

2). The standard of review for the Commission's review of the NOID is to determine whether the project described in the NOID is in conformity with the certified NCC PWP/TREP, including the policies, design/development strategies and implementation measures identified therein.

The subject NOID was submitted by SANDAG in preliminary form on February 1, 2017 and, after submittal of additional materials, was filed as complete on April 10, 2017. The date by which the Commission must take action on the NOID is May 22, 2017.

Project History

The project history for this specific project is especially relevant and therefore warrants a significant description to better understand the evolution of the subject project that has been submitted with this NOID. Planning for the Coastal Rail Trail began in 1989 when SANDAG commissioned a study which determined that it was technically feasible to construct a bicycle path along the railway for nearly its full length from Oceanside to San Diego. A second study, the Coastal Rail Trail Project Study Report, was completed in October 2000, and a Memorandum of Understanding was signed by the NCC cities (Oceanside, Carlsbad, Encinitas, Solana Beach, Del Mar, and San Diego) as well as San Diego, North County Transit District (NCTD), and the Metropolitan Development Board to jointly coordinate and plan the Coastal Rail Trail. These cities and agencies met on a monthly basis to identify issues and to develop an environmentally appropriate alignment for the pathway, which would be constructible, not cost prohibitive, while maintaining the continued use of the railroad for passenger and freight transportation. The subject segment in Cardiff has always been identified along the east side of the rail tracks in all of the iterations for this stretch of the trail, including in the Final Coastal Rail Trail Project Study Report dated October 2000, the Mitigated Negative Declaration dated April 2001, and the certified NCC PWP/TREP ([Exhibit 10](#)). This eastern alignment has been thoroughly vetted during the regional planning effort that has taken place over the past 20 years.

It is important to note that the NCC PWP/TREP, as originally certified, required that the projects within it for the development of the Coastal Rail Trail would locate those improvements within the LOSSAN rail right-of-way. In March 2016, the Commission certified an amendment to allow some greater flexibility regarding the location of the trail, in part because existing NCC PWP/TREP maps already showed portions of it being outside the right-of-way in some cases, but there were strict limits on the ability to locate the trail outside the right-of-way. One such limitation was that the trail would still have to be immediately adjacent to the rail corridor, except in certain, limited circumstances.

With that background, SANDAG spent more than four years (from January 2012 to March 2016) and approximately \$410,000 designing an alignment of this stretch of the Coastal Rail Trail that would be sited within and immediately adjacent to the eastern boundary of the rail corridor and along San Elijo Avenue, in order to be consistent with the NCC PWP/TREP. It is important to note that this "eastern alignment" is different than the project eventually submitted by SANDAG and currently before this Commission (which would be located farther to the west, much of it on the other/western side of Coast

Highway 101). During this four year effort, SANDAG coordinated with the City, Commission staff, residents, and other stakeholders on the design for the eastern alignment. Three open house meetings were held, in November 2013, February 2014 and April 2015, to receive input from the community. SANDAG also presented the project to the City Council at its May 20, 2015 meeting and received the Council's endorsement of the project. Furthermore, SANDAG met with Commission staff on July 10, 2015 to review the project. At that meeting, Commission staff provided general feedback, confirmed that the project was consistent with the NCC PWP/TREP, and emphasized support for the project along San Elijo Avenue as a part of this eastern alignment.

However, in November 2015, some residents within the community began to voice concerns with the project. Form e-mails were sent to the Encinitas City Council, the SANDAG Board and the Commission by opponents enumerating their objections to the project. These concerns included the following: the project would reduce existing informal parking along San Elijo Avenue (generally used by residents and beachgoers); installation of a fence along the rail corridor would prevent the public from crossing the rail tracks to access the beach; increased train noise (trains are required to sound their horns at at-grade rail crossings) would result from a separate project to construct an at-grade pedestrian rail crossing near Montgomery Avenue that would facilitate safe and legal crossing of the tracks; installation of a concrete trail would be an adverse change from the existing natural setting; residents along San Elijo Avenue, as well as sanitation personnel, delivery trucks and emergency responders, would be subject to greater safety hazards due to increased bicycle traffic; the project would adversely impact vehicle traffic on San Elijo Avenue; lighting would adversely impact residents and attract undesirable night visitors; and the project is unnecessary since there are already existing bike and pedestrian facilities on nearby Coast Highway 101.

Even though the City Council had already endorsed the project, on March 30, 2016, in response to this opposition, the Council changed its position and requested that SANDAG pursue improvements to the existing bike/pedestrian facilities on Coast Highway 101 instead of construction of a new Coastal Rail Trail on San Elijo Avenue and Vulcan Avenue (San Elijo Avenue turns into Vulcan Avenue as it continues north of Santa Fe Drive). While coordination with the City is required by the NCC PWP/TREP, it is important to note that the projects identified therein have already been approved by the Commission as part of the approval of the NCC PWP/TREP and are not required to receive discretionary approval from the City. However, in response to the City's direction, SANDAG chose to halt planning for the eastern alignment, despite the fact that significant time and resources had already been devoted to advance the project to 60% design level, and began the planning process for improvements to the existing bike/pedestrian facilities on Coast Highway 101, also referred to as the "western alignment."

However, neither SANDAG nor the City communicated this significant change in project scope to Commission staff until after planning on the western alignment had begun and did not involve Commission staff in any of these previous discussions with the City Council. When SANDAG formally presented the modified project to Commission staff

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on June 1, 2016, Commission staff immediately identified that the western alignment would not be consistent with the NCC PWP/TREP for several reasons: it is sited along the west side of Coast Highway 101 which is not located within or immediately adjacent to the rail corridor as required by the NCC PWP/TREP; the NCC PWP/TREP only allows exceptions to this requirement if there are environmental, safety, or physical constraints that make it infeasible to construct the Coastal Rail Trail within or immediately adjacent to the rail right-of-way, which is not the case in this instance as evidenced by the fact that SANDAG has already progressed to 60% design plans for the eastern alignment, demonstrating that the project is feasible; the project proposed along Coast Highway 101 is not sited along the eastern boundary of the rail corridor as depicted in the maps in the NCC PWP/TREP as well as maps within the City's certified LCP (i.e., recreation element and the NCC PWP/TREP overlay); completion of the Coastal Rail Trail is envisioned as a new active transportation project in the NCC PWP/TREP to offset the impacts associated with widening of Interstate-5, and improvements to existing bike/pedestrian facilities along Coast Highway 101, rather than the construction of a new Coastal Rail Trail, does not serve as adequate mitigation; and the project would reduce the number of vehicle lanes on Coast Highway 101 which is inconsistent with the City's certified LCP (i.e., circulation element) and could adversely impact traffic on Coast Highway 101. Commission staff recommended that SANDAG reconsider the original design (eastern alignment) in order to maintain consistency with the NCC PWP/TREP. Because a development's consistency with the NCC PWP/TREP is the standard of review for NOIDs, it is critical that it is designed to be consistent with all of the policies, design/development strategies, and implementation measures of the NCC PWP/TREP in order to be approvable. During a June 16, 2016 meeting with SANDAG, Commission staff reiterated concerns with the modified project, including its inconsistency with the NCC PWP/TREP. Finally, Commission staff sent a comment letter, dated August 8, 2016 ([Exhibit 8](#)), to SANDAG and the City to memorialize Commission staff's position regarding the two alignments and their consistency (or inconsistency) with the NCC PWP/TREP. Despite this feedback, SANDAG continued to move forward with the western alignment.

Commission staff participated in a site visit with the community group in support of the Coast Highway 101 alignment on September 27, 2016, to get a better understanding of their concerns, and conducted another site visit with SANDAG, representatives from City staff and Council, and Commissioner Cox on November 9, 2016 in order to discuss the best path forward.

Staff Recommendation

Typically, if a project listed in a NOID is inconsistent with the governing PWP, there are three options: 1) reject the NOID if its inconsistency with the PWP is so severe that the NOID does not actually reflect a project contained within the plan, 2) amend the PWP to assure the NOID's consistency with the PWP prior to submitting the associated NOID application, or 3) require conditions that are necessary to make the NOID consistent with the PWP. Because a portion of the project is being funded with grant monies that are

attached to specific deadlines¹, Commission staff agreed to process the NOID as expeditiously as possible using the third option. As such, Commission staff is recommending **Special Condition #1**, which requires the alignment of the Coastal Rail Trail to be sited within or immediately adjacent to the rail right-of-way along San Elijo Avenue in order to ensure the NOID's consistency with the NCC PWP/TREP.

It is important to note that Commission staff has provided feedback to both SANDAG and the City that while staff is generally supportive of the proposed improvements to the existing bicycle and pedestrian facilities located on Coast Highway 101 in Encinitas, issues surrounding the loss of traffic lanes would need to be addressed and these improvements would not satisfy the NCC PWP/TREP requirement to complete the Coastal Rail Trail. There is nothing to prevent SANDAG or the City from pursuing these improvements by applying for a coastal development permit separate from the NCC PWP/TREP. It is also worth noting that recently the City has been planning for potential projects within and adjacent to the rail corridor as part of its Coastal Mobility and Livability Study, which includes a Rail Corridor Vision Study and Active Transportation Plan. Feedback received from the public as part of this study indicates that construction of bicycle and pedestrian facilities on San Elijo Avenue is a priority. Working under the assumption that SANDAG will construct improvements to the bike/ped facilities along Coast Highway 101, the City is currently planning for the addition of bicycle lanes and a sidewalk on Vulcan Avenue and San Elijo Avenue as part of the Vulcan/San Elijo Pedestrian & Bicycle Improvement Project. Thus, it is clear that new bicycle and pedestrian facilities are wanted by both the larger community and the City along the rail corridor and San Elijo Avenue. However, staff recommends that SANDAG construct the Coastal Rail Trail along the rail corridor, as required by the NCC PWP/TREP; the new bike/pedestrian facility would be separated from the road, unlike the City's preliminary plans for a sidewalk and on-street bike lanes, which would not provide the same amenity.

In conclusion, the proposed development, as submitted, would not be consistent with the NCC PWP/TREP. Thus, Special Condition #1 requires that prior to commencement of construction, SANDAG submit final plan that site the Coastal Rail Trail within or immediately adjacent to the LOSSAN rail right-of-way along San Elijo Avenue in order to be consistent with the NCC PWP/TREP. Therefore, staff is recommending that the Commission determine that the impending development is consistent with the certified NCC PWP/TREP only as conditioned. The motion and resolution can be found on Page 8. The findings for the determination of the NOID's consistency with the NCC PWP/TREP begin on Page 10.

ADDITIONAL INFORMATION

Further information may be obtained from Kanani Brown or Gabe Buhr at 619-767-2370.

¹SANDAG has \$4.4 million for construction capital, construction support and contingency. This figure relies on the \$1.025 million in State Active Transportation Program Grant funding, which will be lost if the project is not Ready to Advertise for Construction by February 2018.

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[Appendix A – Substantive File Documents](#)

EXHIBITS

[Exhibit 1 – Regional & NCC Map](#)

[Exhibit 2 – Project Location Map](#)

[Exhibit 3 – Jurisdiction Map](#)

[Exhibit 4 – Eastern Alignment Visual Simulations/Renderings](#)

[Exhibit 5 – Western Alignment Visual Simulations/Renderings](#)

[Exhibit 6 – NCC PWP/TREP Maps](#)

[Exhibit 7 – City of Encinitas LCP Figures \(Recreation Trails Master Plan, PWP Overlay\)](#)

[Exhibit 8 – Commission Staff Comment Letter](#)

[Exhibit 9 – Parking Map](#)

[Exhibit 10 – MND/Project Study Maps](#)

[Exhibit 11 – NCTD’s Fencing Policy](#)

CORRESPONDENCE

[Support of Eastern Alignment](#)

[Support of Western Alignment](#)

I. PROCEDURAL ISSUES

PUBLIC WORKS PLAN BACKGROUND AND HISTORY

Section 30114 of the Coastal Act defines public works to include, among other things, the following:

(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. (...)

(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.

Section 30605 of the Coastal Act states, in part:

To promote greater efficiency for the planning of any public works (...) and as an alternative to project-by-project review, plans for public works (...) may be submitted to the commission for review in the same manner prescribed for the review of local coastal programs set forth in Chapter 6 (commencing with Section 30500).

A Public Works Plan (PWP) is one of the alternatives available to the Commission and project proponents for Commission review of large or phased public works projects and remains under the authority of the Commission irrespective of coastal permitting jurisdictional boundaries. A PWP is an alternative to project-by-project review for public works (which, in the case of the overarching plan of which the current proposal is a part, would require multiple coastal development permits, in multiple jurisdictions, if not processed through a PWP). PWPs must be sufficiently detailed regarding the size, kind, intensity, and location of development to allow the Commission to determine their consistency with the Chapter 3 policies of the Coastal Act (in areas that are pre-LCP certification) or the certified LCP (in post-LCP certification areas). Once the Commission approves a PWP, no coastal development permit is required for a specific project described within it; rather, before commencing each specific project, the project proponent must submit notice in the form of a NOID, which requires the Commission to determine whether the submitted project is consistent with the standards within the PWP, or if conditions are necessary to make it consistent.

Chapter 4 of the NCC PWP/TREP (Scope of Planned Improvements) includes a description of specific projects, including rail improvements (e.g., double-tracking, rail bridge replacement, station improvements, tunnels); Interstate-5 improvements (e.g., high occupancy vehicle lanes, direct access ramp, auxiliary lanes, highway bridge replacement, park-and-rides); other transportation improvements (e.g., bus rapid transit, Coast Highway bus service, interchange improvements); bicycle, pedestrian, and

recreational improvements (e.g., Coastal Rail Trail, North Coast Bike Trail, rail crossings, highway crossings, community enhancement projects); and natural resource and environmental improvements (e.g., restoration of corridor lagoons, bridge optimization). The location of these specific projects is also illustrated in several figures within Chapter 4.

Chapter 5 of the NCC PWP/TREP (Coastal Development Policies and Resources) is divided into ten sections with each section containing policies, design/development strategies, and implementation measures, in order of increasing specificity, specific to the relevant issue area. The policies and design/development strategies apply to all NCC PWP/TREP improvements, while the implementation measures are project-specific and apply to NCC PWP/TREP improvements that are subject to the NOID review process.

STANDARD OF REVIEW

Sections 30605 and 30606 of the Coastal Act and Title 14, Sections 13357(a)(5), 13359, and 13353-54 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified PWP. The standard of review for those portions of the proposed project that are specifically authorized by the PWP component of the NCC PWP/TREP, and for which a Notice of Impending Development has been submitted, is whether the development is consistent with the PWP. Section 13354 requires the Executive Director to review the NOID within five working days of receipt to determine whether it provides sufficient information to determine if the proposed development is consistent with the certified PWP. The notice is to be filed when all necessary supporting information has been received.

Pursuant to Section 13359 of Title 14 of the California Code of Regulations, within thirty working days of the filing of the NOID, the Executive Director shall report to the Commission the pendency of the development and make a recommendation regarding the consistency of the proposed development with the certified PWP. After public hearing, by a majority of its members present, the Commission shall determine whether the development is consistent with the certified NCC PWP/TREP as submitted, or whether conditions are needed to bring the development into conformance with the NCC PWP/TREP.

II. MOTION AND RESOLUTION

MOTION:

I move that the Commission determine that the development described in Notice of Impending Development NCC-NOID-0001-17, as conditioned, is consistent with the certified North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program.

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development NCC-NOID-0001-17, as conditioned, is consistent with the certified North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DETERMINE DEVELOPMENT IS CONSISTENT WITH NCC PWP/TREP:

The Commission hereby determines that the development described in the Notice of Impending Development NCC-NOID-0001-17, as conditioned, is consistent with the certified North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program for the reasons discussed in the findings herein.

III. SPECIAL CONDITIONS

1. Submittal of Final Plans

- A. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, SANDAG shall submit, for the review and written approval of the Executive Director, final plans, including final construction plans, final staging plans, final water quality plans, final fencing plans, and final signage plan, that substantially conform with the preliminary plans submitted to the Commission, titled “Draft 60% Improvement Plans, Coastal Rail Trail – Encinitas, E Street to Chesterfield Drive” dated March 2016 for the eastern alignment of this portion of the Coastal Rail Trail, meaning that the improvements will be sited within or immediately adjacent to the LOSSAN rail right-of-way along San Elijo Avenue in order to be consistent with the NCC PWP/TREP.
- B. All final plans shall be prepared and certified by a licensed professional or professionals as applicable (e.g., architect, surveyor, geotechnical engineer), based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission’s approval and with the recommendations of any required technical reports.
- C. SANDAG shall undertake development in conformance with the approved final plans unless the Commission approves a subsequent NOID for, or the Executive Director determines that a subsequent NOID is not legally required for, any proposed minor deviations.

2. Final Cooperative Maintenance Agreement

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, SANDAG shall submit, for the review and written approval of the Executive Director, a Final Cooperative Maintenance Agreement with the City of Encinitas for portions of the trail that are within its jurisdiction.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The NCC PWP/TREP comprises a plan and implementation schedule for a series of rail, highway, transit, bicycle, pedestrian, and resource enhancement projects to improve mobility and access to coastal recreational resources in the corridor, from La Jolla to Oceanside, extending approximately 27 miles. More specifically, the NCC PWP/TREP includes widening of Interstate-5 to accommodate four new HOV lanes, double tracking of the LOSSAN rail corridor, Enhanced Coastal Bus and a Bus Rapid Transit service, a new 27 mile NCC Bikeway that would provide non-motorized connectivity through the corridor, completion of 7 miles of the Coastal Rail Trail, other shorter connections to existing trail networks and transit stations, and resource enhancement projects (e.g., San Elijo Lagoon Restoration Project) to mitigate for impacts arising from some of these transportation projects. The primary goal for these transportation projects is to move people more efficiently through a more coordinated and connected suite of transportation options that will encourage alternate modes of travel other than the single occupancy vehicle (SOV). This would result in an anticipated transit mode share (percentage of travelers using transportation modes other than SOVs) shift away from the existing 2-3% condition to a 10-15% transit mode share.

At this time, SANDAG is requesting review of a NOID to perform work that SANDAG says will constitute construction of an approximately 1.3 mile segment of the Coastal Rail Trail in the community of Cardiff in the City of Encinitas, starting at Chesterfield Drive and ending at the Santa Fe Drive undercrossing. The proposed project consists of enhancements to an existing pedestrian path along the west side of Coast Highway 101, expansion of existing bicycle lanes on either side of Coast Highway 101, addition of a southbound bicycle lane to fill a gap along the roadway to connect to existing lanes, and reduction of vehicle travel lanes to accommodate the aforementioned bicycle and pedestrian improvements. The proposed project is described in greater detail below, as well as a project description for the previously designed eastern alignment along the rail corridor and San Elijo Avenue:

Western Alignment (along Coast Highway 101)

Shared-Use Bike and Pedestrian Path

The existing 8-10 ft. wide paved pedestrian path located along the west side of Coast Highway 101 would be reconfigured to a Class I² shared-use bike and pedestrian path of approximately 12-16 ft. in width from Chesterfield Drive to the Santa Fe undercrossing ([Exhibit 2](#)). The northern portion of the existing path is separated from the roadway with an approximately 2,050 ft. long, metal “W” beam and wood post guardrail which is proposed to be relocated approximately 6-8 ft. eastward to accommodate the expanded path. The southern portion of the existing path is separated from existing parking located along Coast Highway 101 adjacent to the San Elijo State Beach Campground by a curb; a 3 ft. wide concrete median is proposed to separate the expanded path from parking. A 42-in. high wood or galvanized steel post and steel cable fence is proposed along approximately 1,200 linear feet of the bluff edge in areas where there is a risk of falling from the bluffs. Three energy-efficient overhead lights would be installed at the Swami’s Beach Park driveway, San Elijo State Beach North Day Use Parking Area driveway, and San Elijo State Beach Campground driveway.

The project also includes reconstruction of an asphalt berm on the western edge of the path; reconstruction or modifications to existing storm drain inlets, clean-outs and drains; reconstruction or modifications to existing driveways, curbs, curb ramps, cross gutters, sidewalks and other walkways to adjust grades and provide compliance with Americans with Disabilities Act; relocation of utilities; construction of four posts with dog waste sack dispensers and trash cans; roadway and bikeway signage; Coastal Rail Trail wayfinding signage; and landscaping using native, drought tolerant plants.

Bike Lanes

There is an existing northbound Class II³ bike lane located along the eastern side of Coast Highway 101 throughout the entire project site. An existing southbound Class II bike lane is also located along the western side of Coast Highway 101 in the northern portion of the project site, but terminates near the San Elijo State Campground’s northern boundary (there is no existing southbound bike lane on Coast Highway 101 for approximately 3,400 linear ft. in the project area). The proposed project would expand existing bike lanes from approximately 4 ft. in width to approximately 6-7 ft. in width with buffers ranging from 18 inches to 3 feet where feasible along both sides of Coast Highway 101, and add a new southbound bike lane of the same dimensions in the portion of the project where there currently is none.

Reduction of Travel Lanes on Coast Highway 101

To accommodate the expanded shared use bike and pedestrian path, as well as expanded bike lanes on either side of Coast Highway 101, the number of vehicle travel lanes would be reduced from four lanes to two lanes (one in either direction) for approximately 2,000

² A Class I Bikeway (Bike Path) provides a completely separated right of way for the exclusive use of bicycle and pedestrians with crossflow by motorists minimized.

³ A Class II Bikeway (Bike Lane) provides a striped lane for one-way bike travel on a street or highway.

feet between the northern boundary of San Elijo State Campground and the main entrance into the campground. A reduction of travel lanes would also be necessary between the San Elijo State Campground main entrance extending south to Chesterfield Drive; the project would eliminate one of the two existing northbound lanes resulting in two southbound lanes and one northbound lane. However, four lanes (two in either direction) would be maintained through the signalized intersection with Chesterfield Drive. The project also includes reduction of the posted speed limit from 45 mph to 35 mph; elimination of the existing southbound U-turn lane on Coast Highway 101 near Montgomery Avenue and allowance of U-turns at Chesterfield Drive; modification and relocation of traffic signals at Chesterfield Drive in coordination with the San Elijo Lagoon Double Track Project; maintenance of existing on-street parallel parking where it is permitted as well as informal parking that currently exists along the east side of Coast Highway 101; and removal of raised median as necessary to accommodate the project.

Eastern Alignment (along San Elijo Avenue)

SANDAG originally designed an alignment located within and immediately adjacent to the east side of the rail right-of-way, which included construction of an approximately 1.3-mile Class I shared used bicycle and pedestrian trail from Chesterfield Drive to the Santa Fe undercrossing within the rights-of-way of the North County Transit District (NCTD) who owns the railroad and the City who has jurisdiction over San Elijo Avenue. This alignment would consist of 10 feet of paved surface with shoulders on both sides ranging from two to five ft. for a total width of 14 to 17 ft. ([Exhibit 4](#)). Sections of retaining walls with lengths up to 250 linear ft. and heights of approximately six ft. are proposed to support the project and to prevent roadway runoff from further eroding the sandstone bluffs between the railroad tracks and San Elijo Avenue. Several smaller, low retaining walls would be needed along the southern reach of the shared-use trail near Birmingham Drive. The southern portion of the project (4,000 linear feet) is located on a sloped section of existing ground that would require approximately 2,000 cu.yds. of cut and 1,500 cu.yds. of fill to construct the new trail.

Along the entire length of the alignment in NCTD's right-of-way, a four-ft. tall, post and tensioned cable fence would be installed just west of the trail. Along approximately 730 feet of the project corridor, existing informal parking would be removed due to insufficient space to accommodate the road, parking, and path; however, existing informal parking would be formalized along other portions of the project. Illumination for the shared-use path would be installed along its length at regular intervals (yet to be determined), subject to City and NCTD requirements, but would be designed to be low-scale consistent with the design guidelines within the NCC PWP/TREP.

At Montgomery Drive, a crosswalk and associated sidewalk and ramp feature would be constructed along with the installation of a rectangular rapid flash beacon (RRFB) in order to connect with the planned pedestrian rail crossing at this location. Another crosswalk and RRFB would be constructed at the Vulcan Avenue intersection at F Street (for the next portion of the Coastal Rail Trail that would connect at Santa Fe Drive and continue north to E Street). At Liverpool Drive, an existing bridge over the watercourse

would be removed and a new bridge approximately 80 ft. in length and 14 ft. in width would be reconstructed in its place.

In several locations throughout the project area, stormwater would need to be collected via new inlets, directed to new brow ditches and culverts of varied widths, depths and diameters. The project also includes posts with dog waste sack dispensers and trash cans; roadway and bikeway signage; Coastal Rail Trail wayfinding signage; and landscaping using native, drought tolerant plants.

B. PROJECT HISTORY

The Coastal Rail Trail is a dedicated bicycle facility in the region's coastal corridor, with most segments within or directly adjacent to the LOSSAN rail right-of-way. It is partially completed within the corridor, with varying levels of progress in each NCC city. Once fully completed, the Coastal Rail Trail would provide a continuous north-south bicycle route—mostly comprising Class I facilities—through the NCC with direct access to coastal resources and recreational facilities, and an additional option for non-motorized travel along the coast.

Planning for the Coastal Rail Trail began in 1989 when SANDAG commissioned a study which determined that it was technically feasible to construct a bicycle path along the railway for nearly its full length from Oceanside to San Diego. A second study, the Coastal Rail Trail Project Study Report, was completed in October 2000, and a Memorandum of Understanding was signed by the NCC cities (Oceanside, Carlsbad, Encinitas, Solana Beach, Del Mar, and San Diego) as well as San Diego, NCTD, and the Metropolitan Development Board to jointly coordinate and plan the Coastal Rail Trail. These cities and agencies met on a monthly basis to identify issues and to develop an environmentally appropriate alignment for the pathway, which would be constructible, not cost prohibitive, while maintaining the continued use of the railroad for passenger and freight transportation. The subject segment has been identified along the east side of the rail tracks in all of the iterations for this stretch of the trail, including in the Final Coastal Rail Trail Project Study Report dated October 2000 and the Mitigated Negative Declaration for the project dated April 2001 ([Exhibit 10](#)). This alignment has been thoroughly vetted during the regional planning effort that has taken place over the past 20 years.

It is important to note that the NCC PWP/TREP, as originally certified, required that the projects within it for the development of the Coastal Rail Trail would locate those improvements within the LOSSAN rail right-of-way. In March 2016, the Commission certified an amendment to allow some greater flexibility regarding the location of the trail, in part because existing NCC PWP/TREP maps already showed portions of it being outside the right-of-way in some cases, but there were strict limits on the ability to locate the trail outside the right-of-way. One such limitation was that the trail would still have to be immediately adjacent to the rail corridor, except in certain, limited circumstances.

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Cardiff Coastal Rail Trail

The NCC PWP/TREP identifies opportunities to complete approximately 7 miles of the Coastal Rail Trail within or immediately adjacent to the LOSSAN rail right-of-way as part of the NCC PWP/TREP improvements, taking advantage of construction synergy with LOSSAN rail projects wherever possible. On page 4-42 of the NCC PWP/TREP, three new segments of the Coastal Rail Trail are included in Encinitas, as follows:

- Chesterfield Drive to G Street (Encinitas): Construct approximately 1.7 miles of dedicated bicycle facility. Partially overlaps with LOSSAN San Elijo Lagoon Double Track project.
- G Street to Leucadia Boulevard (Encinitas): Construct approximately 1.7 miles of dedicated bicycle facility. Partially overlaps with LOSSAN Batiquitos Lagoon Double Track project.
- Leucadia Boulevard to La Costa Avenue (Encinitas): Construct approximately 0.9 mile of dedicated bicycle facility. Overlaps with LOSSAN Batiquitos Lagoon Double Track project.

The segment that is the subject of this NOID is a portion of the first segment listed above, starting at Chesterfield Drive and continuing north to Santa Fe Drive, and is depicted immediately adjacent to the eastern boundary of the rail right-of-way and along San Elijo Avenue on several figures in the NCC PWP/TREP ([Exhibit 6](#)) as well as within components of the City of Encinitas' certified LCP (i.e., recreation element and the NCC PWP/TREP overlay) ([Exhibit 7](#)).

With that background, SANDAG spent more than four years (from January 2012 to March 2016) and approximately \$410,000 designing an alignment of this stretch of the Coastal Rail Trail that would be sited within and immediately adjacent to the eastern boundary of the rail corridor and along the west side of San Elijo Avenue in order to be consistent with the NCC PWP/TREP. It is important to note that that "eastern alignment" is different than the project eventually submitted by SANDAG and currently before this Commission (which would be located farther to the west, much of it on the other/western side of Coast Highway 101). During this four year effort, SANDAG coordinated with the City, Commission staff, residents, and other stakeholders on the design of the eastern alignment. Three open house meetings were held, on November 14, 2013, February 11, 2014, and April 21, 2015, to receive input from the community. SANDAG also presented the project to the City Council at its May 20, 2015 meeting and received the Council's endorsement of the project. Furthermore, SANDAG met with Coastal staff on July 10, 2015 to review the project. At that meeting, Coastal staff provided general feedback, confirmed that the project was consistent with the NCC PWP/TREP, and emphasized support for the project along San Elijo Avenue as a part of this eastern alignment.

However, in November 2015, some residents within the community began to voice concerns with the project. Form e-mails were sent to the Encinitas City Council, the SANDAG Board and the Commission by opponents enumerating their objections to the project. These concerns included the following: the project would reduce existing informal parking along San Elijo Avenue (generally used by residents and beachgoers);

installation of a fence along the rail corridor would prevent the public from crossing the rail tracks to access the beach; increased train noise (trains are required to sound their horns at at-grade rail crossings) would result from a separate but associated project to construct an at-grade pedestrian rail crossing near Montgomery that would facilitate safe and legal crossing of the tracks; installation of a concrete trail would be an adverse change from the existing natural landscape; residents along San Elijo Avenue, as well as sanitation personnel, delivery trucks and emergency responders, would be subject to greater safety hazards due to increased bicycle traffic; the project would adversely impact vehicle traffic on San Elijo Avenue; lighting would adversely impact residents and attract undesirable night visitors; and the project is not necessary since there are already existing bike and pedestrian facilities on nearby Coast Highway 101.

Even though the City Council had already endorsed the project, on March 30, 2016, in response to this local opposition, the Council changed its position and requested that SANDAG pursue improvements to the existing bike/pedestrian facilities on Coast Highway 101(western alignment) instead of construction of a new Coastal Rail Trail on San Elijo Avenue and Vulcan Avenue (eastern alignment). While coordination with the City is required by the NCC PWP/TREP, it is important to note that the projects identified therein have already been approved by the Commission as part of the approval of the NCC PWP/TREP and are not required to receive discretionary approval from the City. However, in response to the City's direction, SANDAG chose to halt planning for the eastern alignment, despite the fact that significant time and resources had already been devoted to advance the project to 60% design level, and began the planning process for improvements to the existing bike/pedestrian facilities on Coast Highway 101, also referred to as the "western alignment."

However, neither SANDAG nor the City communicated this significant change in project scope to Commission staff until 2 months after planning on the western alignment had begun and did not involve Commission staff in any of these previous discussions with the City Council. When SANDAG presented the modified project to Commission staff on June 1, 2016, Commission staff immediately identified that the western alignment would not be consistent with the NCC PWP/TREP for several reasons: it is sited along the west side of Coast Highway 101 which is not located within or immediately adjacent to the rail corridor as required by the NCC PWP/TREP; the NCC PWP/TREP only allows exceptions to this requirement if there are environmental, safety, or physical constraints that make it infeasible to construct the Coastal Rail Trail within or immediately adjacent to the rail right-of-way, which is not the case, in this instance, as evidenced by the fact that SANDAG has already progressed to 60% design plans for the eastern alignment, demonstrating that the project is feasible; the project proposed along Coast Highway 101 is not sited along the eastern boundary of the rail corridor as depicted in the maps in the NCC PWP/TREP as well as maps within the City's certified LCP (i.e., recreation element and the NCC PWP/TREP overlay); completion of the Coastal Rail Trail is envisioned as a new active transportation project in the NCC PWP/TREP to offset the impacts associated with widening of Interstate-5, and improvements to existing bike/pedestrian facilities along Coast Highway 101, rather than the construction of a new Coastal Rail Trail, does not serve as adequate mitigation; and the project would reduce vehicle lanes

on Coast Highway 101 which is inconsistent with the City's certified LCP (i.e., circulation element) and could adversely impact traffic on Coast Highway 101. Commission staff recommended that SANDAG reconsider the original design (eastern alignment) in order to maintain consistency with the NCC PWP/TREP. Because a development's consistency with the NCC PWP/TREP is the standard of review for NOIDs, it is critical that it is designed to be consistent with all of the policies, design/development strategies, and implementation measures of the NCC PWP/TREP in order to be approvable. During a June 16, 2016 meeting with SANDAG, Commission staff reiterated concerns with the modified project, including its inconsistency with the NCC PWP/TREP. Finally, Commission staff sent a comment letter, dated August 8, 2016 ([Exhibit 8](#)), to SANDAG and the City to memorialize Commission staff's position regarding the two alignments and their consistency (or inconsistency) with the NCC PWP/TREP. Despite this feedback, SANDAG continued to move forward with the western alignment.

Commission staff participated in a site visit with the community group in support of the Coast Highway 101 alignment on September 27, 2016, to get a better understanding of their concerns, and conducted another site visit with SANDAG and Commissioner Cox on November 9, 2016 in order to discuss the best path forward.

Typically, if a project listed in a NOID is inconsistent with the governing PWP, there are three options: 1) reject the NOID if its inconsistency with the PWP is so severe that the NOID does not actually reflect a project contained within the plan, 2) amend the PWP to assure the NOID's consistency with the PWP prior to submitting the associated NOID application, or 3) require conditions that are necessary to make the NOID consistent with the PWP. Because a portion of the project is being funded with grant monies that are attached to specific deadlines, Commission staff agreed to process the NOID as expeditiously as possible using the third option. As described in the following section, Commission staff is recommending Special Condition #1, which requires the alignment of the Coastal Rail Trail to be sited within or immediately adjacent to the rail right-of-way along San Elijo Avenue in order to ensure the NOID's consistency with the NCC PWP/TREP.

It is important to note that Commission staff has provided feedback to both SANDAG and the City that while staff is generally supportive of the proposed improvements to the existing bicycle and pedestrian facilities located on Coast Highway 101 in Encinitas, issues surrounding the loss of traffic lanes would need to be addressed and these improvements would not satisfy the NCC PWP/TREP requirement to complete the Coastal Rail Trail. There is nothing to prevent SANDAG or the City from pursuing these improvements by applying for a coastal development permit separate from the NCC PWP/TREP. It is also worth noting that recently the City has been planning for potential projects within and adjacent to the rail corridor as part of its Coastal Mobility and Livability Study, which includes a Rail Corridor Vision Study and Active Transportation Plan. Feedback received from the public as part of this study indicates that construction of bicycle and pedestrian facilities on San Elijo Avenue is a priority. Working under the assumption that SANDAG will construct improvements to the bike/pedestrian facilities

along Coast Highway 101, the City is currently planning for the addition of bicycle lanes and a sidewalk on Vulcan Avenue and San Elijo Avenue as part of the Vulcan/San Elijo Pedestrian & Bicycle Improvement Project. Therefore, it is clear that new bicycle and pedestrian facilities are wanted by both the larger community and the City along the rail corridor and San Elijo Avenue. However, staff recommends that SANDAG construct the Coastal Rail Trail along the rail corridor, as required by the NCC PWP/TREP; the new bike/pedestrian facility would be separated from the road, unlike the City's preliminary plans for a sidewalk and on-street bike lanes, which would not provide the same amenity.

C. CONSISTENCY WITH THE NCC PWP/TREP

The development, as submitted, is inconsistent with the certified NCC PWP/TREP for several reasons:

1. It isn't located within or immediately adjacent to the LOSSAN rail right-of-way

First, the NCC PWP/TREP requires the Coastal Rail Trail to be located within or immediately adjacent to the LOSSAN rail right-of-way unless there are environmental, safety, or physical constraints. An alternative location for the Coastal Rail Trail may only be considered if one or more of those constraints exist. In those instances where there are environmental, safety, or physical constraints, the NCC PWP/TREP requires the Coastal Rail Trail to be located no further than 150 feet from the LOSSAN right-of-way (Page 4-42 of the NCC PWP/TREP). The proposed development is not located within or immediately adjacent to the LOSSAN right of way, as required by the NCC PWP/TREP; however, it is located within 150 feet. According to SANDAG's consistency analysis for the NOID, the western alignment should be allowed due to drainage and water quality issues with the eastern alignment:

Specifically, the east side alignment would require improving existing drainage facilities in order to promote positive drainage conditions and for general safety concerns. The east side alignment would require 2,000 cubic yards of cut and 1,500 cubic yards of fill, resulting in significant landform alteration. The drainage improvements needed to accommodate the east side CRT alignment would necessitate significant landform alteration and include the reconstruction of two large storm drain inlets near Cornish Drive, installation of under drain storm drain system for pervious paver areas, and provision of low-flow bypass systems to safely convey runoff across the proposed pathway. Additionally, in order to prevent future erosion from run-off from an east side alignment, rip rap and drainage structures would need to be installed at Verdi Avenue and Montgomery Avenue to decrease run-off velocities and to convey flows nuisance flow from small storm events underneath the bike path while larger storms will flow over the bike path. This would significantly alter natural drainage patterns in this area. For the east side project design, the drainage system improvements are estimated to cost would cost approximately \$1.23M, which is 27 percent of the estimated total project cost.

However, SANDAG has already demonstrated that the eastern alignment is feasible during the planning process that occurred from 2012 to 2016, resulting in 60% design plans. Although certain drainage improvements are necessary to include as part of the project, that is not a constraint that would make the project infeasible. In fact, Chapter 5.4 of the NCC PWP/TREP (Marine Resources: Water Quality and Wetlands) anticipated runoff management would be necessary for projects and contains design/development strategies and implementation measures that require water quality protection and drainage improvements to be included in the design of projects. In addition, the Commission's water quality specialist, Michael Sandeck, has reviewed the project and believes that there may be alternatives that would control stormwater runoff that would require less extensive BMPs, as well as less money.

According to SANDAG's consistency analysis for the NOID, another reason the eastern alignment was not pursued was public opposition to the alignment due to the change in community character associated with formalizing existing informal trails along San Elijo Avenue and Vulcan Avenue:

The east side alignment alternative requires 2,000 cubic yards of cut and 1,500 cubic yards of fill, which would alter the existing natural topography and landscape of the rail corridor along San Elijo Avenue and Vulcan Avenue and would change the visual and community character of the area due to the east side alignment's replacement of existing informal trails and unimproved railroad property with a paved trail with a more formal appearance. This loss of the natural visual character associated with the east side alignment remains a significant concern of the community, and one for which numerous public comments against the project were made, and raises consistency issues with the visual resource and community character policies of the Coastal Act and NCC PWP/TREP.

While the NCC PWP/TREP does contain policy language requiring that new development "be sited and designed to be compatible with existing development and surrounding areas such that the impacts of grading, operational activities and direct lighting on public views outside of the transportation facilities and community enhancement improvements are limited to the maximum extent feasible" (NCC PWP/TREP Policy 5.7.1), a change in visual aesthetics is not one of the three listed constraints (environmental, safety, physical) that would allow an alternative alignment to be considered. Furthermore, changing from informal trails to a paved trail with a more formal appearance is a minor character change and one that was expressly authorized by the NCC PWP/TREP in authorizing the trail in this location, and that specific authorization would be controlling over any concern that the change may be inconsistent with the more general policy language requiring that new development be compatible with existing development and surrounding areas. In addition, the proposed grading is relatively minor (2,000 cu.yds. of cut and 1,500 cu.yds. of fill), especially for a project this size. Finally, the change in character opposed by some members of the community may not be inconsistent with the policy language at all. The objection is based on a

subjective opinion, and the Commission has also received letters of support from members of the community for the eastern alignment (along San Elijo Avenue) that identify the development along the railroad right-of-way would be an improvement over existing conditions that would facilitate access for a wider range of users, and result in the removal of invasive plant species with native landscaping that would be consistent with the open space character present in this area.

SANDAG has also inquired whether public opposition could be considered an environmental constraint; however, Commission staff has provided direction that public opposition is a societal issue rather than an environmental one. If public opposition were to be considered an environmental constraint, that would allow any Coastal Rail Trail project's alignment to be relocated by opposition from the homeowners that live adjacent to the planned alignment, which was never the intent of the NCC PWP/TREP; rather, the NCC PWP/TREP is intended to be a regional planning document that is responsive to both the region's and community's goals, rather than to a single group that opposes a specific project. Furthermore, there is also a large portion of the community that supports the eastern alignment. Finally, and as discussed in greater detail in the Visual Resources section, the eastern alignment would be located directly adjacent to and in between existing development, including railroad tracks to the west and a paved road with homes on the east side to the east, so the addition of a 14 to 17-ft. wide paved trail shared by bicyclists and pedestrians would be consistent with the surrounding development and would not adversely impact existing public views of the ocean from San Elijo Avenue, nor the community character of Cardiff.

3. It is inconsistent with the alignment depicted in the NCC PWP/TREP

Another reason the project is not consistent with the NCC PWP/TREP is that it is not sited immediately adjacent to the rail right-of-way along the rail corridor's eastern boundary, as depicted in figures in the NCC PWP/TREP, including Figure 4-2C, Figure 4-2D, Figure 5.3-1C, and Figure 6A-1A ([Exhibit 6](#)). Although PWP Amendment No. PWP-6-NCC-16-0001-1 was amended to clarify that Figures 5.3 1A-1E reflect the general alignment of the Coastal Rail Trail, to allow for future flexibility in project design, it was only meant to allow flexibility for alternative alignments to be considered in cases where there are environmental, safety, or physical constraints, which, as explained above, is not the case here. Although not the standard of review, components of the City's certified LCP (i.e., recreation element and the NCC PWP/TREP overlay) also depict the Coastal Rail Trail adjacent to and east of the rail corridor along San Elijo Avenue and Vulcan Avenue ([Exhibit 7](#)). Thus, in order for the LCP to be consistent with the project, as submitted, the City would also have to amend the Recreation Element portion of its LCP.

4. It proposes improvements to existing facilities rather than construction of a new Coastal Rail Trail, which does not provide adequate mitigation

The completion of the Coastal Rail Trail is envisioned as a new active transportation project in the NCC PWP/TREP included in order to offset some of the impacts associated

with widening Interstate-5. However, the project, as submitted, does not include construction of a new bike/pedestrian trail, but rather improvements to existing bike/pedestrian facilities (except for the addition of a new southbound bicycle lane for approximately 3,400 linear feet where there currently is none), which does not serve as adequate mitigation for the overall impacts of the larger I-5 project authorized by the NCC PWP/TREP. The goal of bicycle and pedestrian enhancement projects in the NCC PWP/TREP is to improve coastal access, recreational facilities, and community amenities by expanding the quantity of such facilities, as well as improve how transportation facilities connect with adjacent communities.

While there is an existing formal pedestrian trail north of Chesterfield Drive to Birmingham Drive and informal pedestrian trails along portions of San Elijo Avenue north of there, these trails are not contiguous, developed or formally maintained and change in elevation so that they are not easily accessible by all users. Although currently there are no existing sidewalks along the majority of San Elijo Avenue, except from Chesterfield Drive to Montgomery Avenue, some pedestrians walk along the west side of San Elijo Avenue where views of the ocean are prevalent; however, vehicles also park haphazardly there and often block access so that pedestrians must walk around vehicles onto the road shoulder, which is not a safe setting for pedestrians. In addition, there are no existing bicycle lanes along San Elijo Avenue. In the particular circumstances at issue here, bicyclists must share the two lane road with vehicles, which is not a very safe environment for either bicyclists or vehicles that must partially merge over the center line to bypass bicyclists. Therefore, the addition of a new Coastal Rail Trail along San Elijo Avenue would significantly improve mobility and safety over existing conditions for both pedestrians and bicyclists.

In addition, San Elijo Avenue and Vulcan Avenue (San Elijo Avenue turns into Vulcan Avenue north of Cardiff at Santa Fe Drive) are important north-south roads that connect the community of Cardiff with the adjoining community of downtown Encinitas. The Encinitas Coaster⁴ Station, as well as North County Transit District's center for bus pickups and drop-offs, is also located along Vulcan Avenue in downtown Encinitas and the construction of the Coastal Rail Trail along San Elijo Avenue and Vulcan Avenue, as originally planned, would provide those that commute or visit Encinitas by train or bus an additional way to travel along the coast to and from Cardiff and downtown Encinitas by walking or by bicycle.

Based on preliminary plans, the next portion of the Coastal Rail Trail through Encinitas would connect to the northern extent of the subject segment at Santa Fe Drive and continue north within and adjacent to the rail corridor along Vulcan Avenue to E Street (approximately 500 feet south of the Coaster and bus stations) where it would connect with existing sidewalks ([Exhibit 2](#)). Because San Elijo Avenue turns into Vulcan Avenue at Santa Fe Drive, the eastern alignment would provide a seamless connection between

⁴ The Coaster is a commuter train operated by NCTD that travels along the San Diego coast from Oceanside to San Diego.

these two segments. At the southern extent of the eastern alignment, users would access the trail through Coast Highway 101's intersection with Chesterfield Drive, which has only a minor change in elevation and is easy to navigate, especially once the bicycle and pedestrian improvements are constructed there as part of the San Elijo Lagoon Double Track project, which is currently under construction. However, the western alignment would require users to cross Coast Highway 101 and walk upstairs or bicycle up ramps with a switchback to access the future Coastal Rail Trail to the north. The switchback is also on the southern side of Santa Fe Drive, so bicyclists must ride approximately 400 additional feet up the ramp before being able to travel north of Santa Fe Drive. Thus, the connection to the next portion of the Coastal Rail Trail through the Santa Fe Drive undercrossing is not as efficient as the connection the eastern alignment would have.

In contrast, Coast Highway 101 already has a paved pedestrian path separated from the roadway along its western edge that is extremely popular and used by walkers, runners, and recreational bicyclists. Coast Highway 101 also has Class II bike lanes on either side for the majority of its length, except that there is no southbound bike lane for approximately 3,400 linear ft. starting from the San Elijo State Campground's northern boundary and continuing south to Chesterfield Drive. However, cyclists can use the road for that stretch, and unlike San Elijo Avenue, there are two southbound vehicle lanes located in the section where there is no bike lane, which allows vehicles to safely bypass bicyclists by merging into the adjoining lane. The existing bike lanes on Coast Highway 101 are also highly used by road bicyclists. While improvements to these existing facilities would further encourage their use, and are supported by Commission staff as a project that could be undertaken in the future by the City or SANDAG, they would not provide the same level of mitigation as the addition of a new bike and pedestrian facility within and adjacent to the rail corridor along San Elijo Avenue and Vulcan Avenue, which is what was intended in the NCC PWP/TREP.

From a visual perspective, the northern section of the eastern alignment along San Elijo Avenue affords users with elevated views of the coastline and is already a valued visual access point for this section of the coastline, and new bicycle and pedestrian facilities in this location would provide that experience in a safe manner for an expanded group of users. While unobstructed views of the ocean are available along portions of Coast Highway 101, the San Elijo State Campground blocks ocean views along the southern portion of the western alignment, private homes block ocean views along the northern portion of the western alignment, and existing landscaping along the blufftop blocks ocean views along small segments of the northern portion of the western alignment.

5. It requires a reduction of vehicles lanes on Coast Highway 101, which could affect public access.

Finally, in order to accommodate the bike and pedestrian improvements on Coast Highway 101, the number of existing vehicle lanes would be reduced. The existing four-lane stretch of Coast Highway 101 from Chesterfield Drive to the San Elijo Campground Day Use Parking entrance (approximately 0.6 miles) would be reduced to two lanes (one lane in either direction) and existing medians would be narrowed. Although not the

standard of review for the trail itself, this reduction of vehicle lanes is inconsistent with the City's Circulation Element, which is a component of their certified LCP. The Circulation Element identifies Coast Highway 101 as four lanes from Chesterfield Drive to Santa Fe Drive undercrossing. Thus, the Circulation Element portion of the City's LCP would need to be amended in order to ensure this project's consistency with the certified LCP.

Conclusion

In conclusion, the Commission finds that the development, as submitted, would not be consistent with the certified NCC PWP/TREP. However, **Special Condition No. 1** requires that prior to commencement of construction, SANDAG submit final plans that are consistent with the preliminary plans submitted to the Commission in March, 2016 and that site the Coastal Rail Trail within or immediately adjacent to the LOSSAN rail right-of-way along San Elijo Avenue in order to be consistent with the NCC PWP/TREP. In addition, **Special Condition No. 2** requires the submittal of a Final Cooperative Maintenance Agreement with the City of Encinitas for portions of the trail that are within its jurisdiction prior to the commencement of construction. Therefore, the Commission finds that the impending development, as conditioned, is consistent with the certified NCC PWP/TREP.

Despite the western alignment's (along Coast Highway 101) inconsistency with the certified NCC PWP/TREP, both the western alignment and eastern alignment (along the rail corridor and San Elijo Avenue) are discussed in greater detail in the following sections of the staff report to more easily identify the coastal resource issues associated with each alignment.

D. PUBLIC ACCESS AND RECREATION

Policy 5.3.1 of the NCC PWP/TREP states:

Maximum public access to and along coastal and inland recreational resources in the PWP/TREP planning area shall be protected and enhanced, consistent with public safety and sensitive coastal resource needs.

In addition, Chapter 5.3 of the NCC PWP/TREP (Public Access and Recreation) discusses a number of specific multimodal improvement projects that are included as part of the NCC PWP/TREP to enhance public access to and along coastal and upland recreational areas in the NCC. Page 5.3-1 of the NCC PWP/TREP lists these improvements, including:

- *Improve access to and along coastal and upland recreation areas for all users, including transit and non-motorized modes.*
- *Add over 28 miles of new bicycle and pedestrian facilities.*
- *Close many important gaps in regional and local bicycle networks*

As discussed previously, the eastern alignment would significantly enhance public access to and along the coast by providing a new north-south bicycle and pedestrian trail that would connect the community of Cardiff and downtown Encinitas, as well as connect with other forms of alternative transportation, including the Encinitas Coaster Train Station and NCTD's Bus Station located along Vulcan Avenue ([Exhibit 2](#)). Bicyclists riding north along Coast Highway 101 would connect with the southern section of the eastern alignment by utilizing the at-grade crossing at Chesterfield Drive, which is planned to be improved as part of the San Elijo Double Track project. During the planning process for the eastern alignment, SANDAG also initiated planning for the next segment of the Coastal Rail Trail directly north of the subject alignment that would connect with the subject segment and continue north on Vulcan Avenue from Santa Fe Drive to E Street (located approximately 500 feet from the bus and train stations), where it would connect with existing sidewalks. San Elijo Avenue turns into Vulcan Avenue north of Santa Fe Drive as it continues north into downtown Encinitas, so the two segments of the Coastal Rail Trail originally planned for by SANDAG would provide a new, continuous trail that would be easy for both pedestrians and bicyclists to navigate.

While the western alignment would also improve public access to and along the coast, it would not create a new pedestrian trail or bike lanes, except for connecting an existing 3,400-linear ft. gap in the southbound bike lane, and would instead enhance the existing pedestrian path and existing bike lanes on Coast Highway 101. However, in order for bicyclists to access the next segment of the Coastal Rail Trail (north of Santa Fe Drive), they would have to cross Coast Highway 101 and use the Santa Fe Drive pedestrian undercrossing to reach Vulcan Avenue. There is a significant elevation change between Coast Highway 101 and Vulcan Avenue, and the design of this existing undercrossing requires users to walk upstairs or travel up a ramp with a switchback that is not easy for bicyclists to navigate, especially when compared to the eastern alignment, which provides a more seamless connection without a change in elevation. This could result in a situation where a large number of users would not opt to connect to the northern sections of the Coastal Rail Trail thereby limiting its functionality as a regional active transportation corridor.

Concerns have been raised that the eastern alignment would result in a loss of existing parking along San Elijo Avenue and Vulcan Avenue due to site constraints, which would impact both beachgoers who park there to access the beach and residents who use that parking area for guests. There is existing parking along the west side of the road in this location; however, it is informal parking and is not delineated in any way, so vehicles park there somewhat haphazardly. While there is no question that the eastern alignment would result in a loss of some existing informal parking, the extent of parking lost would not be significant.

According to the City's review of the eastern alignment, the 2,300 linear ft. stretch south of Santa Fe Drive is comprised of approximately 1,780 linear ft. of existing informal parking and approximately 520 linear ft. where no parking is currently available. Construction of the eastern alignment would result in approximately 1,050 linear ft. of

formal parking and approximately 1,250 linear ft. where parking would not be available. Overall, there would be a loss of approximately 730 linear ft. of parking (approximately 37 parking spaces⁵) in two areas, as generally depicted in [Exhibit 9](#) (a general approximation of parking impacts derived from plans and information provided by SANDAG and the City). However, the project would organize remaining parking areas along San Elijo Avenue so that they can be used more efficiently than the current condition. For example, the approximately 1,050 linear ft. where parking would be formalized would result in approximately 52 parallel parking spaces. Finally, existing parking conditions would be maintained for the remainder of the project area starting just north of Verdi Avenue and ending at Chesterfield Drive to the south, depicted in green in [Exhibit 9](#).

Although the project would result in the loss of some parking for those traveling by vehicle along San Elijo Avenue, it would provide a new public accessway for bicyclists and pedestrians and allow for connectivity to other forms of transit thereby providing other options to access the area than just by automobile. The addition of a new trail would encourage more people to use active transportation modes (walking and bicycling), instead of driving, which would be consistent with the community character of Cardiff and downtown Encinitas where many people walk and bike to work, the Encinitas Coaster and Bus Station, the beach, shops and restaurants, as well as for exercise and recreational purposes.

The western alignment would maintain all existing parking along Coast Highway 101; however there would be a reduction in travel lanes from four lanes to two lanes (one in either direction) for an approximately 0.6 mile portion of the alignment north of Chesterfield Drive, as well as a reduction in the speed limit from 45 mph to 35 mph, both of which would slow vehicle traffic and potentially impact the public's ability to access the coast. SANDAG submitted a traffic analysis that evaluated how existing traffic volumes would be affected by the western alignment. The analysis concludes that under existing conditions, roadway segments and intersections are anticipated to continue operating at acceptable levels of service (LOS D or better) with implementation of the project. However, the traffic analysis was conducted on December 6, 2016, a Wednesday during the winter, which likely underestimates traffic experienced on Coast Highway 101 in Cardiff during the summer.

In addition, the traffic analysis evaluated Year 2035 daily and peak hour traffic volumes with and without the project, and it again concludes that traffic would operate at an acceptable LOS (D or better). However, the project would result in a reduction in the level of service over existing conditions, and a reduction in the level of service for two intersections, including Coast Highway 101's intersections with the San Elijo Campground Day Use Lot and the San Elijo Campground Main Entrance based on Year 2035 projections. Furthermore, the assumptions that were used to project traffic

⁵ The standard length of a parallel parking spot is approximately 20 linear feet; 730 linear feet divided by 20 equals 36.5, or 37 parallel parking spaces, once rounded up.

conditions in the Year 2035 are not appropriate and also likely underestimate future traffic conditions. The analysis assumes that I-5 will be widened to eight general lanes and four HOV lanes for a total of twelve freeway lanes (6 in either direction) as well as Direct Access Ramps (DAR) and interchange improvements from Oceanside to La Jolla; however, based on a recent update from Caltrans, they are already behind schedule on these planned highway improvements due to insufficient funding and it is unlikely that all four HOV lanes or the DAR planned at Manchester Drive will be completed by 2035.

Finally, existing traffic volumes on Coast Highway 101 consist of approximately 14,800 vehicles per day (vpd); however, traffic volumes along Coast Highway 101 are anticipated to increase to approximately 18,000 vpd by 2035 without the project and to approximately 15,000 vpd by 2035 with the project. This analysis assumes that if the project were implemented, about 3,000 vpd would be shifted to other roadways in the project area due to traffic conditions on Coast Highway 101, including approximately 1,600 vpd on San Elijo Avenue north of Birmingham Drive and about 1,110 vpd on San Elijo Avenue south of Birmingham Drive, with the remainder forecasted to disperse to other roadways in the area (i.e., Vulcan Avenue, Santa Fe Drive, Birmingham Drive, and I-5). Therefore, without the project, Coast Highway 101 would have the capacity to carry more vehicles per day in the future; and with implementation of the project, the public would choose alternative means to access this area of the coast, which would mean the project would indirectly impact other important coastal access roads – especially San Elijo Avenue.

Concerns have also been raised that the eastern alignment would result in the installation of a fence that would preclude the public from crossing the rail tracks to access the beach. The fence was included as part of the project at the request of NCTD, which owns the rail right-of-way. SANDAG worked with NCTD to design a fence that is low scale and visually permeable (4 ft. high with tensioned cables) to avoid impacts to public views of the ocean from San Elijo Avenue. It's important to note that it is NCTD's policy to fence their property to ensure the safety of the public ([Exhibit 10](#)). Whether SANDAG constructs the eastern alignment or the western alignment, it is NCTD's long-term goal to fence the rail right-of-way to avoid collisions. In the interim, NCTD has the authority to issue citations to those that cross the tracks illegally and periodically increases enforcement to increase awareness. In order to facilitate safe pedestrian access to the coast and to minimize illegal crossing of the railroad, the eastern alignment is designed to connect with a planned at-grade pedestrian rail crossing at Montgomery Avenue and San Elijo Avenue. With the addition of this new crossing, a variety of users, including pedestrians, bicyclists, and beachgoers that park along San Elijo Avenue, will have more options to cross the rail tracks legally. With the addition of the Montgomery Avenue crossing, there will be three crossings within an approximately 1.25-mile stretch of the coast, including Chesterfield Drive at the south, Santa Fe Drive at the north, and Montgomery Avenue in between. Thus, the separate but associated rail crossing at Montgomery would provide a safe and legal accessway that would be located adjacent to or within in close proximity to parking on San Elijo Avenue and would allow beachgoers, as well as pedestrians and bicyclists to cross the tracks to the access Coast Highway 101 and Cardiff beaches west of there.

C. WATER QUALITY

Policy 5.4.1 of the NCC PWP/TREP states:

NCC transportation facility and community enhancement projects shall be sited and designed so that marine resources are maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance.

Policy 5.4.2 of the NCC PWP/TREP states:

Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Policy 5.4.3 of the NCC PWP/TREP states:

Coastal water quality shall be restored by minimizing wastewater discharges, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural watercourses.

Design/Development Strategy 3 in Chapter 5.4 of the NCC PWP/TREP states, in part:

Runoff management shall be incorporated early in site design planning integrating existing site characteristics that affect runoff (such as topography, drainage, vegetation, soil conditions, and infiltration properties) with strategies that minimize post-project runoff, control pollutant sources, and, where necessary, remove pollutants. Project-level analysis for potential water quality and marine habitat impacts of improvements shall be conducted and subject to review during subsequent project-specific federal consistency review, NOID, or coastal development permit review, as specified in Chapter 6A, to assess and identify all potential permanent or temporary impacts to water quality and marine habitats and appropriate mitigation measures to ensure project consistency with Coastal Act policies 30230, 30231 and 30233.

Design/Development Strategy 10 in Chapter 5.4 of the NCC PWP/TREP states, in part:

The WQMP or expanded-format SWDR shall address existing project surfaces wherever it is feasible to do so.

Design/Development Strategy 12 in Chapter 5.4 of the NCC PWP/TREP states:

The WQMP or expanded-format SWDR shall prioritize the treatment of the newly created impervious areas. Where it is impractical to hydraulically separate from the existing impervious area, the applicant shall provide treatment for newly created impervious areas and as much of the hydraulically inseparable flow as feasible, based on site conditions and constraints and consistent with the NPDES Permit supplemented by the provisions and protocols set by the PWP/TREP. If it is not possible to separate the flows from newly created impervious areas from the existing impervious areas, the treatment BMPs shall be designed to treat as much of the hydraulically inseparable flow as feasible, and shall bypass or divert any excess around the BMP to prevent overloading the BMP or impairing its performance.

Design/Development Strategy 21 in Chapter 5.4 of the NCC PWP/TREP states:

Development shall treat runoff from proposed additional project surfaces, and shall maximize opportunities to retrofit existing project surfaces, so that pollutants carried in runoff and the changes in runoff volume itself, including flow rate, duration, timing and temperature, are minimized.

Design/Development Strategy 22 in Chapter 5.4 of the NCC PWP/TREP states:

All improvements authorized by the NCC PWP/TREP shall implement project-specific Standard and Heightened Design Treatment BMPs such as those included as an example in Table 5.4-8 A/B/C for the San Elijo HOV Project, and shall be documented in the WQMP or expanded-format SWDR. These project-specific standards shall use all available opportunities, including enhanced infiltration through the natural environment, retrofitting existing BMPs to address additional runoff, and providing maximized BMP capacity to fully protect and restore, where feasible, coastal water quality.

Implementation Measure 5.4.15 of the NCC PWP/TREP states:

Stormwater outfalls shall be sited, designed, and managed to minimize the adverse impacts of discharging concentrated flows of stormwater or dry weather runoff into coastal waters, intertidal areas, beaches, bluffs, or stream banks. Runoff control/dissipater features shall be located and designed to convey and discharge runoff to waterways in a non-erosive manner. Soft options for runoff control/dissipater features shall be used, where feasible.

Eastern Alignment

As discussed previously in the Consistency Analysis section, SANDAG maintains that the eastern alignment would require improvements to existing drainage facilities in order to prevent runoff from flowing onto NCTD property. Drainage improvements include the reconstruction of two large storm drain inlets near Cornish Drive, installation of under drain storm drain system for pervious paver areas where parking would be formalized to

address water quality pollutants associated with parked vehicles, and provision of low-flow bypass systems to safely convey runoff across the trail. Additionally, in order to prevent future erosion from runoff, rip rap and drainage structures would be installed at Verdi Avenue and Montgomery Avenue to decrease runoff velocities and to convey flows from small storm events underneath the trail while larger storms would flow over the bike trail. SANDAG concludes that these improvements would significantly alter natural drainage patterns in this area and are estimated to cost approximately \$1.23 million, or 27% of the estimated total project cost. In contrast, the western alignment would rehabilitate the existing concrete trail to serve as the trail or the sub-base for the trail and would require less extensive BMPs, and thus less money.

Although certain drainage improvements are necessary to include as part of the eastern alignment that is not a constraint that would make the project infeasible as demonstrated by SANDAG's progression to 60% design level plans and commitment to move forward with that alternative. In fact, Chapter 5.4 of the NCC PWP/TREP (Marine Resources: Water Quality and Wetlands) anticipated runoff management would be necessary for projects and contains several design/development strategies and implementation measures, listed above, that require water quality protection and drainage improvements to be included in the design of projects. Additionally, during a phone conversation with NCTD staff regarding the subject project, NCTD stated that there are several similar projects (including some Coastal Rail Trail segments) in other areas within San Diego County adjacent to the rail that have been designed to collect and treat runoff, thereby avoiding conveyance of stormwater runoff toward the rail tracks. Any improvements along San Elijo Avenue, whether for the eastern alignment of the Coastal Rail Trail or for the sidewalk and bicycle lanes that are being planned by the City as a part of the Vulcan/San Elijo Avenue Pedestrian & Bicycle Improvement Project, would be required to adhere to the same standards.

Planning for the eastern alignment was halted before staff from the Commission, SANDAG, the City, and NCTD had the opportunity to coordinate on drainage alternatives. However, based on review of the submitted materials for the NOID, it appears that there are feasible alternatives that would achieve the same purpose (prevent runoff from the trail from flowing onto NCTD property) but require less extensive BMPs, and similar approaches have been utilized on other sections of the Coastal Rail Trail where it was constructed within or adjacent to the rail right-of-way. For example, SANDAG would be exempt from all sizing criteria for formal BMPs if they could do one of the following: direct stormwater to vegetated or other non-erodible permeable areas; hydraulically disconnect the trail runoff from paved streets or road drainage; or design and construct the trail with permeable pavements. For the western alignment, SANDAG proposes to hydraulically separate the new trail from the roadway using a curb; which could also be done for the eastern alignment to separate runoff from the roadway (San Elijo Avenue) from the runoff from the new trail so that collection and treatment would be limited to runoff from the new impervious surfaces from the trail and parking areas, which would be significantly less than the collection and treatment currently proposed by SANDAG. Without hydraulic separation, BMPs must be sized to treat runoff from the new trail and formalized parking areas, as well as that half of San Elijo Avenue that is

sloped toward the parking areas. SANDAG rejected the use of pervious surfaces (e.g., porous concrete or asphalt) for the trail stating that it "...is not desirable for bikeways because this type of pavement does not provide a good riding surface (too rough) and is difficult to maintain, both in terms of maintain the porosity, and in maintaining its overall integrity." If SANDAG cannot do any of the three listed items, it would be required to include certain drainage improvements as part of the project; however, SANDAG has yet to demonstrate that all of the proposed drainage improvements are needed. Based on preliminary review, alternative treatment BMPs are likely available, and the current proposal may be unnecessarily oversized in order to treat the adjacent community rather than just the new trail and formalized parking areas. Additional coordination is still needed among staff from the Commission, SANDAG, the City, and NCTD to determine the appropriate drainage plan and BMPs. As such, Special Condition #1 requires the submittal of Final Water Quality Plans prior to commencement of construction.

In conclusion, although the existing drainage conveyance system serving the eastern alignment is limited, it would greatly benefit from water quality improvements that would be required by both NCTD and the NCC PWP/TREP as part of the eastern alignment. Furthermore, the inclusion of certain water quality and drainage improvements is required by the NCC PWP/TREP and would not be considered one of the limited constraints that would allow consideration of an alternative alignment not within or immediately adjacent to the rail right-of-way.

Western Alignment

For the western alignment, SANDAG proposes the following to hydraulically separate the Class I facility from the roadway so runoff from the road does not comeingle with runoff from the trail:

The hydraulic separation is achieved with the installation of a 4' wide landscaped or pervious material strip between the paved Class I facility and the roadway, or for much of that portion of the project fronting the San Elijo State Campground and Day Use Area, sloping the Class I facility to the west where it would sheet-flow onto the re-vegetated areas as suggested. For safety operational concerns the proposed Class I facility is raised and separated from the roadway by a raised curb; therefore the roadway runoff is collected and discharged to the existing outfalls. However the project intends to not comeingle the runoff. As the project is the Class I facility itself and not the roadway, in our opinion this proposed water quality treatment meets the requirements of the City of Encinitas and the NCC PWP/TREP for this Class I facility.

At the request of Commission staff, SANDAG has revised the project to include trash receptacles and pet waste containers which would be spaced at regular intervals along the western alignment to minimize post-construction pollutants. The Commission's water quality specialist, Michael Sandecki, has been coordinating with SANDAG to determine whether there are opportunities to improve the treatment of polluted runoff, as required by the NCC PWP/TREP. There is an existing outfall that discharges runoff from the

southern extent of the project site directly south into the San Elijo Lagoon inlet channel that could better handle runoff. In SANDAG's March 22, 2017 response to staff's inquiry whether a BMP could be installed here, it states:

As noted, runoff from the roadway generally flows to the south toward the San Elijo channel. Drainage infrastructure along Coast Highway 101 is fairly limited. If there is an adequate drainage conveyance at a depth that could allow for an informal BMP, this could be discussed with the City of Encinitas for implementation into the project; however the existing conveyance at the Chesterfield Drive intersection (most southerly location on the proposed project) is only approximately 2.5 feet deep, this shallow depth limits the type of BMP which could be utilized. We have reviewed several proprietary BMPs pre-treatment systems, but are not aware of any that compatible with that limited amount of depth. (emphasis added)

Thus, additional coordination among staff from the Commission, SANDAG, and City is still necessary to determine whether there are any BMPs (e.g., vault with media filter inside) or alternatives (e.g., deepen a stretch to allow certain BMPs) that would allow runoff from the trail and adjacent roadway to be treated before it enters coastal waters in the San Elijo Lagoon. As such, **Special Condition #1** requires the submittal of final water quality plans prior to commencement of construction.

D. VISUAL RESOURCES

Policy 5.7.1 of the NCC PWP/TREP states:

Development of NCC transportation facility and community enhancement projects shall be sited and designed in a manner that protects, to the maximum extent feasible, public views to significant coastal resources, including views of the ocean and coastline, coastal lagoons and river valleys, and significant open space areas. New development shall be sited and designed to be compatible with existing development and surrounding areas such that the impacts of grading, operational activities and direct lighting on public views outside of the transportation facilities and community enhancement improvements are limited to the maximum extent feasible.

Design/Development Strategy 4 in Chapter 5.7 (Coastal Visual Resources) of the NCC PWP/TREP states:

Appropriate types of fencing shall be considered in the development of the final project designs and shall include use of see-through bridge rails and visually permeable fencing, where appropriate, including consideration of noise impacts on wildlife, and low-profile safety barriers between pedestrian and transportation uses, where necessary and feasible.

Design/Development Strategy 5 in Chapter 5.7 (Coastal Visual Resources) of the NCC PWP/TREP states:

Design solutions shall be considered in the development of the final project designs to integrate transportation infrastructure into existing landscapes and enhance project appearance to minimize visual impacts. Where feasible, design solutions may include, but not be limited to:

- *Grading shall be designed to minimize landform alteration and removal of significant vegetation. Grading and ground disturbance shall be the minimum necessary to construct proposed improvements.[...]*
- *Where at-grade or depressed route segments pass through or along the edge of residential areas or heavily traveled roadways, landscape treatments such as trees, shrubs, and groundcover could be installed along the edge of the right-of-way to provide partial screening and to visually integrate the right-of-way into the surrounding context provided that the subject landscaping does not block existing public coastal views. [...]*
- *Areas that are disturbed by cut, fill or grading shall be seeded or planted, such that these areas will blend with the surrounding vegetated areas. Landscaping plans shall include only species native to Southern California such that the proposed planted areas will be compatible with surrounding natural and manmade areas. Native vegetation shall be placed in appropriate locations and densities consistent with adjacent natural settings. Appropriate native species shall also be used adjacent to developed and landscaped areas; however, steep areas of cut in rock may not be able to support plants.*

Currently there is no existing fencing on San Elijo Avenue or Coast Highway 101 (except for along the perimeter of the San Elijo State Campground); however, the addition of a fence is proposed for both alignments, so it is not a distinguishing factor between the two alternatives, nor is the need for fencing an inconsistency, as Design/Development Strategy 4 in Chapter 5.7 (DDS4) clearly envisions the use of fencing for specific projects included in the NCC PWP/TREP. The eastern alignment includes the addition of a fence along the west side of the Coastal Rail Trail at the request of NCTD to ensure pedestrians do not illegally cross the rail tracks; however, the fence was designed to be responsive to community concerns regarding visual aesthetics. Initially, a six-ft. high welded steel fence was proposed by NCTD; however, opposition from the community resulted in additional coordination among NCTD, SANDAG, and the City to design a four ft. high post and cable fence that is visually permeable, as required by DDS4, and would not impact public views of the ocean from San Elijo Avenue, so it is consistent with Policy 5.7.1 ([Exhibit 4](#)). This design would be similar to the fencing implemented at the adjacent Santa Fe Drive undercrossing. The western alignment also includes the addition of a 42-in. high wood or galvanized steel post and steel cable fence along approximately 1,200 linear feet of the northern portion of the project area along the bluff edge in areas where there is a risk of falling ([Exhibit 5](#)). The proposed fencing for both alignments has been designed to minimize potential visual resource impacts.

Opposition to the eastern alignment contends that installation of a concrete trail would be an adverse change from the existing natural landscape. Currently, the east side of the rail corridor is comprised of barren ground and large patches of vegetation; however, that vegetation is fragmented in some portions and contains mostly non-native plant species, such as ice plant. In addition, there are other forms of development located within and adjacent to the eastern alignment, including several utility boxes and posts, concrete parking curbs, parked vehicles, railroad tracks and Coast Highway 101 to the west, and a paved two-lane road with homes along one side to the east. While the eastern alignment would result in the addition of a bikeway, it would be limited to 14-17 feet in width, only ten feet of which would be paved, and would be integrated with the existing roadway. There would still be a significant amount of area west of the new trail that would be maintained with existing vegetation or revegetated with natives. Thus, the eastern alignment would be compatible with existing development and would not adversely impact public views.

The eastern alignment would improve access to public views to the ocean from the new trail. Currently, views to the ocean are partially obstructed by parked vehicles; however, the new trail would be located west of parking which would provide uninterrupted views of the coast along the majority of the alignment (except for the southernmost section which is partially obstructed by the San Elijo State Campground) for pedestrians and bicyclists using the trail.

While unobstructed views of the ocean are available along existing portions of Coast Highway 101, the San Elijo State Campground blocks ocean views along the southern portion of the western alignment, private homes block ocean views along the northern portion of the western alignment, and existing landscaping along the blufftop briefly blocks ocean views along a few areas of the northern portion of the western alignment. Thus, the eastern alignment provides more extensive public views of the coast than the western alignment.

E. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Policy 5.5.1 of the NCC PWP/TREP states:

Development of NCC transportation facility and community enhancement projects shall be sited and designed to ensure that ESHAs are protected against any significant disruption of habitat values. Development in areas adjacent to ESHA shall be sited and designed to prevent impacts that would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Implementation Measure 5.5.2 of the NCC PWP/TREP states:

Seeds shall be collected or plants shall be salvaged to the extent practicable in the impact areas for all new transportation improvements and associated community and resource enhancement projects. Salvaged plants and seed shall be planted in

mitigation sites, on revegetated new slopes, or in revegetated areas that were temporarily impacted.

Implementation Measure 5.5.3 of the NCC PWP/TREP states, in part:

All efforts shall be made to eradicate invasive plant species. During project construction, all invasive species included on National Invasive Species Management Plan, the State of California Noxious Weed List, and the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory list found growing within the project right-of-way would be removed.

The opposition to the eastern alignment asserts that there are existing environmentally sensitive habitat areas (ESHA) along the west side of San Elijo Avenue that would be adversely impacted by construction of the eastern alignment and claims that the western alignment is preferable because it occupies an already paved surface that contains no habitat value. Although there are some relatively large patches of existing vegetation within the eastern alignment, including native plant species, they are located between the railroad tracks to the west and San Elijo Avenue to the east, with no buffer from adjacent development. The Commission's staff ecologist, Dr. Laurie Koteen, has reviewed the native plant survey submitted by opponents of the eastern alignment, as well as photos from site visits, and determined that the vegetation that would be displaced by the project is primarily a linear, fragmented feature that includes mostly non-native plants, such as ice plant, and is not ESHA.

In addition, the NCC PWP/TREP requires projects to include salvaging of native plants, the removal of invasive plant species, and revegetation with native species. Although some existing vegetation would be removed to accommodate the eastern alignment, the remaining vegetation adjacent to the Coastal Rail Trail would be enhanced through the removal of non-native plants and the addition of native plants as part of the landscaping associated with the eastern alignment.

The western alignment would be limited to the paved right-of-way and would not impact existing vegetation adjacent to Coast Highway 101.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to Public Resources Code Section 21067 and Sections 15050 and 15051 of Title 14 of the California Code of Regulations, SANDAG is the lead agency, for purposes of the California Environmental Quality Act (CEQA), for the project at issue in this report. As the lead agency under CEQA, SANDAG approved a categorical exemption for the subject project on January 27, 2017.

As an agency with a certified regulatory program under CEQA Section 21080.5, the Commission must consider alternatives and mitigation measures that would substantially lessen any significant adverse environmental effects that that the proposal would otherwise have on the environment. Section 21080.5(d)(2)(A) prohibits the Commission

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from approving a proposed development 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 conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact that the activities may have on the environment. Therefore, the Commission finds that the NOID, as conditioned, is consistent with CEQA Section 21080.5(d)(2)(A), as well as the applicable provisions of the NCC PWP/TREP.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- PWP No. PWP-6-NCC-13-0203-1
- PWP Amendment No. PWP-6-NCC-16-0001-1
- PWP Amendment No. PWP-6-NCC-16-0006-2
- Coastal Rail Trail Project Study Report dated October 2000
- Final Mitigated Negative Declaration Coastal Rail Trail Project Oceanside to Del Mar dated April 2001