

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT AND RECOMMENDATION

ON CONSISTENCY CERTIFICATION

Consistency Certification No.	CC-051-03
Staff	LJS-SF
File Date:	6/9/2003
3 Months:	9/9/2003
6 Months:	12/9/2003
Commission Meeting:	11/7/2003

APPLICANT: **City of Oceanside**

PROJECT LOCATION: Pacific Street Crossing of the San Luis Rey River, City of Oceanside, San Diego County (Exhibits 1 and 2)

PROJECT DESCRIPTION: Replace the existing at-grade Pacific Street crossing of the San Luis Rey River with a two-lane bridge with bicycle lanes and sidewalks, upgrade Pacific Street at both ends of the bridge, construct sidewalks along the north side of Pacific Street, construct sidewalks and bicycle lanes on Harbor Drive South, and remove the existing at-grade roadway at the river mouth.

SUBSTANTIVE FILE DOCUMENTS: See page 28

EXECUTIVE SUMMARY

The City of Oceanside has submitted a consistency certification for construction of the Pacific Street Bridge over the San Luis Rey River, south of Oceanside Harbor, at one of two potential

locations just inland of the river mouth. The city states that the project objective is to provide a permanent second access route into Oceanside Harbor for public access and public safety reasons, which would concurrently protect and enhance sensitive biological resources at the mouth of the San Luis Rey River and avoid the environmental damage to beach and river resources as a result of road wash-outs and re-builds. The city's submittal is conceptual in nature as a specific bridge alternative has yet to be selected, and final decisions on several project elements have yet to be made.

The consistency certification examines two bridge alternatives: a mid-channel alignment and an existing alignment. Each alignment includes a 650 ft.-long, 50 ft.-wide bridge supported by concrete piers in the river floodplain and elevated high enough to convey a 100-year flood. Approach roadways from the north and south would be elevated and reconstructed to match the bridge elevation. The bridge would accommodate one traffic lane in each direction, and include bicycle lanes and sidewalks on each side. The project includes the removal of the existing at-grade Pacific Street crossing of the San Luis Rey River and the cutting of a pilot channel through the sand base of the roadway to facilitate tidal flow between the lagoon and the ocean. Compensation for permanent impacts to wetlands will be in the form of wetland creation and restoration within the project area and/or upstream along the river.

The proposed bridge is, in concept, consistent with the Section 30233(a) wetland policies of the Coastal Act because it is an allowable use, the least damaging feasible alternative, and includes adequate mitigation for the project's wetland impacts. The proposed removal of the existing at-grade Pacific Street crossing of the San Luis Rey River would also enhance the functional capacity of the river's wetland/riparian corridor and mouth, and is therefore consistent with Section 30233(c). The proposed bridge would not adversely affect water quality in and adjacent to the project site and is, in concept, consistent with the Section 30231 water quality policies of the Coastal Act. The proposed bridge and the removal of the existing at-grade crossing of the San Luis Rey River would lead to an improvement in water quality within the river estuary.

The proposed bridge is not expected to create significant adverse impacts on environmentally sensitive habitat areas adjacent to the San Luis Rey River or any threatened wildlife species that use those areas. The proposed removal of the existing at-grade Pacific Street crossing and the resulting increase in tidal flushing of the San Luis Rey River estuary should improve the quality of adjacent transition and upland habitats. The proposed bridge is, in concept, consistent with the Section 30240 environmentally sensitive habitat policies of the Coastal Act.

The proposed project would create a number of improvements in shoreline public access in the Harbor Beach area for vehicles, bicyclists, and pedestrians. Both bridge alignments would generate temporary traffic impacts in the Harbor Beach area due to roadway closures and detours. Temporary adverse impacts on public parking, particularly on parking spaces that serve beachgoers require mitigation, and the city has proposed a parking management plan that would provide replacement parking in underutilized lots and a free shuttle service from those lots to the Harbor Beach area throughout the construction period. The proposed bridge is, in concept, consistent with the public access and recreation policies of the Coastal Act.

The Alternative 1 bridge alignment would not create significant adverse effects on public views in and adjacent to the project site as long as the final design includes appropriate bridge railings, decorative treatments for concrete surfaces, and landscaping of retaining walls. This bridge alternative is, in concept, consistent with the Section 30251 visual resource policy of the Coastal Act. However, the Alternative 2 alignment would generate significant adverse effects on public views from Harbor Beach and the adjacent lagoon and this alternative is not, in concept, consistent with Section 30251. No historic or archaeological resources are present in the project area. However, archaeological monitoring will occur during ground-disturbing activities in unsurveyed wetland areas and if resources are discovered they will be assessed by a qualified archaeologist. The project is, in concept, consistent with the Section 30244 cultural resource protection policy of the Coastal Act.

STAFF NOTE:

The City of Oceanside has submitted a consistency certification for construction of the Pacific Street Bridge over the San Luis Rey River. However, the city's submittal is conceptual in nature as a specific bridge alternative has yet to be selected, and final decisions on several project elements have yet to be made. The city submitted the consistency certification to the Commission at this time in order to obtain the Commission's approval of the bridge concept so that the city can meet Federal Highway Administration (FHA) requirements associated with FHA's partial funding of the bridge project. Once the city selects a project alternative and completes the final design work on the project components, it will submit a coastal development permit application and a Local Coastal Program amendment for the project to the Commission. In addition, Commission concurrence with this consistency certification does not authorize any project construction, and does not bind the Commission to any course of action when it reviews the future project-related CDP and LCP amendment applications in 2004. The City of Oceanside understands this process and acknowledges that the action it seeks from the Commission at this time is solely a conceptual approval of the Pacific Street Bridge.

STAFF SUMMARY AND RECOMMENDATION:

I. Project Description. The City of Oceanside proposes to construct the Pacific Street Bridge over the San Luis Rey River, south of Oceanside Harbor, at one of two potential locations just inland of the river mouth (**Exhibits 1-3**). Currently, Pacific Street crosses the river over a 30-foot-wide at-grade crossing that provides one traffic lane and a shared shoulder/bicycle lane in each direction. Pedestrians use the bike lanes or the unimproved dirt area adjacent to the road. Tidal and low-flow drainage at the mouth of the river is maintained by 11 culvert pipes beneath the road. A roadway crossing of the river at this location dates back to the early 1900s and currently provides a second accessway to the Oceanside Harbor marina and beach complex, comprised of a public beach, small boat marina and boat launch, a hotel, condominiums, and numerous commercial recreation outlets. (The primary access to the Oceanside Harbor complex is via Harbor Drive from Interstate 5.) Between 1980 and 1998 the Pacific Street crossing has washed out and subsequently been rebuilt eight times. Improvements to the at-grade Pacific

Street crossing historically included rip rap and concrete protection to allow floodwaters to flow over the roadway. However, more recent improvements were designed to wash out during floods in order to avoid upstream flooding, and the existing road was re-built as a low-water crossing on a base of beach sand and without flood protection such as rip rap. Notwithstanding this history, the DEIR for the proposed project notes that:

The existing Pacific Street Crossing at the San Luis Rey River is an integral part of the circulation system of the City of Oceanside and is necessary as a second access road for emergency services to the Harbor Area.

The City's Local Coastal Program (LCP) designates Pacific Street as the first public access road adjacent to the beach and is important for coastal access purposes (City of Oceanside 1980).

The city states that the project objective is to provide a permanent second access route into Oceanside Harbor for public access and public safety reasons, which would concurrently protect and enhance sensitive biological resources at the mouth of the San Luis Rey River and avoid the environmental damage to beach and river resources as a result of road wash-outs and re-builds. The city also states that the bridge is needed improve emergency vehicle response time into the Oceanside Harbor complex, to provide improved safety for non-motor vehicle use by pedestrians, bicyclists, joggers, skaters, and wheelchair users, and to comply with city right-of-way design specifications and the Americans with Disabilities Act. To that end, the City of Oceanside and the Federal Highway Administration jointly prepared a *Draft Environmental Impact Report/Environmental Assessment and Programmatic Section 4(f) Evaluation (May 2003)* (DEIR) which examines two alternative bridge alignments and a no-action alternative. This joint California Environmental Quality Act/National Environmental Policy Act document also includes an Appendix L: *California Coastal Act Consistency and Federal Coastal Zone Management Act Consistency Determination* (more accurately a consistency *certification*, due to its submittal by the city, and the federal agency funding and Corps of Engineers permit that trigger consistency review by the Commission). The city's consistency certification examines both bridge alignments and the no-action alternative for consistency with the Coastal Act. The DEIR states that, "Final selection of an alternative will not be made until after the full evaluation of environmental impacts, full consideration of public hearing comments, and approval of the final environmental document." A final decision on the preferred bridge alignment has yet to be made; as a result, the Commission is reviewing only the bridge replacement concept in this consistency certification.

Both potential alignments of the Pacific Street bridge – the Mid-Channel Alignment (**Exhibit 4**) and the Existing Alignment (**Exhibit 5**) – include the following elements:

- A 650 ft. long, 50 ft. wide, bridge located within a 60-foot-wide right-of-way, using a box girder design supported by piers in the river floodplain. The bridge must be sufficiently elevated above the river to provide a minimum of two feet of freeboard for the 50-year flood and to convey the 100-year flood beneath the lowest point of the bridge girders.

Pacific Street (south of the river) is 6 to 15 feet higher in elevation than Harbor Drive South (north of the river) and portions of the latter are below the 100-year flood elevation and are protected by a levee. Therefore, segments of these two streets will be raised to meet the bridge elevation and the project includes transition road improvements at both ends of the bridge.

- Accommodates one 12-foot-wide traffic lane in each direction, a combination 8-foot-wide shoulder/bicycle lane on each side, and a 5-foot-wide sidewalk on each side.
- A 1-foot-wide by 2.25-foot-high concrete parapet would extend along each side of the bridge with a decorative railing added above the parapet. Low wattage decorative streetlights with shielded light elements would be installed along both sides of the bridge. New landscaping would be installed along Harbor Drive South where it parallels the river.
- A drainage control plan so that all surface drainage from the bridge and reconstructed streets would be directed to fossil filters or other acceptable filtration devices prior to discharge to the existing storm drain system or to adjacent surface waters.
- Implementation of construction best management practices to control soil erosion and protect water quality in and adjacent to the project site.
- Removal of the existing Pacific Street at-grade crossing, including removing culverts and roadway surface, retaining sand base, cutting a low-flow pilot channel to facilitate tidal flow between the ocean and lagoon (to be maintained by the city in accordance with the Corps of Engineers San Luis Rey River Flood Control Project), and prohibiting motor vehicle access across the river mouth except for lifeguard and emergency vehicles.
- Compensation for permanent impacts to wetlands and waters of the United States in the form of wetland creation and restoration within the study area and/or upstream along the river.
- Natural gas, water, sewer, cable television, and telephone utility line relocations.
- Construction of a temporary wooden trestle across the river. The trestle will be 112 feet wide supported by one-foot diameter steel pipes or wooden piers and installed in the riverbed by a pile driver. Piles will be installed every 10 to 30 feet along the length of the trestle, and every 3 to 6 feet across the trestle width. The trestle will serve as the general construction platform and as a platform to support construction of the wooden forms for building the concrete box girders; the trestle will provide access to locations in river where the three bridge support columns will be constructed.

The Mid Channel Alignment (Alternative 1, the locally preferred alternative; **Exhibit 4**) includes the following transition road improvements at both ends of the bridge:

- At the south end of the bridge, Pacific Street will be raised up to 6.6 feet to meet the bridge elevation and shifted 33 feet to the west at the bridge approach.
- The existing Pacific Street alignment west of the southern end of the bridge will be maintained for vehicular access into the North Coast Village condominium complex and renamed Pacific Access Road. In order to raise Pacific Access Road to meet the bridge elevation, 7-foot-high retaining walls will be constructed on both sides of this road and will extend 270 feet west from the southern end of the bridge.
- A sidewalk will be added to the north side of Pacific Access Road to improve beach access.
- At the north end of the bridge, Harbor Drive South will be raised up to 10 feet to meet the bridge elevation. To raise the road, a ten-foot-high concrete retaining wall will be constructed and will extend 595 feet west and 490 feet east from the northern end of the bridge.
- Sidewalks will be installed on both sides of the reconstructed Harbor Drive South, and a 6-foot-wide bicycle lane will be designated along the south side of the road adjacent to the river.

The total estimated cost of the Mid Channel Alignment alternative is \$12.5 million.

The Existing Alignment (Alternative 2; **Exhibit 5**) would follow the present route of the Pacific Street at-grade crossing and includes the following transition road improvements at both ends of the bridge:

- At the south end of the bridge, a 164-foot-long segment of Pacific Street will be raised up to 10 feet to meet the bridge elevation. Retaining walls will be constructed on both sides of the road.
- At the north end of the bridge, a 217-foot-long segment of Pacific Street and a 374-foot-long segment of Harbor Drive South will be raised up to 13 feet to meet the bridge elevation. Retaining walls will be constructed on both sides of both roads.
- Sidewalks will be installed on both sides of Pacific Street and Harbor Drive South, and a bicycle lane will be designated on the south side of Harbor Drive South.
- Parking Lot 10 would be relocated to the north side of the adjacent public restroom and Lot 10 would be restored to sandy beach. Existing pedestrian accessways along the north sides of Parking Lots 6 and 7 and along the Harbor Drive South sidewalks would be re-routed to crosswalks at the north end of the reconstructed Pacific Street.

The total estimated cost of the Existing Alignment alternative is \$14.75 million.

Construction of either bridge alignment will include establishing a staging area located in the southern half of City of Oceanside Parking Lots 6 and 7 (**Exhibit 6**). Harbor Drive South will be closed throughout the construction period but traffic will be re-routed through lots 6 and 7 immediately north of the staging area. Construction staging and traffic re-routing at this location will generate a temporary loss of 156 parking spaces. A mobile contractor's office will be placed in Parking Lot 20 and will occupy 10 parking spaces. At the end of construction, all parking spaces will be restored in these lots and on Harbor Drive South. Pacific Street will be closed for approximately one month during its reconstruction and elevation to the south end of the proposed bridge. Construction of either alignment is expected to take 18-24 months and the city currently expects to commence work in late September 2004.

II. Status of Local Coastal Program. The standard of review for federal consistency certifications is the policies of Chapter 3 of the Coastal Act, and not the Local Coastal Program (LCP) of the affected area. If the LCP has been certified by the Commission and incorporated into the California Coastal Management Program (CCMP), it can provide guidance in applying Chapter 3 policies in light of local circumstances. If the LCP has not been incorporated into the CCMP, it cannot be used to guide the Commission's decision, but it can be used as background information. The City of Oceanside LCP is incorporated into the CCMP.

III. Applicant's Consistency Certification. The City of Oceanside has certified that the proposed activity complies with California's approved coastal management program and will be conducted in a manner consistent with such program.

IV. Staff Recommendation:

The staff recommends that the Commission adopt the following resolution:

Motion: I move that the Commission concur with the City of Oceanside's consistency certification.

The staff recommends a **YES** vote on this motion. A majority vote in the affirmative will result in adoption of the following resolution:

Concurrence

The Commission hereby **concurs** with the consistency certification made by the City of Oceanside for the proposed project, finding that the project is consistent with the California Coastal Management Program.

V. Findings and Declarations:

The Commission finds and declares as follows:

A. Wetland/Riparian Resources. The Coastal Act provides the following:

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.

....

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. . . .

The Draft Environmental Impact Report (DEIR) describes the project site near the mouth of the San Luis Rey River:

The San Luis Rey River is one of the major river systems in San Diego County and is the only larger river system currently closed off to the ocean by a "low water" crossing. The river corridor is home to several state and federally listed threatened and endangered species, including the least Bell's vireo, the American peregrine falcon, and the southwestern willow flycatcher. The mouth of the river is also considered a foraging area for the California least tern and western snowy plover. The City is participating in several regional efforts to preserve the San Luis Rey River as an important wildlife and habitat corridor within San Diego County; these efforts include the Multiple Habitat Conservation Program (MHCP) and the San Luis Rey River Watershed Council.

. . .

The existing blockage of stream and tidal flow [by the at-grade Pacific Street crossing] impacts the estuarine system because intertidal exchange has been effectively inhibited by the crossing. Fresh water from the upstream river system is backed into the estuary and the existing culverts do not enable adequate tidal flows into the lagoon. This results in a deterioration of the typical function of a brackish water ecosystem that can be followed by a reduction of species diversity, invasion with exotic species, and increased pollution. Improvement of conditions in the San Luis Rey River mouth could result in a more healthy estuarine system and thus create new wetland habitat, enable continual flushing and tidal action resulting in reduced sedimentation and stagnation in the river, and improve movement of river sand onto the beaches. These improvements could also increase the potential for migration, spawning, and establishment of important species of fish and wildlife in the river, including the once abundant and now absent steelhead trout and tidewater goby. Recurring washout of the road also results in road debris, including asphalt, being deposited into the ocean and lagoon, and requires cleanup and reconstruction.

The project site near the mouth of the San Luis Rey River includes several wetland vegetation communities: freshwater marsh/brackish water marsh, brackish water marsh/Southern willow scrub, Arundo scrub/Southern willow scrub, and Arroyo willow riparian forest. In addition, open water and beach sand habitat is present. Either alignment of the proposed Pacific Street bridge would require the construction of a temporary wooden trestle supported by steel piles driven into the riverbed, and the permanent construction of four concrete support columns driven into the riverbed. The DEIR outlines the expected impacts to wetland resources from both alignments. The Mid-Channel Alignment would result in 1.92 acres of direct temporary impacts (from the trestle and removal of the existing crossing), 0.004 acres of direct permanent impacts

(from the bridge support columns), and 0.86 acres of indirect permanent impacts (from bridge shading). The Existing Alignment would result in 1.17 acres of direct temporary impacts (from the trestle and removal of the existing crossing), 0.002 acres of direct permanent impacts (from the bridge support columns), and 0.55 acres of indirect permanent impacts (from bridge shading). The city proposes to mitigate these impacts at a 4:1 ratio for direct permanent impacts and a 1:1 ratio for direct temporary and indirect permanent impacts; a five-year maintenance and monitoring plan for the wetland restoration program will also be implemented. Potential mitigation sites are located within the project area or upstream on the San Luis Rey River near the railroad bridge or the Interstate 5 bridge. At this date, a mitigation plan has yet to be developed by the city.

Due to the temporary and permanent fills within wetland habitats at and upstream of the mouth of the San Luis Rey River, the project must be reviewed under the three-part test of Section 30233(a): allowable use, alternatives, and mitigation.

Allowable Use. Under the first of these tests, a project must qualify as one of the eight stated uses allowed under Section 30233(a). Since the other allowable uses do not apply, the Commission must determine whether the proposed project can be permitted under Section 30233(a)(5), which authorizes fill for "Incidental public service purposes." In 1992 and in 2001, the Commission found that replacement bridges at Vandenberg Air Force Base in Santa Barbara County, which also required wetland fill for their construction, constituted an allowable use under Section 30233(a); the "allowable use" conclusions for the proposed Pacific Street bridge replacement follow essentially the same analysis.

In past non-binding regulatory guidance as well as in its permit decisions the Commission has considered the circumstances under which fill associated with the expansion of an existing "roadbed or bridge" might be allowed under Section 30233(a)(5). In such cases the Commission has determined that the expansion of an existing road or bridge may constitute an "incidental public service purpose" when no other alternative exists and the expansion is necessary to maintain existing traffic capacity.

In 1981, the Commission adopted as non-binding regulatory guidance the "Statewide Interpretive Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas" (hereinafter, the "Guidelines"). The guidelines analyze the allowable uses in wetlands under Section 30233 including the provision regarding "incidental public service purposes." The Guidelines state that fill is allowed for:

Incidental public service purposes which temporarily impact the resources of the area, which include, but are not limited to, burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines (roads do not qualify).

A footnote (no. 3) to the above-quoted passage further states:

When no other alternative exists, and when consistent with the other provision of this section, limited expansion of roadbeds and bridges necessary to maintain existing traffic capacity may be permitted.

The Court of Appeal has recognized the Commission's interpretation in the Guidelines' of the term "incidental public service purposes" as a permissible one. In the case of *Bolsa Chica Land Trust et al., v. The Superior Court of San Diego County* (1999) 71 Cal.App.4th 493, 517, the court found that:

... we accept Commission's interpretation of sections 30233 and 30240... In particular we note that under Commission's interpretation, incidental public services are limited to temporary disruptions and do not usually include permanent roadway expansions. Roadway expansions are permitted only when no other alternative exists and the expansion is necessary to maintain existing traffic capacity.

In its permit decisions the Commission has interpreted section 30233(a)(5) in a manner that is consistent with the interpretation of that section in the guidelines. For example, the Commission previously found that a bridge project proposed by the California Department of Parks and Recreation constituted an allowable use under this interpretation (CDP No. 4-82-605). The Commission recently granted to the Cities of Seal Beach and Long Beach a coastal development permit for the construction of bridge abutments and concrete piles for the Marina Drive Bridge located on the San Gabriel River (CDP No. 5-00-321). The Commission found that the project involved the fill of open coastal waters for an incidental public service purpose because the fill was being undertaken by a public agency in pursuit of its public mission, and because it maintained existing road capacity.

More specifically concerning the El Rancho Road Bridge replacement at Vandenberg AFB (CD-70-92), the Commission found the project allowable under Section 30233(a)(5) as an incidental public service, because the Air Force was undertaking the fill in the pursuit of a public service mission and because the "permanent fill [was] associated with a bridge replacement project [that] would not result in an increase in traffic capacity of the road." The Commission found:

The Commission recognizes that some roads and bridges will require repair, maintenance, or improvements that require wetland fill. The Commission's past policy, as adopted in the Wetland Guidelines, allows for fill associated with road work, if that work does not result in an increase in traffic capacity of the road. (Guidelines, p. 39, fn, 3). According to the Air Force, the proposed project will not increase the capacity of the road. In its revised consistency determination, the Air Force states that:

Pursuant to Section 30233 (a)(5) of the Act, maintenance of the El Rancho Road Bridge is necessary in order to restore the public service functions provided by El Rancho Road. A structural analysis by Vandenberg Air Force Base Civil Engineering, Civil Design Unit indicates that El Rancho Road Bridge cannot safely support standard trailers carrying full loads or emergency vehicles. The proposed project would restore the public service functions of: material transport, emergency vehicle access, and daily traffic use. (El Rancho Road Bridge Replacement Project Supplemental Information

Requested For Coastal Consistency Determination, p. 1.)

Based on this analysis, the Commission agrees that the permanent fill associated with this project will not result in an increase in traffic capacity of the road. Therefore, the Commission finds that the proposed road is an incidental public service, and thus an allowable use pursuant to Section 30233(a)(5) of the Coastal Act.

More recently the Commission found that another Vandenberg AFB bridge project (El Rancho Road Bridge, CD-106-01) served a public service defense mission, included the same number of traffic lanes as the bridge it was replacing, was necessary to maintain existing road capacity, and therefore constituted an allowable use as an incidental public service under Section 30233(a)(5).

The proposed Pacific Street bridge would continue to provide the same number of traffic lanes as the existing at-grade Pacific Street crossing. Thus, based on past Commission decisions, the Commission finds the proposed bridge concept serves a similar public access function and is necessary to maintain the existing road capacity, and therefore constitutes an allowable use under Section 30233(a)(5).

Alternatives. The alternatives test requires the Commission to determine whether the proposed project is the least environmentally damaging feasible alternative. The DEIR states that:

No non-structural alternative would satisfy the need to maintain a permanent access to Oceanside Harbor from the south. The existing NCTD railroad bridge limits the location of the proposed project to the area west of the railroad. Five alternative alignments were considered, all of which would result in some impact to wetlands. Based on physical, environmental, economic, and constructability considerations, the two alternative bridge locations addressed in this EIR/EA were selected for detailed evaluation.

The two project alternatives, the Mid-Channel Alignment and the Existing Alignment, were described in a previous section of this report. While the City of Oceanside has designated the Mid-Channel Alignment as the locally preferred alternative, the city has not yet made a formal selection of a project alternative. This decision will occur at a future date after publication of the Final EIR for the project. As such, the city is not at this time requesting Commission concurrence with a particular alternative but rather requesting Commission concurrence with the concept of constructing a bridge at one of the two alternative locations. At this time, the Commission is able to concur with the city that a Pacific Street bridge over the San Luis Rey River at Oceanside Harbor will be less environmentally damaging than the existing at-grade Pacific Street crossing. Direct permanent impacts to wetlands from the bridge support columns would be minimal, ranging between 85 and 175 sq.ft. Permanent shading impacts on open water and wetland plant communities from the bridge structure would range between 0.55 and 0.86 acres. Construction impacts are similar for both alternatives. The no-project alternative of maintaining the existing at-grade river crossing would continue to generate significant adverse effects on wetland resources along the lower reach and mouth of the San Luis Rey River. The Commission concludes that the proposed project, that is, the concept of bridging the San Luis Rey River at one of the two alternative project alignments, is the least environmentally damaging

feasible alternative, and that the bridge concept is consistent with the alternatives test of Section 30233(a). (Note: as described below in Section E, the Commission finds that only Alternative 1 is consistent with the visual resource policy of the Coastal Act. As a result, Alternative 1 then becomes the least environmentally damaging feasible alternative under Section 30233(a) alternatives test.)

Mitigation. Section 30233(a) also requires the Commission find that the proposed project includes feasible mitigation where appropriate. The bridge concept that is presented in the city's consistency determination includes a commitment to mitigate the unavoidable impacts to wetland resources that result from construction of the Pacific Street Bridge. The DEIR acknowledges that a detailed wetland mitigation plan does not yet exist:

The final mitigation plan shall be reviewed and approved by the resource agencies as part of the federal and state wetland permits that shall be obtained prior to the initiation of construction. A 5-year maintenance and monitoring plan shall also be prepared and implemented to measure success of the mitigation plan and allow sign-off by the City and resource agencies upon completion.

The DEIR examines the components that will be included in the final mitigation plan, including: (1) the ratios that will be used to calculate mitigation requirements for direct permanent, indirect permanent, and direct temporary impacts on wetlands; (2) the potential areas along the lower San Luis Rey River that could be used to restore and/or create the types of wetland and riparian habitat that will be adversely affected due to the bridge project; (3) revegetation plans for temporary wetland impacts; and (4) mitigation measures (including limits on pile driving, the use of noise barriers and engine mufflers, and the use of electric motors where feasible) for temporary indirect noise impacts on wildlife. The Commission concludes that the concept of bridging the San Luis Rey River at one of two alternative bridge alignments includes commitments to mitigate all unavoidable impacts to wetland resources and to prepare a final wetland mitigation, monitoring, and maintenance plan. The Commission will review the adequacy of the final mitigation plan during its review of the city's application for a Local Coastal Program amendment and coastal development permit. The Commission also notes that the city has agreed to provide mitigation for direct permanent wetland impacts at a 4:1 ratio at a nearby site on the lower San Luis Rey River. With these commitments, the Commission finds that the bridge proposal will include adequate mitigation for wetland impacts and is consistent with the mitigation test of Section 30233(a).

Based on the above discussion, the Commission finds that the proposed bridge is, in concept, consistent with Section 30233(a) of the Coastal Act because it is an allowable use, the least damaging feasible alternative, and includes adequate mitigation for the project's wetland impacts. The Commission further finds that the proposed removal of the existing at-grade Pacific Street crossing of the San Luis Rey River would also enhance the functional capacity of the river's wetland/riparian corridor and mouth, and is therefore consistent with Section 30233(c).

B. Water Quality. The Coastal Act provides the following:

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.

The DEIR describes the current water quality conditions at the project site:

The project site is located in the San Luis Rey River Estuary at its confluence with the Pacific Ocean, where the end point of the river in the form of a lagoon is separated from the ocean by the existing at-grade Pacific Street Crossing. . . .

. . . Existing culverts under the crossing allow continuous lagoon drainage to the ocean and tidal inflow to the lagoon. However, the crossing prevents natural seasonal or episodic intertidal exchange.

The DEIR also states that while the San Luis Rey River, at its confluence with the Pacific Ocean, does not currently meet Clean Water Act standards for coliform from both nonpoint and point sources, the Pacific Street crossing does not appear to contribute substantially to the coliform impairment of the lagoon. Rather, sources of the coliform in the project area are likely sewage line breaks in the area, upstream agricultural activities, and domestic pets. In addition, the DEIR reports that:

Since 1993, the river has been monitored quarterly for water quality by the City of Oceanside. The monitoring consists of a complete chemical analysis including metals, organics, nutrients, and minerals. The City's data indicate an absence of any substantial pollutants.

Existing traffic, roadway maintenance, and construction associated with washouts all contribute to roadway runoff pollution.

The proposed project holds the potential to both improve water quality in the San Luis Rey River and Estuary by the removal of the existing at-grade Pacific Street crossing, and to degrade water quality due to construction activities and runoff from the new bridge and reconstructed roadways. As to the potential benefits, the consistency certification states that:

Removal of the existing at-grade Pacific Street and replacement with a bridge could improve the estuarine system by creating new wetland habitat, improving flushing and tidal action, reducing sedimentation and stagnation in the river, improving movement of river sand onto the beaches, and increasing the potential for migration, spawning and establishment of important species of fish and wildlife in the river.

The project biologist would monitor removal of the existing Pacific Street crossing and culverts. The channel where the culverts currently exist would be maintained for a minimum of five years for drainage of the lagoon and tidal exchange as part of the ACOE San Luis Rey River Flood Control Project (ACOE 1987). The former crossing area would be graded to the same elevation as the remainder of the tidal sand bar, located between the crossing and the ocean. The project biologist would monitor the grading so that no impacts to wetland would occur. No fill material would be imported or installed at this location.

Over time, it is assumed that the lagoon would return to its natural state of a wider, deeper channel, with a greater flushing of water between the lagoon and the ocean.

...

Removal of the road would eliminate a source of highway runoff pollution from the road surface to the river and ocean during rainfall or road washout episodes. Construction of the proposed Pacific Street Bridge would provide an alternative to the existing crossing, eliminating the current adverse water quality impact.

As to the potential adverse impacts from the project, the consistency certification states that all construction activities and all non-point discharges into the drainage system would be subject to the Coastal Non-Point Pollution Control Program under Section 6217 of the Coastal Zone Management Act. The project would incorporate measures to reduce potential water quality impacts to a level of less than significant. The consistency certification states that:

The proposed project would include a SWPPP (Storm Water Pollution Prevention Plan) and a surface drainage control plan . . . The project applicant would be required to implement BMPs (Best Management Practices) to control stormwater runoff during and after construction. The drainage control plan, the SWPPP, and the BMPs would minimize the potential for runoff associated with the new paved surfaces. Implementation of the proposed project would result in a reduction of surface runoff onto the beach and into the adjacent lagoon during storm events.

The DEIR describes the aforementioned drainage control plan that would be incorporated into the project:

The proposed project would incorporate a drainage control plan that would collect and divert all surface drainage from the bridge, parking lots 6, 7, and 9, and reconstructed streets, to "in line" fossil filters or other acceptable filtration/treatment devices prior to

discharge to the existing storm drain system or adjacent surface waters. No substantial alterations to the existing drainage system would occur. Discharge limitations, as determined by the RWQCB NPDES permit, would determine the level of treatment required to remove the necessary concentrations of pollutants prior to discharge. Filtration of runoff would not remove all of the potential pollutants. However, traffic volumes are not expected to increase as a result of the proposed project, and, therefore, the filtration of roadway runoff would be an improvement to existing roadway drainage conditions. The impact would not be considered adverse. Maintenance requirements for the runoff filtration system would be stated on the project's improvement plans and specifications, and the City DPW [Department of Public Works] would be responsible for maintenance of the runoff filtration system.

However, the City of Oceanside will need to document, in its future LCP amendment and coastal development permit applications to the Commission for the proposed project, that the aforementioned drainage control plan will either: (1) be designed with the capacity to either infiltrate, filter, or treat stormwater runoff from each runoff event up to and including the 85th percentile 24-hour runoff event for this geographical area, or (2) conform to design criteria for flow-based best management practices for this area. Inclusion of such design elements are consistent with recent Commission actions on projects with potential impacts on coastal water quality. Whichever design criteria is used, it will need to be clearly defined in the LCP amendment and coastal development permit applications to the Commission.

Based on the information provided in the consistency determination and DEIR, the proposed Pacific Street bridge and the removal of the existing at-grade crossing of the San Luis Rey River would lead to an improvement in water quality within the river estuary. Restoring the river mouth to a more natural flow regime and implementing construction BMPs and a surface drainage control plan will help to ensure that the project will not generate adverse impacts on water quality within the river, estuary, and immediately adjacent ocean waters. Therefore, the Commission finds that the proposed bridge, in concept, will not adversely affect water quality in and adjacent to the project site and is consistent with Section 30231 water quality policies of the Coastal Act.

C. Environmentally Sensitive Habitat. The Coastal Act provides the following:

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 DEIR states that upland plant communities in the project area along the north and south banks of the river consist of small patches of disturbed Diegan coastal sage scrub, and ruderal plant communities dominated by nonnative weedy forbs and exotic trees and shrubs. None of this coastal sage scrub in the project area is within a designated coastal sage scrub critical habitat area for the federally threatened coastal California gnatcatcher. While no gnatcatchers were detected during site surveys of the project area and while the coastal sage scrub in this area is disturbed, this habitat is still classified as sensitive. Two rare plant surveys were conducted in the study area on June 13 and August 2, 2000. Only one California Native Plant Society (CNPS) List 4 sensitive species – southwestern spiny rush – was found in the project area. No sensitive animal species were detected in the project area during the year 2000 surveys, although additional focused surveys for sensitive plant and wildlife species are scheduled to occur prior to the start of project construction.

The proposed project would affect approximately 2.1 acres of uplands, including 660 sq.ft. of disturbed coastal sage scrub. Project construction is not expected to significantly affect any sensitive species. In fact, the removal of the existing at-grade Pacific Street crossing will improve tidal flushing in brackish water habitats in the project area and improve conditions for estuary-dependent wildlife along the lower reaches of the San Luis Rey River. The DEIR outlines several proposed biological mitigation measures and commitments to ensure that project Alternative 1 will not generate significant adverse effects on environmentally sensitive habitat and species:

- *Mitigation for the small amount of disturbed CSS [coastal sage scrub] to be permanently impacted by Alternative 1 shall include restoration and/or preservation of CSS at a 2:1 ratio. To compensate for the permanent loss of [approximately 659 sq.ft.] of coastal sage scrub, at least [1319 sq.ft.] of existing CSS habitat shall be preserved. As an alternative, a suitable site with disturbed CSS, nonnative grassland, or ruderal habitat could be restored or converted to CSS and preserved. In either case, the sage scrub area proposed for mitigation should be situated in proximity to a large area of intact native habitat (e.g., buffer to the San Luis Rey River wetland habitats) so that greater benefits to wildlife and plants may be realized over the long term. Restoration in-place for the temporary impact from construction of the trestle to disturbed CSS shall also be required.*
- *A number of ruderal areas exist along the southern edge of the river, adjacent to the railroad bridge and existing disturbed CSS. Restoration may be accomplished by removing exotic vegetation from the ruderal areas and disturbed CSS and seeding with a CSS seed mix. In addition, this may be accomplished in cooperation with the proposed CSS restoration for the San Luis Rey Recreational Trail Project immediately east of the study area (Dudek 2000). The restoration plan for CSS must be reviewed and approved by the resource agencies.*
- *Impacts to sensitive plant species would be limited to a few individuals of southwestern spiny rush, as described in Section 3.17.8, for which no mitigation is required. It is*

recommended, however, that spiny rush be transplanted to the wetland mitigation site for the project as part of the wetland restoration effort. Focused surveys shall be conducted during spring 2003 prior to project construction for those species with a moderate or higher potential for occurrence as listed in Table 3.8-1. If new sensitive plants are detected in the project area, mitigation may be required and the mitigation plan would need to be reviewed and approved by the resource agencies.

- *Based on the project-specific surveys conducted during the spring and summer 2000, no sensitive wildlife would be affected by the proposed project. However, surveys must be conducted again during spring and summer 2003 prior to the initiation of construction to obtain updated information on the status of relevant sensitive wildlife in the project area. These surveys must be conducted by a qualified biologist and must include the project area and all suitable habitat within 150 meters (500 feet) of any construction or staging areas in accordance with USFWS protocols or other appropriate survey methods for determining the presence or absence of California gnatcatchers, snowy plover, California least tern, light-footed clapper rail, least Bell's vireo, southwestern willow flycatchers, tidewater goby, steelhead trout, and other surveys as determined to be necessary by the USFWS and CDFG. If sensitive wildlife remain absent from the project area, then no mitigation would be required. However, if sensitive wildlife are detected in the project area, efforts to avoid and/or minimize impacts along with possible appropriate mitigation would be required and the mitigation plan would need to be reviewed and approved by the resource agencies.*
- *Removal of the existing asphalt road base and pipe culverts and dredging of a small pilot channel through the sand road bed would be considered components of the total mitigation plan for the Pacific Street bridge project. Thereafter, the seasonal buildup of sand within the river mouth that would be expected in late spring and summer, followed by periodic breakthroughs of the sand buildup in the winter are expected to be the prevailing dynamic conditions at the river mouth.*

No upland vegetation communities would be impacted by Alternative 2 and no mitigation would be required.

The following general mitigation measures would apply to either Alternative 1 or 2:

- *A permanent drainage plan shall be implemented to divert ongoing runoff from the newly constructed bridge and ramps into a filtration/stormwater treatment system before release into the river channel.*
- *Selective fencing (or barriers) and signs shall be installed, if needed, to discourage heavy human usage underneath the bridge to prevent degradation of riparian habitats.*

- *Permanent lighting designed to be a part of the completed bridge structure shall use relatively low intensity lights and be directed toward the road surface and away from adjacent sensitive habitat areas.*
- *Construction is expected to be undertaken during daylight; however, if nighttime construction is necessary, lighting shall be diverted away from any native habitat and shall consist of low-sodium or similar lighting equipped with shields to focus light downward onto the appropriate subject.*
- *A contractor education program would be implemented to ensure that all contractors and construction personnel are fully informed of the biological resources associated with the project.*
- *A revegetation plan shall be prepared and implemented for all areas where sensitive habitat beyond flagged limits is inadvertently impacted during construction. The plan shall include mitigation ratios twice those previously required for expected impacts.*

The proposed Pacific Street Bridge and transition road improvements, along with the aforementioned mitigation elements, are not expected to create significant adverse impacts on environmentally sensitive habitat areas adjacent to the San Luis Rey River or any threatened wildlife species that use those areas. However, in order to confirm this preliminary conclusion, the City of Oceanside will need to submit (with its future coastal development permit and local coastal program amendment applications to the Commission for the proposed project) the results of the 2003 habitat and wildlife surveys and all final mitigation plans for the project's unavoidable habitat impacts. The proposed removal of the existing at-grade Pacific Street crossing and the resulting increase in tidal flushing of the San Luis Rey River estuary should improve the quality of adjacent transition and upland habitats. Therefore, the Commission finds that, in concept, the proposed bridge will not adversely affect environmentally sensitive habitat areas in and adjacent to the project site and is consistent with Section 30240 of the Coastal Act.

D. Public Access and Recreation. The Coastal Act provides the following:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
- (2) Adequate access exists nearby*

Section 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred....

Section 30214

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. . . .*

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The consistency certification outlines the numerous public access and recreation benefits that will accrue from the proposed Pacific Street bridge project:

- Provide a permanent, safe, and reliable secondary access route to the Oceanside Harbor for vehicles, bicyclists, pedestrians, and emergency vehicles.
- Upgrade Pacific Street within the project area and improve safety for non-vehicular access.
- Provide a bicycle lane and sidewalks on both sides of the Pacific Street Bridge.
- Maintain the existing Pacific Street alignment along the north side of the North Coast Village condominiums for access to the public beach and add a sidewalk along the north side of Pacific Street access road.
- Provide sidewalks and bike routes on Harbor Drive South.

Permanent impacts on public access and recreation are associated only with Alternative 2 (Existing Alignment) due to the permanent blocking of access to 44 parking spaces in lot 10 (adjacent to the northern end of the proposed bridge; **Exhibit 6**). This lot would be closed and converted back to sandy beach, and a new lot 10 is proposed to be constructed on the existing beach north of the cabana facilities. However, construction of a new parking lot on this public sandy beach may not be consistent with the access, recreation, and habitat policies of the Coastal Act, and as a result, implementation of this alternative could lead to a permanent loss of public parking in the project area unless a different plan for replacement parking can be developed.

Both bridge alternatives would generate temporary impacts on public access to the harbor and beach area due to the necessary closure of public parking areas during the two-year construction period. In the immediate project area, parking is currently provided as follows (**Exhibit 6**):

- 16 on-street four-hour metered parking spaces along Harbor Drive South
- 57 two-hour metered spaces and 48 permit spaces for boat slip renters in lot 6
- 52 self-pay (24-hour) and 54 permit spaces in lot 7
- 32 two-hour spaces in lot 9
- 44 self-pay (24-hour) spaces in lot 10

Under Alternative 1, Harbor Drive South would be closed for up to 24 months in order to raise the road to the bridge elevation. Traffic will be detoured through parking lots 6, 7, and 9. Automobile, bicycle, and pedestrian access would be maintained on Pacific Street Crossing during this construction period, except for approximately one month while the bridge approach on Pacific Street south of the river is constructed. Under Alternative 2, Harbor Drive South would be closed and traffic detoured as noted above. In addition, this alternative generates a significant temporary access impact due to the required closure of the Pacific Street Crossing during the two year construction period of the bridge. As a result, the only vehicular, bicycle, and pedestrian access to Oceanside Harbor/Beach would be via Harbor Drive from Interstate 5.

The temporary parking impacts are similar for both bridge alternatives. The DEIR states that:

... a construction staging area would need to be established using the southern half of parking lots 6 and 7, lot 9, and the adjacent portion of Harbor Drive South. This would result in the temporary removal of 156 public parking spaces (see Figure 2.4-1). In addition, a mobile contractor's office may be placed in the northerly corner of parking lot 20 (located on the east side of Pacific Street just south of the river) that would utilize approximately 10 parking spaces. Thus, approximately 166 public parking spaces would be unavailable during the approximately 2 years of project construction. This loss of public parking would create particular problems during the summer season.

To accommodate the need for adequate parking for beach access, to support local businesses, and for boat slip renters, a Parking Management Plan (see Appendix J) has been prepared and would be implemented prior to and during construction (Willdan 2002). The parking Management Plan provides recommendations to more fully use underutilized parking lots and on-street parking within the Harbor area, and temporarily redistribute parking spaces among beach users, customers of Harbor area businesses, and slip renters. This redistribution of parking would primarily affect lots 1, 5, 6, 7, and 9 (see Figure 3.2-3). These lots currently provide approximately 168 permit spaces for slip renters, 84 metered spaces, 536 free spaces, and 52 daily pay spaces (total of 840 spaces). Lot 8 north of the Chart House restaurant provides an additional 52 two-hour spaces that would remain available during project construction.

The DEIR next describes the Parking Management Plan elements that will address these impacts:

The main components of the parking strategy include shifting some slip renter parking to 2-hour parking; shifting some free and self-pay (\$5 per day, primarily used by beachgoers) parking to 2-hour parking; and providing a free shuttle service for access from underutilized Harbor parking areas during summer months, non-summer weekends, holidays, and special events. The shift in parking designations would affect 97 remaining parking spaces in lots 6 and 7, underutilized spaces in lots 1 and 5, and free on-street parking on Harbor Drive North that is also underutilized. The proposed shuttle would run between parking lots 2 and 3 in the northwest Harbor area, lots 4 and 5 in the northeast Harbor area, the Harbor Village area, and Harbor Beach. With the implementation of this program during project construction, there would be 762 parking spaces available for beach users, Harbor Village businesses, and slip renters in Lots 1, 5, 6, 7, 8, and 9. Of these 762 parking spaces, 163 would be permit spaces, 137 would be 2-hour spaces, 95 would be mixed 2-hour/permit spaces, and 367 would be free spaces. Although this would be 146 spaces less than the existing available supply in these lots plus the 16 pay spaces on Harbor Drive South, data collected for the Parking Management Plan on a Saturday and Sunday in August 2001 found that there were 153 and 211 unused free spaces in lot 1 on these two days, respectively. An additional 158 and 161 unused free parking spaces were observed on Harbor Drive North on these same August weekend days (Willdan 2002). In addition, a total of 288 parking spaces in lots 10, 11, and 12 adjacent to Harbor Beach would not be affected.

In addition to the above measures, a system of signage will be implemented well in advance of the start of construction activities in order to make visitors aware of the additional parking available in Lot 1 and should help to minimize the potential for such impacts. Throughout the construction period, the City of Oceanside would continue to solicit input from harbor area users, tenants, and business customers to adjust parking space designations to meet public and business needs, and to seek additional solutions to resolve parking problems, if necessary. This may include establishing additional parking in more remote locations and providing additional shuttle service to the harbor area. Implementation of the PMP would minimize parking impacts during construction. Finally, upon completion of the project, all parking lots would revert to their original layout and parking space allocations, and all on- and off-street parking in the project area would be fully restored, thereby avoiding any permanent impacts to public parking in the project area.

In conclusion, the proposed project would create a number of improvements in shoreline public access in the Harbor Beach area for vehicles, bicyclists, and pedestrians. The construction of safer roadways, sidewalks, and bike lanes called for in both alternative bridge alignments is a clear project benefit. Both bridge alignments would generate temporary traffic impacts in the Harbor Beach area due to roadway closures and detours, with Alternative 2 causing more significant impacts due to the closure for up to two years of the Pacific Street crossing, the sole southern accessway to Oceanside Harbor. In addition, Alternative 2 would require the permanent closure of parking lot 10 and its 44 beachside parking spaces. Temporary adverse

impacts on public parking, particularly on parking spaces that serve beachgoers (52 pay parking stalls in Lot 7A will be removed during construction, 79 free stalls in Lot 5 will be changed to two-hour parking, and a total of 90 free parking stalls in Lot 1 will be changed to two-hour parking with permit exemption or permit only parking) require mitigation. The city has proposed a parking management plan that would provide replacement parking in underutilized lots and a free shuttle service from those lots to the Harbor Beach area throughout the construction period.

However, to ensure that public access impacts from the project are minimized to the maximum extent possible, the City of Oceanside should submit, as a part of its LCP amendment and CDP applications to the Commission for the proposed project, additional information on potential alternative parking management strategies that could reduce the impact on long-term beachgoers due to the closure and shifting of parking space allocations among visitors to the Oceanside Harbor and Beach area. At this time, however, the Commission finds that the proposed bridge concept will not adversely affect public access and recreation in and adjacent to the project site and that at a minimum one of the alternatives will be consistent with the access and recreation policies of the Coastal Act.

E. Visual Resources. The Coastal Act provides the following:

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The project site is located at the mouth of the San Luis Rey River, and is generally bounded by Harbor Beach to the west, the North County Transit District railroad bridge over the river to the east, Oceanside Harbor and associated commercial development north of the river, and multiple-family residential housing south of the river (**Exhibits 2 and 3**). The visual character of the surrounding area varies with land use. The DEIR describes existing public views to the project site as follows:

- [The Recreation/Open Space Landscape Unit] *consists of the beach that fronts on the Pacific Ocean, South Harbor, and the open space area to the east of the railroad bridge. The beach is a wide, sandy expanse that extends from the ocean to the existing Pacific Street roadway. The beach area is open, with no structures except for a lifeguard station. Views to the project site from this area are generally unobstructed.*

- *Oceanside Harbor, north of the project site, is a sheltered harbor with piers and slips for small pleasure boats. The linear area between the slips and the project site is elevated to support a public parking lot, walkway, narrow strip of lawn, and tourist commercial area. This raised area and the existence of a concrete levee wall that runs the length of Harbor Drive South act to screen the project area from boaters.*

The DEIR examines potential impacts to public views from project construction:

Construction activities would be visible from most typical viewpoints during the approximately 2-year period of construction. Particularly visible features would be the construction trestle bridge across the river . . . the bridge as it takes shape, alterations of the existing roadways to the north and south for construction of retaining walls, and the construction staging area in the Harbor Area parking lots 6 and 7. The construction trestle and the bridge would be within a scenic area of the San Luis Rey River, while the road construction and staging areas would be in existing developed areas.

Visual impacts would be largely based on the proximity of the viewer to construction activities. For the Alternative 1 proposed project, construction across the river would be visible from Harbor Beach at a minimum distance of 150 meters (500 feet). Other beach users would see the construction staging area and road work on Harbor Drive South, particularly during travel to the beach . . .

Overall, the impact on views of the river during the construction would be adverse but temporary . . .

Construction activities for Alternative 2 would be visible from most typical viewpoints during the approximately 2-year period of construction. Since the Alternative 2 alignment is immediately adjacent to Harbor Beach, the impact would be greater in comparison to Alternative 1. However, as with Alternative 1, the impact on views of the river during construction would be adverse but temporary.

The DEIR examines in great detail the potential impacts to public views from the completed bridge project at both alignments. A summary of those potential impacts follows:

- **Alternative 1 (Mid-Channel Alignment)** would be a noticeable visual element from the beach. The main view from the beach is to the ocean, but the San Luis Rey River to the east also provides scenic views. The bridge would be located approximately 500 feet from the east side of Harbor Beach, but most beach users would be at least 650 feet west of the bridge. The bridge would be visible as a span across the river, but the river surface would still be visible under the bridge, no significant visual features would be blocked, and the view would be similar to the current view eastward to the existing railroad bridge. The project also includes removal of the existing at-grade Pacific Street crossing. This would result in the expansion of the sandy beach eastward to the San Luis Rey River and would visually improve this area which is now bisected by the blacktop road surface.

- Alternative 2 (Existing Alignment) also includes the removal of the Pacific Street crossing but this visual benefit would be negated by the construction of a large roadway bridge at the same location. This alternative would introduce a bridge into the beach environment, would dominate public views to the north and east from Harbor Beach, and would cast shadows on the beach and lagoon. This alternative would substantially change the physical character of the area between the beach and lagoon, and would create a significant, adverse impact to visual resources in the project area that could not be satisfactorily mitigated.

Both bridge alignments include the use of decorative treatments of concrete surfaces and other bridge features and landscaping to soften the effects of retaining walls on the reconstructed roadways. The DEIR also states that a 1-foot-wide by 2.25-foot-high concrete parapet would extend along each side of the bridge with a decorative railing added above the parapet. The Commission notes that bridge railings can hold the potential to unnecessarily obstruct public views from roadways and adjacent bicycle/pedestrian lanes. As such, the City of Oceanside will need to document, in its future coastal development permit and LCP amendment applications to the Commission for the proposed project, that the final bridge design incorporates bridge rails which minimize view blockage and are similar to those recently approved by the Commission for use on the Marina Drive Bridge over the San Gabriel River (CDP 5-00-321) and the Pacific Coast Highway Bridge over the Bolsa Chica Inlet (CD-061-01).

In conclusion, the Commission finds that the Alternative 1 bridge alignment would not create significant adverse effects on public views in and adjacent to the project site as long as the final design includes appropriate bridge railings, decorative treatments for concrete surfaces, and landscaping of retaining walls. The Commission will be able to review these elements as part of the LCP amendment and coastal development permit application for the project. The Alternative 2 alignment would generate significant adverse effects on public views from Harbor Beach and the adjacent lagoon. The aforementioned mitigation measures would not reduce the significance of this adverse effect and this alignment is not consistent with the Section 30251 visual resource protection policy of the Coastal Act. Therefore, given that the Alternative 1 bridge alignment would not generate adverse effects on public views, the Commission finds that the proposed bridge concept would not adversely affect visual resources and is consistent with the Section 30251 visual resource policy of the Coastal Act.

F. Cultural Resources. The Coastal Act provides the following:

Section 30244

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The consistency certification states that the project site consists of man-made land and coastal beaches, and reported that surveys of the site revealed no sensitive archaeological or historical resources in this area. The DEIR provides additional information supporting this conclusion:

An archival search for the Pacific Street Bridge Project was conducted in August 2001 at the South Coastal Information Center (SCIC) and the San Diego Museum of Man. The archival search included archaeological and historical records and literature reviews. The results of the records searches revealed that while there are previously recorded structures within a 1.2-kilometer (1-mile) radius of the project area, there are no sites within the project area that are listed on the National register of Historic Places (NRHP), the California Historical Landmarks, or California Points of Historical Interest.

...

The records searches resulted in the identification of four previously recorded archaeological sites and two isolated finds within a 1.6-kilometer (1-mile) radius of the project. The sites are two sparse shell scatters, a historical trash scatter, and a shell and lithic scatter with housing foundations and street remnants. Both isolated finds consist of shell. None of these resources are within the current project area of potential effect (APE).

As part of this project, an intensive pedestrian survey of two noncontiguous portions of the APE, located southwest and northeast of I-5, was conducted in October 2000 and August 2001. . . No archaeological resources were identified within the project area as a result of the archaeological survey (EDAW 2001a).

...

A Native American contact program was conducted to inform the local community of the proposed project and to request information and concerns about resources that might be affected by the project. The Native American Heritage Commission, and Chairpersons of the Pala, Pauma, Pechanga, Rincon, La Jolla, Soboba, and San Luis Rey Bands of Mission Indians were contacted about the project. Follow-up calls produced one response: the Co-Chairperson from the San Luis Rey Band of Mission Indians requested an opportunity to review the survey report.

The DEIR concludes that the proposed project would have no effect on historical or archaeological resources. However, the document also states that because the potential wetland mitigation site east of Interstate 5 was either obscured by vegetation or under the waters of the San Luis Rey River at the time of the field surveys,

. . . archaeological monitoring will be conducted at this site if mitigation work takes place at this site. If previously unrecorded cultural resources are found during construction, then ground-disturbing activities in the vicinity of the find shall be halted and the find assessed

by a qualified archaeologist. If the find is determined to be a historic or archaeological resource, then additional mitigation measures shall be required.

In conclusion, the Commission finds that based on the above information and the provisions for archaeological monitoring during ground-disturbing activities in unsurveyed wetland areas, the proposed bridge concept would not adversely affect historical or archaeological resources and is therefore consistent with the Section 30244 cultural resource policy of the Coastal Act.

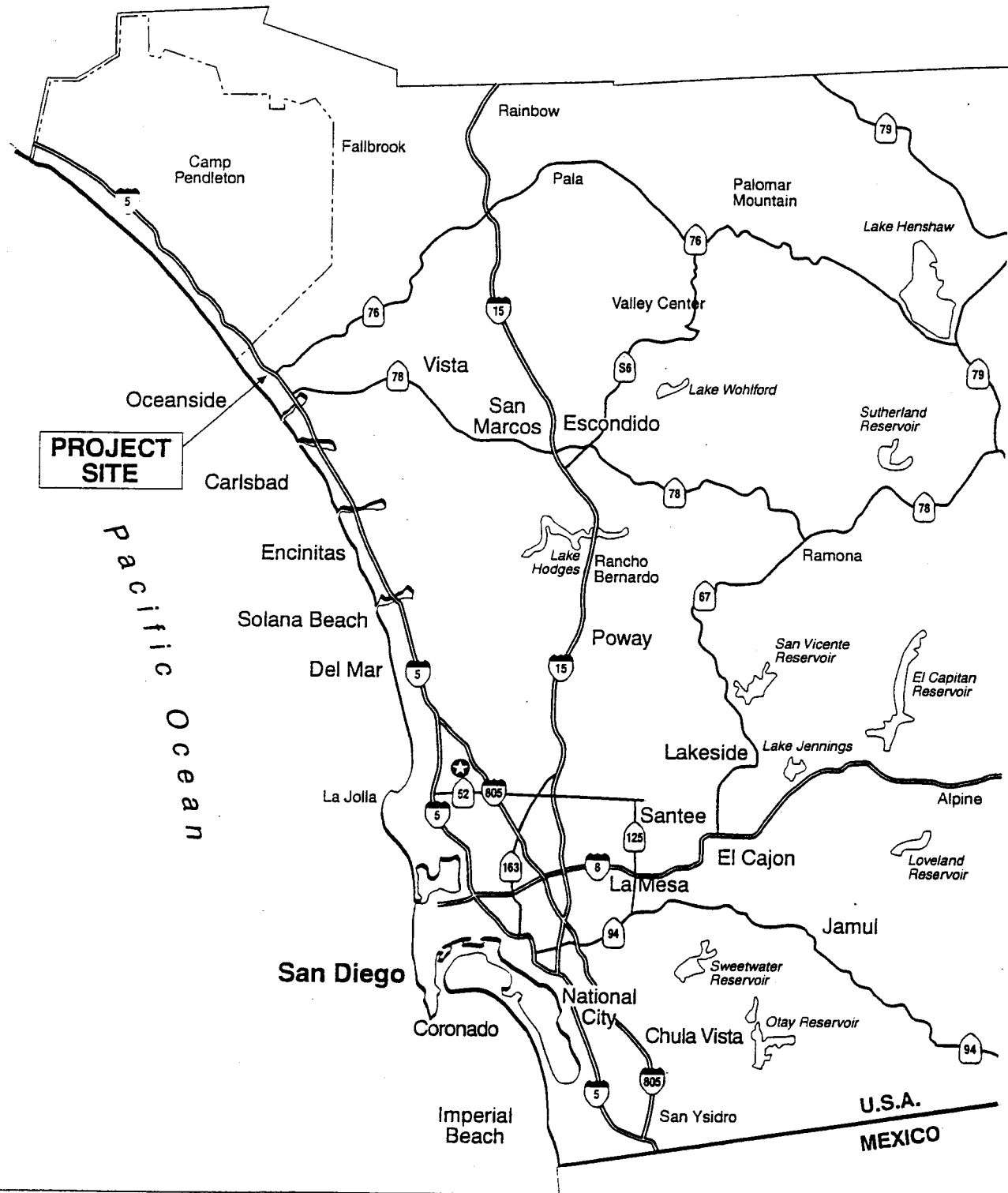
SUBSTANTIVE FILE DOCUMENTS:

Draft Environmental Impact Report/Environmental Assessment and Programmatic Section 4(f) Evaluation. Federal Highway Administration, California Department of Transportation, and City of Oceanside, May 2003.

City of Oceanside Local Coastal Program, 1985.

Consistency Determinations CD-070-92 (U.S. Air Force), CD-061-01 (U.S. Fish and Wildlife Service), CD-106-01 (U.S. Air Force).

Coastal Development Permits: 4-82-605 (California Department of Parks and Recreation), 5-00-321 (Cities of Seal Beach and Long Beach).

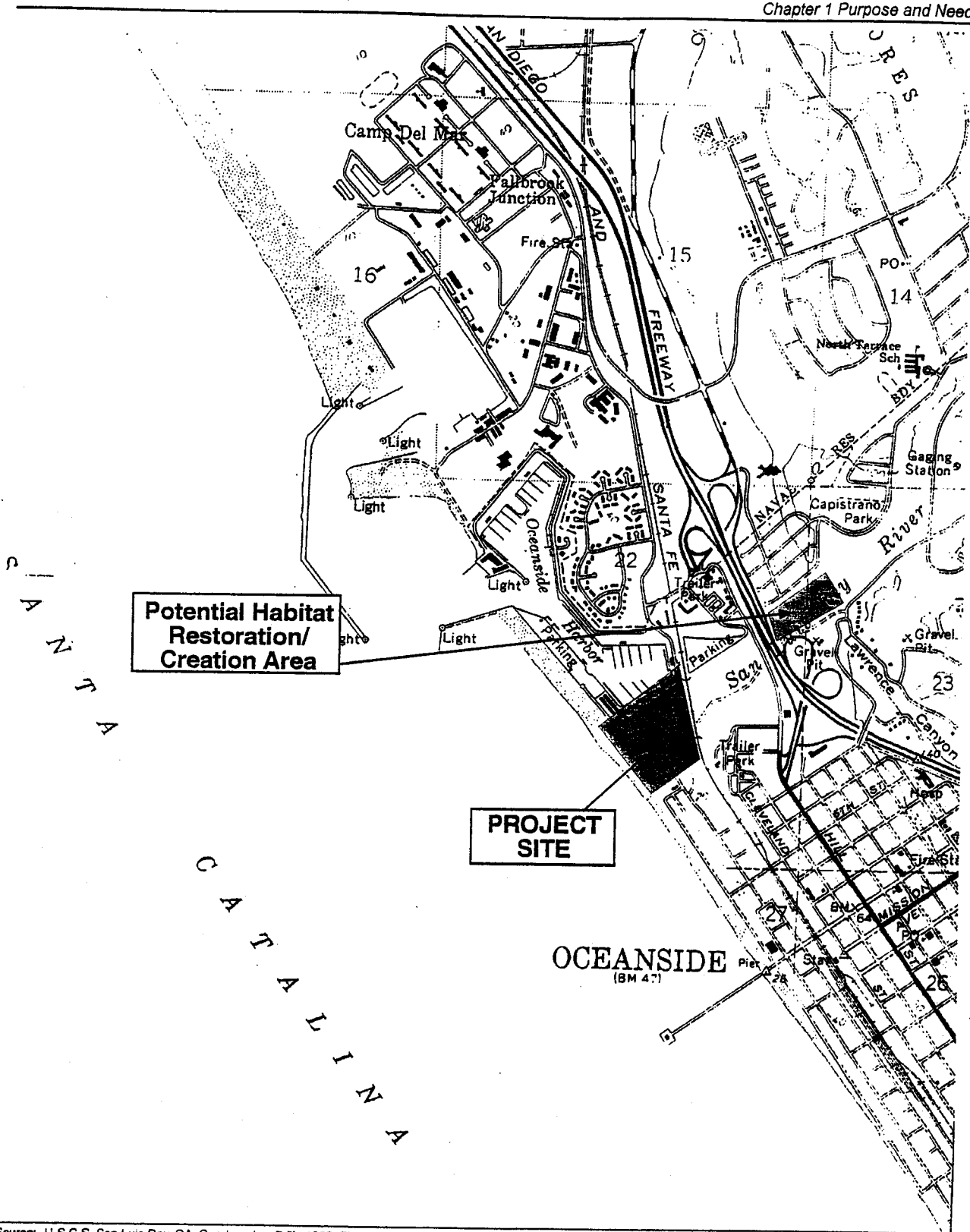


**Figure 1.1-1
Regional Location Map**



No Scale

EXHIBIT NO. 1
APPLICATION NO. CC-051-03
California Coastal Commission



Source: U.S.G.S. San Luis Rey, CA. Quadrangles, 7.5' 1968 Photorevised 1975

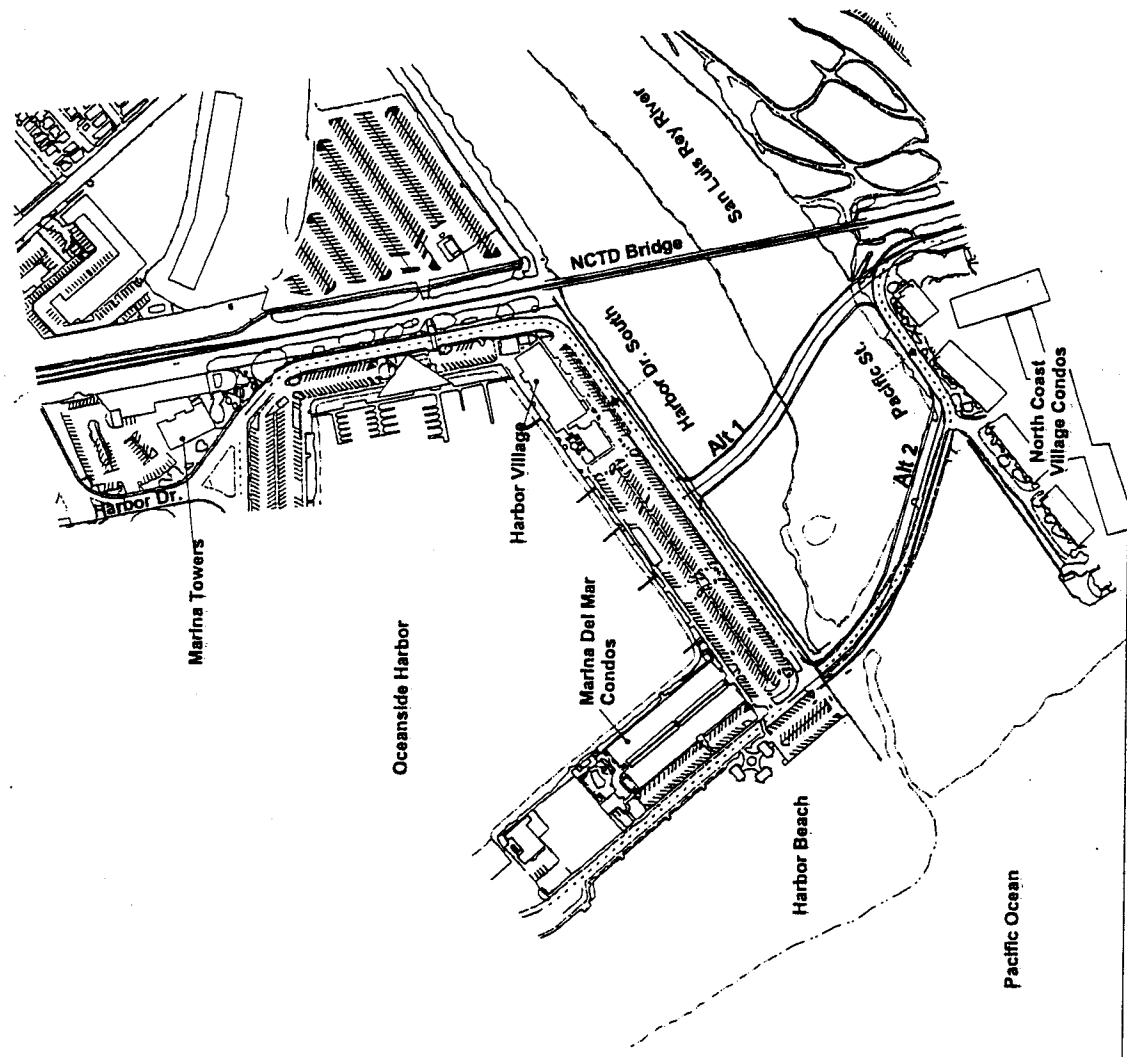
Figure 1.1-2 Vicinity Map



Pacific Street Bridge EIR/EA
00102 Pacific Street Bridge\Figures\Figure 1.1-2 Vicinity Map Pacific St 11/30/01

EXHIBIT NO. 2
APPLICATION NO.
CC-051-03
California Coastal Commission

Figure 3
Pacific Street Bridge
Alternative Bridge Alignments



in (Alternatives)

Pacific Street Bridge

00102 Pacific Street Bridge/GIS/fig3_waterquality.apr 11/20/00

EXHIBIT NO. 3
APPLICATION NO.
CC-051-03
California Coastal Commission

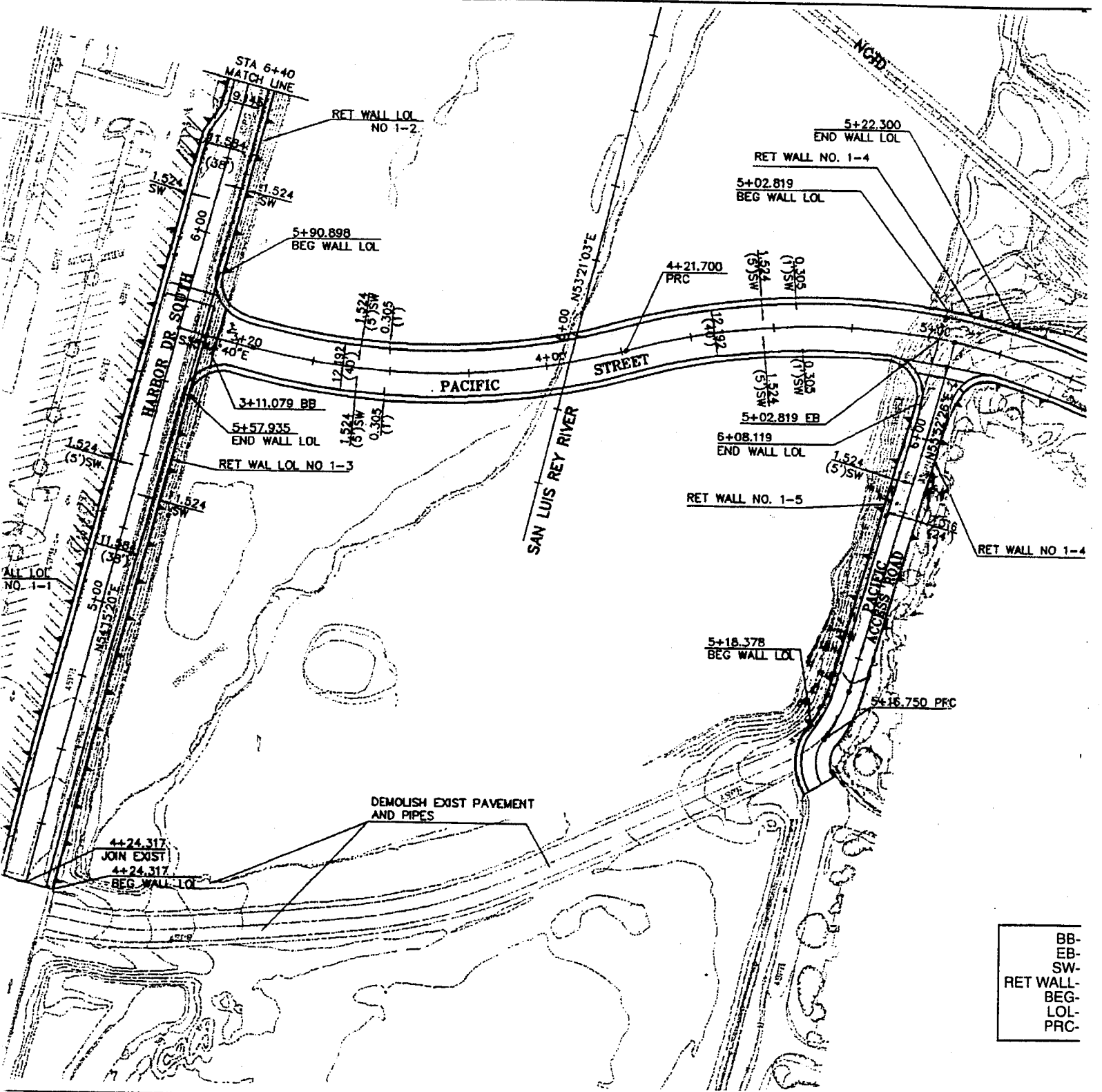


EXHIBIT NO. 4
 APPLICATION NO.
 CC-051-03
 California Coastal Commission

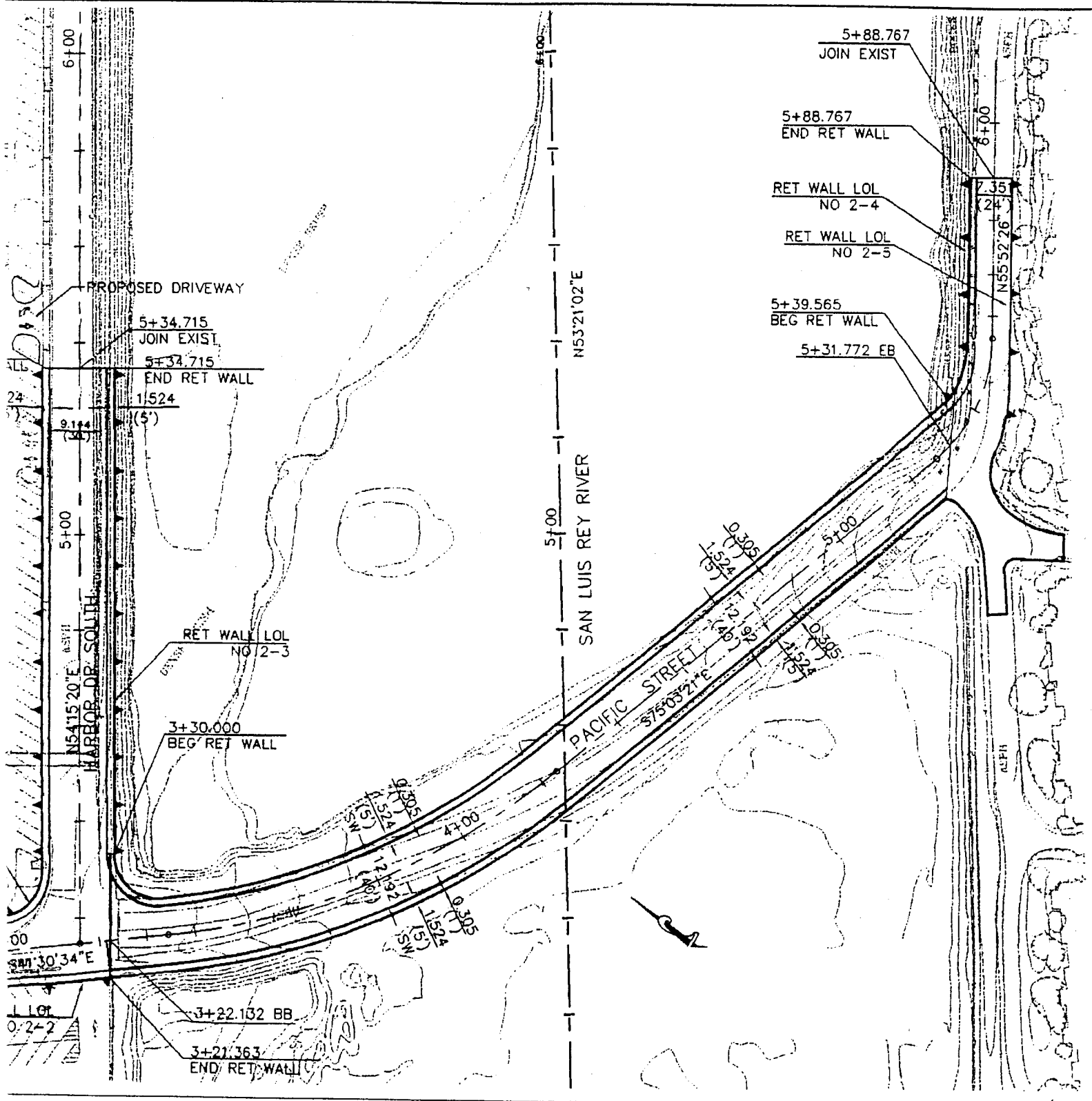
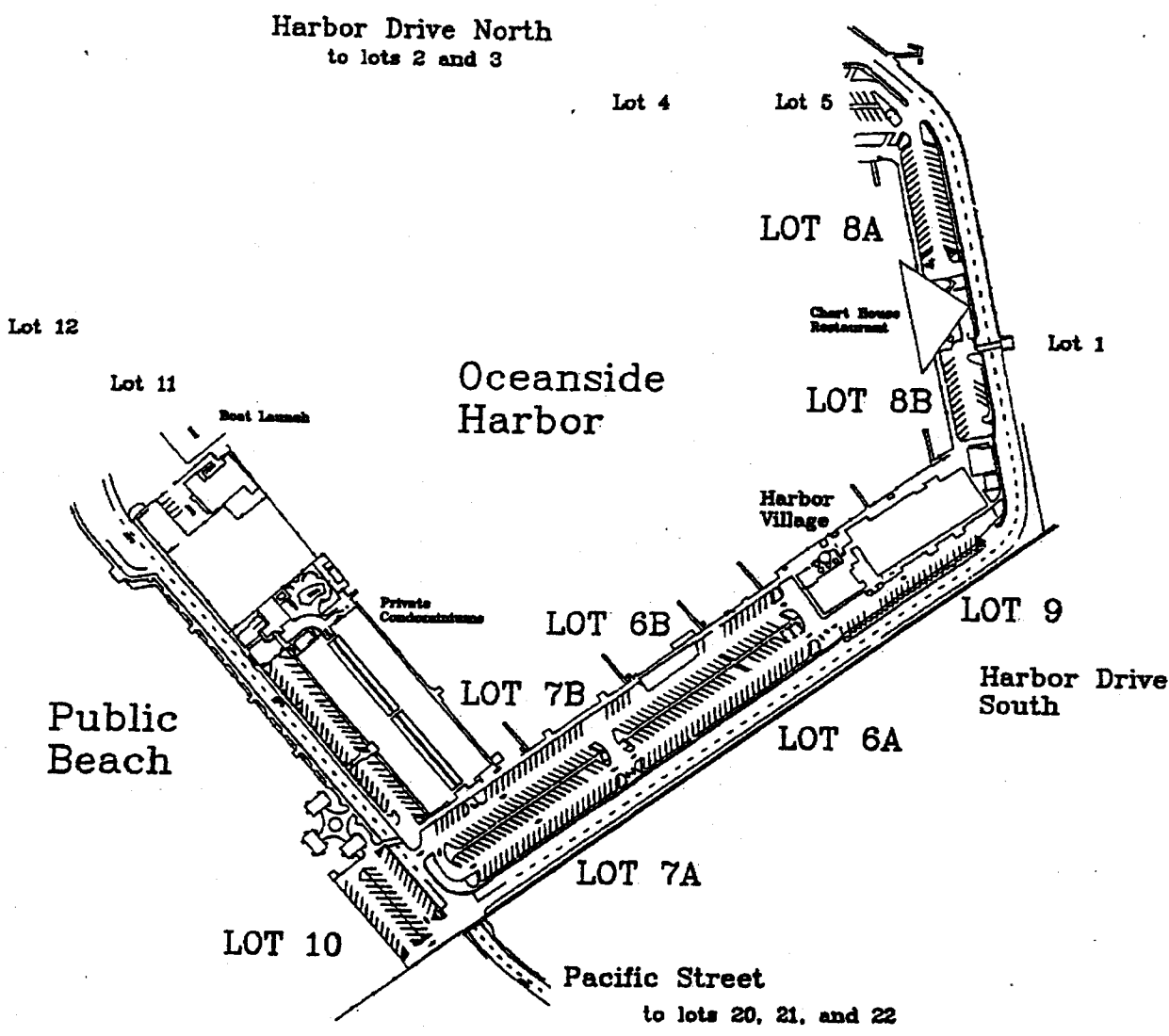


EXHIBIT NO. 5
APPLICATION NO.
CC-051-03
California Coastal Commission



Source: Willdan



No Scale

Pacific Street Bridge

OK102 Pacific Street Bridge Figures Figure 8 Harbor V. Area Parking 11/29/01

Figure 8.
Harbor Village Area Parking Lots

EXHIBIT NO. 6
APPLICATION NO.
CC-051-03