedestrian/bicycle bridge to cross over the railroad tracks on the south side of the City (Ref. CDP #6-03-72/City of Solana Beach).

The bridge will facilitate beach access on the north side of the City by providing an additional crossing of the railroad tracks north of Lomas Santa Fe Drive. In addition, the

bridge will directly link up with the City's "linear park" that is located along the east side of Highway 101. The linear park will eventually be part of a county-wide 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 City's portion of the Coastal Rail Trail is the linear park that was recently constructed along the east side of Highway 101 in Solana Beach that extends from its south end at Via De La Valle to the north near San Elijo Lagoon (Ref. CDP Nos. 6-00-149 and 6-03-14/City of Solana Beach).

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.

B. Biological Resources. Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development will not have an adverse impact on any natural landforms or sensitive habitat and will not result in erosion or adverse impacts to water quality. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Community Character /Visual Quality. The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. Local Coastal Program. The City of Solana Beach does not have a certified LCP at this time. Thus, the Coastal Commission retains permit jurisdiction in this community and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

E. California Environmental Quality Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible 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.