

CALIFORNIA COASTAL COMMISSION

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 Hearing Date: 11/3-6/98

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-103

Applicant: City of Oceanside

Agent: Conrad Hamman

Description: Replacement and reconstruction of a 640 foot long and 100 foot wide street crossing when it washes out using approximately 15,000 cubic yards of beach sand, roadway sections, a geotube slope stabilization and three additional 72-inch culverts under the road crossing.

Site: Pacific Street at mouth of San Luis Rey River, Oceanside, San Diego County

Substantive File Documents: City of Oceanside LCP; CDP #6-84-253, #6-84-253-A1

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed project with a condition addressing final plans for the road reconstruction and geotubes, a condition authorizing a one-time only reconstruction of the Pacific Street crossing of the San Luis Rey River as approved in this permit action, a condition requiring that the proposed project to comply with requirements of other agencies with permit jurisdiction regarding the project and a condition requiring a monitoring report which addresses washout of the street crossing.

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. Final Plans. Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, final plans for the proposed road reconstruction and geotubes. Said plans shall incorporate the requirements of the Army Corps of Engineers specifically addressing the size and location of the proposed geotubes.

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. Proposed changes to the approved final plans shall not occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Terms of Permit. This coastal development permit authorizes a one-time reconstruction of the Pacific Street crossing of the San Luis Rey River as approved in this permit action.
3. Other Permits. The proposed project shall comply with other permits required by the Army Corps of Engineers and the California Department of Fish and Game.
4. Monitoring. Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a monitoring report which includes as-built plans from the 1998 reconstruction and requires the applicant to monitor site conditions that affect the road crossing. The monitoring report must address when proposed washouts are anticipated and what actions would take place to recover asphalt and other debris from entering the Pacific Ocean; the impact of the washout on environmentally sensitive plants and animals, including the least tern and nearby wetland and riparian vegetation; and quantification the amount of sand that would be necessary to reconstruct the road.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/History. The applicant is proposing the future replacement of a roadway that crosses the San Luis Rey River near its discharge into the Pacific Ocean. The City is requesting a permit for reconstruction on an as-needed basis. The existing road crossing is designed to washout during flood events and, thus, the need for reconstruction in the future is anticipated. The proposed reconstruction involves approximately 15,000 cubic yards of beach sand, roadway sections, a geotube (tube filled with sand) and installation of three new 72-inch culverts under the road crossing. The roadway washed out in February 1998 and was reconstructed under a previous approval. Also reconstructed was a least tern island that is located approximately 50 yards upstream of the roadway. The Pacific Street crossing is designed to wash out during specified flood events to meet Army Corps of Engineers (ACOE) flood protection requirements in the San Luis Rey River Basin. The road has washed out approximately 6 times since it was designed by the ACOE in the early 1980s. With the exception of the geotubes, the reconstruction work was most recently completed in June 1998. The existing crossing is about 640 ft. long and 100 ft. wide. Future alternative plans include removal of the roadway from within the river and construction of a permanent bridge once funding is obtained.

The Pacific Street crossing is an integral part of the City's circulation system and is necessary for emergency services to the City's Harbor area. The roadway is also subject to erosion from tide and wave action. This requires an ongoing maintenance program to maintain the integrity of the roadway.

The Commission has approved the crossing in previous permit actions. In CDP #6-84-253, the Commission approved fill and grading to create a two-lane gravel roadway across the mouth of the San Luis Rey River. While, according to local sources, the gravel roadway had been in place since the 1800s. The permit was for a slightly different alignment than what previously existed. The Commission found that although the project could result in some disruption of habitat values (at that time there were wetland plants in its alignment) it could be approved as an "incidental public service". No mitigation was required. The Commission found the impacts of the project were insignificant, and the project was necessary to provide flood protection. The Commission further found that the roadway was a replacement project, although in a somewhat different alignment, and minimized the alteration of the natural stream area while allowing tidal circulation.

In CDP #6-84-253-A1, the Commission approved an amendment to the above permit to use approximately 187 cubic yards of recycled asphalt to provide a 3-inch surface layer over the two-lane gravel roadway. Also approved was temporary removal of portions of the roadway to allow passage of flood flows.

The City of Oceanside's LCP was certified in 1985. However, the project site is within the Commission's area of original jurisdiction where coastal development permit authority is not transferred to the City. Therefore, Chapter 3 policies of the Coastal Act are the standard of review with the certified LCP used as guidance.

2. Environmental Impacts/Flood Protection. The most applicable Coastal Act policies for this project are:

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 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 30233.

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

- (8) Nature study, aquaculture, or similar resource dependent activities.

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.

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.

Section 30253.

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (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.

In addition, the certified Oceanside LCP contains a number of provisions with respect to the San Luis Rey River. LUP policy 4 states that:

4. In order to protect water quality in the river area, the City shall:
 - a. Allow natural tidal circulation between the San Luis Rey Lagoon and the ocean through the culverts under Pacific Street.
 - b. As part of its environmental review process, establish measures on a project-by-project basis to minimize the introduction of grease, oil, points, pesticides, construction waste, and other pollutants into the San Luis Rey River....

LUP policy 13 states that:

13. In order to protect life and property in the river area from flood hazards, the City shall:
 - a. prevent encroachment of permanent structures into the floodway.
 - b. Allow only flood compatible uses and structures, per the Federal Flood Insurance Agency's regulations, within the 100-year floodplain.
 - c. Cooperate with Army Corps of Engineers to ensure completion of the flood control project, as proposed.

The San Luis Rey River system provides habitat for several endangered species including the Least Bell's vireo, the Southwestern Willow Flycatcher and California Least Tern. The City of Oceanside is participating in several regional efforts to preserve the river as an important wildlife and habitat corridor within San Diego County; these efforts include the San Luis Rey Watershed Council and the Multiple Habitat Conservation Program.

The certified LCP in the San Luis Rey Specific Plan states that the Army Corps of Engineers San Luis Rey River Flood Control Project is necessary to protect structures in the nearby Small Craft Harbor and North Coast Village residential project from flood hazards, as well as increasing flood protection for existing development outside the coastal zone. ACOE indicates that to meet flood control objectives, Pacific Street must wash out during relatively flooding conditions. The Corp has approved a design for the road crossing, "The Supplemental Phase II General Design Memorandum for Pilgrim Creek to the Pacific Ocean", which contains the design criteria and guidance necessary for the City to reconstruct the crossing.

With the exception of the proposed geotubes, the proposed project is in accordance with ACOE design requirements. The design provides for the roadway to washout during 50-year flood events. The ACOE requires that the roadway must be constructed of sand, with no rock protection, and the center 200-foot section must be no higher than 5 feet above sea level. As such, when the 50-year flood event occurs, the road washes out allowing flood flows from upstream to discharge to the ocean.

Because the western facing portion of the roadway is affected by tides and wave action, the City is proposing to install "Geotube" along the side slopes to protect the crossing from wave and tidal action. Geotubes are simply hard polyethylene pipe that is used for storm drains, water transmission, culverts, etc., In this case they are filled with sand to provide support and stabilize the sand slopes that comprise the street crossing. According to the City, they will be placed at the bottom of the slope and near the road surface itself to keep the crossing in place. They are designed to washout during a flood event. The ACOE has endorsed the geotube option to protect the crossing from erosion, provided the geotubes are installed at the correct elevation and location. ACOE determined that the proper installation of the geotubes would not impact the flow characteristics of the flood control channel. In the event of a major flood event, the tube would be removed.

Special Condition #1 requires final plans for the future reconstruction which specifically address the proposed geotubes and indicate the geotubes will be installed at the elevation and location consistent with the requirements of the Army Corps of Engineers. In this way the Commission is assured that the project will function to provide flood protection as well as a public roadway.

The proposed project also involves the placement of 72" culverts within the road to allow normal river/tidal flows. DFG mitigation requirements for the 1998 reconstruction provided 3 additional culverts to increase tidal flushing. They were required to improve water quality and allow for steelhead trout migration.

The City requests that the coastal development permit be authorized for reconstruction of the crossing on an as needed basis (whenever it is removed by winter storm events) until a permanent bridge can be funded and built.

While the Commission recognizes that minor maintenance of the roadway should be able to proceed without Commission review, because of possible changes to the environment within the vicinity of the roadway (sensitive plants and animals reside nearby the roadway) and because upstream conditions could change which could affect flood control planning along the San Luis Rey River, the Commission finds it must review and approve every individual road reconstruction project that is proposed to take place. Special Condition #2 authorizes a one-time reconstruction of the Pacific Street crossing of the San Luis Rey River as approved in this permit action.

As noted, because the roadway is designed to washout to comply with ACOE flood requirements, it is comprised of materials that will washout in such an event. The majority of the road's composition is beach sand that is held in place by the proposed geotubes. Special Condition #4 requires a monitoring report which requires the applicant to monitor site conditions that affect the road crossing. The monitoring report must address when proposed washouts are anticipated and what actions would take place to recover asphalt and other debris from entering the Pacific Ocean; the impact of the washout on environmentally sensitive plants and animals, including the least tern and nearby wetland and riparian vegetation); quantify the amount of sand that would be necessary to reconstruct the road.

Based on the above, the Commission can support the project provided final plans are submitted and the applicant understands that this authorization is for a one time only reconstruction of the roadway, permits are obtained from other agencies who are reviewing the project and a monitoring report is submitted which addresses a future washout of the road.

3. Local Coastal Planning. Section 30604 (a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The proposed road crossing the San Luis Rey River has been described by City officials as necessary to gain access to the City's Harbor area. It is also necessary for public safety in that there is only one other roadway serving this area. While the road crossing has been required for upstream flood control, the City is investigating replacing the road crossing with a bridge. Until a bridge is designed, funded and constructed, the City will continue to rebuild the crossing when it washes out. Based on the above discussion, the Commission finds that the proposed development, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act and no adverse impacts to coastal resources are anticipated.

4. 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.

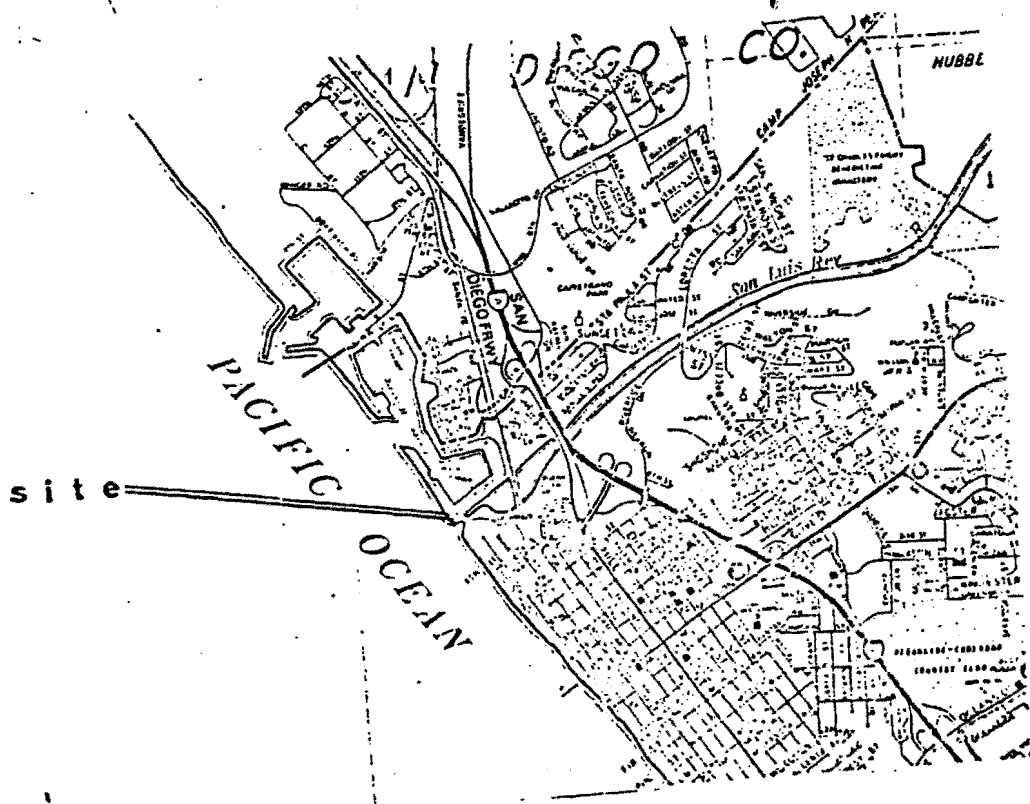
STANDARD CONDITIONS:

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 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.

(6-98-103 Oceanside staff rpt final)

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PACIFIC OCEAN

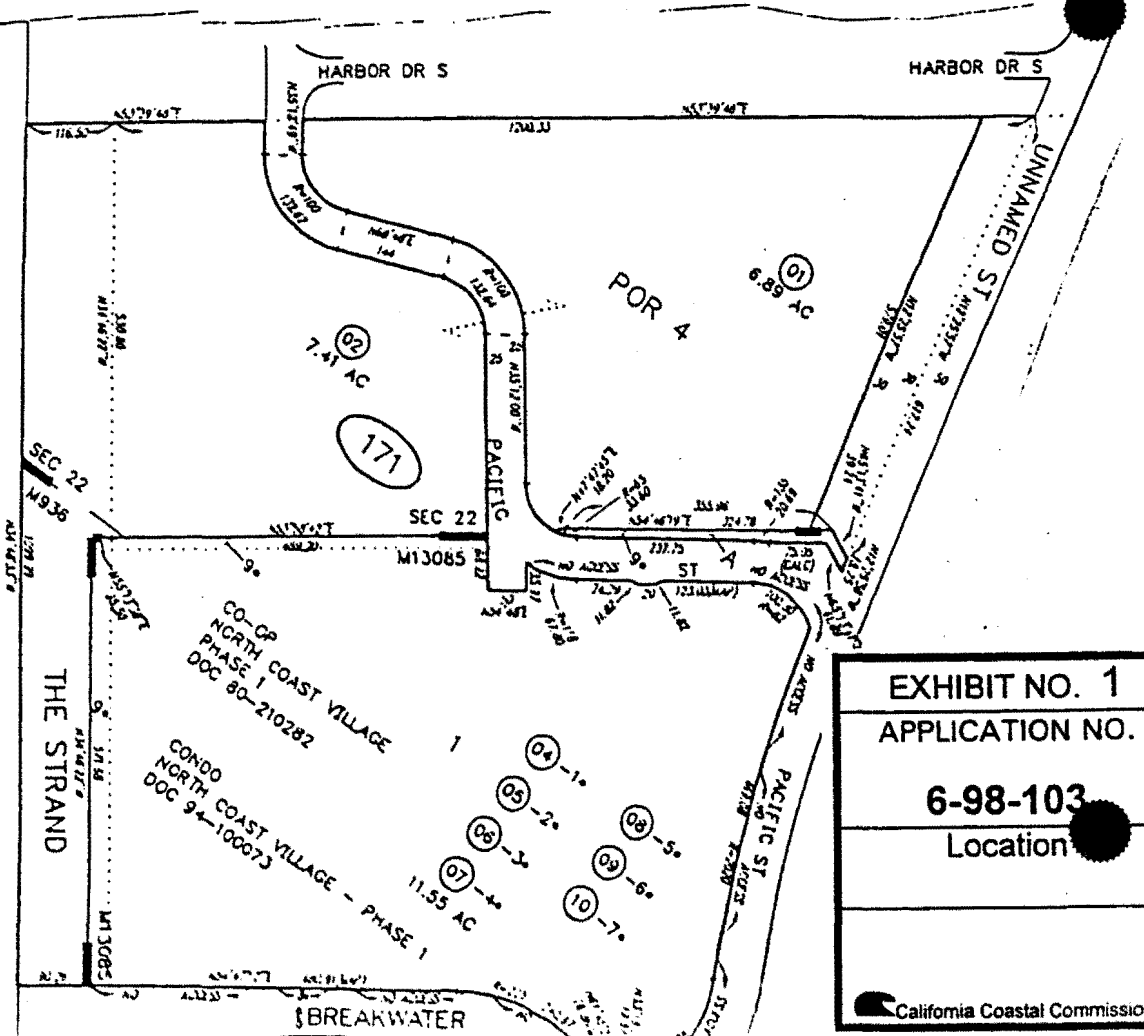


EXHIBIT NO. 1
 APPLICATION NO.
6-98-103
 Location

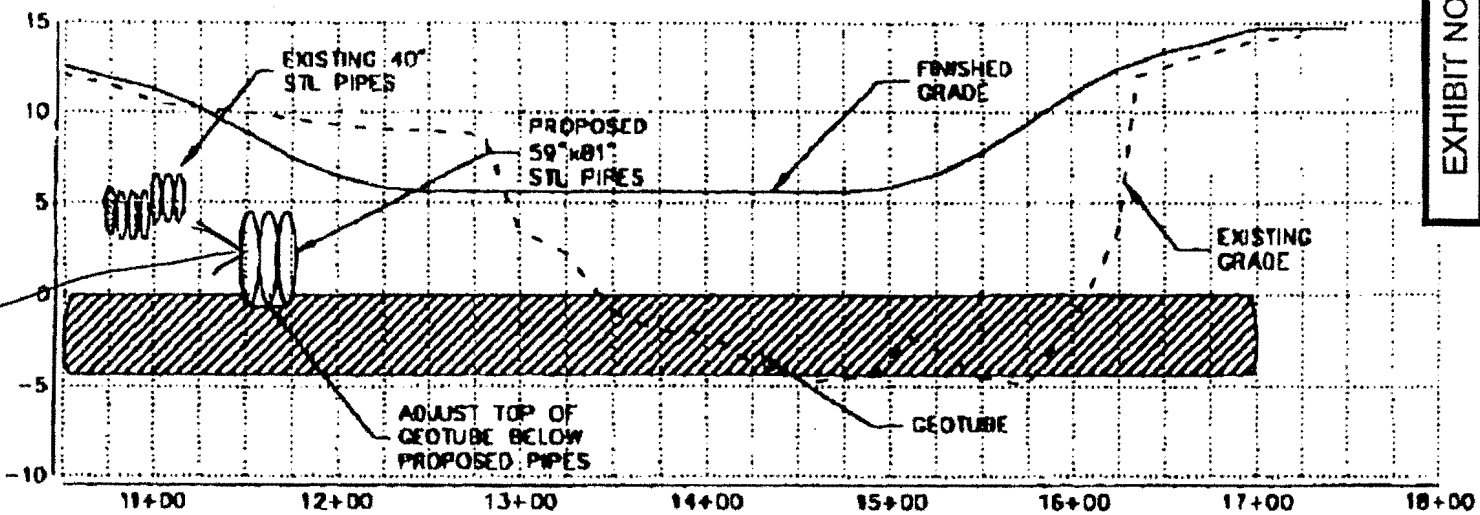
Aug-14-98 07:33A Erosion Technology, Inc.

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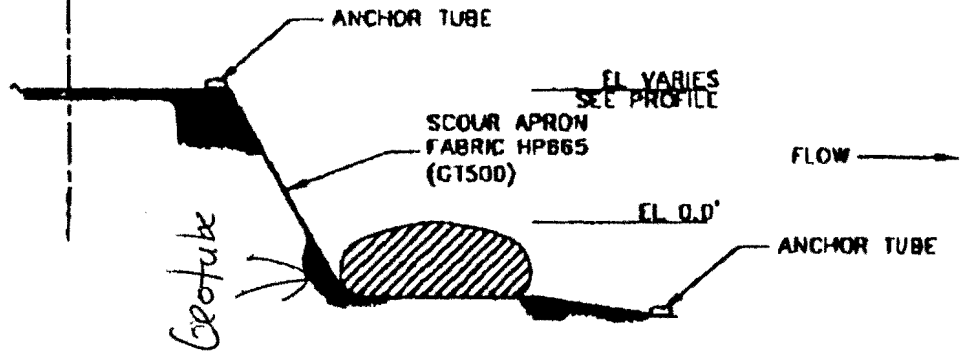
CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Culverts



TEMPORARY ROAD PROFILE
N.T.S.

PACIFIC STREET



TEMPORARY ROAD SECTION
N.T.S.

CONCEPTUAL DESIGN ONLY. TO MIRAFI ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF THE DRAWING. THIS DRAWING IS NOT FOR CONSTRUCTION. FINAL DESIGN SHOULD BE MADE BY PROFESSIONAL ENGINEER.

TO MIRAFI
ENGINEERING SERVICES, INC.
282 SOUTH HOLLAND DRIVE
FENNERDALE, GEORGIA 30247
706 682-2828
fax 706 682-4422

PACIFIC STREET TEMPORARY CROSSING OCEAN SIDE, CA LOS ANGELES DISTRICT	
DWG	JOB NO.
SPRIN	0001
DRWN BY	SHET.
JOB	1 OF 1

EXHIBIT NO. 2
APPLICATION NO.
6-98-103
Road Profile
California Coastal Commission