

CALIFORNIA COASTAL COMMISSION

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Staff: WNP-SD
Staff Report: 11/17/98
Hearing Date: 12/8 - 10/98

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-93-72-A3

Applicant: City of Carlsbad

Agent: Pat Entezari

Original

Description: Phase #2 of a three phase project involving widening of, and improvements to, La Costa Avenue in Carlsbad. The project includes the widening of 9,000 feet of the roadway from two lanes to four lanes and accessory improvements (median, sidewalk, bike lanes etc.) from El Camino Real to Interstate-5.

Proposed

Amendment: Allow grading up to March 1, 1999 to complete roadway project.

Site: La Costa Avenue between El Camino Real and Interstate 5, Carlsbad, San Diego County.

Substantive File Documents: City of Carlsbad Certified East Batiquitos Lagoon/Hunt Properties segment

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the proposed amendment, subject to special conditions requiring submittal of a detailed grading/erosion control plans and a monitoring program. The erosion control plans and monitoring will ensure that grading will not result in any sedimentation impacts to the downstream sensitive resources of Batiquitos Lagoon.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit amendment for the proposed development, subject to the conditions below, on the grounds that the development, as amended, will be in conformity with the adopted Local Coastal Program, 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. This condition replaces Special Condition #4 of the original permit in its entirety. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, 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 submitted with this application, dated, October 3, 1995 by Rick Engineering. The plans shall include the following:

- a. All grading activity shall be prohibited within the period from October 1st up to April 1st of any year. However, necessary grading may occur from October 1st to March 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) and other temporary erosion control measures such as berms, interceptor ditches, sandbagging, hay bales, filtered inlets, debris basins, silt traps, or other similar means 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. Demonstration that all on-site temporary and permanent runoff and erosion control devices are installed and the City Engineer of Carlsbad has determined that all measures are in place to minimize soil loss from the construction site.

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.

2. Monitoring and Reporting. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit to the Executive Director for review and written approval, a program for monitoring the condition of erosion control devices and the effectiveness of the erosion control program. The monitoring program shall include, at a minimum, monthly reports beginning one month from the date of Commission action on this permit approval and continue to March 1st 1999. The reports shall be completed by a licensed engineer and shall describe the status of grading operations and the condition of erosion control devices, including temporary and permanent desilting basins. Any potential modifications to the approved grading schedule shall be indicated. Maintenance of temporary erosion control measures is the responsibility of the applicant, including replacement of any devices altered or dislodged by storms. Desilting basin maintenance, including removal of accumulated silt, shall occur prior on an as-needed basis throughout the winter.

3. Prior Conditions of Approval. All other terms and conditions of the original approval of Coastal Development Permit #6-93-72 (as amended) not specifically modified herein, shall remain in full force and effect.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Development Description and History. On August 12, 1993 the Commission approved CDP #6-93-72 for the construction of Phase II of the La Costa Avenue road widening, a 9,000-foot span between I-5 and El Camino Real in the City of Carlsbad. La Costa Avenue is an east-west oriented road which lies between the wetlands of Batiquitos Lagoon to the north and very steep sloping hillsides on the south side of the roadway. The road is designated for upgrading to a major arterial in the City of Carlsbad's circulation system. At present, La Costa Ave. is 44 feet and two lanes wide (one in each direction) with neither sidewalks nor other accessory improvements provided. The original project as approved by the Commission included widening the roadway to four lanes, two in each direction, with the right-of-way width varying between 80 feet and 116 feet, a 5-foot wide sidewalk along the north side of the roadway, a median strip varying in width from 4 to 8 feet, and a 6-foot-wide bikeway along the north and south sides of the roadway. The Commission also approved three large crib walls up to 30 feet tall within the escarpment on the south side of the road ranging from 500 feet to 600 feet long. These walls were approved to be landscaped with native plants to minimize their visual impact from La Costa Ave., designated in the certified LCP as a scenic highway.

In CDP #6-93-72-A1, the City proposed to grade during the rainy season (between October 97 and April 98). However, the Executive Director rejected the amendment. Subsequently, the City provided new information (new permit conditions by resource agencies regarding protection of the gnatcatcher in the project area) which the Executive Director determined as "changed circumstances", allowing the amendment to be filed as

a material amendment. However, on September 16, 1997 the City withdrew the application.

In CDP #6-93-72-A2 the City proposed two new construction staging areas at La Costa Avenue, between I-5 and El Camino Real. The amendment was approved as a non-material amendment on June 22, 1998.

The constraints of construction within this area are substantial. The steep slopes on the south side of the roadway present a significant constraint from both an environmental and engineering perspective. The area to the north of the existing roadway is made up primarily of the sensitive wetland and riparian habitats of Batiquitos Lagoon and a transitional upland habitat zone immediately adjacent to the north side of the roadbed. Additional wetland and riparian habitat areas also lie south of the existing roadway in the vicinity of the El Camino Real intersection.

The standard of review for this project is the certified East Batiquitos Lagoon LCP segment.

2. Proposed Amendment. The proposed amendment is for a one-time only exception from the winter grading season up to March 1, 1999. The permit, as approved by the Commission, included a special condition which prohibited any grading of the site during the winter rainy season of October 1 to April 1 of any year.

Currently, approximately 95% of the grading on the north side of the roadway adjacent to the lagoon is complete. Currently, traffic is detoured to the north side and the contractor is proceeding with the south side improvements including the crib walls. The construction on the south side was scheduled to be completed in mid-summer 1998 and traffic moved to the south side and the remaining grading on the north side was to be completed in September 1998. However, during the excavation of the cribwall key, some slope failures occurred which required extensive study. This delayed the completion of the grading by 30 days. Additionally, the sewer pipe material that was delivered to the site did not pass the test and was rejected as suitable for installation. This added an additional two-month delay to completion of the project and therefore prompted the applicant to request the subject amendment. The proposed grading schedule would allow the City to complete the remaining grading on the south side and north sides of the road.

3. Resource Management/Sensitive Habitat. The existing roadway lies south and adjacent to the wetlands of Batiquitos Lagoon. Batiquitos Lagoon contains a wide variety of wetland habitat and has been identified as one of the highest priority wetlands for acquisition, as referenced in Section 30233 of the Coastal Act.

The certified East Batiquitos Lagoon LUP states, in part:

- 3) All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any onsite grading activities

- 4) All grading activities shall be prohibited within the period from October 1st to March 31st of each year.

Regarding the protection of Batiquitos Lagoon from indirect impacts associated with project implementation, in its original approval of the project, the Commission approved plans which indicated that an extensive system of storm drains, curb outlets, swales, and other drainage structures would be used to intercept and convey runoff before it enters the lagoon. The City has included riprap and filter fabric at the entrance to all proposed storm drains to intercept and capture sediments from entering the lagoon. The Commission's approval required that all runoff and erosion control devices be developed and installed prior to or concurrent with any on-site grading activities, that all grading activities shall be prohibited within the period from October 1st to March 31st of each year, and that all areas disturbed by grading, but not completed during the construction period, shall be planted and stabilized prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control measures and landscaping.

The City has submitted a detailed grading and erosion control schedule for the proposed project. As noted above, the proposed grading will take until March 1, 1999 to complete. The City proposes to provide two phases of erosion control for the construction of La Costa Avenue. The first phase is the temporary erosion control measures to be implemented during the construction. The second phase is the erosion control measures implemented once the road is graded.

The first phase of erosion control consists of the placement of a silt fence around the project anywhere there is the potential for runoff. According to a monitoring report, the construction limits were properly marked and silt fences have been maintained such that there have been no unauthorized wetland impacts or significant erosion. Temporary desiltation basins have been constructed 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.

The winter grading season restriction is in place to assure that sensitive resources like Batiquitos Lagoon are protected from erosion and sedimentation impacts associated with new development. The adverse impacts of erosion and sedimentation are most likely to

occur during storm events when water leaving such sites is discharged at high velocities and can carry surrounding soils downstream into low areas like lagoons and streams. Upon entering a sensitive area like a lagoon, sediment can adversely affect water quality with resulting adverse effects on plants and animals that exist in that environment. Thus, the restrictions are necessary to ensure that no adverse impacts to such areas would occur. However, in this case, 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, the Commission can support the proposed grading up to March 1, 1999.

Special Condition #1 states that grading may only occur up to March 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 run off 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.

Special condition #2 requires the applicant to maintain the erosion control measures to assure the success of the proposed winter erosion control program. The condition requires submittal of monthly monitoring reports describing the current status of the grading operations, the conditions of the erosion control devices and any needed repairs or maintenance of the devices. This condition is proposed to ensure maximum protection of the adjacent sensitive biological resources of Batiquitos Lagoon. 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 the resource protection policies of the certified LCP.

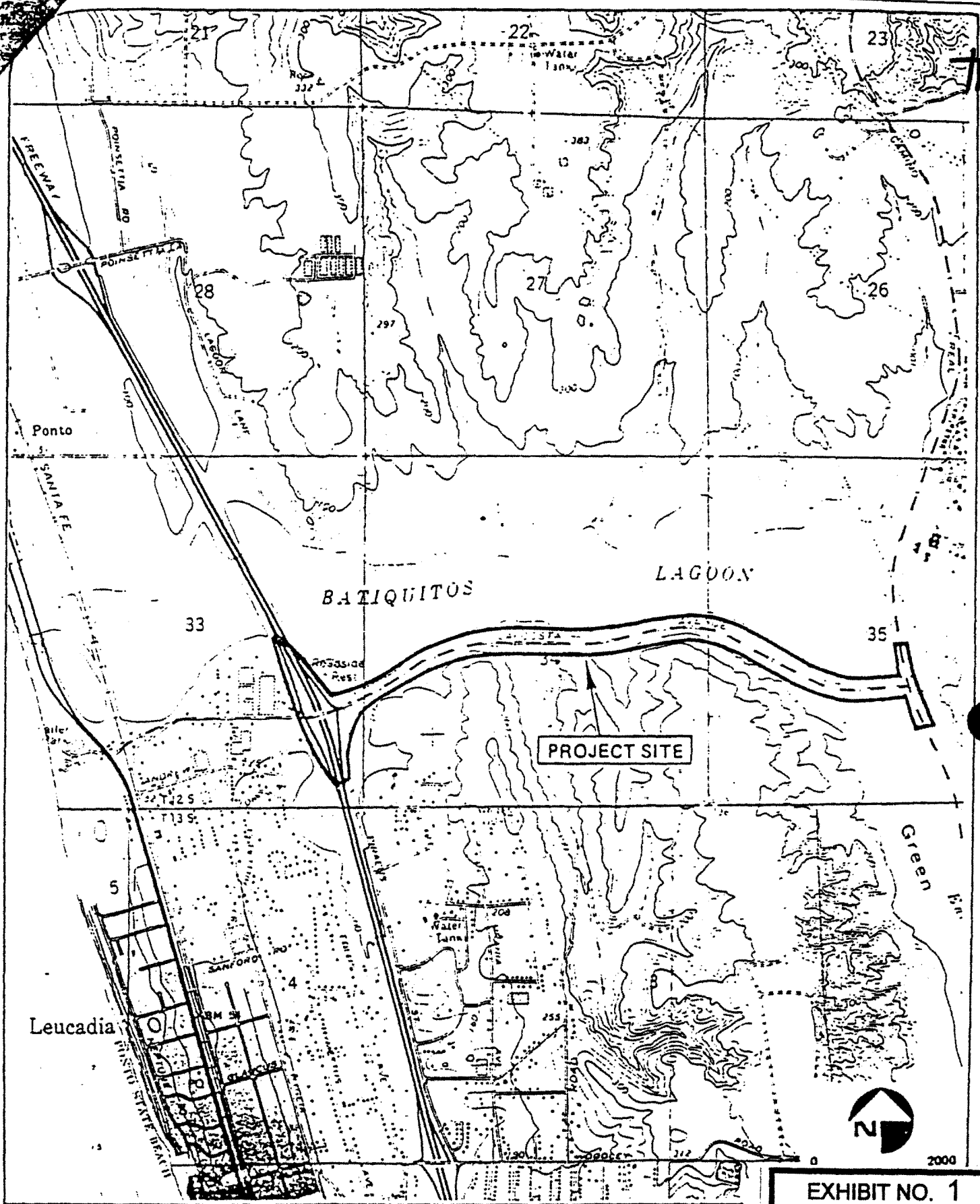
3. Local Coastal Planning. Section 30604 (a) requires that a coastal development permit shall be issued only if the Commission finds that permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter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

The subject LCP segment includes approximately 1,000 acres comprised of the eastern basin of Batiquitos Lagoon and approximately 550 acres of uplands located to the north and south of the lagoon. The East Batiquitos Lagoon LCP segment was approved in 1988. The Commission is reviewing the project because the proposed winter season grading is an amendment to the Commission's original approval and as such requires Commission approval even when a certified LCP is in place. Although the LCP segments contain policies which seek to protect the lagoons through the prohibition on grading during the winter rainy season, the City has presented evidence that completion of the entire La Costa Avenue project cannot be done within the permitted time frame because of unanticipated construction and logistical delays. Additionally, as a result of the effectiveness of the proposed erosion control facilities on the south shore of

Batiquitos Lagoon, the Commission can allow limited grading to occur during winter months, finding that the intent of the LCP language, the protection of wetland resources, is fulfilled. The special condition proposed above would provide the type of additional protection the Commission has previously required of winter grading proposals. Given the extra protection, impacts to the resources of Batiquitos Lagoon should be avoided. Therefore, the Commission finds that the proposed amendment request, as conditioned, is consistent with the certified East Batiquitos Lagoon LCP segment.

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 certified LCP. 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.



Project Location as Depicted on
U.S.G.S. 7.5' Encinitas Quadrangle

EXHIBIT NO. 1

APPLICATION NO.

6-93-072-A-3

Location Map

California Coastal Commission



WESTEC Services, Inc.

6-86-534