

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET · SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



W15b

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STAFF REPORT: REGULAR CALENDAR

Application No.:	1-15-1652
Applicant:	City of Crescent City
Location:	Beachfront Park, south of Front Street, Crescent City, Del Norte County (APN 118-020-31).
Project Description:	Realign and improve the western 650 feet of Howe Drive and place approximately 5,000 cubic yards of excavated fill to smooth low spots within grassy fields in Beachfront Park.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of Crescent City proposes to make improvements to Beachfront Park that include (1) the realignment and improvement of an approximately 650-foot-long segment of Howe Drive (Howe Drive West); and (2) the placement of approximately 5,000 cubic yards of excavated fill to smooth low areas within grassy fields in the park. Beachfront Park is a 35-acre public park on the northwest shore of the Crescent City Harbor.

Howe Drive West is currently an unimproved utility road with a highly compacted gravel surface. Under the proposed project, the road would be relocated 30-50 feet to the east and would be paved in a narrower 24-foot-wide alignment, while the existing gravel roadway would be decompacted and reseeded. The project will result in 13,222 square feet of newly paved roadway, while the revegetation of the existing gravel roadway will result in 20,950 square feet of newly landscaped parkland. This newly landscaped area will create a vegetated buffer between the road segment and a multimodal section of the California Coastal Trail located to the south of the project which will improve the safety and experience of trail users. Furthermore, this grassy area will reduce runoff from the road into the storm drain to the west of the road by seventy-five percent.

The proposed project involves ground disturbance, paving, and the use of heavy equipment adjacent to the Crescent City Harbor that could result in sediments, debris, or hazardous materials entering coastal waters and impacting sensitive fish species and their habitat. To minimize temporary construction impacts to the biological productivity and quality of nearby coastal waters, staff recommends **Special Condition 2** requiring that a suite of BMPs be employed during construction.

A botanical survey of the project area conducted in August 2015 identified six specimen of Wolf's evening primrose (*Oenothera wolffi*) approximately 50 feet from the proposed area of disturbance. To ensure protection of these adjacent rare plants, staff recommends **Special Condition 2(J)** requiring that the area where rare plants are located is fenced off and protected by erosion control devices during construction.

In addition, to preserve any potential existing Wolf's evening primrose seedbank in the area of project impacts, the City is proposing to scrape the topsoil from the new road alignment prior to construction and place the topsoil nearby in two areas identified for their suitability for the plant's development (i.e., well-drained, sandy soils). To ensure that the topsoil is saved as proposed and placed in a way that avoids impacts to coastal resources, staff recommends **Special Condition 3** requiring a final topsoil relocation plan.

Staff believes that the proposed project, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act. The motion to adopt the staff recommendation of **approval** of Coastal Development Permit (CDP) 1-15-1652 with special conditions is found on [page 4](#).

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APPENDICES

[Appendix A – Substantive File Documents](#)

EXHIBITS

- [Exhibit 1](#) – Regional Location Map
- [Exhibit 2](#) – Vicinity Map
- [Exhibit 3](#) – Aerial Photograph of Vicinity
- [Exhibit 4](#) – Project Site Map
- [Exhibit 5](#) – Site Plans
- [Exhibit 6](#) – Beachfront Park Master Plan

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 1-15-1652 subject to the conditions set forth in the staff recommendation.*

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

Resolution:

The Commission hereby approves coastal development permit 1-15-1652 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following 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 of 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

This permit is granted subject to the following special conditions:

1. **Final Project Plans.**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit two full size sets of drawn-to-scale Final Project Plans to the Executive Director for review and approval. The Revised Final Project Plans shall be substantially in conformance with the preliminary project plans (**Exhibit 5**) except that they shall be revised and supplemented to comply with the following requirements:
 - i. Construction Areas. All areas within which construction activities and/or staging are to take place shall avoid all wetlands, rare plant habitat, and the Coastal Trail. The revised final project plans shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view;
 - ii. Maintenance of Public Access. Pedestrian public access around the Howe Drive construction area and along the Coastal Trail shall be maintained throughout the construction period. The revised final project plans shall show all construction and staging areas and show the public access routes around the construction area and along the Coastal Trail;
 - iii. Construction Methods and Timing. The plans shall specify the construction methods and timing to be applied to limit coastal resource impacts to the maximum extent feasible; and
 - iv. Water Quality Protection Element. The plans shall clearly identify the location of all water quality protective best management practices (BMPs) identified in Special Condition 2, as applicable, and notate that these measures are to be implemented during construction.
- B. 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 final plans shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

2. **Construction Responsibilities.** The permittee shall comply with the following construction-related requirements:

- A. Erosion and sediment control products, such as fiber rolls, and/or silt fencing, shall be installed as proposed prior to and maintained throughout the construction period to minimize erosion and trap entrained sediment and other pollutants to prevent discharge of sediment and pollutants to coastal waters and wetlands;

- B. To minimize wildlife entanglement and plastic debris pollution, temporary rolled erosion and sediment control products (such as fiber rolls and silt fencing) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) shall not be used. Acceptable alternatives include erosion and sediment control products without netting, products made with loose-weave natural fiber netting, and unreinforced silt fences;
 - C. Any excess excavated material and other construction debris resulting from construction activities shall be removed immediately upon completion of component construction, and shall be disposed of at a disposal site outside the coastal zone or within the coastal zone pursuant to a valid coastal development permit;
 - D. On-site native vegetation shall be maintained to the maximum extent possible during construction activities;
 - E. All ground disturbing activity and asphaltic-concrete paving operations shall be performed during dry-weather periods when the National Weather Service's Northwestern California forecast for the Crescent City sub-area of the Redwood Coast predicts a less than 50 percent chance of precipitation for the timeframe in which the work is to be conducted;
 - F. Water Quality Best Management Practices (BMPs) shall be implemented to minimize the discharge of other pollutants resulting from staging, storage, use, and disposal of construction chemicals and materials (such as paints, solvents, vehicle fluids, asphalt and cement compounds, trash, and debris) into runoff or coastal waters. Maintenance and refueling of construction equipment and vehicles at the project site is prohibited;
 - G. Adequate supplies of hazardous materials spill prevention and clean-up equipment shall be kept on site at all times during construction;
 - H. All on-site stockpiles of soil and construction debris shall be contained at all times and shall be covered during storm events to minimize discharge of sediment and other pollutants;
 - I. Concrete paving and grinding operations, and storm drain inlet protection best management practices shall be employed to prevent concrete grindings, cutting slurry, and paving rinsate from entering drop inlets or sheet-flowing into coastal waters. Concrete delivery vehicle wash-out maintenance at the project site is prohibited; and
 - J. Wolf's evening primrose (*Oenothera wolffi*) plants within 100 feet of project construction shall be fenced off to prevent trampling by construction workers or equipment, and erosion control devices shall be placed between the road construction work and the Wolf's evening primrose individuals to prevent sediment and other materials generated by construction from coming into contact with the rare plant habitat.
3. **Final Topsoil Relocation Plan.** The permittee shall implement the proposed removal of approximately 11,017 square feet of topsoil from the site of the new road alignment and placement of the topsoil in the general locations depicted on Plan Sheet C-3.0 dated September 24, 2015 and attached as Exhibit 5, pg. 2.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final topsoil relocation plan to the Executive Director for review and approval. The plan shall include:
 - i. A detailed description of the methods that will be used to scrape the topsoil from its current location, move the soil, and place the soil in the proposed placement areas in a manner that will be protective of coastal resources, will ensure successful revegetation of the placement areas, and will promote the establishment of Wolf’s evening primrose (*Oenothera wolffii*) in the placement areas if present in the relocated soil’s seedbank;
 - ii. Provisions for final contouring of the placement sites that conforms with the natural topography of the site and blends with the adjacent landscape to minimize landform alteration; and
 - iv. Provisions for erosion and runoff control in the placement areas prior to the placement of topsoil and until full reestablishment of ground cover vegetation, including the installation of sediment control devices downslope of disturbed areas.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

4. **Protection of Archeological Resources.** If an area of cultural deposits or human remains is discovered during the course of the project, all construction shall cease and shall not recommence until a qualified cultural resource specialist, in conjunction with the Smith River Rancheria and Elk Valley Rancheria Tribal Historic Preservation Officers, analyzes the significance of the find and prepares a supplementary archaeological plan for the review and approval of the Executive Director, and either: (a) the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan’s recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, or (b) the Executive Director reviews the Supplementary Archaeological Plan, determines that the changes proposed therein are not *de minimis*, and the permittee has thereafter obtained an amendment to coastal development permit 1-15-1652.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The City of Crescent City proposes to make improvements to Beachfront Park that include (1) the realignment and improvement of an approximately 650-foot-long segment of Howe Drive (Howe Drive West); and (2) the placement of approximately 5,000 cubic yards of excavated fill to smooth low areas within grassy fields in the park (**Exhibit 4**).

Howe Drive West is currently an unimproved utility road (not open for public use) with a highly compacted gravel surface. Under the proposed project, the road would be relocated approximately 30 to 50 feet to the east and would be paved (**Exhibit 5**). The City estimates that the proposed new road alignment would require approximately 380 cubic yards of cut and 490 cubic yards of fill with the maximum cut not exceeding 1.5 feet in height and the maximum fill not exceeding 3 feet in depth. The structural section of the roadway would include 9 inches of aggregate base rock and 3 inches of asphaltic concrete. The road realignment would require the removal of 27 beach pines (*Pinus cortorta* var. *contorta*) that are planted in a windrow along the eastern edge of the current road alignment.¹ The existing road segment would be decompacted and converted to landscaped parkland during the construction of the realignment. The City proposes to scrape the topsoil from the new road alignment prior to construction and place the topsoil nearby to promote the growth of Wolf's evening primrose (*Oenothera wolfii*), a rare plant that grows near the project site. The compacted aggregate base on the existing road would be reused on site in the construction of the new section of roadway.

The approximately 5,000 cubic yards of fill proposed to be used for park field maintenance would be sourced from an upcoming City project to replace 700 linear feet of the B Street sewer main between Second Street and the wastewater treatment plant.² The excavated fill from the B Street sewer line replacement project would be used to smooth low and rough areas within Beachfront Park to create a safe environment for recreational activities.

B. SETTING & BACKGROUND

The proposed project is located in Beachfront Park, an approximately 35-acre park on the northwest shore of the Crescent City Harbor (**Exhibits 1-3**). Beachfront Park is owned by the City and developed with several facilities and amenities including a cultural center, swimming pool, marine mammal center, horseshoe pits, large play structure, picnic areas, a disk golf course, and a number of open lawns. A multimodal section of the California Coastal Trail also runs through the park, connecting the park with Battery Point Park and B Street pier to the west and the City-owned RV park and Crescent City Harbor to the east.

Howe Drive follows the waterside edge of Beachfront Park in a southwesterly direction, and then turns in a northwesterly direction and arcs around the City's wastewater treatment plant before terminating on the north side of the plant at Battery Street. The portion of the road that curves around the wastewater treatment plant (Howe Drive West) has not been paved since the City removed the pavement during the reconstruction of the wastewater treatment plant in 2007 (under CDP 1-07-002). While Howe Drive West has been officially closed to public vehicular

¹ The City originally planned to realign the Howe Drive road segment further east, which would have resulted in the removal of four trees. However, due to the discovery of the patch of Wolf's evening primrose plants described in the ESHA findings below, the City relocated the road to avoid impacts to the rare plants and now the proposed alignment will require the removal of twenty-seven trees. The trees to be removed are beach pines (*Pinus cortorta* var. *contorta*) that are planted in a windrow along the eastern edge of the current road alignment. A few of the trees are dead or dying and the majority are stunted and small in stature, ranging in height from 8 to 14 feet and ranging in diameter from 4 to 11 inches (measured at the base of the trees). Although the trees do not appear to have much potential for nesting bird habitat, they will be removed outside of the nesting bird season.

² The B street sewer main replacement project is entirely within the coastal development permitting jurisdiction of the City of Crescent City and is therefore being permitted through local CDP 15-01.

access until repaving, barricades to access have been removed and the road is being used informally by private vehicles, resulting in wet weather rutting issues.

The City proposes to repave Howe Drive West and officially reopen the road to public use prior to the City's upcoming B Street Sewer Main replacement project. As previously mentioned, the City is planning to replace the sewer main that runs under B Street between Second Street and the wastewater treatment plant. During the replacement of the sewer main, B Street and Front Street will be closed to vehicular traffic. As a result, once improved and reopened, Howe Drive West will provide the only means of accessing the south end of A Street (also known as Lighthouse Way) by vehicle during the B Street Sewer Main replacement project.

Instead of repaving Howe Drive West within its existing footprint, the City is proposing to realign the road segment to more closely follow the alignment depicted on the Beachfront Park Master Plan, a plan for the improvement of Beachfront Park that was adopted by the City Planning Commission in 2012 (**Exhibit 6**).³ While Howe Drive West currently runs directly adjacent to the wastewater treatment plant and the Coastal Trail, the proposed new alignment would move the road segment further east to enhance the use and enjoyment of the Coastal Trail by providing space for an additional lawn area to buffer the trail from the roadway.

The project is located within the Coastal Zone Open Space (CZ-O) District and has a land use designation of Open Space. The project site is relatively flat (less than five percent slopes). The City of Crescent City contracted with Galea Wildlife Consulting (GWC) to conduct a botanical survey in August 2015. The consultant determined that no Environmentally Sensitive Habitat Areas (ESHA) exists within the area of disturbance for the road realignment and that the fields where the excavated material will be placed are comprised of mowed grass with no rare plants or other (ESHA).

C. STANDARD OF REVIEW

The proposed project is located within the Commission's retained jurisdiction. The City of Crescent City has a certified local coastal program (LCP), but the site is within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, the standard of review that the Commission must apply to the development is the Chapter 3 policies of the Coastal Act.

D. ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)

Coastal Act Section 30107.5 defines "environmentally sensitive area" as:

...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Coastal Act Section 30240 states that:

³ The Beachfront Park Master Plan was adopted by resolution by the Crescent City Planning Commission but was never incorporated into the City's LCP.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

A botanical survey of the project area conducted in August 2015 did not identify any ESHA within the proposed area of disturbance for the realignment of Howe Drive or within the area of Beachfront Park where excavated material will be placed to smooth grassy fields. The survey did identify approximately six specimen of Wolf's evening primrose (*Oenothera wolfii*) near an existing park bathroom, approximately 50 feet from the proposed area of disturbance for the improvement and realignment of Howe Drive West (**Exhibit 5**). Wolf's evening primrose, found in coastal sand dunes, bluffs, and sandy roadsides along the immediate Pacific coast between Port Orford, Oregon and Cape Mendocino, California, is a rare plant with a state ranking of S1⁴ and a California Rare Plant Rank of 1B.1.⁵ The City proposes to avoid construction impacts to these adjacent rare plants by constructing fencing around the plants for the duration of construction (See **Exhibit 5, pg. 2** for a site map depicting the location of the fencing). To ensure protection of adjacent rare plants, as part of **Special Condition 2**, the Commission requires that, prior to construction, (1) the area where the rare plants are located shall be fenced off to prevent trampling by construction workers or equipment, and (2) erosion control devices shall be placed between the road construction work and the patch of Wolf's evening primrose plants to avoid sediments and other materials generated by construction from coming into contact with the rare plant habitat.

The Wolf's evening primrose is typically a biennial with high germination rates and low seedling survival. As a result, during different years, plants may sprout and flower in different locations and quantities within a given area, as has been the case in Beachfront Park. A botanical survey conducted for an August 2000 Feasibility Study EIR for the reconstruction of the adjacent wastewater treatment plant previously identified Wolf's evening primrose in the location of the currently proposed road realignment even though individual plants were not observed in this location during the recent 2015 botanical survey. To preserve any potential existing Wolf's evening primrose seedbank that may remain in the area of project impacts, the City proposes to scrape the topsoil from the new road alignment prior to construction and place the topsoil nearby in areas suited for the plant's development (i.e., well-drained, sandy soils). The City has identified two nearby areas to place the approximately 11,017 square feet of topsoil (See **Exhibit 5, pg. 2**). One location is a 9,550-square foot area on the west side of B Street across from the sewage treatment plant and the other location is a 5,440 square-foot area south of the wastewater treatment plant between the Coastal Trail and the beach. Both areas are comprised of sandy soils

⁴ Plants with an S1 rank are critically imperiled in California.

⁵ Plants with a 1B rank are rare, threatened, or endangered in California and elsewhere, and the .1 threat rank indicates that the species is seriously threatened in California (over 80% of occurrences threatened/ high degree and immediacy of threat).

covered in ruderal herbaceous vegetation with Wolf's evening primrose plants located nearby. One of the areas is adjacent to a vehicular roadway, while the other is adjacent to a heavily frequented trail; however, Wolf's evening primrose is an early successional plant species that thrives in disturbed environments and is often found adjacent to roadways. To ensure that the topsoil is saved as proposed, the Commission attaches **Special Condition 3** requiring that the topsoil is relocated consistent with submitted project plans.

As conditioned in the manner discussed above, the Commission finds that the development will not significantly degrade nearby ESHA and will be compatible with the continuance of all habitat areas. Therefore, the Commission finds that the project as conditioned is consistent with Section 30240(b) of the Coastal Act.

E. WATER QUALITY

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

Construction-Related Impacts on Water Quality

The proposed project involves ground disturbance, paving, and the use of heavy equipment adjacent to the Crescent City Harbor that could result in sediment, debris, or hazardous materials entering coastal waters and impacting sensitive fish species and their habitat. To protect nearby marine resources, the City proposes a number of erosion and sediment control measures during project construction including the placement of silt fences and fiber rolls as perimeter sediment control barriers at the toe of slopes, and the installation of storm drain inlet protection devices on nearby storm drain drop inlets.

To further minimize temporary construction impacts to the biological productivity and quality of nearby coastal waters, the Commission imposes **Special Condition 2**. Special Condition 2 requires that a suite of BMPs be employed during the construction of the project, including: (a)

installation of fiber rolls and/or silt fencing as proposed prior to, and maintained throughout, the construction period; (b) removal and disposal of any excess excavated material and construction debris resulting from construction activities at a disposal site outside the coastal zone or within the coastal zone pursuant to a valid coastal development permit; (c) maintenance of on-site vegetation to the maximum extent possible during construction activities; (d) performance of all ground disturbing activities and asphaltic-concrete paving operations during dry-weather periods only; (e) implementation of site housekeeping practices to prevent, minimize, and contain erosion and siltation; (f) maintenance of adequate supplies of hazardous materials spill prevention and clean-up equipment on site; (g) containment of all on-site stockpiles of soil and construction debris; and (h) utilization of concrete paving and grinding operational constraints and inlet protection barriers around drop inlets. As the water quality BMPs proposed by the applicant lack specificity as to the location of measures to be employed, the Commission also requires as part of **Special Condition 1** “Final Project Plans,” that the applicant submit plans that clearly identify the location of all water quality protective BMPs as proposed and required by Special Condition 2, as applicable, and notate that these measures are to be implemented during construction.

The placement of the topsoil to be excavated from the new road alignment area in areas suitable for the growth of Wolf’s evening primrose could result in a number of impacts to coastal resources, including discharge of sediment and pollutants into nearby coastal waters. To ensure that the topsoil is placed in a way that avoids impacts to coastal resources, the Commission requires as part of **Special Condition 3** that the applicant submit a final topsoil relocation plan. Among other requirements, Special Condition 3 requires that the final topsoil relocation plan include best management practices (BMPs) to prevent sediment from the topsoil relocation areas from entering nearby coastal waters, and provisions to ensure revegetation of the placement sites.

Post-Construction Stormwater Management

The proposed new road alignment will result in the conversion of 13,222 square feet of grass-covered, pervious surface into an impervious asphalt roadway. However, the City is also proposing to convert the existing alignment which is constructed out of compacted aggregate base into a lawn area which will result in 20,950 square feet of new grass-covered pervious surface in place of a relatively impervious surface. In addition, the realignment of the road and the revegetation of the existing roadbed will result in the road segment being located further from the harbor waterfront with a large vegetated buffer between the road and coastal waters to slow, intercept, and infiltrate runoff from the road, resulting in less entrained sediments and polluted runoff reaching coastal waters. The City proposes to decompact and reseed the existing gravel roadway concurrent with the construction of the new road alignment to reduce project impacts on stormwater runoff.

Under the proposed project, surface water runoff from the new northbound lane (8,689 square feet of pavement) will flow to the northwest, towards the area to be converted from a gravel roadbed to grassland. Water that does not infiltrate the new grassland will drain into a drop inlet at the northeast corner of the wastewater treatment plant which directs water through a storm drain to the drainage course between the south wall of the wastewater treatment plant (culvert outlet) and the harbor beach area. By converting the area west of the new road alignment from

gravel to grass, the runoff from the road into the storm drain will be reduced by seventy-five percent.

Therefore, the Commission finds that the proposed development, as conditioned, will maintain and enhance the biological productivity and quality of coastal waters consistent with the requirements of Sections 30230 and 30231 of the Coastal Act.

F. ARCHAEOLOGICAL RESOURCES

Section 30244 of the Coastal Act states:

Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The project is located in the ethnographic territory of the Tolowa, whose aboriginal boundaries extended from the Sixes River in Curry County, Oregon to the Applegate River drainage of Josephine County, Oregon in the east, to Wilson Creek in Del Norte County, California to the south, and the sea stacks off the Pacific coast to the west. The Tolowa Tribe currently have two separate federally recognized governments: the Smith River Rancheria and the Elk Valley Rancheria.

While archaeological resources are known to exist in the vicinity of the project site, the road realignment is located in a portion of Beachfront Park consisting of former tidelands that were filled since the 1930s. A records search and archaeological field investigation conducted by Roscoe and Associates in May 2015 did not uncover any archaeological resources in the project area. Roscoe and Associates also corresponded with representatives of the Smith River Rancheria and the Elk Valley Rancheria, and both Tribal Historic Preservation Officers and other representatives were present during portions of the field investigation. After the review of previous surveys in the area, historic photographs, and proposed project plans, the representatives of Elk Valley and Smith River Rancherias requested that protocols for inadvertent archaeological resource discoveries be included in the report. No further archaeological investigations were requested within the project area.

To ensure protection of any archaeological resources that may be discovered at the site during construction of the proposed project, the Commission attaches **Special Condition 4**. This special condition requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease and a qualified cultural resource specialist, in conjunction with the Smith River Rancheria and Elk Valley Rancheria Tribal Historic Preservation Officers, must analyze the significance of the find. To recommence construction following discovery of cultural deposits, the permittee is required to submit a supplementary archaeological plan for the review and approval of the Executive Director, who determines whether the changes are de minimis in nature and scope, or whether an amendment to this permit is required.

Therefore, the Commission finds that the proposed project is consistent with Coastal Act Section 30244, as the proposed development includes reasonable mitigation measures to ensure that

construction activities within the project area will not result in significant adverse impacts to archaeological resources.

G. PUBLIC ACCESS & RECREATION

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects, except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or where adequate access exists nearby. Section 30211 of the Coastal Act requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. Section 30221 of the Coastal Act require that oceanfront land suitable for recreational use shall be protected for recreational use and development unless already adequately provided for in the area. In applying Sections 30210, 30211, 30212, 30214, and 30221, the Commission is also limited by the need to show that any denial of a permit application based on these sections or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

The proposed project is located in Beachfront Park, an approximately 35-acre park located on the northwest shore of the Crescent City Harbor that includes open sports fields, playgrounds, picnicking areas, and other public recreational and assembly facilities (**Exhibits 1-3**). Neither project component will adversely affect public access to the shoreline or recreational uses of Beachfront Park. In addition, neither project component will result in a significant increase in visitors to the park. The proposed Howe Drive West road improvements will enhance vehicular access in the park and the proposed placement of excavated fill to smooth low areas in the park's grassy fields will improve the usability of the fields for public recreation.

Howe Drive follows the waterside edge of Beachfront Park and then turns in a northwesterly direction to arc around the City's wastewater treatment plant and connect with Battery Street north of the plant. Howe Drive West, the portion of Howe Drive that arcs around the City's wastewater treatment plant, has been officially closed to public vehicular use since its pavement was removed during the reconstruction of the adjacent wastewater treatment plant in 2007 (under CDP 1-07-002). The proposed paving of Howe Drive West will allow the road segment to be reopened to the public. The reestablishment of this public road connection between Howe Drive and Battery Street is necessary to maintain vehicular access to the south end of A Street (also known as Lighthouse Way) during the upcoming B Street Sewer Main replacement project. The reopening of Howe Drive West will also improve vehicular movement in the long term between the park and nearby recreational amenities to the west including Battery Point Park, B Street pier, and Battery Point Lighthouse.

Furthermore, because there is no clear edge to the existing gravel roadway, the area of vehicular disturbance has widened over time and displaces more parkland than the proposed new roadway alignment. The proposed roadway realignment will both move and narrow the effective roadway width to 24 feet. The project will result in 13,222 square feet of newly paved roadway, while the

revegetation of the existing gravel roadway will result in 20,950 square feet of newly landscaped parkland. This newly landscaped area will create a vegetated buffer between the road segment and a multimodal section of the California Coastal Trail located to the south of the project. This vegetated buffer between vehicular and non-vehicular traffic will improve the safety and experience of trail users.

Construction of the project will result in the temporary closure of portions of Beachfront Park including the field just north of Howe Drive West that will be fenced off for staging (See **Exhibit 5, pgs. 2-3** for areas of the park to be temporarily fenced during project construction). However, the City estimates that construction of the road realignment will only take approximately three weeks. In addition, the areas of temporary closure are small relative to the overall size of Beachfront Park and consist of a gravel roadway and minimally utilized open fields, while the park's major recreational amenities will be avoided. Furthermore, the proposed project will not block access to the nearby Coastal Trail, and the majority of Beach Front Park as well as the inner harbor beach areas, the B Street Fishing Pier, and the Battery Point Lighthouse will remain open to public access and recreational use throughout construction. To further ensure minimal interference with coastal access, the Commission attaches **Special Condition 1** requiring submittal of final project plans that identify the location of all construction and staging areas and provide for public access around the project site and along the Coastal Trail during project construction.

Therefore the Commission finds that the proposed development will not have any significant adverse effects on public access and recreation, and is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, 30214, and 30221.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City of Crescent City served as the lead agency for the Howe Drive West Realignment & Beachfront Park Maintenance Project for CEQA purposes. The City adopted a Mitigated Negative Declaration for the project on October 22, 2015. Section 13906 of the Commission's administrative regulation requires Coastal Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. The findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the

1-15-1652 (City of Crescent City)

Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**APPENDIX A
SUBSTANTIVE FILE DOCUMENTS**

Application File for Coastal Development Permit (CDP) No. 1-15-1652

Application File for CDP No. 1-07-002.

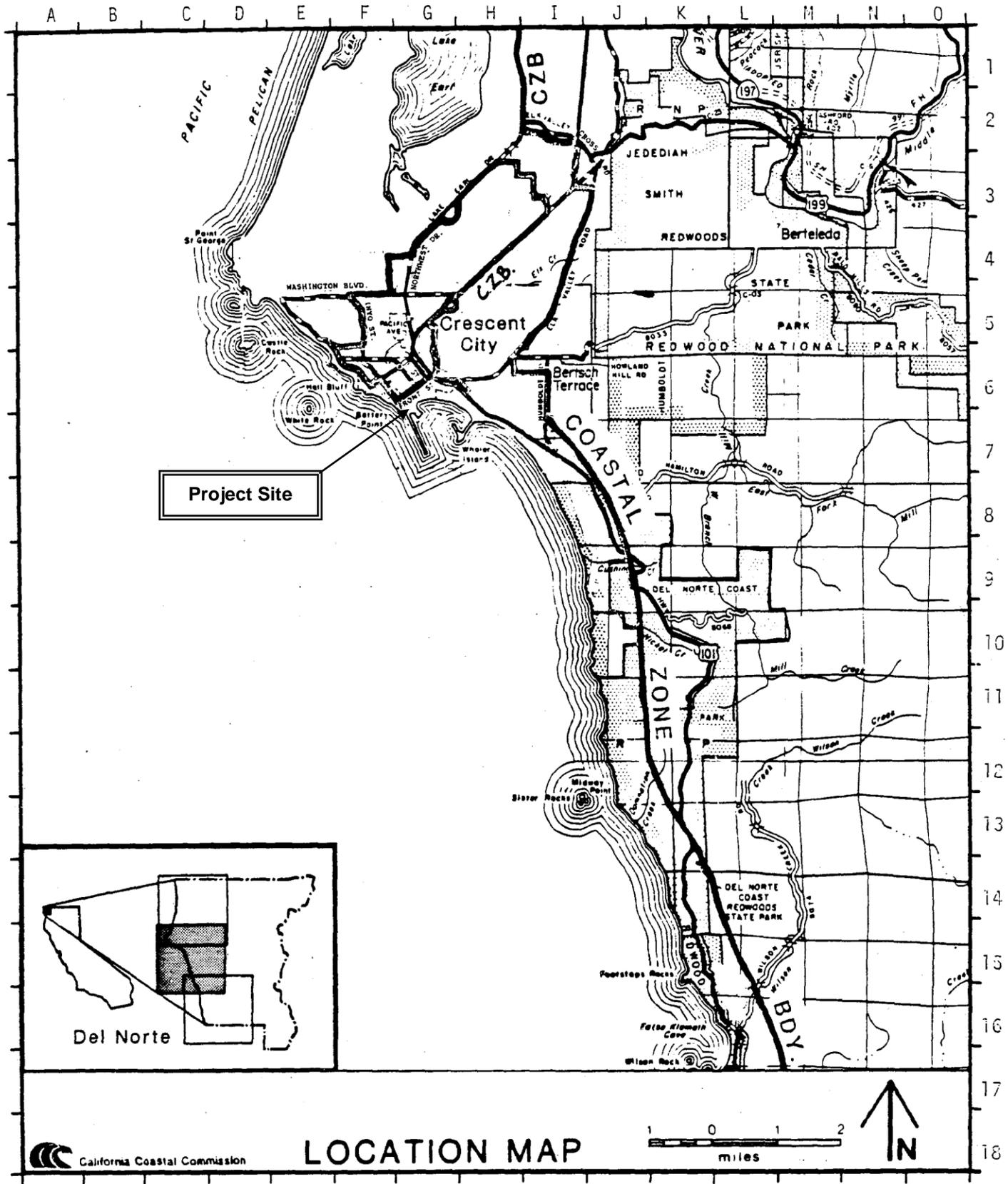
RRM Design Group. (February 2013). Beachfront Park Master Plan Conceptual Plan. Prepared for City of Crescent City. Retrieved from <http://www.crescentcity.org/comdev.html>.

Websites and Databases:

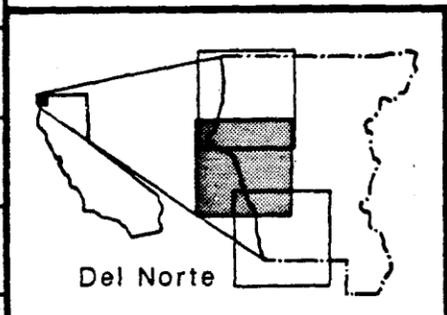
California Coastal Records Project: <http://www.californiacoastline.org/>

California Department of Fish and Wildlife (CDFW), California Natural Diversity Database (CNDDDB). 2014. RareFind (Version 5, government subscription). Accessed from <http://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp>. Sacramento, CA.

Center for Plant Conservation National Collection Plant Profile for *Oenothera wolffii*:
http://www.centerforplantconservation.org/collection/cpc_viewprofile.asp?CPCNum=3004



Project Site



Del Norte

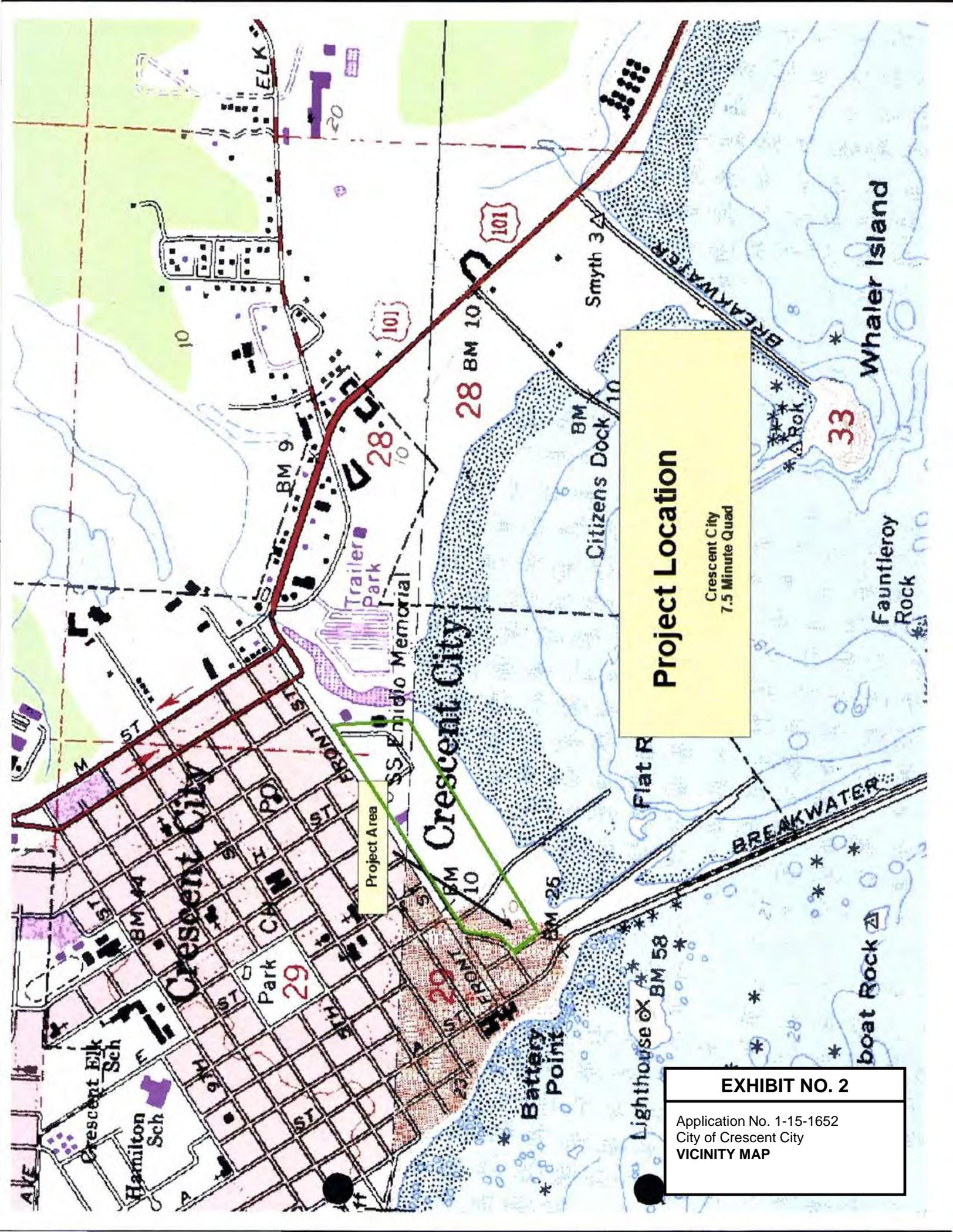
California Coastal Commission

LOCATION MAP



County of Del Norte

EXHIBIT NO. 1
 Application No. 1-15-1652
 City of Crescent City
REGIONAL LOCATION MAP



Project Location
Crescent City
7.5 Minute Quad

Project Area

EXHIBIT NO. 2
Application No. 1-15-1652
City of Crescent City
VICINITY MAP

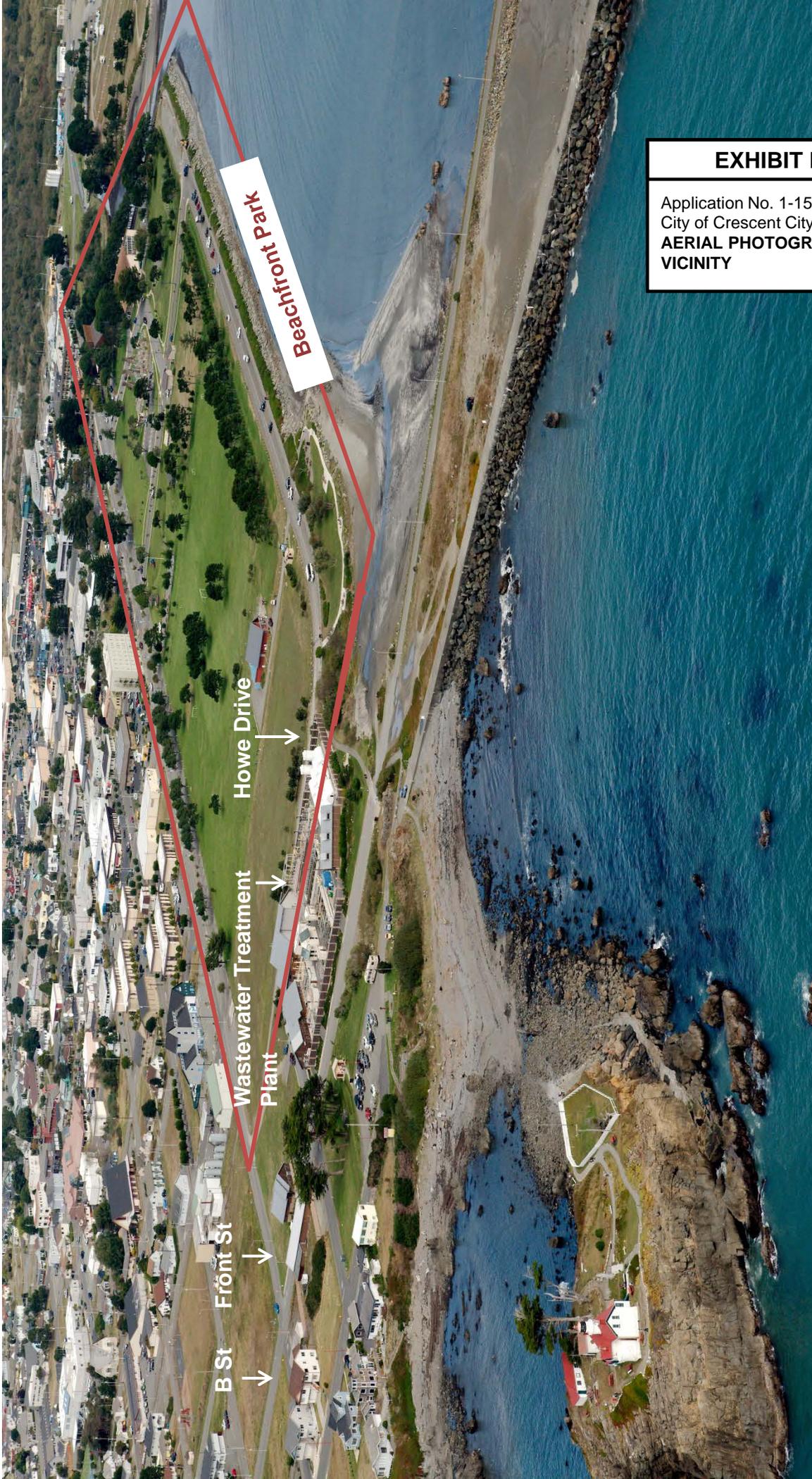


EXHIBIT NO. 3

Application No. 1-15-1652
City of Crescent City
AERIAL PHOTOGRAPH OF VICINITY

EXHIBIT NO. 4

Application No. 1-15-1652
City of Crescent City
PROJECT SITE MAP



Site Map

Front Street

Howe Drive

Pripriose area

Maintenance area

Approximate route of realignment



CITY OF CRESCENT CITY
 317 J Street
 Crescent City, CA 95531
 (707) 465-4405 phone
 (707) 465-4405 fax



Howe Drive Street Improvements

B Street Sanitary Sewer Rehabilitation Project

JOB NO. 2015-010
 DRAWN BY GIACOBBS
 CHECKED BY EWIER
 DATE 16 Oct 2015
 SCALE As Shown
 SHEET NUMBER 1 of 1

W-1

EXHIBIT NO. 5

Application No. 1-15-1652
 City of Crescent City
SITE PLANS
 1 of 3





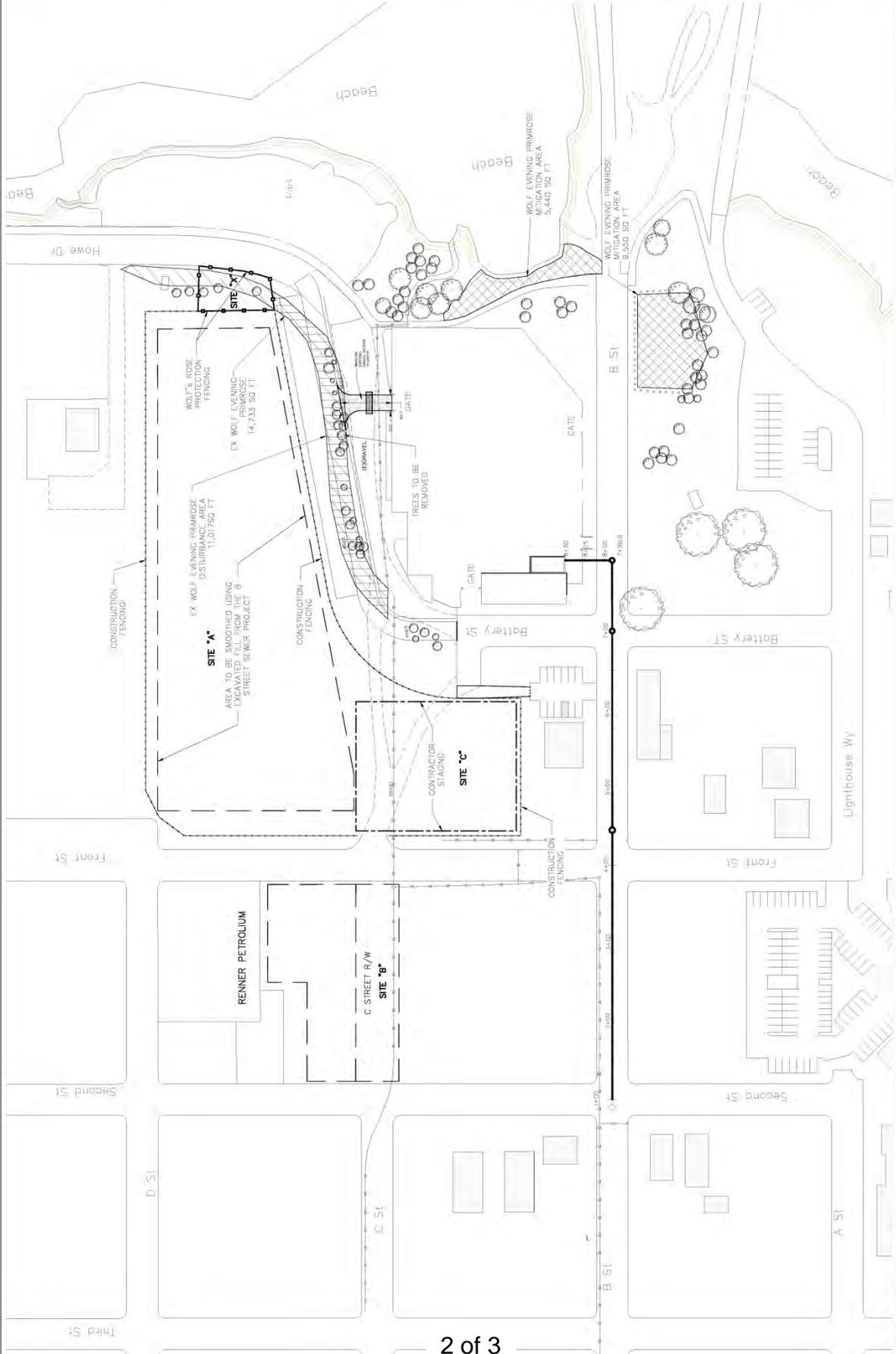
CITY OF CRESCENT CITY
 377 J Street
 Crescent City, CA 95531
 (707) 464-4508 phone
 (707) 465-4405 fax



**B Street Sanitary Sewer
 Rehabilitation Project**
 PRIMROSE MITIGATION

JOB NO. 2015-010
 DRAWN BY GJACOBS
 CHECKED BY EWIER
 DATE 24 SEP 2015
 SCALE 1"=60'

SHEET NUMBER 1 of 2
C-3.0



PROJECT LAYOUT



EXHIBIT NO. 6

Application No. 1-15-1652
City of Crescent City
BEACHFRONT PARK MASTER PLAN



Key to Park Features

- 1. Kayak rentals
- 2. Park maintenance facility
- 3. Dog park (areas for small and large pets)
- 4. Sports equipment storage
- 5. Disk golf - 18 holes
- 6. Restroom - existing
- 7. Picnic area
- 8. Playing field
- 9. Marine Mammal Center
- 10. Sports hub - concessions, restrooms
- 11. Central pedestrian promenade
- 12. Accessible pathway, typical
- 13. Coastal trail - 12' wide waterfront promenade
- 14. S.S. Emidio Memorial
- 15. Town square
- 16. Central plaza - for civic events, pastels in the park, roller derby, etc.
- 17. Bandstand
- 18. Pedestrian plaza with mobile vendor hookups
- 19. Concessions/restrooms
- 20. Amphitheater/event space
- 21. Overlook with public art focal point
- 22. Levee realigned to widen beach
- 23. Streetscape per Front Street Revitalization Plans
- 24. Bocce courts
- 25. Horseshoe pits
- 26. Sand volleyball
- 27. Basketball
- 28. Putting green
- 29. Kids Town expansion area
- 30. Individual picnic shelter, typical
- 31. Picnic lawn
- 32. Group picnic shelter
- 33. Planter area
- 34. Howe Park East - level with top of levee
- 35. Bus stop/passenger drop-off
- 36. Botanical gardens
- 37. Bench access
- 38. Potential location for labyrinth



Conceptual Plan | BEACHFRONT PARK MASTER PLAN

February 2015

