

**CALIFORNIA COASTAL COMMISSION**

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# Th7b

Filed: April 9, 2012  
180th Day: October 6, 2012  
Staff: T. Ross-SD  
Staff Report: May 24, 2012  
Hearing Date: June 13-15, 2012

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-12-020

**Applicant:** City of Carlsbad

**Agent:** Briana Wood

**Location:** At Bristol Cove storm drain outlet located approximately 50 yards southeast of the intersection of Cove Drive and Park Drive, Agua Hedionda, Carlsbad, San Diego County

**Project Description:** The removal of 25 cubic yards of sediment that washed into the lagoon during a water main break in order to restore the functionality of a private boat ramp and launch area located in the Bristol Cove housing development. The project also includes the removal and replacement of existing undersized rip rap with approximately twenty new revetment rocks with an average diameter of 1.37 meters and weight of two tons in the same location.

**Staff Recommendation:** Approval with conditions.

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### SUMMARY OF STAFF RECOMMENDATION:

The City of Carlsbad is proposing remove approximately 25 cubic yards of sediment and revetment rock that washed into Bristol Cove, a private inlet of Agua Hedionda Lagoon during a water main break that occurred in December of 2005. The sediment is now creating unsafe conditions for users of the adjacent docks. The sediment will be removed using an excavator positioned on an existing paved surface onshore (ref. Exhibit #2). The project will avoid construction related water quality impacts by utilizing a turbidity/silt curtain temporarily during construction to isolate the work area and prevent introducing turbid waters to the Lagoon.

The project is located within the Commission's jurisdiction and; therefore, the standard of review is the Coastal Act. As conditioned, the project can be found consistent with all applicable policies of the Coastal Act. Special Condition #1 requires the City to submit a

*Caulerpa taxifolia* survey in order to ensure that the proposed project does not cause the dispersal of the invasive water plant *Caulerpa*. Special Condition #2 requires the applicant to submit copies of all other required state or federal discretionary permits to the commission prior to the commencement of construction. No adverse impacts to recreation or public access are expected during the actual construction period as the proposed location of the excavator area is an asphalt private lot. However, it is unclear if this private lot will also be used as a staging area. As such, Special Condition #3 requires that storage and staging areas shall be located in a manner that has the least impact on vehicular and pedestrian traffic around Agua Hedionda Lagoon. As conditioned, all impacts to marine resources that cannot be avoided will be mitigated, consistent with the resource protection policies of the Coastal Act

Commission staff recommends **approval** of coastal development permit application 6-12-020 with the previously mentioned special conditions.

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**APPENDICES**

Appendix A – Substantive File Documents

**EXHIBITS**

- Exhibit 1 – Site Location
- Exhibit 2 – Project Location
- Exhibit 3 – Site Photos

## I. MOTION AND RESOLUTION

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 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.

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.

## III. SPECIAL CONDITIONS

1. **Invasive Species. PRIOR TO THE COMMENCEMENT OF SEDIMENT REMOVAL,** the applicant shall provide evidence that sediment removal in Agua Hedionda Lagoon can occur without the risk of spreading the invasive green alga *Caulerpa taxifolia* as follows.

- a. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any dredging authorized under this coastal development permit, the applicant shall undertake a survey of the project area (includes any other areas where the bottom could be disturbed by project activities) and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- b. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.
- c. Within five (5) business days of completion of the survey, the applicant shall submit the survey:
  1. For the review and written approval of the Executive Director; and
  2. To the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (DFG) (858-467-4218) or Robert Hoffman, National Marine Fisheries Service (NMFS) (562-980-4043).
  3. If *Caulerpa* is found, then the NMFS and DFG contacts shall be notified within 24 hours of the discovery.
- d. If *Caulerpa* is found, the applicant shall, prior to the commencement of dredging, provide evidence to the Executive Director for review and written approval either that the *Caulerpa* discovered within the project and/or buffer area has been eradicated or that the dredging project has been revised to avoid any contact with *Caulerpa*. No changes to the dredging project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**2. Other Permits. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, the applicant shall provide to the Executive Director, for review and written approval, copies of all other required state or federal discretionary permits (such as U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Regional Water Quality Control Board and the California Department of Fish and Game, and CA State Parks) for the development authorized by CDP #6-12-020. Any mitigation measures or other changes to the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

**3. Staging Areas/Public Access. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive

Director for review and written approval, detailed plans for the location of staging areas and of access corridors to the construction site(s). The plans shall include, at a minimum, the following:

- a. No overnight storage of equipment, construction materials, or excavated materials shall occur within wetlands, native vegetation areas or on the public beach or public parking spaces. Stockpiles shall be located away from the water, covered at all times and contained with runoff control measures.
- b. Storage and staging areas shall be located in a manner that has the least impact on vehicular and pedestrian traffic around Agua Hedionda Lagoon.
- c. Staging site(s) shall be removed and/or restored immediately following completion of the development.

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

#### **IV. FINDINGS AND DECLARATIONS**

##### **A. PROJECT DESCRIPTION.**

The City of Carlsbad is proposing to remove sediment that has accumulated in a private boat dock area of the Bristol Cove housing development off of Park Drive in the City of Carlsbad. Bristol Cove consists of an approximately 1,200-foot long, artificially excavated cove connected to the north shore of Agua Hedionda Lagoon (ref. Exhibit #1). The cove is roughly 150 feet wide. The shoreline is armored with riprap. Small, discontinuous rows of boat docks line both sides of the cove and a boat ramp is located on the western shore near the connection to Agua Hedionda Lagoon. There are no public access opportunities within or along Bristol Cove. A storm drain outfall is located on the east shore at the inner terminus of the cove, adjacent to a private boat dock area of the Bristol Cove housing development. The sediment proposed for removal is located directly adjacent to the storm drain outfall (ref. Exhibits #2, 3).

The twenty-four cubic yards of sediment proposed for removal was washed into the lagoon as a result of a nearby water main break in December, 2005. The washed out sediment and revetment rock are creating unsafe conditions for the private dock located on top of the washed out sediment. During lower tides, the dock becomes dry-docked and is no longer floating in the lagoon waters. This creates an unlevel and therefore unsteady and unsafe dock. The City is therefore proposing the remove the sediment and rock to eliminate the unsafe conditions that occur during lower tides.

Sediment removal will be conducted with the excavator positioned on an existing paved surface onshore (ref. Exhibit #2). The project will avoid construction related water quality impacts by utilizing a turbidity/silt curtain temporarily during construction to isolate the work area and prevent introducing turbid waters to the Lagoon. After construction, when turbidity has settled, the silt curtain would be removed. The removed sediment will be transported off site to an approved facility for disposal or re-use. The work will take place over a period of up to three days, although the sediment removal/riprap removal and replacement will be accomplished in one working day.

The proposed project also includes the removal and replacement of existing undersized riprap with larger sized riprap, capable of handling flows from the existing 60" diameter storm drain culvert. Currently a portion of the existing riprap dissipater structure at the storm drain outfall has also been washed into the lagoon associated with the previous water main break. The existing undersized riprap will be removed concurrent with the sediment and approximately twenty, two-ton rocks, 1.37 meters in average diameter, will be placed in the project area where existing riprap is utilized.

An assessment of Essential Fish Habit (EFH) and a baseline Eelgrass survey were conducted and reports prepared. No eelgrass was found within the project site and the baseline survey fulfills the requirements of the Southern California Eelgrass Mitigation Policy (NMFS 1991) and no further eelgrass surveys are required. However, a pre-construction survey for the invasive algae *Caulerpa taxifolia* will be completed prior to project commencement. At the time of this survey, field biologists will re-survey the area to determine presence, if any, of eelgrass within the project area.

## **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. Section 30233 limits development in open coastal waters, wetlands, estuaries, and lakes to specific permitted uses where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

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 construction BMPs will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

## **C. PUBLIC ACCESS/PARKING.**

As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

**D. LOCAL COASTAL PROGRAM.**

The LUP for the Agua Hedionda Lagoon LUP segment of the City of Carlsbad LCP was certified on August 27, 1982, but no implementation plan has been developed as yet, and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

**E. CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

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

Appendix A

**Substantive File Documents:** Biological Report prepared by Merkel and Associates dated July 20, 2011; Essentially Fish Habitat Assessment for the Bristol Cove Sediment Removal Project Agua Hedionda Lagoon, prepared by Merkel and Associates, dated July, 2011; CEQA exemption dated September 22, 2011.

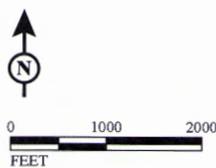


FIGURE 1

LSA

LEGEND

Project Location



SOURCE: USGS 7.5' Quad - San Luis Rey (1975), Calif.  
 R:\HCR1007\GIS\Fig1\_Location.mxd (12/16/2010)

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CALIFORNIA  
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|                               |
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| EXHIBIT NO. 1                 |
| APPLICATION NO.               |
| <b>6-12-020</b>               |
| Location Map                  |
| California Coastal Commission |

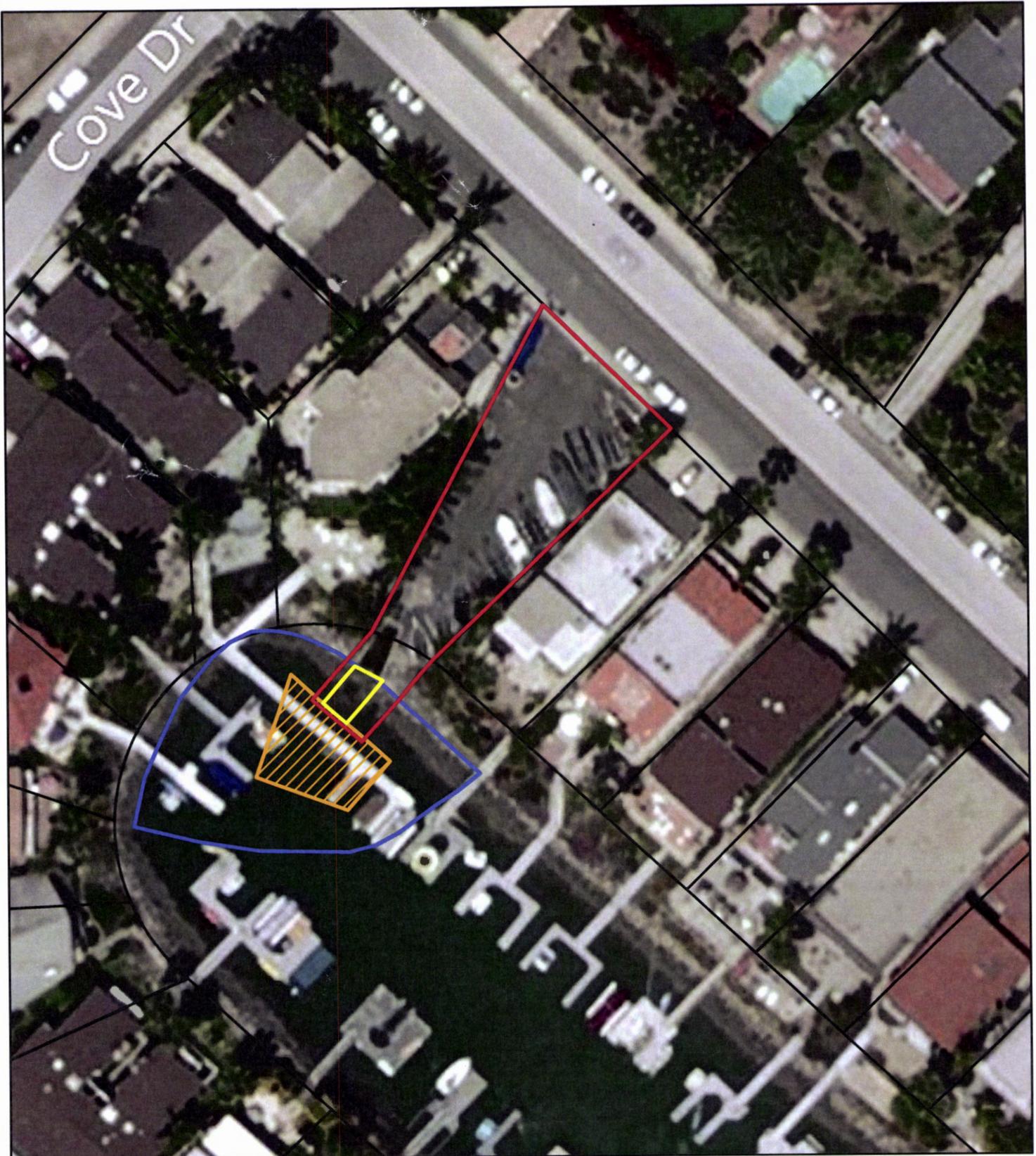


FIGURE 2

LSA

LEGEND

- Project Location
- Riprap Replacement Area
- Sediment Removal Area
- Silt Curtain Location
- Parcel Boundary (with APN #)



SOURCE: Bing Maps (2008)

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|                               |
|-------------------------------|
| <b>EXHIBIT NO. 2</b>          |
| <b>APPLICATION NO.</b>        |
| <b>6-12-020</b>               |
| <b>Project Location</b>       |
| California Coastal Commission |

**Bristol Cove Sediment Removal  
Site Photos**



Storm Drain Outlet



Area of displaced rip rap and sediment.

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|---|
| EXHIBIT NO. 3   |
| APPLICATION NO.   |
| <b>6-12-020</b>   |
| Site Photos   |
|  California Coastal Commission |