

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-4421
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Staff: Toni Ross-SD
Staff Report: December 21, 2009
Hearing Date: January 14-15, 2010

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-09-059

Applicant: City of Carlsbad Public Works Department

Description: The rehabilitation of an existing 18-inch corrugated metal storm drain pipe to include the removal and replacement of approximately 8 feet of damaged pipe, and the lining of approximately 110 feet of existing pipe.

Site: West of 4062 Garfield Street, abutting Agua Hedionda Lagoon, Carlsbad, San Diego County. APN #206-070-16

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

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

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

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

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final full-size final plans for the permitted development that are in substantial conformance with the original plans submitted with the permit application by the City of Carlsbad titled Corrugated Metal Pipe Replacement Program Date/Garfield, received by the Coastal Commission on October 8, 2009.

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

2. Project Modifications. Only that work specifically described in this permit is authorized. Any additional work requires separate authorization from the Executive Director. **If, during construction, site conditions warrant changes to the project, the San Diego District office of the Coastal Commission shall be contacted immediately and before any changes are made to the project in the field.** No changes to the project shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Construction Best Management Practices. The applicant shall comply with the following construction-related requirements:

a. Construction-Related Requirements:

1. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
2. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
3. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of

sediment and other debris which may be discharged into coastal waters;

4. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.
- b. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:
1. The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
 2. The applicant shall develop and implement spill prevention and control measures;
 3. The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems; and
 4. The applicant shall provide adequate disposal facilities for solid waste, including excess steel and concrete, produced during construction.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History.

The proposed project includes the removal and replacement of approximately 8 feet of damaged corrugated metal storm drain pipe, and the lining of approximately 110 feet of outdated storm drain pipe. The storm drain was originally constructed around 1962 and has become degraded over time. The proposed project would not increase capacity of the storm drain. The project is located on the northeast bank of the outer basin of Agua Hedionda Lagoon. This segment of the storm water pipe extends from Date Avenue, through Garfield Street and terminates directly adjacent to the lagoon. The project area

consists of asphalt, disturbed habitat, and a rock revetment (ref. Exhibit #3). No sensitive vegetation exists within project boundaries.

The replacement of eight feet of pipe will require a small backhoe to dig out the damaged pipe, remove damaged portion of the pipe, place the new piece of pipe, and backfill around the pipe. No new landscaping is proposed. The damaged portion of the pipe will be removed from site and properly disposed of. The lining of approximately 110' of pipe involves lining the existing pipe with a tube made of treated fiberglass material or felt. UV lighting or steam will be used to cure the pipe in place. The tube is traditionally treated prior to delivery to the site, thus there is no potential for accidental spill/discharge.

The surrounding area includes only disturbed vegetation such as ice plant, thus there is no potential for impacts to sensitive habitat. Construction access will be gained from existing trail access roads, and staging will occur on Garfield Street (ref. Exhibit #4). The entire project will be completed within two days, thus no significant impacts to public access will result from the proposed project. Further, the City will not schedule work if rain is in the 5-day forecast, thus minimizing any potential impacts to water quality. On site noise will be limited to the noise from the box truck generator. No other potential impacts to marine resources are associated with the proposed project.

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

The proposed development will not have an adverse impact on any sensitive habitat, and, as conditioned, will not result in erosion or adverse impacts to water quality, as adequate temporary erosion controls (construction BMPs) will be provided. The project consists solely of maintenance activities and will not increase or modify the storm water drain design. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Community Character /Visual Quality. The development is located within an undeveloped area and consists only of repairing a broken, underground, existing pipe and does not include any new or modified above ground structures. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. Public Access/Parking. The proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. The project is located adjacent to Agua Hedionda Lagoon, and more specifically an access trail, however, project access and staging will be located in established access areas (ref. Exhibit #4), and will not interfere with the public's ability to access the lagoon. Further, the entire project will be completed within two days. Therefore, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

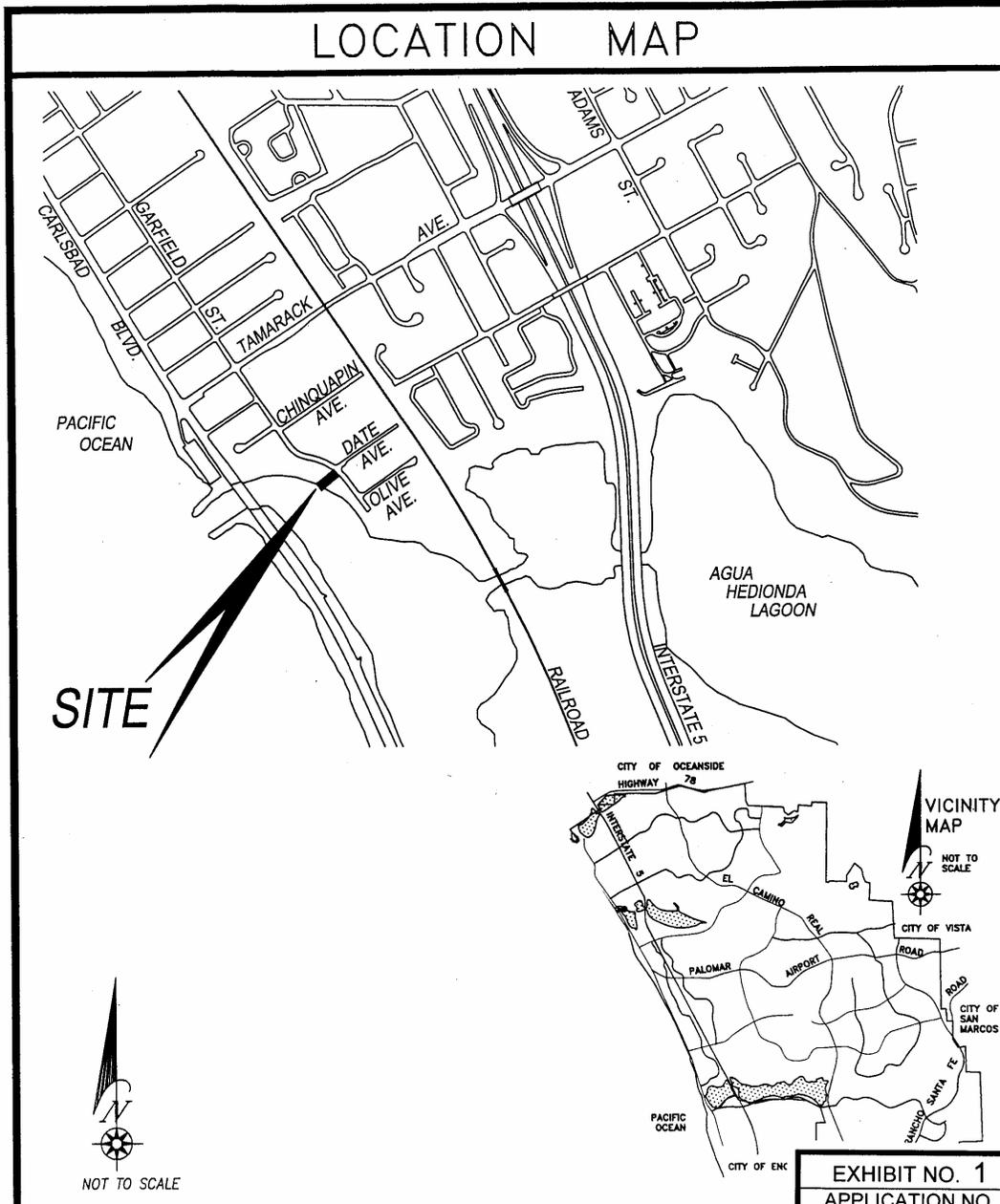
E. Local Coastal Program. While the Agua Hedionda Lagoon Land Use Plan (LUP) is certified, the segment remains an area of “deferred certification” as there are no implementing ordinances and therefore, the Commission retains permit jurisdiction in this area with the standard of review being the Chapter 3 policies of the Coastal Act, with the LUP used as guidance. As proposed, the development is consistent with Chapter 3 of the Coastal Act. Approval of the project will not prejudice the ability of the City of Carlsbad to prepare a Local Coastal Program for the Agua Hedionda Lagoon plan area that is in conformity with the provisions of Chapter 3.

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

STANDARD CONDITIONS:

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

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PROJECT NAME **CMP REPLACEMENT PROGRAM
DATE / GARFIELD**

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EXHIBIT NO. 1
APPLICATION NO. 6-09-059
Location Map

California Coastal Commission

DRAWN BY: SCOTT EVANS, CARLSBAD ENGINEERING DEPT. 9/15/09 C:\CAPITAL\HOWARD\6807 CMP PROGRAM_DATE-GARFIELD.DWG

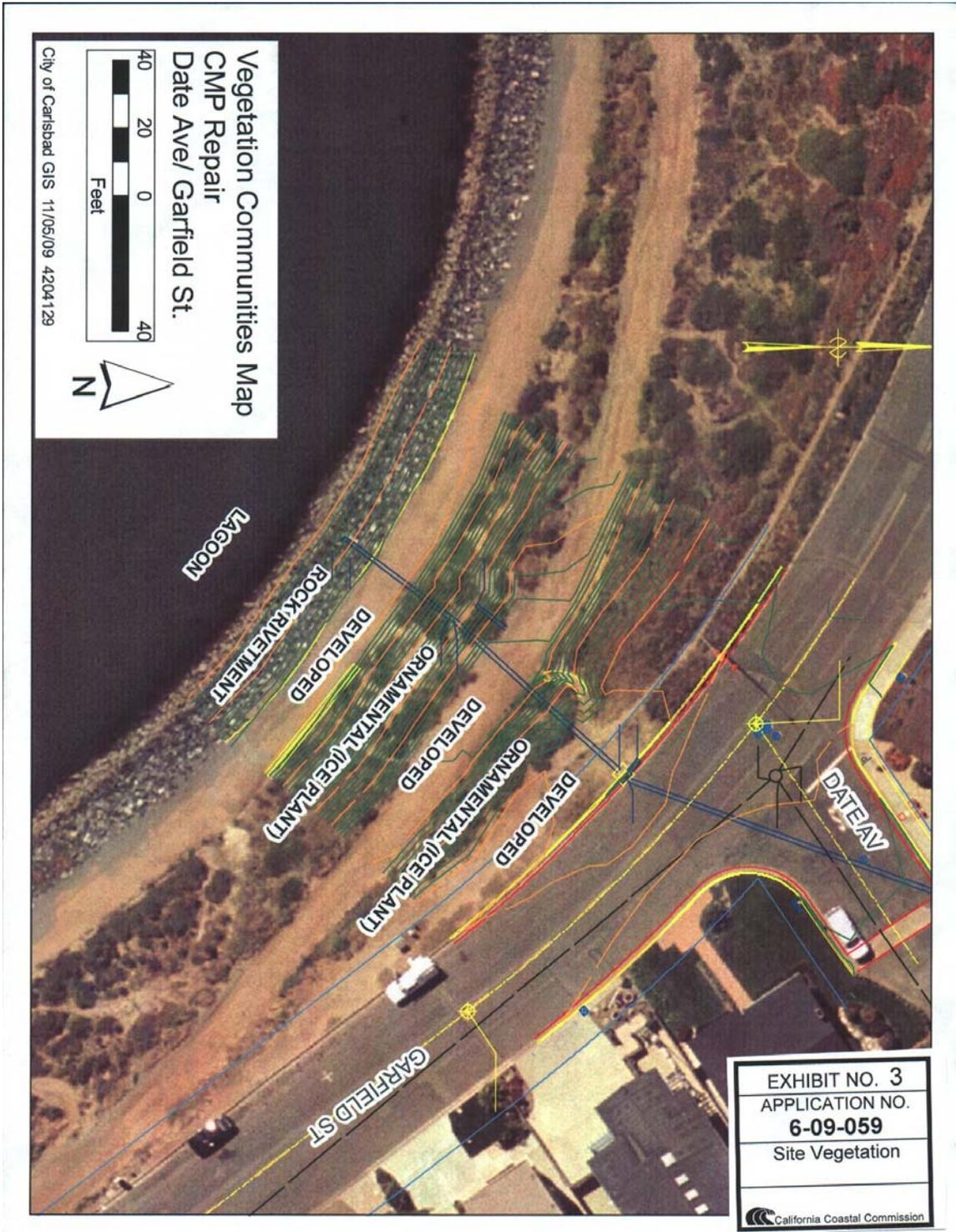




EXHIBIT NO. 4
APPLICATION NO.
6-09-059
Access and Staging
Sites
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