

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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Staff: WNP-SD
Staff Report: 9/24/98
Hearing Date: 10/13 - 16/98

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-97-11-A1

Applicant: City of Carlsbad

Agent: Sheri Howard

Original

Description: Completion of Reach 1 of Cannon Road to construct a 450-foot long bridge over Macario Canyon from its west rim to its east rim with two bridge abutments and four piers, requiring approximately 265,000 cubic yards of fill. Construction of Reach 2 from the east rim of Macario Canyon to El Camino Real, about 1.54 miles as a major arterial (104 ft. right-of-way). Construction of a 130 foot long bridge over Agua Hedionda Creek at El Camino Real with two abutments and two piers. Also proposed is a mitigation plan to mitigate project impacts to riparian habitat and brackish marsh.

Proposed

Amendment: Allow grading of Cannon Road from west end of Macario Canyon to El Camino Real to occur within the rainy season up to February 1, 1999.

Site: Easterly extension of Cannon Road, east of Interstate 5 and south of Agua Hedionda Lagoon, Carlsbad, San Diego County.

Substantive File Documents: City of Carlsbad Certified Agua Hedionda Segment Land Use Plan; CDP #6-97-10; CDP #6-97-11

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the proposed amendment, subject to special conditions requiring submittal of grading/erosion control plans. The erosion control plans will ensure that grading will not result in any sedimentation impacts to the downstream

sensitive resources of Agua Hedionda Lagoon or Macario Canyon. The Executive Director accepted the subject amendment to allow grading to occur within the rainy season because the City has presented evidence that completion of the entire Cannon Road project cannot be done within the permitted time frame because of seasonal constraints placed on the project by the resource agencies.

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 amendment, 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. Grading/Erosion Control. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final site, grading and erosion control plans that are in substantial conformance with the plans dated 7/25/98 submitted with this application. The plans shall include the following:

- a. All grading activity shall be prohibited between February 2, 1999 and April 1, 1999.
- b. All permanent and temporary erosion control measures shall be developed and installed prior to or concurrent with any on-site grading activities. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed in conjunction with the initial grading operation and maintained throughout the development process as necessary to remove sediment from runoff waters draining from the land undergoing development.

- c. Areas disturbed but not completed prior to February 1, 1999, shall be suitably prepared to prevent soil loss during the rainy season. All graded slopes shall be stabilized prior to February 1, 1999 by means of native vegetation. The use of vegetation as a means to control site erosion shall be accomplished pursuant to plans and specifications prepared by a licensed landscape architect or other qualified professional.
- d. Temporary erosion control measures shall include the use of berms, interceptor ditches, sandbagging, hay bales, filtered inlets, debris basins, silt traps, or other similar means.

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

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Development Description and History. Cannon Road is located south of Agua Hedionda Lagoon between I-5 and El Camino Real in the Carlsbad. On October 8, 1997 the Commission approved the construction of Phase I of Reach I of Cannon Road running from the west rim of Macario Canyon to Lego Drive, about .6 of a mile (CDP #6-97-10). The roadway was approved as a four-lane major arterial, with a 102-foot wide right of way. On February 4, 1998 the Commission approved the completion of Reach I of Cannon Road to construct a 450 foot long bridge over Macario Canyon from its west rim to its east rim requiring approximately 265,000 cubic yards of fill. Also approved was the construction of Reach 2 from the east rim of Macario Canyon to El Camino Real, about 1.54 miles (CDP #6-97-11). This permit was granted with a number of special conditions, including a condition which prohibited grading within the rainy season (October 1 through April 1).

The approved road construction includes the completion of a bridge that spans the mouth of Macario Canyon and crosses an unnamed stream running through Macario Canyon. A portion of the creek bed will receive approximately 1 acre of fill material for a bridge abutment. The underlying soils consist of 50 to 100 feet of alluvial deposits and do not have the strength to hold the weight of the entire abutment fill if placed at one time. The soils engineer is recommending a two stage fill placement to allow the underlying soils to consolidate to a point where the remainder of the fill material may be placed. The weight of the soils alone will begin the consolidation process that will strengthen the underlying soils. The City will initiate grading as soon as the nesting season of the least Bell's vireo has ended.

The City proposes to accelerate the consolidation of the abutment soils. Consolidation can be accelerated using a "wick" drain method that with the weight of the abutment squeezes the water from the soils. Construction of the abutment includes the clearing of the existing vegetation, some remedial grading, the placement of a geotextile blanket, the installation of the wick drains and then the initiation of grading. The placement of the first stage of fill material is scheduled for September and October. An eight-week settlement period is required before the second phase can be placed. The installation of the remaining portion of the abutment will occur in December 1998 to January 1999. The City's erosion control plans identify a silt fence as a temporary erosion control measure until the hydroseed grows in. In its previous actions, the Commission has approved erosion control plans for the Cannon Road construction. All perimeter erosion control protections have been installed consistent with the plans. As a result, the City does not anticipate any potential for downstream siltation.

The project for construction of Cannon Road was required to receive several permits from several state and federal regulatory agencies. As a result, the project is subject to overlapping restrictions regarding time periods when grading is permitted. As a result, the City is requesting the proposed amendment to allow grading to occur within the rainy season up to February 1, 1999.

When the Commission approved the original permit for construction of the roadway in February of this year, the City had not yet received final approval of the ACOE Section 404 Permit nor the CDFG Section 1601 Agreement, both of which significantly restrict the grading schedule in order to protect endangered species in the adjacent Agua Hedionda wetlands. These restrictions placed on the project by the resource agencies conflict with the Commission's grading restriction and are as follows: Section 404 Permit - No grading may occur from March 15 to September 15. The Section 1601 Agreement - No pile driving March 1 to September 1. The Section 4(d) authorization - No grading may occur from February 15 to August 15. Based on the above resource agency and Coastal Commission grading restrictions, the only remaining time frame in which Cannon Road grading is allowable is September 15 to October 1 (15 days total).

The City states that the embankment and settlement period for the bridge abutments for the Agua Hedionda and Macario Canyon bridges is of particular importance to the construction operation, inasmuch as it requires a two-phase earthwork operation (minimum eight weeks apart). To achieve effective settlement within the minimal eight weeks, the City is proposing "wick drains" to expedite the settlement process which is why the grading is being proposed until February, 1999.

2. Environmentally Sensitive Habitat Areas. Section 30231 of the Act is applicable and 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.

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.

Finally, Section 30253 of the Act states, in part:

New development shall: [...]

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The project area is located along the south shore of Agua Hedionda Lagoon, near the riparian resources of Macario Canyon and its unnamed stream, and near Agua Hedionda Creek. Coastal Act Sections 30231 and 30240 call for the preservation of sensitive habitat areas, including wetlands. In the area near the Cannon Road alignment where the proposed work would take place, there are several sensitive plants and animals including coastal sage scrub, wetland and riparian habitats which provide habitat for federally-listed endangered species (least bell's vireo, California Gnatcatcher). Agua Hedionda, in particular, has been identified as one of 19 high priority coastal wetland acquisition areas, as referenced in Section 30233 of the Act.

As stated, due to constraints placed on the development by the resource agencies, the City cannot complete grading of the project within the parameters outlined in the original Commission permit approval. The City has submitted a detailed grading and erosion control schedule for the proposed project. As noted above, the proposed grading will take until February 1, 1999 to complete. The City proposes to provide two phases of erosion control for the construction of Cannon Road. The first phase is the temporary erosion control measures to be implemented during the construction of Cannon Road. The second phase is the erosion control measures implemented once the road is graded.

The first phase of erosion control will begin with the placement of a silt fence around the project anywhere there is the potential for runoff. Clearing and grubbing and the removal

and recompaction of unsuitable soils will be accomplished the first week of construction. The canyon (deep) storm drain will be constructed immediately following the compaction of the unsuitable material. Temporary desiltation basins will be constructed as part of the removal and recompaction operation within the limits of grading to capture and desilt surface runoff. As the project is graded, temporary swales and/or gravel bags will be used to divert surface flows to the temporary desiltation basins throughout the construction of the project whenever there is threat of rainfall. Haybales will be incorporated as necessary to provide additional erosion control. The City will have all removable protective erosion control measures in place at the end of each working day when the five (5) day rain probability forecast exceeds forty percent (40%). Silt and debris will be removed after each event. The storm drain system for the roadway will be constructed with the completion of the road.

The second phase of erosion control will be the permanent erosion control devices. These include maintaining the silt fence until the slope planting is established, slope planting and matting, the use of gravel bags and depressions at the storm drain inlets to desilt the surface runoff. The plan also indicates maintenance of temporary erosion control measures is the responsibility of the applicant, including replacement of any devices altered or dislodged by storms.

Historically, the Commission has allowed exceptions to the winter grading restriction, but only until November 15, and only if mass grading has been completed prior to October 1 and the site has been secured with temporary and permanent erosion control measures. In this particular case, the grading cannot be completed within the required time frame outlined in the Commission's permit approval due to restrictions placed on the time in which grading can occur by the resource agencies. As noted, these restrictions are during opposing times of the year from the Commission's grading restriction. The restrictions are necessary to ensure that no adverse impacts to sensitive species (least bell's vireo, gnatcatcher) will occur and coincide with their nesting and breeding seasons. Thus, the City will not have sufficient time to complete the grading outside the rainy season. Given the timing constraints placed on the developer by the resource agencies and based on the City's extensive erosion control program submitted with this amendment request, which will serve to limit any downstream impacts to sensitive resources located within Agua Hedionda Lagoon and Macario Canyon, the Commission can support the proposed grading up to February 1, 1999.

Special Condition #1 states that grading may only occur up to February 1, 1999 and requires that the applicant submit final grading and erosion control plans in substantial conformance with the submitted plans. The plans shall document that all permanent runoff and erosion control devices are developed and installed prior to or concurrent with any on-site grading activities, and that all areas disturbed but not completed during the construction period shall be stabilized. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss from the construction site.

Given the special condition, the potential impacts to environmentally sensitive habitat areas will be reduced to the maximum extent feasible. Therefore, the Commission finds that the subject permit amendment, as conditioned, is consistent with Sections 30231, 30240 and 30253 of the Act.

3. California Environmental Quality Act (CEQA) Consistency. Section 13096 of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit to be supported by a finding showing the permit, as conditioned, 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 feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect, which the activity may have on the environment.

The proposed project has been conditioned to be consistent with the resource protection policies of the Coastal Act. The attached mitigation measures 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 environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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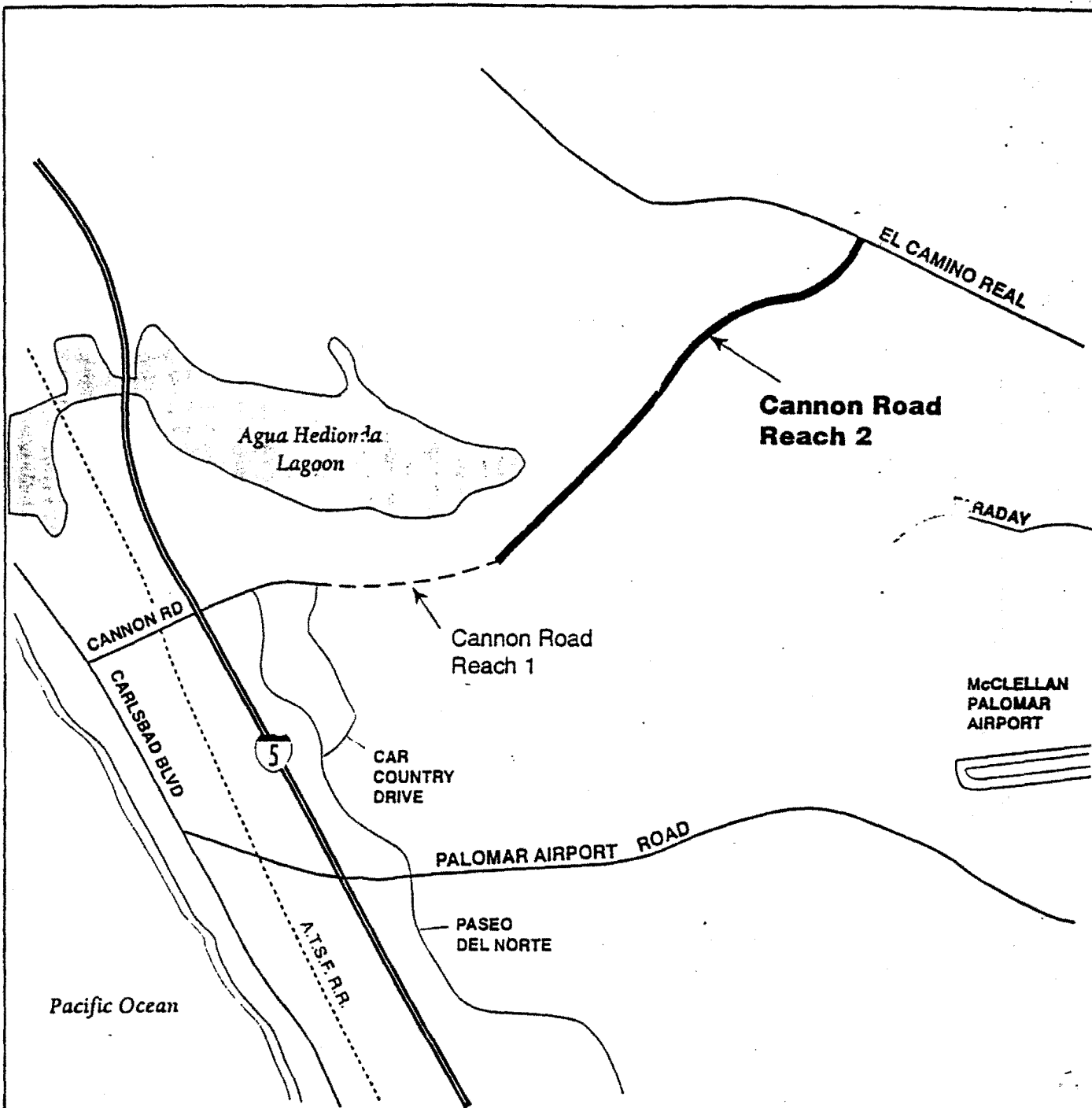


EXHIBIT NO. 1
APPLICATION NO.
6-97-11-A1
Location Map
California Coastal Commission



TETRA TECH INC.



No Scale

Figure 2