

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-97-23

Applicant: City of Oceanside
Utilities and Maintenance

Agent: Conrad Hamman

Description: Widen the Coast Highway bridge crossing of Loma Alta Creek within the creek to provide better flood control. The existing bridge would be replaced with a 70-foot span, 80-foot wide bridge. A concrete culvert and bridge abutments are proposed within Loma Alta Creek. A temporary diversion dam and dewatering operation is proposed within the creek channel to mitigate flows and high groundwater during construction.

Site: Loma Alta Creek bridge and along the river channel (about 95 feet upstream and 110 feet downstream of the bridge, Oceanside, San Diego County.

Substantive File Documents: Certified Oceanside Local Coastal Program, "Mitigation Plan for Coast Highway Bridge Expansion City of Oceanside, California", Recon dated April 8, 1997, California Department of Fish and Game Streambed Alteration Agreement 5-027-97, dated April 18, 1997.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development with special conditions that address the mitigation of impacts to Loma Alta Creek in conformance with an approved Streambed Alteration Permit from the California Department of Fish and Game, and future maintenance provisions.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development,

subject to the conditions below, 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.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Sensitive Habitat/Conformance with Mitigation Plan and Streambed Alteration Permit. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval final mitigation plans approved by the California Department of Fish and Game in substantial conformance with the preliminary mitigation plan dated April 8, 1997 by Recon and the streambed alteration agreement approved by the Department of Fish and Game. Said plan shall include the following:

(a). The applicant shall sink the entire concrete bottom transition structures upstream and downstream approximately two feet below the culvert level and backfill with sediment to provide soft bottom conditions for the entire length of the project area. No further impacts to the stream and associated habitat shall occur due to access, equipment storage, additional work, or any other aspect of the project. Locations of the staging areas for stored materials and equipment, both on- and off-site, must be shown on a plan. No impacts to wetland or riparian vegetation shall be permitted.

(b). The disturbed portions of the creek channel shall be restored. Restoration shall include the revegetation of stripped or exposed areas, such as side slopes, with vegetation native to the area. Removal of nonnative species and their replacement with native species shall occur.

(c). During the construction of the bridge and bridge approaches, measures shall be taken to protect downstream areas of the creek from erosion such as proper sediment controls, maintenance of flows, clearly defined construction boundaries and maintenance of water quality. The final mitigation plan must specify how and what best management practices will be implemented to accomplish the above.

The permittee shall undertake the development in accordance with the approved mitigation plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change to the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

2. Maintenance Activities/Future Development. Any future maintenance activities and/or vegetation removal may require an amendment to this permit or a separate coastal development permit and the applicant shall be responsible for contacting the Commission office to gain that determination prior to commencement of work.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The City of Oceanside is proposing to widen the Coast Highway bridge crossing of Loma Alta Creek within the creek to provide better flood control within the Coastal Commission's original permit jurisdiction. The existing 60-foot span, 70-foot wide bridge would be replaced with a 70-foot span, 80-foot wide bridge. A concrete culvert and bridge abutments are proposed within Loma Alta Creek about 95 feet upstream and 110 feet downstream of the bridge for the bridge approaches. A temporary diversion dam and dewatering operation is proposed within the creek channel to mitigate flows and high groundwater during construction.

Loma Alta Creek is concrete lined (sides and bottom) from I-5 west to approximately 950 feet east of Coast Highway where the subject project is located. The north bank of the channel from this point west to the Coast Highway bridge is covered with a cement slurry. The south bank and channel bottom is earthen to within 20 feet of the existing Coast Highway bridge. West of the Coast Highway bridge both banks and channel bottom are earthen after approximately 20 feet of concrete bottom and bank protection downstream of the existing bridge.

The increase in the bridge's height will also result in the need for street improvements along Coast Highway. Since the street needs to be raised for the new bridge, street improvements consisting of curb, gutter, driveway approaches, sidewalk and pavement will also be placed. The street improvements will occur along a 800 foot stretch of Coast Highway, to the north and south of the bridge. No widening of the highway will occur. The related highway improvements are within the coastal development permit jurisdiction of the City of Oceanside; therefore, they are not a part of this coastal development permit.

2. Flood Control/Sensitive Habitat. Section 30233 of the Coastal Act provides that no diking, filling, or dredging of open coastal waters, wetlands, estuaries and lakes shall be permitted where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Section 30236 of the Coastal Act addresses the types and extent of activities permitted in rivers and streams and provides:

Section 30236.

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control

projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

In addition, Section 30240 of the Act states:

(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 such areas, and shall be compatible with the continuance of such habitat areas.

The City of Oceanside's Local Coastal Program (LCP) was certified in 1985. The LCP's Land Use Plan, Section V, identifies the Loma Alta Creek as "Environmentally Sensitive Habitat Areas". Under Section V, there are three "Findings" for Loma Alta Creek, as follows:

1. The biological resources of Loma Alta Creek and slough within the Coastal Zone are quite limited. The only significant stand of vegetation is a large stand of *Myoporum laetum*, an introduced plant, adjacent to the slough. (Note: the slough is located west of the railroad trestle and is not located within the area of construction).
2. The water quality of Loma Alta Creek has not been tested, but is believed to be poor. It is possible that the water is entrophied due to its dark green color and stagnant appearance. The water contains a large amount of urban pollutants due to the vast expanses of pavement which drain directly into the creek and slough.
3. Existing development near the creek is susceptible to flood hazards. Flood control measures may need to be taken to protect existing structures.

Under "Objectives" within Section V, it states:

1. The City shall provide adequate flood protection to existing development in the vicinity of Loma Alta Creek in a manner which preserves the remaining resources of the creek.

There are two "Policies" for the Loma Alta Creek, listed within Section V:

1. It is the policy of the City to prohibit filling in Loma Alta Creek.
2. Removal of existing vegetation shall not be permitted in Loma Alta Creek except where essential for flood control purposes. In such instances, the City will obtain the necessary clearance from the State Department of Fish and Game prior to commencing work.

The project represents the first phase in a series of improvements and detention basins identified within the City's management plan for the Loma Alta Creek Watershed. The project is proposed to alleviate seasonal flooding problems which have resulted in damage to the residential, commercial and industrial properties located adjacent to the creek. Although the City of Oceanside has a certified LCP, this project is within the Coastal Commission's original jurisdiction.

The existing bridge will be replaced by a new 70-foot span and 80-foot wide bridge. The new bridge will be constructed two feet above the existing elevation, which is at 10 feet msl. During significant periods of rain, the existing culvert has been found to be too small to accommodate the water run-off, due to debris blocking the opening. This blockage in combination with the low bridge elevation has resulted in water flooding the area. The new bridge and culvert in combination with the channel improvements will improve the flow of water underneath Coast Highway out to the ocean. The bridge and channel improvements will be treated with a textured concrete finish to give the appearance of exposed rock.

The existing situation along the lower Loma Alta Creek provides for a flood of no more than a 10 year frequency. The proposed project would provide for a flood of a 25 year frequency. The proposed project would provide additional flood protection to the existing homes and businesses, however, full 100-year flood protection will not occur until upstream detention basins have been constructed.

As indicated above, the LCP recognizes the potential for flooding problems and that the habitat resources of the creek within the Coastal Zone are significantly disturbed. The LCP allows the City to construct flood control measures.

As noted, the majority of Loma Alta Creek's biological resources have been disturbed. The culvert and bridge abutments would impact .08 acres of natural creek bottom (potential intertidal area) and 1.05 acres of disturbed area on the banks for construction of approaches for the new, larger bridge. Of the latter, the most prominent are small trees and shrubs of the following non-native species: myoporum, Brazilian pepper tree, acacia, and oleander. Some places have a carpet of sea fig on the banks. Other areas are covered with non-native weeds such as black mustard, bermuda grass, castor bean and bristly ox-tongue.

This project calls for the widening of a bridge crossing and the enlarging of an existing drainage channel to reduce flooding hazard for public safety purposes. Thus, the project represents a substantial alteration of Loma Alta Creek and, as such, pursuant to Section 30236, is only permitted for such purposes and subject to providing the best mitigation measures feasible. Additionally, the drainage channel will be impacted incidental to this public service project. Therefore, the fill in the creek is allowable under Section 30233 (a) where there is no less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse effects.

As noted above, the Oceanside LCP prohibits removal of existing vegetation in Loma Alta Creek except where essential for flood control purposes. In such

instances, the City will obtain the necessary clearance from the State Department of Fish and Game prior to commencing work.

The California Department of Fish and Game has commented on the project and the mitigation. To mitigate for impacts to 0.08 acres of streambed, the DFG has required the applicant to sink the entire concrete bottom transition structures upstream and downstream approximately two feet below the culvert level and backfill with sediment to provide soft bottom conditions for the entire length of the project area. No further impacts to the stream and associated habitat shall occur due to access, equipment storage, additional work, or any other aspect of the project. DFG has also found that the disturbed portions of the creek channel shall be restored that will result from constructing the bridge approaches in the channel. Restoration shall include the revegetation of stripped or exposed areas, such as side slopes, with vegetation native to the area. Removal of nonnative species and their replacement with native species shall also occur.

In addition, the submitted mitigation plan "Mitigation Plan for Coast Highway Bridge Expansion City of Oceanside, California", prepared by Recon, and dated April 8, 1997, recommends that during the construction of the bridge and bridge approaches, best management practices shall be implemented to protect downstream areas of the creek such as proper sediment controls, maintenance of flows, clearly defined construction boundaries and maintenance of water quality. The final mitigation plan must specify how and what measures will be implemented to accomplish the above.

The Commission finds that the vegetation removal and disturbance to the creek bottom will be adequately mitigated by the preceding measures. To memorialize this, Special Condition #1 requires the project to comply with the mitigation plan recommendations contained in the Streambed Alteration Agreement and Recon report approved by the DFG and that these measures be incorporated into the project. Special Condition #2 specifies that if any future maintenance is proposed, the need for a coastal development permit and any appropriate mitigation will be addressed. The Commission finds that as conditioned the proposed project can be found consistent with Section 30233 as an incidental public service purpose as impacts to wetland vegetation are avoided and impacts to the creek bottom are adequately mitigated. Also, the proposed project can be found consistent with Section 30236 as a flood control project that incorporates the best mitigation measures feasible. Therefore, as conditioned, the project will not result in any significant permanent impacts and as a maintenance project to an existing flood control channel can be found consistent with Sections 30233, 30236 and 30240 of the Coastal Act as well as the site specific resource protection policies of the certified Oceanside LCP.

4. Local Coastal Planning.

Two policies of the certified Oceanside LCP require protection of Loma Alta Creek from adverse impacts associated with flood control. One provides that removal of existing vegetation shall not be permitted in Loma Alta Creek except where essential for flood control purposes. In such instances, the City will obtain the necessary clearance from the State Department of Fish and

Game prior to commencing work. In this case, the proposed project is to maintain an existing flood control channel. It has received clearance from the State Department of Fish and Game to implement the project subject to a number of mitigation measures which have been incorporated into this coastal development permit. Therefore, the Commission finds that the subject proposal is consistent with the policies of the certified Oceanside LCP.

5. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the flood control and new development policies of the Coastal Act. Mitigation measures, including implementation of a mitigation plan and compliance with future maintenance provisions will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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 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 development during construction, 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.

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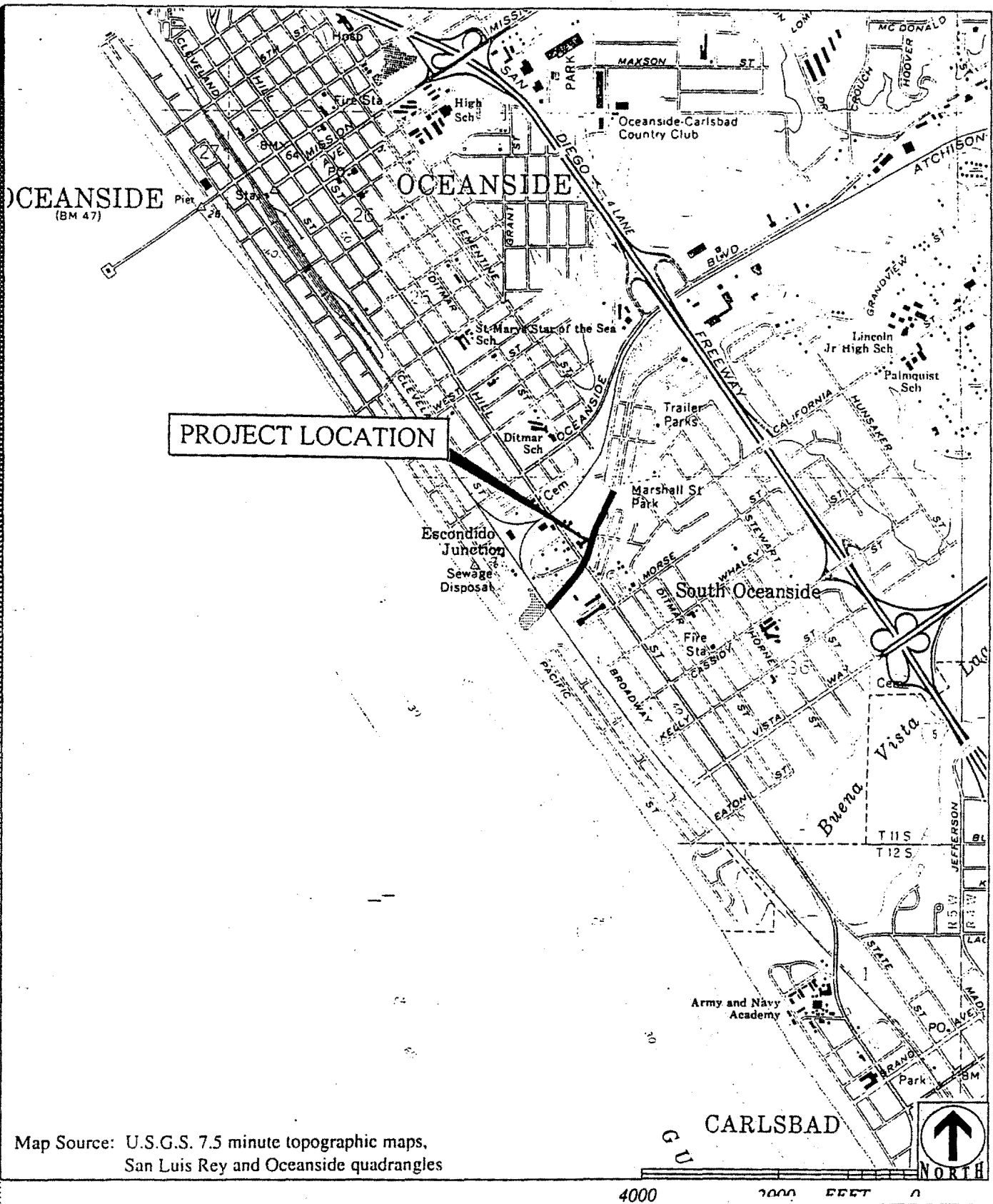


EXHIBIT NO. /
APPLICATION NO. 1
6-97-23
Location
California Coastal Commission

