

STATE OF CALIFORNIA - THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

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PETE WILSON, Governor

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RECORD PACKET COPY

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Staff: SM-SC
Staff Report: 2/22/96
Hearing Date: 3/14/96
Commission Action:

STAFF REPORT
REGULAR CALANDER

APPLICATION NUMBER: 3-95-073

APPLICANT: CITY OF MORRO BAY

PROJECT LOCATION: South Bay Boulevard between Twin Bridges and the Southern City Limits

PROJECT DESCRIPTION: Widen approximately 2,000 feet of existing roadway to install bike lanes in both directions, and raise the northern 400 feet of this roadway section to meet the relocated approach to Twin Bridges

LOCAL APPROVALS RECEIVED: CDP 34-95/CUP 20-95

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit CDP 34-95/CUP20-95; and City of Morro Bay CDP 52-95R/CUP 28-95 for the Twin Bridges Relocation Project.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission grant a coastal development permit for the proposed project subject to special conditions designed to protect biological resources and water quality in the project vicinity, on the basis that as conditioned the project is consistent with Chapter 3 policies of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

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I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

Attached as Exhibit A.

III. Special Conditions.

1. Compliance with Local Conditions of Approval. The permittee shall comply with all conditions adopted by the Morro Bay Planning Commission in its approval of CDP 34-95/CUP 20-95, which are hereby incorporated into this permit (Exhibit H). Any changes to these conditions shall be subject to Executive Director review and approval.

2. Final Project Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for Executive Director review and approval, final project engineering plans which incorporate Best Management Practices for minimizing impacts of roadway pollutants on the Morro Bay estuary (e.g., oil/water separators, sediment/grease traps).

3. Construction Phasing and Operations Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for Executive Director review and approval, a Construction Phasing and Operations Plan which contains the following information:

- a. Sequencing of the subject project in relation to the Twin Bridges replacement project and the roadway modifications planned for South Bay Boulevard north of Twin Bridges;
- b. Location of equipment staging areas, wash down areas, temporary security fencing, and any other construction elements which could effect water quality or biological resources in the project vicinity; and
- c. Submission of post construction report and plans to the Executive Director certifying that the as-built project conforms to the final approved project plans required by Special Condition 2.

4. Site Preparation and Construction Requirements. All construction equipment and activities shall remain within the limits of grading identified on the preliminary project plans prepared by North Coast Engineering dated 5/3/95. No soil, construction materials, or equipment shall be allowed to enter, or be discharged into, adjacent natural areas. PRIOR TO THE

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COMMENCEMENT OF CONSTRUCTION, the permittee shall submit written evidence to the Executive Director that construction contractors have been briefed on all Coastal Development Permit conditions, and identify the project manager responsible for ensuring that project implementation takes place consistent with all permit conditions.

5. Marine/Wetland Resource Protection. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for Executive Director review and approval, a Storm Water Pollution Prevention Plan which identifies measures that will be implemented as part of the project in order to minimize erosion, and prevent sedimentation and pollution of adjacent water bodies.

6. Landscape Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for Executive Director review and approval, a detailed landscape plan for the project area which contains the following information:

- a. Revegetation of bare areas using native plant species immediately after construction activities are complete;
- b. Method of plant selection based upon surrounding habitat and soil types;
- c. Source of plant material, utilizing salvaged native plants and/or plants germinated from seed collected from native plants in the project vicinity, wherever possible; and
- d. A maintenance and monitoring plan describing methods of irrigation and controlling noxious weeds. If herbicide application is proposed, proper precautions to prevent herbicides from entering aquatic habitats shall be provided by the maintenance plan. This plan shall also include a long-term schedule of maintenance operations designed to ensure the success of landscape efforts.

7. Other Approvals. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director evidence of compliance with Sections 1601 and 1603 of the State Fish and Game Code. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the permittee shall submit to the Executive Director, evidence of compliance with U.S. Army Corps of Engineers permitting requirements, or evidence that U.S. Army Corps of Engineers approval of the project is not required.

IV. Findings and Declarations.

A. Project Background and Description:

The subject project is a component of a larger project to raise South Bay Boulevard above the 50 year flood elevation, and to relocate the bridge across Chorro Creek (known as "Twin Bridges"), in order to solve existing circulation problems associated with the current flood prone location of this transportation corridor. The City of Morro Bay has included the provision of bicycle lanes along both sides of South Bay Boulevard as a part of this project in order to reduce hazards for bicyclists and increase bicycling opportunities, as called for by the Morro Bay General Plan.

Approximately 6,000 feet in length of South Bay Boulevard, from the Quintana Road intersection to the Southern City limits, will be modified as part of the larger project. Approximately 2,000 feet of the roadway modifications, from the Twin Bridges approach to the southern City limits, is within the Commission's jurisdiction (Exhibit E), and is the subject of this staff report. It entails widening the roadway by six feet on both sides in order to accommodate the 4 foot wide bicycle lanes and an additional 2 feet of shoulder, and raising the northern 400 feet of this roadway section by 3 feet in order to meet the relocated Twin Bridges approach. As part of the roadway widening, a retaining wall of approximately 1,000 feet in length is proposed in order to avoid encroachment into the adjacent Morro Bay Estuary.

The City of Morro Bay has recently approved coastal development permits for the relocation of Twin Bridges (CDP 52-95R/CUP 28-95), and for the modifications to South Bay Boulevard north of Twin Bridges, the two parallel components to the subject project. Both of these locally issued permits were within the Coastal Commission's appeal jurisdiction, and no appeals were filed. Due to the fact that the parallel projects have received the necessary coastal permit approvals, it is appropriate for the Commission to act on the subject project at this time.

There is, however, an issue of how these three interconnected projects will be phased. It is critical that the timing and implementation of these projects be coordinated in a manner which ensures that adverse impacts to coastal resources are avoided and appropriately mitigated. As a result, Special Condition 2 attached to this permit requires all timing and phasing considerations to be clearly articulated prior to the commencement of construction. In this way, approval of this project will not jeopardize implementation of the overall project in a manner consistent with Coastal Act and Morro Bay LCP standards.

2. Project Location:

The subject project is within Morro Bay State Park, and is adjacent to (directly east of) the Morro Bay National Estuary (Exhibits B, C, and D). The construction area is within an easement granted to San Luis Obispo County by the State of California in 1947, which was acquired by the City of Morro Bay upon its incorporation in 1964.

A biological survey was conducted for the entire bike lane project (including that portion within the City's permit jurisdiction) in early June 1995 by Dr. V.L. Holland. This report found that "the proposed bike lane will almost entirely be located in the corridor of anthropogenic (human influenced) and ruderal (weedy) vegetation that is common along both sides of South Bay Boulevard" and that no change in species diversity is expected to occur. It concludes that the project should not result in any substantial impacts to adjacent native biological communities (Coastal Scrub, Riparian, Freshwater Marsh, and Coastal Salt Marsh) based on the fact that "the existing road shoulder and associated areas of disturbance, such as pullouts along the road, appear to be wide enough to allow construction of the bike lane without encroaching into the native communities and habitats". The survey did not identify any rare or endangered species within the project area, and states that no impacts to rare or endangered habitats is expected to occur.

3. Biological and Marine Resources.

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Due to the proximity of the subject project to the Morro Bay estuary, the following Coastal Act policies apply:

Section 30231.

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 groundwater supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffers that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232.

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities shall be provided for accidental spills that do occur.

Section 30240.

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

The biological survey prepared for the project notes that because the project will replace part of the corridor of ruderal vegetation, it is expected that disturbance along the new bike lane will create new disturbed habitats for this weedy community. In addition, it notes that construction activities associated with the bike lanes could result in erosion into the freshwater marsh, riparian habitat and coastal salt marsh adjacent to South Bay Boulevard. Other pollutants, such as oil and petroleum products from cars and equipment, could also wash into the wetlands without proper control. These potential impacts raise issues of project conformance with the Coastal Act policies identified above.

In order to avoid such impacts, the biological survey recommends implementation of the following measures:

- o Disturbance outside the bike path should be kept to a minimum and noxious weeds (especially hoary cress and German-ivy) should be controlled, if possible, to prevent their encroachment into adjacent native communities;

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- o No soil should be pushed into the surrounding wetlands during grading for the bike lane;
- o Proper precautions must be taken to ensure that soil erosion into the wetlands does not occur; and
- o Revegetation of bare areas adjacent to the bike lane should take place as soon as the construction activities are complete.

While the above measures represent appropriate measures to avoid adverse impacts to biological and wetland resources, they do not provide the specific information necessary to ensure project compliance with the Coastal Act standards previously identified. As a result, special conditions 2, 3, 4, 5, 6 have been attached to this permit in order to supplement these measures in the following ways:

- off o Special Condition 2 requires the submission of final project plans which incorporate Best Management Practices for minimizing roadway pollutants on the Morro Bay Estuary. This condition assures project compliance with Coastal Act Sections 30231 and 30240 by reducing the amount of oil and petroleum products that wash South Bay Boulevard and enter the Morro Bay estuary or adjacent habitat areas.
- o Part b. of Special Condition 3 requires the location of equipment staging areas, wash down facilities, and other construction elements which may affect coastal water quality, to be identified and approved by the Executive Director. This ensures compliance with Coastal Act Section 30232, which requires protection of spillage of hazardous materials, and 30240, which requires development adjacent to environmentally sensitive habitat areas to be designed in a manner which prevents impacts which would degrade such areas.
- o Special Condition 4 requires all construction equipment and activities to remain within the limits of grading identified on the preliminary project plans, and prohibits soil, construction materials, or equipment from being discharged into adjacent natural areas. This condition provides compliance with Coastal Act Sections 30231, 30232, and 30240 by establishing criteria necessary to protect coastal water quality and sensitive habitat areas. In addition, this condition requires the permittee to submit written evidence to the Executive Director that construction contractors have been briefed on all Coastal Development Permit conditions, and identify the project manager responsible for ensuring condition compliance, in order to guarantee that project implementation will take place consistent with Coastal Act standards.
- o Special Condition 5 requires submission of a Storm Water Pollution Prevention Plan which identifies measures that will be implemented as part of the project in order to minimize erosion, and prevent sedimentation and pollution of adjacent water bodies. This condition establishes project criteria necessary to ensure protection of the biological productivity and quality of coastal waters as required by Coastal Act Section 30231 and 30240.

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- o Special condition 6 requires the submission of detailed landscape plans for Executive Director review and approval. The specific information required by this condition will achieve the habitat protection required by Coastal Act Section 30240, and will assure that project implementation will be compatible with the continuance of adjacent habitat areas.

4. California Environmental Quality Act.

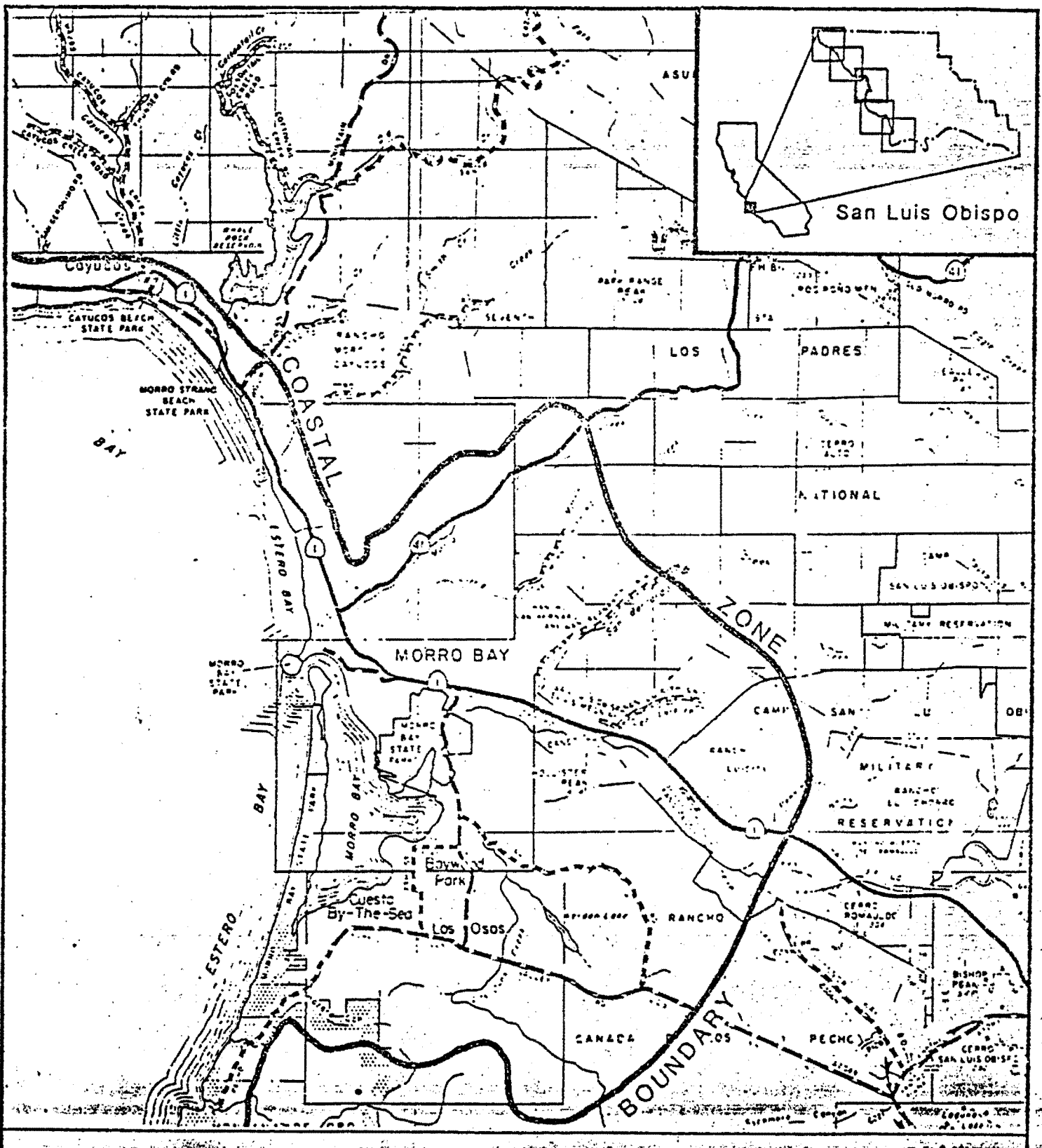
The City of Morro Bay adopted a Negative Declaration for the subject project on August 7, 1995, which included mitigation measures to avoid significant adverse impacts to environmental resources. As detailed in the findings of this staff report, special conditions designed to prevent adverse impacts to environmental resources, have been attached to the Coastal Development Permit for this project. Therefore, as conditioned, the subject project will not have a significant adverse impact on the environment within the meaning of the California Environmental Quality Act.

COASTAL DEVELOPMENT PERMIT

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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

EXHIBIT NO. A
APPLICATION NO. 3-95-73
South Bay Boulevard Bike Lanes
Standard Conditions



California Coastal Commission

LOCATION MAP

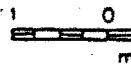


EXHIBIT NO. B

APPLICATION NO.

3-95-73

South Bay Boulevard
Bike Lanes

Location Map

County of San Luis Obispo

66-38
WAS PTA 73-17

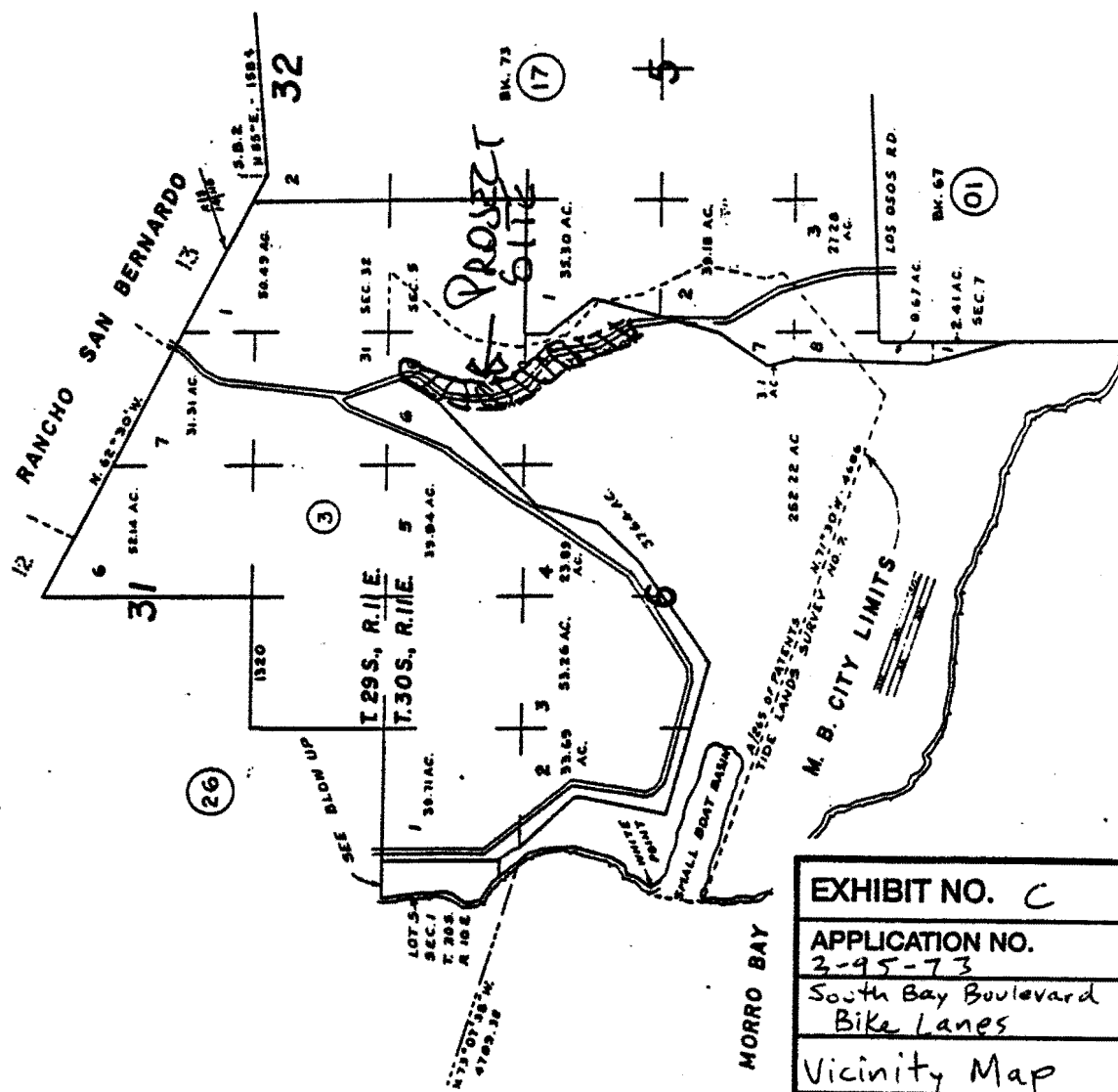
Recognized
as Being Sec. 31

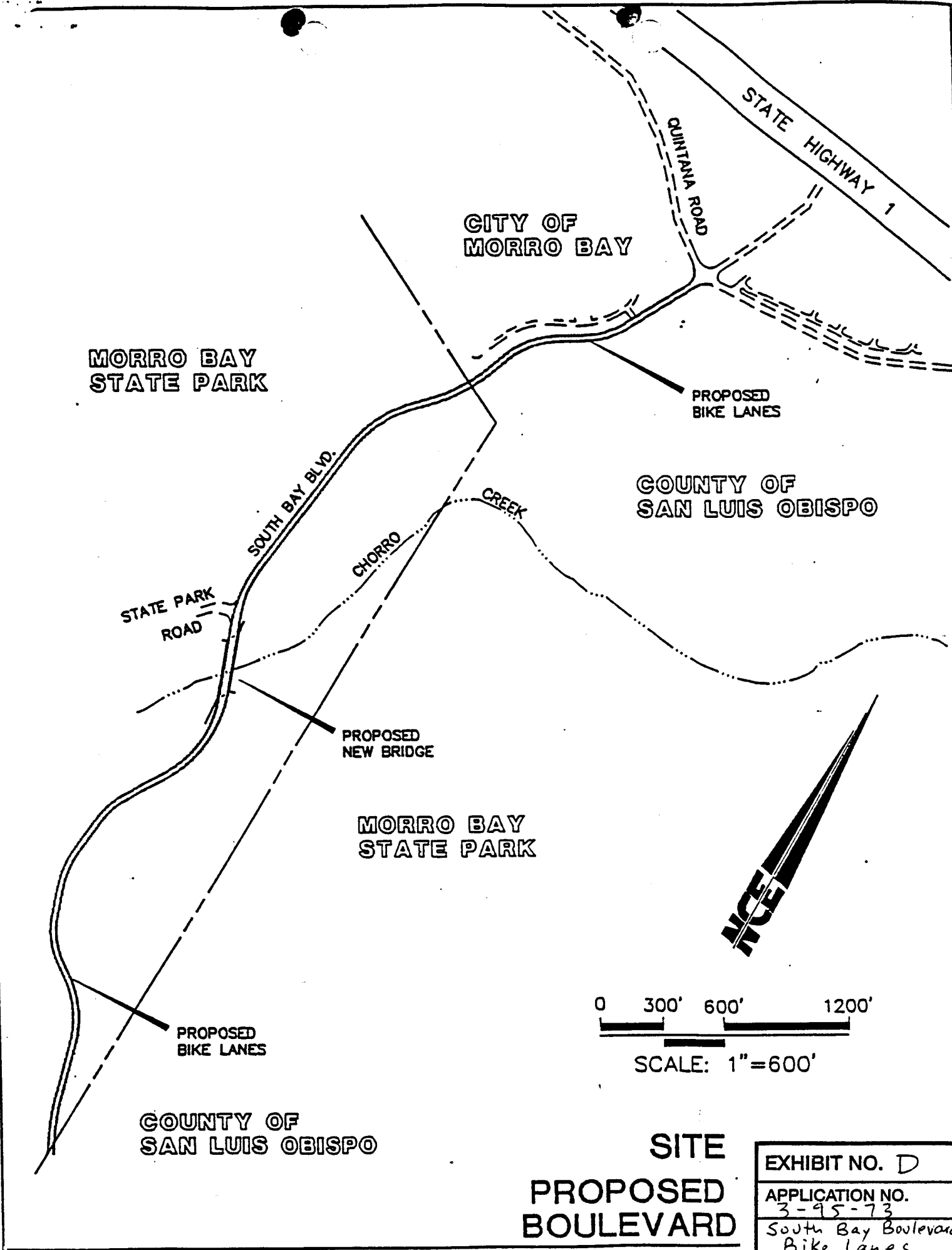
FOR THIS AREA
SEE MAP 39
E. 380 AC.

FOR THIS AREA
SEE MAP 41

Sec. 6
7305. R.H.R.

LOT 5, SEC. 1, T 30 S., R 10 E.





**SITE
PROPOSED
BOULEVARD**

EXHIBIT NO. D
APPLICATION NO. 3-95-73
South Bay Boulevard Bike Lanes
Project Map

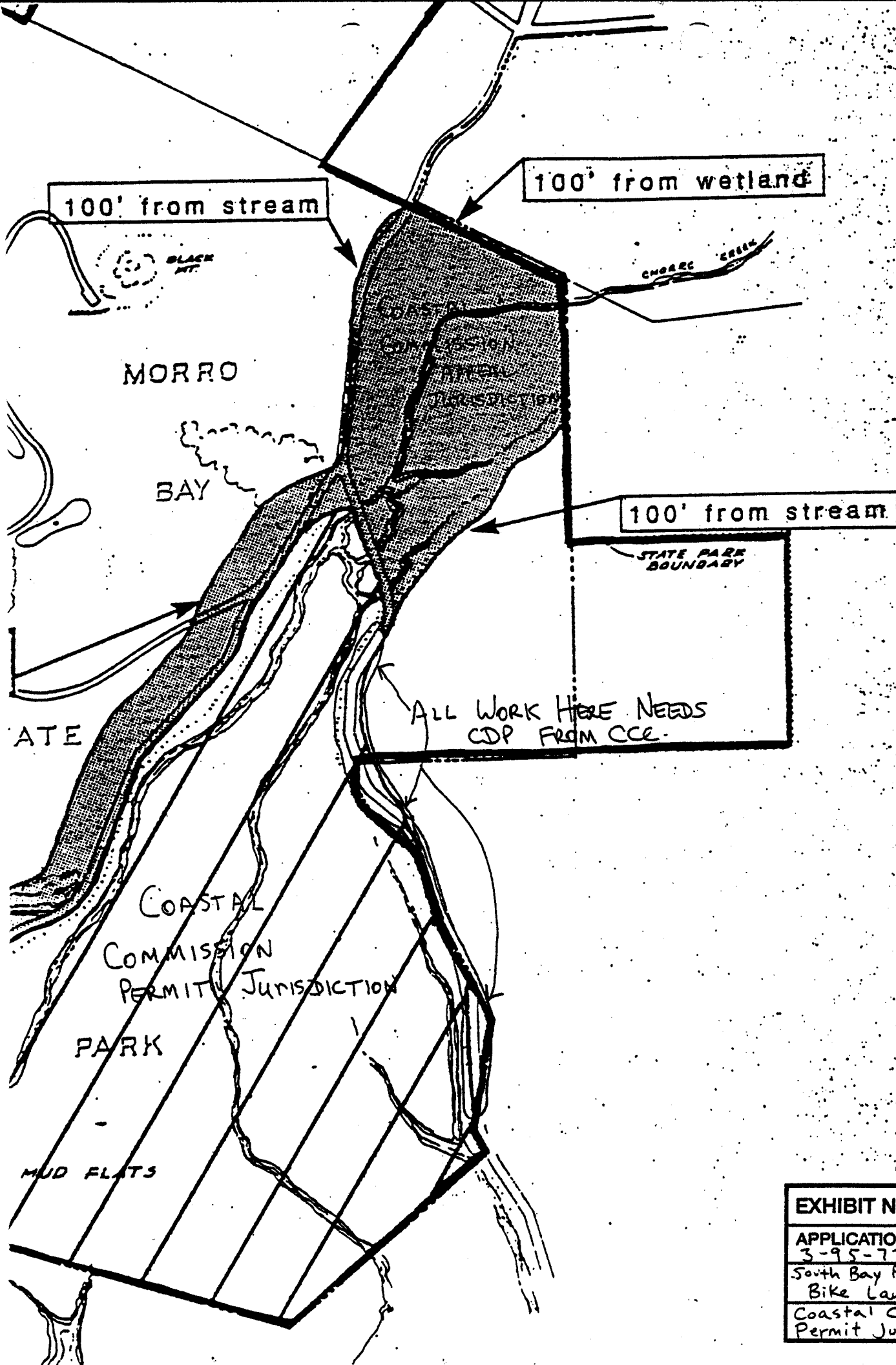








EXHIBIT NO. E

APPLICATION NO.
3-95-73





South Bay Boulevard
Bike Lanes

Coastal Commission
Permit Jurisdiction

Jurisdictional Waters/ Wetlands of the U.S.

-  Palustrine forested wetland
-  Riverine streambed
-  Palustrine emergent wetland
-  Estuarine emergent wetland
-  Intertidal streambed/
estuarine emergent wetland
-  Ruderal floodplain

Other

-  Coastal Scrub
-  Non-native woodland
-  Oak woodland
-  Roadside - ruderal

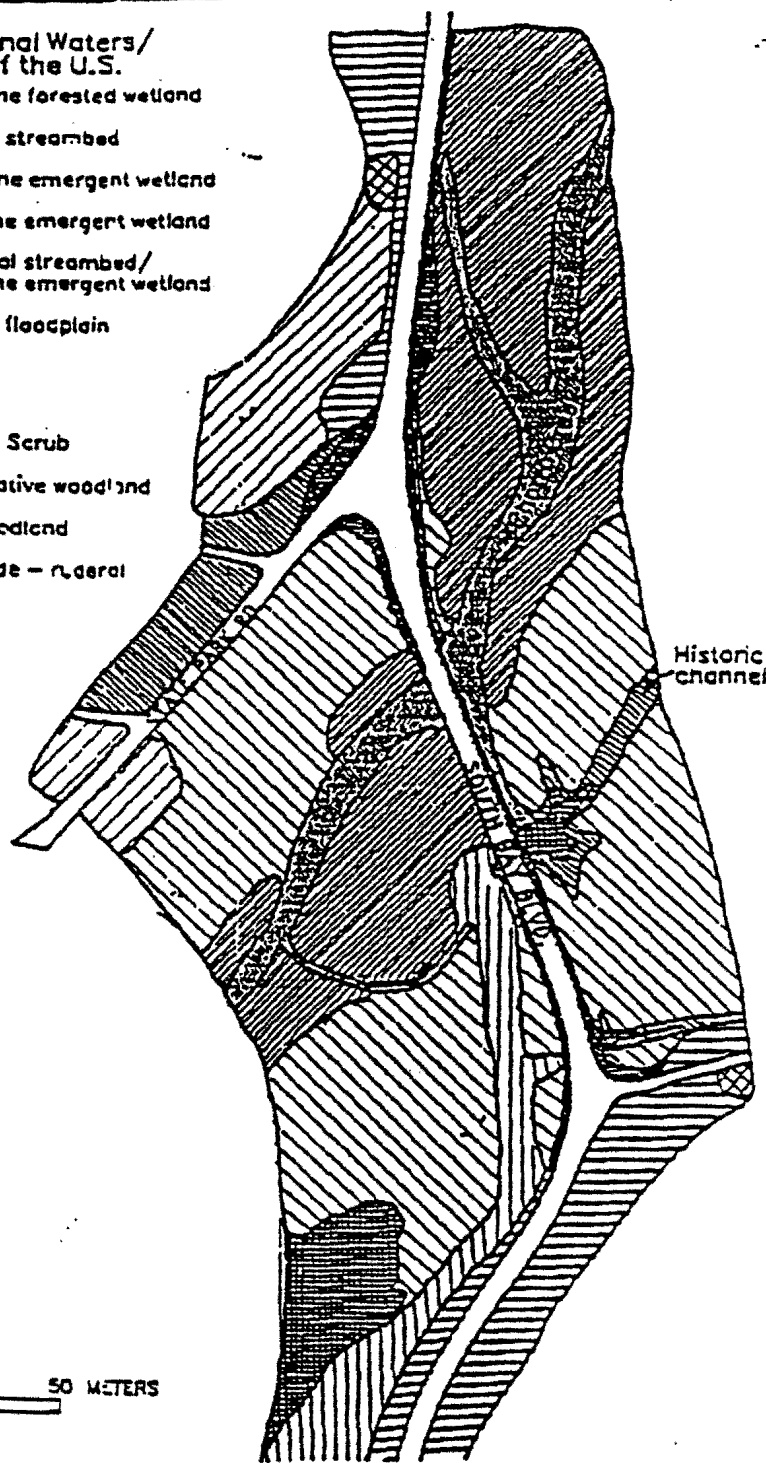
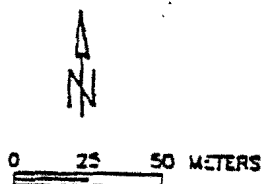


Figure 3-1

HABITATS IN THE TWIN BRIDGES PROJECT AREA

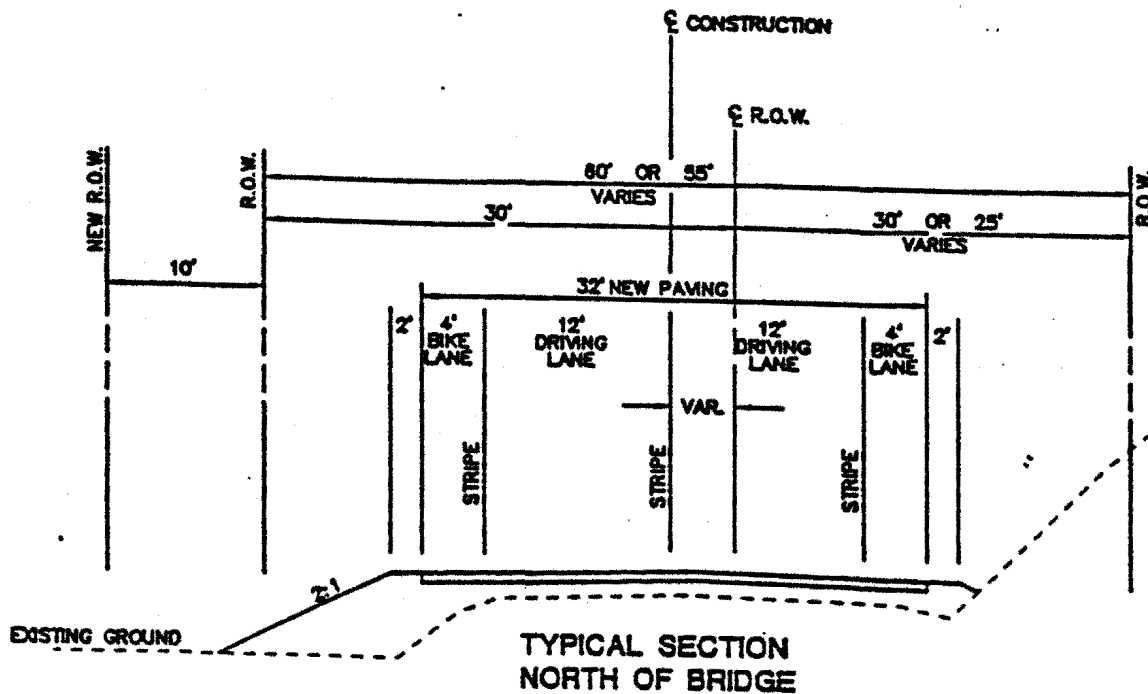
EXHIBIT NO. F

APPLICATION NO.

3-95-73

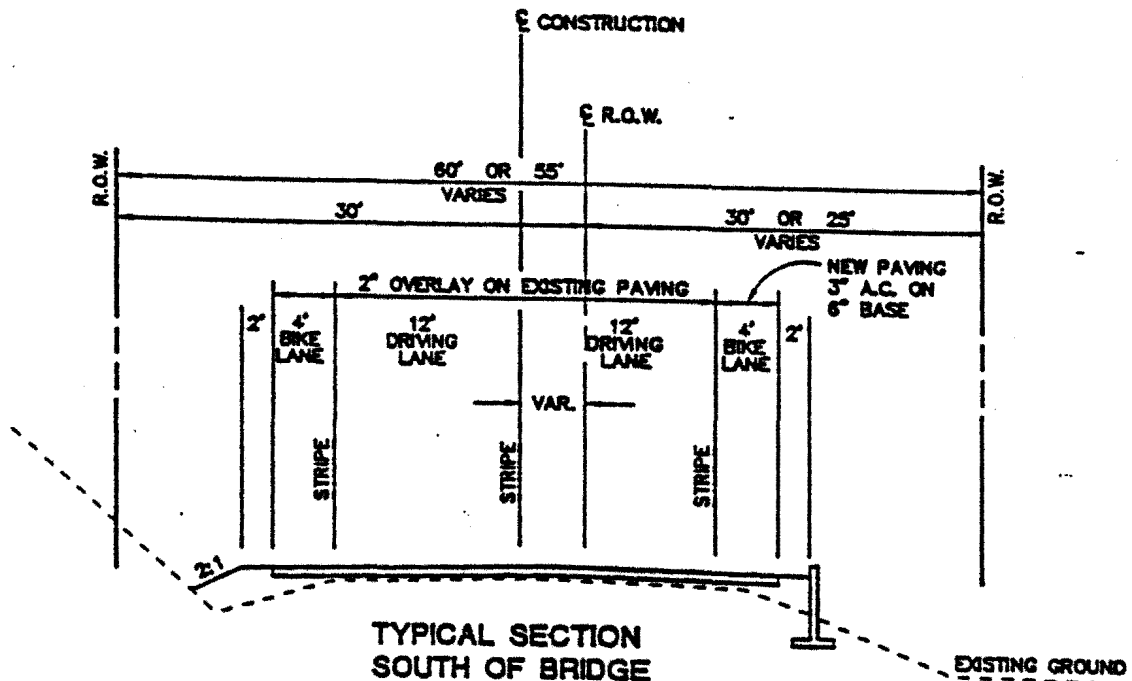
South Bay Boulevard
Bike Lanes

Habitat Map



TYPICAL SECTION
NORTH OF BRIDGE

NO SCALE



TYPICAL SECTION
SOUTH OF BRIDGE

NO SCALE

TYPICAL SECTIONS PROPOSED BOULEVARD

EXHIBIT NO. G
APPLICATION NO. 3-95-73
South Bay Boulevard Bike Lanes
Typical Sections

CONDITIONS OF APPROVAL
CASE NO. CUP 20-95 / CDP 34-95
South Bay Blvd.
Bike Lanes

A. STANDARD CONDITIONS:

1. Permit: This permit is granted for the land described in the staff report, referenced above, and all attachments thereto, and as shown on the attached exhibits, and on file with the Planning and Building Department. The locations of all buildings and other features shall be located and designed substantially as shown on the aforementioned exhibit, unless otherwise specified herein.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Planning and Building Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Any minor change may be approved by the Planning and Building Director. Any substantial change will require the filing of an application for an amendment to be considered by the Planning Commission.
4. Compliance with Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: Compliance with and execution of all conditions listed hereon shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Planning and Building Director and/or as authorized by the Planning Commission. Failure to comply with these conditions, at the discretion of the Planning and Building Director pursuant to Section 17.60.150, shall render this entitlement null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Acceptance of Conditions: Prior to obtaining a building permit and within thirty (30) days hereof, the applicant shall file with the Director of Planning and Building written acceptance of the conditions stated herein.

EXHIBIT NO. H
APPLICATION NO. 3-95-73
South Bay Boulevard Bike Lanes
Local Conditions of Approval

B. SPECIAL CONDITIONS:

1. **Dust Control:** That prior to commencing work, a method of control to prevent dust and wind blow earth problems shall be submitted to and approved by the Building Official.
2. **Engineered Drawings:** Project plans and specifications shall be prepared by a qualified licensed civil engineer. Said plans and specifications shall include drainage and erosion plans that mitigate any possible adverse impacts to the surrounding habitats.
3. **Project Boundaries:** Construction equipment shall remain within the project boundaries and not encroach into environmentally sensitive habitats. Disturbance outside the bike path should be kept to a minimum and noxious weeds should be controlled, if possible, to prevent their encroachment into adjacent native communities.
4. **Grading:** No soil should be pushed into the surrounding wetlands during grading for the bike lane. In addition, proper precautions must be taken to assure that soil erosion into the wetlands does not occur.
5. **Archaeology:** In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist, knowledgeable in Chumash Culture, or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage.
6. **Encroachment Permits:** Issued by the Department of Public Works prior to construction in or use of land in the City right-of-way.
Standard Encroachment Permit: Required for standard construction per City Standard Drawings and Specifications. Fee per City Master Fee Schedule. **Special Encroachment Permit:** Required for non-standard work or encroachments in the City right-of-way. Base fee per City Master Fee Schedule plus direct costs for time with applicant, checking, administration, and recording. This permit may be required prior to map recordation, building permit issuance, or as required by the City.
Sewer Encroachment Permit: Required for any sewer work or construction in the right-of-way. Fee per City Master Fee Schedule.
7. **Pollutant Discharge Permit:** If the proposed construction project consists of a land disturbance greater than five acres, a National Pollutant Discharge Elimination System storm water permit is required. This permit may be obtained through the California Regional Water Quality Control Board.
8. **Water Quality Certification:** If the project will be operating under Permits issued by the U.S. Army Corps of Engineers, a recommendation of Clean Water Act Section 401 water quality certification or waiver will be required through the California Regional Water Quality Control Board. The project proponent will be required to mitigate project impacts to beneficial uses and ensure that water quality standards are maintained.

9. Consistency with Basin Plan: The projects must conform to the Central Coast Basin Plan (Appendix A-18) policy regarding disposal of highway grooving residues. Waste discharge requirements may be waived, provided that grooving residues are confined to the trenches without overflow, trenches do not intercept ground water, and disposal activities do not occur during the rainy season (December through April).
10. Willow Mitigation: Prior to commencing work, the applicant shall submit plans to the Planning and Building Department showing the areas containing Willows that will be affected by construction activities. The plan shall also show areas where Willow cuttings will be replaced at a ratio of 2 to 1 to mitigate the loss of willow habitat as a result of the project.
11. Revegetation: Bare areas adjacent to the bike lane shall be revegetated with suitable species as soon as construction activities are completed. The Planning and Building director shall approve any revegetation plans prior to implementation.
12. Fish and Game: Prior to issuance of building permit, the applicant shall obtain a letter from the California State Department of Fish and Game stating compliance with Sections 1601 and 1603 (or their equivalent successors) of the State Fish and Game Code.

