

CALIFORNIA COASTAL COMMISSION

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Commission Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 6-03-117

APPLICANT: City of Oceanside

PROJECT LOCATION: The San Luis Rey River, west of Interstate 5, bounded on the west by the existing Pacific Street crossing and on the east by the existing North County Transit District (NCTD) railroad bridge; Oceanside, San Diego County.

PROJECT DESCRIPTION: To remove the existing at-grade Pacific Street crossing of the San Luis Rey River and replace it with a new bridge inland of the river mouth. The bridge would be approximately 650 feet in length by 50 feet in width, within a right-of-way of 60 feet. The bridge would accommodate one traffic lane in each direction, would have a bike lane on both sides as well as sidewalks. After removal of the existing at-grade crossing, the area will be restored to sandy beach and open channel to allow the San Luis Rey River to again flow naturally into the Pacific Ocean.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed development with twelve (12) special conditions clarifying that Commission's CDP controls the City's purported CDP in the Commission's area of retained jurisdiction; that best management practices be followed to preserve and enhance water quality; that the applicant demonstrate approval of the project from both the Regional Water Quality Control Board and the California Department of Fish and Game; that the City undertake construction activity in such a manner that it minimize impacts to wildlife, to provide mitigation and to remove the at-grade crossing with ninety (90) days of the bridge being opened to public use; that public coastal access be maintained during construction; that the visual impacts of the bridge be minimized; and for the City to assume the risk of the development.

The proposed development raises four principal concerns for the Commission to evaluate. First, the proposed bridge will result in the fill and dredging of wetlands, which raises a concern with Section 30233 of the Coastal Act. Second, the proposed development will have construction and post-construction effects on water quality which must be evaluated under Sections 30230, 30231, and 30232 of the Coastal Act. Third construction activity

related to the construction of the bridge could potentially have an adverse effect on the public's ability to access the beach and associated recreational amenities that would, if not properly managed, be inconsistent with Section 30210 of the Coastal Act. Fourth, construction of the new bridge will have an adverse visual impact if not minimized through appropriate design and siting. Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance.

While the proposed development will result in a small area of impacts to wetlands associated with the new bridge construction, the removal and restoration of the existing at-grade crossing will result in a significant enhancement to not only public access (by returning a large paved area to sandy beach), but to the environmentally-sensitive resources of the San Luis Rey River (including restoration of an even larger area) by removing the existing impediment and restoring natural tidal exchange between the ocean and the estuary. In addition, removal of the at-grade crossing that washes out periodically (and has to be re-built) will significantly enhance public safety and water quality. With the proposed special conditions, potential impacts on coastal resources have been reduced or eliminated and the proposed development is consistent with all applicable Coastal Act policies.

LOCAL APPROVALS RECEIVED: City of Oceanside Community Development Resolution 03-R663-3 Adopting City CDP RC-207-03

OTHER AGENCY APPROVALS RECEIVED: Regional Water Quality Control Board

SUBSTANTIVE FILE DOCUMENTS: City of Oceanside Local Coastal Program; City of Oceanside Staff Report of November 5, 2003; Storm Water Management Plan for; Pacific Street Bridge Over the San Luis Rey River by Willdan (October 2003); Pacific Street Bridge, Oceanside, California Draft Environmental Impact Report/Environmental Assessment and Programmatic Section 4(f) Evaluation (May 2003); 2003 Biological Survey Results, Pacific Street Bridge by EDAW (September 2003); California Coastal Commission Consistency Certification CC-051-03 (November 7, 2003); Commission coastal development permit 5-00-321 (City of Seal Beach).

EXHIBITS:

1. Vicinity Map
2. Pacific Street Bridge Crossing Graphic Depicting Commission Jurisdiction
3. Pacific Street Bridge Proposed Mitigation Site
4. Pacific Street Bridge Impacts on Wetlands and Habitat
5. Pacific Street Bridge Project Overview
6. Harbor Drive South Sectional
7. Pacific Street Sectional

8. Harbor Drive Elevation
9. Pacific Street Elevation
10. Pacific Street Bridge Access Road Connection
11. City of Oceanside Resolution 03-R663-3 Adopting City CDP RC-207-03
12. State Water Resources Control Board Clean Water Act Certification
13. State Water Resources Control Board Order No. 99-08-DWQ¹
14. Storm Water Management Plan for: Pacific Street Bridge Over the San Luis Rey River
15. Parking Lot Locations

PROCEDURAL NOTES:

1. Standard of Review

The project location is within the City of Oceanside. The City of Oceanside has a certified local coastal program, which was certified by the Commission on July 10, 1985. Though the project location is within the City's LCP area, most of the subject development occurs within tidelands that are within the Commission's retained coastal development permit jurisdiction. Pursuant to Section 30519 of the Coastal Act the Commission retains jurisdiction over any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone. Thus, the subject of this review is only the portion of the overall bridge project above the San Luis Rey River that is within the Commission's jurisdiction². The standard of review for evaluating the portion of the bridge project within the Commission's retained jurisdiction is the Coastal Act. In addition, the Commission will use the City's LCP as guidance for evaluating the proposed development. The City has already issued a local coastal development permit for that portion of the project not within the Commission's area of retained jurisdiction.

Additionally Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the first public road and the sea include a specific finding that the development is in conformity with the public access and public recreation policies of the Coastal Act. Portions of this project are seaward of Pacific Coast Highway, which is the first public road³ for this permit action.

¹ To minimize the size of the attached exhibits, only the first eight pages of the order have been copied. A copy of the entire order has been placed in the project file 6-03-117 (City of Oceanside).

² On November 2, 2003 the Oceanside Community Development Commission approved a City coastal development permit for the portions of the development within its CDP jurisdiction. The City's coastal development permit jurisdiction would encompass all the project related development landward of the mean high tide line.

³ The existing Pacific Street at-grade crossing (to be removed by this project) does NOT qualify as the "first public road" since the San Luis Rey River landward of this at-grade crossing is tidally influenced. Culverts under the at-grade crossing provide tidal influence. Section 30115 of the Coastal Act defines the "sea" as all estuarine bays, channels, estuaries, salt marshes, sloughs, and other areas that are subject to tidal action through any connection to the Pacific Ocean.

2. **Federal Consistency**

Under the California Coastal Management Program, a Coastal Development Permit (CDP) issued by the Commission functions as the Commission's concurrence with federal consistency certification for purposes of Section 1456(c)(3) of Title 16 of the United States Code, and no other consistency review is necessary. However, in this case, the City of Oceanside submitted a consistency certification on a conceptual bridge design to obtain the Commission's conceptual approval to meet the requirements of the Federal Highway Administration's (FHA) partial funding of the bridge project. Thus the Commission's concurrence (November 7, 2003 hearing) with the City's consistency certification was limited to a conceptual approval and did not authorize any development. The Commission's conceptual consistency concurrence does not bind the Commission relative to the review of the bridge design under the current coastal development permit application. Since the prior consistency review was limited to a conceptual approval of the project, this permit action will serve as the federal consistency certification for purposes of Section 1456(c)(3) of Title 16 of the United States Code, for the construction of the bridge. Once all the prior to issuance special conditions attached to this permit are fulfilled, the permit will be transmitted to the applicant and the requirements for Commission concurrence under the Federal Coastal Zone Management Act will have been satisfied.

STAFF RECOMMENDATION:

The staff recommends that the Commission **APPROVE** the permit application with special conditions:

MOTION:

I move that the Commission approve CDP No. 6-03-117 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. CITY OF OCEANSIDE CONDITIONS OF APPROVAL

Commission approval of Coastal Development Permit No. 6-03-117 (for the portion of the development within the Commission's jurisdiction) has no effect on conditions imposed by the City of Oceanside pursuant to any authority other than the Coastal Act.

2. SUBMISSION OF FINAL PLANS

- a. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit (for the review and written approval of the Executive Director) final plans for the construction of the bridge, removal of the asphalt at-grade crossing, landscaping plans (consisting of native plants common to the local area), documentation that the temporary trestle has been designed to minimize impacts to wetlands, and any other associated components; which are in substantial conformance with the plans submitted with the application by Willdan, dated November 2, 2003.
- b. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. CONSTRUCTION BEST MANAGEMENT PRACTICES RELATED TO WATER QUALITY

- a. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit, for the review and written approval of the Executive Director a construction best management practices plan to minimize the impacts of construction activity on the marine environment. The plan shall, at a minimum, incorporate the following best management practices:
- i. Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction.
 - ii. Reasonable and prudent measures shall be taken to prevent all discharge of fuel or oily waste from heavy machinery or construction equipment or power tools into areas subject to runoff into storm drains or into coastal waters. The applicant and applicant's contractors shall have adequate equipment available to contain any such spill immediately.
 - iii. All stock piles and construction materials shall be covered and enclosed on all sides, shall be located as far away as possible from drains and coastal waters, and shall not be stored in contact with the soil.
 - iv. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day.
 - v. All storm drain inlets and catch basins shall be protected by sand bags and/or straw waddles during construction.
 - vi. Netting, tarps, and/or other forms of barriers shall be installed between the water and work areas to prevent any unpermitted material from falling into the San Luis Rey River.
 - vii. The permittee shall use a paved controlled staging area to minimize ground disturbance, erosion, and runoff into the river channel or harbor.
 - viii. The permittee shall use fiber rolls along the eastern edge (lagoon side) of the at-grade roadbed to prevent sedimentation and debris falling into the open water channel during removal of the at-grade road crossing and drainage culverts.
 - ix. The permittee shall use of erosion control devices such as fiber rolls near the base of soil stockpiles in the staging areas to prevent the sloughing of materials into the channel or lagoon.
 - x. All soil stockpiled for a period of greater than thirty (30) days shall be protected with secured tarps or tackifiers to prevent wind erosion of material into the channel or lagoon.
 - xi. All in-water work (such as dredging, pile driving, and the removal of the piles) will occur, to the extent feasible, during low flow conditions to minimize turbidity.

- xii. The existing culverts, to the extent feasible, will be blocked during all in-water work (such as dredging, pile driving, and the removal of the piles) to minimize the flow of sedimentation into the ocean.
 - xiii. The permittee shall not use wood containing preservatives (such as, but not limited to, creosote, pentachlorophenol, or inorganic arsenicals) that may be placed into coastal waters. Additionally the permittee shall comply with the best management practices contained in the booklet "*Best management Practices for the Use of Treated Wood in Aquatic Environments*" by the Western Wood Preservers Institute/Canadian Institute of Treated Wood (July 1996).
- b. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES RELATED TO WATER QUALITY

- a. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit, for the review and written approval of the Executive Director a post-construction best management practices plan to minimize the impacts of the completed bridge on the marine environment. The plan shall, at a minimum, incorporate the following best management practices:
- i. The permittee shall comply with the post-construction requirements for the preservation of water quality contained in the California Regional Water Quality Control Board (San Diego Region) certification (File No. 03C-128) signed January 28, 2004.
 - ii. The permittee shall comply with the Storm Water Management Plan for: Pacific Street Bridge Over The San Luis Rey River prepared by Willdan (October 2003).
 - iii. The permittee shall comply with the Water Control Plans (Construction drawings sheets 16 through 21) prepared by Willdan.
 - iv. Catch basins, infiltration trenches, and biofilters shall be inspected, repaired, and cleaned as necessary before the beginning of each rainy season to assure their functionality; and shall be inspected, repaired, and cleaned as necessary following any major storm event.
 - v. Street sweeping of the bridge shall be undertaken on a periodic basis, at a minimum, of once per week.
- b. The permittee shall undertake development in accordance with the approved final plan and shall maintain the effectiveness of all BMPs

for protecting water quality for the life of the project. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. REGIONAL WATER QUALITY CONTROL BOARD

- a. The permittee shall comply with Clean Water Act (Section 401) water quality certification (File No. 03C-128) issued on January 24, 2004 by the San Diego Regional Water Quality Control Board, San Diego Region.
- b. **PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE BRIDGE**, the applicant shall submit written evidence, for the review and approval of the Executive Director, of coverage by the Regional Water Quality Control Board (RWQCB) of coverage under the Statewide General NPDES Construction Storm Water Permit (Order No. 99-08-DWQ). The permittee shall comply with all requirements of the Statewide General NPDES Construction Storm Water Permit (Order No. 99-08-DWQ). If the RWQCB requires any substantial changes to the project, as approved by the Commission, the changes shall be submitted to the Executive Director for a determination as to whether the changes require an amendment to this permit. Any changes that require an amendment shall not occur without an amendment to this permit.
- c. **PRIOR TO UNDERTAKING ANY DEWATERING**, the permittee shall submit written evidence, for the review and approval of the Executive Director, that the Regional Water Quality Control Board has issued a permit for that activity. If the RWQCB requires any substantial changes to the project, as approved by the Commission, the changes shall be submitted to the Executive Director for a determination as to whether the changes require an amendment to this permit. Any changes that require an amendment shall not occur without an amendment to this permit.

6. DEPARTMENT OF FISH AND GAME REVIEW

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and approval of the Executive Director, written evidence from the California Department of Fish and Game (CDF&G) demonstrating that the CDF&G has reviewed and approved the items listed below.

- a. An executed 1601 Streambed Alteration Agreement between the permittee and the CDF&G.
- b. CDF&G approval of the "*Conceptual Wetland Mitigation Plan: Pacific Street Bridge, Oceanside, California*" prepared by EDAW and dated September 2003.
- c. CDF&G approval of the City's lighting plan for the project documenting that the lighting has been designed to minimize effects on wildlife by directing light to

the street surface, shielding the habitat areas from the light, and using the minimum wattage necessary to illuminate the road surface.

If the CDF&G requires any substantial changes to the project, as approved by the Commission, the changes shall be submitted to the Executive Director for a determination as to whether the changes require an amendment to this permit. Any changes that require an amendment shall not occur without an amendment to this permit.

7. HABITAT MITIGATION/MONITORING

- a. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit, for the review and approval of the Executive Director, a final habitat mitigation and monitoring plan and final lighting plan.
- b. The submitted habitat mitigation/monitoring plan shall incorporate the following specifications:
 - i. Clear success criteria that include desired percent ground cover by species or group of species, minimum number of species to be present from a recommended plant list consisting of native plants common to the local area. Success criteria shall also define the maximum permissible cover of undesirable exotic species.
 - ii. Method to be used to judge whether the success criteria have been accomplished.
 - iii. Final monitoring for success shall be done after at least three years without remediation or maintenance activities other than weeding.
 - iv. Final monitoring for success shall be based on a spatially stratified, random design with adequate replication to produce usefully narrow confidence intervals about the means of measured variants. If a statistical test is used to judge success, replication will be adequate to produce 90 percent power with $\alpha = 0.10$ and with a biologically meaningful effect size.
 - v. If after 5 years the restoration program has not been successful, a remediation plan shall be submitted for the review and approval of the Executive Director. If after 10 years the restoration program has not been successful, an amendment to the coastal development permit shall be submitted to the Coastal Commission specifying alternative mitigation.
- c. The permittee shall undertake development (including monitoring) in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

8. TIMING OF CONSTRUCTION ACTIVITIES

- a. By acceptance of this permit, the permittee agrees to minimize the adverse impact of any and all construction activities (such as, but not limited to, pile driving and grading) that can disturb sensitive species while foraging or during the breeding season.
- b. The permittee shall have a qualified biologist (on-site) monitoring construction activity (with the authority to modify construction activity) during nesting and foraging periods of sensitive species (such as, but not limited to, the California least tern and the California brown pelican) to assure that sensitive species are not adversely impacted by construction activity.

9. COASTAL ACCESS

To reduce the adverse impacts to the public's ability to access the beach and harbor, resulting from construction, the applicant shall maintain a continuous open thoroughway that will allow motorized vehicles, bicyclists, and pedestrians to access the beach, harbor, and parking lots.

- a. During any construction activity that entails the temporary obstruction of a road or sidewalk used for public access, the applicant shall provide temporary signage, placed in conspicuous locations, which identifies alternative public access routes that bypass the temporarily closed portions of the road or sidewalk.
- b. The applicant shall implement and comply with the "*Parking Management Plan and Parking Lot Design at Oceanside Harbor*" prepared by Wildman (March 13, 2002).

10. REMOVAL OF AT-GRADE CROSSING

The existing at-grade crossing shall be removed and restored to natural beach and river channel, within ninety (90) calendar days of the opening of the bridge to the public.

11. VISUAL RESOURCES

- a. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit, for the review and approval of the Executive Director, a decorative plan for the bridge and retaining walls, including (but not limited to) a color board, texture treatment, and screening vegetation consisting of only native plants common to the local area

(Invasive species prohibited), for demonstrating that the bridge and retaining walls, to the maximum extent feasible, blends with the terrain.

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

12. ASSUMPTION OF RISK

- a. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- b. **PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or

amendment thereof – remains in existence on or with respect to the subject property.

- c. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

The applicant is requesting to remove the existing at-grade Pacific Street crossing of the San Luis Rey River and replace the road with a new bridge inland of the river mouth. The bridge would be approximately 650 feet in length by 50 feet in width, within a right-of-way of 60 feet. The bridge would accommodate one traffic lane in each direction, would have a bike lane on both sides as well as sidewalks. The bridge would be designed to accommodate a 100-year storm event. The project location is shown in Figure 1 below. Additional details regarding the proposed project follow the graphic below.

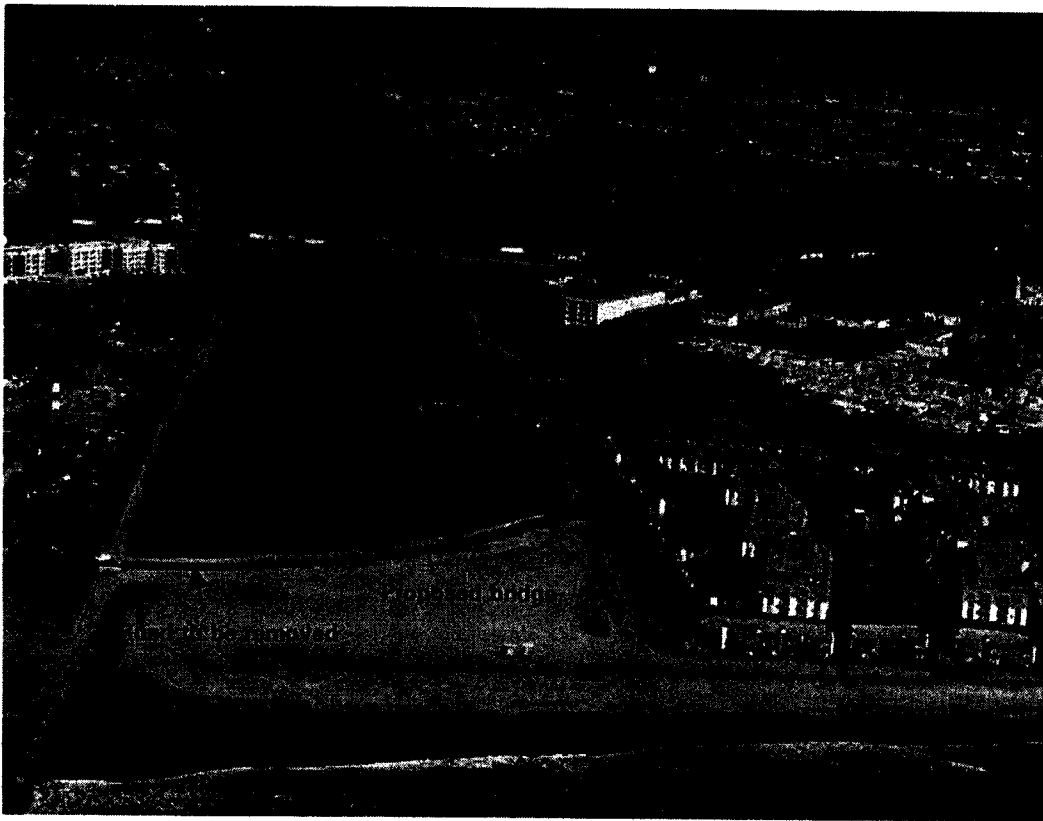


Figure 1 PROJECT LOCATION⁴

The existing at-grade crossing at the mouth of the San Luis Rey River (shown in Figure 1 above) would be removed which would restore the crossing area to sandy beach and restore the natural flow of the San Luis Rey River into the Pacific Ocean. Restoration

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includes the removal of the existing at-grade crossing which would remove 20,200 square feet of asphalt, remove 1,600 square feet of rip-rap, remove 11 culverts that are currently beneath the at-grade crossing, and end with the construction of a low flow channel to connect the San Luis Rey River Estuary with the Pacific Ocean. The Commission's ecologist has reviewed the proposed project and commented that the removal of the existing road that blocks the mouth of the San Luis Rey River will result in a very significant increase in habitat value along the lower reach of the river mouth. All construction debris will be taken to a land-fill outside the coastal zone for disposal. Construction is anticipated to take 18 to 24 months. Detailed depictions of the bridge are illustrated in Exhibits 5, 6, 7, 8, 9, and 10 which are attached to the end of this report.

Associated work related to constructing the bridge includes:

- 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. Only untreated (natural) wood will be used.

- To match the existing roadways with the proposed bridge, the existing roadway and retaining walls/levees would be raised by as much as seven feet.
- Five-hundred (500) cubic yards of dredging, the removed material will be taken to a land-fill outside of the coastal zone for disposal.

The proposed project is located within the coastal zone, which supports a variety of important coastal resources. Coastal resources in the project vicinity include the public beach with picnic and restroom facilities; the San Luis Rey River, which supports a wetland area; pedestrian walkways along Harbor Drive South and Pacific Street; and Oceanside Harbor and Marina Area. The marina area supports many visitor serving commercial businesses, such as restaurants and retail shops.

B. PREVIOUS COMMISSION COASTAL DEVELOPMENT PERMITS

The Environmental Impact Report for the proposed construction of the bridge notes that the existing at-grade crossing has been subject to numerous washouts since it is within the floodplain of the San Luis Rey River. The Commission through CDP 6-84-253 initially approved the at-grade roadway. According to local sources, a gravel roadway had been in place since the 1800s. In 1998 the Commission approved CDP 6-98-103 for the one-time replacement and reconstruction of a 640 foot long by 100 foot wide at-grade street crossing, the installation of three additional 72" culverts, and the use of 15,000 cubic yards of beach sand to create the reconstructed roadbed. The staff report for CDP 6-98-103 notes that the roadway has been washed out approximately six times since the early 1980s. The staff report also noted that a then future plan was under preparation by the City for the eventual removal of the at-grade crossing and the construction of a permanent bridge once funding was obtained. This staff report analyzes the bridge previously contemplated.

C. COMMISSION JURISDICTION

The proposed development requires coastal development permits (CDP) from both the City of Oceanside (City) and the Commission. Thus, it is necessary to explain which project components fall under the Commission's jurisdiction and which project components belong to the City of Oceanside. Pursuant to Section 30519 of the Coastal Act the Commission retains jurisdiction over tidelands even after an LCP covering the tidelands area has been certified; and the Commission therefore has coastal development permit jurisdiction for the portion of the development occurring on or over tidelands. Thus, only that portion of the overall bridge project spanning the banks of the San Luis Rey River,

such as the bridge span itself, the temporary wooden trestle, the removal of the at-grade crossing, seawall, retaining wall, plus any other work between the banks of the San Luis Rey River fall within the Commission's jurisdiction.

The remainder of the bridge project components fall under the coastal development permit jurisdiction of the City of Oceanside since the City has a certified local coastal program and the work will be occurring landward of the mean high tide line. Work occurring within the City's CDP jurisdiction includes the establishment of construction staging areas, alterations to the parking lots, and modification to existing roads that join with the bridge. The City has already acted on the coastal development permit for that portion of the development not in the Commission's retained jurisdiction. The local CDP was not appealed to the Commission and is now final.

The reader, in reviewing this staff report, will note that the proposed bridge project will be discussed in its entirety since projects cannot be synthetically segmented. However, the reader is cautioned that the Commission's action on this project only pertains to the project components actually within the Commission's jurisdiction.

D. CITY OF OCEANSIDE COASTAL DEVELOPMENT PERMIT

The City of Oceanside issued itself a coastal development permit on November 5, 2003 through Resolution No. 03-R663-3 by the Community Development Commission. This resolution has been attached as Exhibit 11. This City permit only approves development within the City's CDP jurisdiction and otherwise serves as conceptual approval for the portions of the proposed bridge within the Commission's CDP jurisdiction.

To clarify the interrelationship of the City's CDP conditions of approval with the Commission's conditions of approval the Commission imposes Special Condition #1 to state that Commission's conditions do not affect the City's conditions imposed pursuant to a non Coastal Act authority. Only as conditioned can the Commission find the proposed development consistent with the requirements of the Coastal Act.

E. WETLAND/RIPARIAN RESOURCES

The proposed project proposes to remove the existing at-grade crossing and culverts to restore natural tidal flushing. To replace the at-grade crossing and maintain public access to the public recreational opportunities at Oceanside Harbor a new bridge is proposed. The proposed bridge raises a potential concern with Section 30233 of the Coastal Act through 500 cubic yards of dredging and the placement of pilings into coastal waters to facilitate the building of the temporary wood trestle and the permanent bridge itself. Additionally the new bridge will have permanent shading impacts on wetland and riparian resources.

Section 30233 allows the dredging and filling of coastal waters, including estuaries, for only eight enumerated uses. For this project to be found consistent with Section 30233 of the Coastal Act by the Commission it must be found to be an allowable use, to be the least environmentally damaging feasible alternative, and that the adverse environmental impacts will be minimized through mitigation. Section 30233, in relevant part, states:

- (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. ...*

Additionally Section 30236 of the Coastal Act states: *Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.* In this particular case the Commission finds that Section 30233 of the Coastal Act serves as the standard of review for the proposed development rather than Section 30236 of the Coastal Act for the following reasons. The proposed development, though it involves a substantial alteration to the San Luis Rey River Channel, is the removal of existing structures obstructing the natural flow of the river, which will have the positive effect of restoring the prior natural flows of the river into the Pacific Ocean. Section 30236 of the Coastal Act applies to situations where "hard" structures are being utilized to channelize a riverbed to serve certain functions, such as flood control and which require mitigation to offset project related adverse impacts to the environment. In this case, the "hard" structure (at-grade roadway) that alters the natural flow of the river channel is being removed. The removal of the existing at-grade roadway will enhance the flood control aspects of this project through the removal of a "hard" structure obstructing the floodplain that has failed as a result of a 20-year storm event with a bridge that has been designed to pass a 100-year storm event. Furthermore, restoration of the natural flows of the river channel and the restoration of natural sandy beach constitute positive project component not triggering the imposition of mitigation measures for adverse impacts.

For the proposed development to be found consistent with Section 30233 of the Coastal Act by the Commission⁵; the proposed project must pass three tests, as initially identified above. The three tests are allowable use, alternatives, and mitigation. An expanded examination of the project's conformance with these three tests is provided below.

ALLOWABLE USE: Under the allowable use test, a project must qualify as one of the eight stated uses allowed under Section 30233(a) of the Coastal Act. Since the other allowable uses do not apply, the Commission must determine whether the proposed new bridge can be permitted under Section 30233(a)(5) of the Coastal Act. Section 30233(a)(5) applies since the new bridge and the temporary construction trestle require piers (permanent and temporary) to support the bridge and the temporary construction trestle that will serve as the construction platform for the bridge. Bridge piers and abutments placed in water qualify as "fill" which is defined by Section 30108.2 of the Coastal Act. Section 30108.2 of the Coastal Act states: "*'Fill' means earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in*

⁵ The Commission, at its November 7, 2003 meeting, conceptually acknowledged that the project complied with Section 30233 of the Coastal Act when it concurred with the City of Oceanside's consistency certification. The findings of the Commission's consistency concurrence are incorporated into this staff report by reference.

a submerged area". The Commission has through prior decisions, such as the consistency certification for this project and its decisions on the Escondido Creek Bridge ((6-93-155) County of San Diego) and the Marina Drive Bridge ((5-00-321 (City of Seal Beach)), found that bridge piers and abutments (where the bridge is a public facility and that the project is necessary to maintain existing traffic capacity) qualify as an allowable use under Section 30233(a)(5). The proposed bridge is a public facility and will provide the same number of traffic lanes as the existing at-grade crossing, which is proposed for removal. Therefore, based on past Commission decisions for similar public work projects, the Commission finds that the proposed bridge serves a public access function and is necessary to maintain the existing road capacity and therefore qualifies as an allowable use under Section 30233(a)(5) of the Coastal Act.

ALTERNATIVES: The alternatives test requires that the Commission determine whether the proposed project is the least environmentally damaging feasible alternative. Section 30108 of the Coastal Act states: "*Feasible*" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." To examine if the proposed development submitted under this coastal development permit application constituted the least environmentally damaging feasible alternative the applicant looked at two alternative development scenarios.

The first development scenario examined was the no-action alternative. This alternative would retain the existing Pacific Street at-grade crossing and would make no additional improvements to its existing width or drainage facilities. Though this alternative would not result in additional adverse environmental effects resulting from new construction, it would still perpetuate the adverse effects resulting from the existing at-grade crossing. These adverse effects include: the continued blocking of natural tidal action which would not enhance the function of the San Luis Rey River estuary, and the continued presence of a paved road on what was formerly beach that would not restore this area to a more natural state. Furthermore the paved roadway would continue to be subject to future washouts during storm events. Each future washout of the roadway would leave behind some debris such as asphalt, which could reduce water quality. When compared to the removal of the existing at-grade crossing (which would restore the river channel and natural tidal action of the San Luis Rey River estuary besides eliminating the potential for future debris) the Commission finds that the proposed bridge is an environmentally less damaging feasible alternative.

The second alternative scenario evaluated by the City was for a bridge to be built above the present alignment of the existing Pacific Street at-grade crossing. This second alternative would accomplish the project objectives of providing all weather access to the harbor and its recreational facilities, and would also restore tidal action for the San Luis Rey River estuary. Thus, this alternative, as well as the proposed bridge alignment, would enhance the functionality of the San Luis Rey River estuary.

However, when this second alignment is compared to the proposed bridge alignment, its environmental impacts to wetlands and uplands are marginally less. For example the proposed bridge alignment will result in the fill of approximately 170 square feet of

wetlands. This second alternative development scenario would result in the fill of 73 square feet of wetlands, which is approximately 100 square feet less of wetland fill. Though the second alternative will result in slightly less fill, this alternative is not the environmentally superior alternative for the following reasons.

First, the second alternative when compared to the proposed project will result in diminished tidal flushing of the estuary. According to the City, reduced tidal flushing would result from the placement of bridge pilings along the shoreline causing added sedimentation that would require supplementary maintenance to keep the low flow channel open. The confluence of the San Luis Rey River with the Pacific Ocean is listed on the California 303(d) list as impaired with respect to coliform. The Regional Water Quality Control Board's (RWQCB) Basin Plan for the project area designates the beneficial uses in the mouth of the San Luis Rey River as Marine Habitat, Wildlife Habitat, Rare Threatened and Endangered Species, Marine and Aquatic Organisms, Contact Water Recreation, and Non-Contact Water Recreation. Improving the tidal flushing of the estuary will enhance the ability of the estuary to provide the identified beneficial uses.

Second, the construction of a new bridge above the existing at-grade crossing would put a large manmade structure next to the beach⁶. This roadway would be carrying traffic that generates noise and would be visually intrusive. As a consequence of the proximity of the structure to the beach, beach users would have a less enjoyable beach experience.

Furthermore, a bridge above the existing roadway would have adverse visual impacts to the public wishing to view the beach from inland locations⁷. The new bridge proposed under this permit application would be further inland, thus it would not be as detrimental to beach goers since the bridge would be further away and would not block views of the beach from inland areas which would reduce the bridge's visual and noise impacts. Furthermore, the Commission's coastal engineer has reviewed the construction plans and concurs that the City's plan for the bridge minimizes the number of piers to the maximum extent feasible, thereby minimizing the fill of wetland areas

Based on the review of the available bridge design alternatives, the proposed bridge is more feasible based on cost, improves water quality, and considering the adverse impacts to beach goers of a bridge located above the existing at-grade crossing; the Commission finds that the proposed bridge is the least environmentally damaging feasible alternative.

MITIGATION: The final test under Section 30233 of the Coastal Act requires that the Commission find that the proposed project includes mitigation, such that all remaining unavoidable impacts are reduced to the maximum extent feasible. According to the information contained in the EIR, the proposed project within the Commission's jurisdiction would permanently impact approximately 170 square feet of wetlands through the

⁶ The Commission at its conceptual consistency certification hearing on November 7, 2003 found that a bridge above the existing at-grade alignment would not qualify as the least environmentally damaging alternative since it would have visual impacts that would make this alternative inconsistent with Section 30251 of the Coastal Act.

⁷ Visual impacts are discussed in greater detail beginning on page 34.

installation of pier pilings into the river bottom. Shading impacts by the proposed project to wetlands and open water are estimated to affect 37,500 square feet. Exhibit 4 is a detailed chart reviewing the various habitat impacts anticipated by the project. The aerial extent and location of these project impacts on wetlands and habitat are shown in Exhibit 2. To mitigate the anticipated permanent impacts of the proposed development, the City proposes to mitigate direct wetland impacts at a 4:1 ratio, but direct impacts to beach sand and open water would be mitigated at a 1:1 ratio. Shading impacts would be mitigated at a 1:1 ratio for wetland habitat except for shading impacts to open water, which would not be mitigated.

Temporary impacts, resulting from construction activities, would impact approximately 80,000 square feet of water and habitat. A detailed chart of these impacts is attached as Exhibit 4. The aerial extent and location of these project impacts on wetlands and habitat are shown in Exhibit 2. The proposed mitigation site is shown in Exhibit 3. Below is a brief analysis of the existing habitat situation.

The EIR notes that there have been several biological surveys conducted over the subject site, consisting of vegetation mapping, wetland delineation, rare plant surveys, and protocol surveys for seven listed wildlife species. These species are the western snowy plover, California least tern, southwestern willow flycatcher, least Bell's vireo, coastal California gnatcatcher, tidewater goby, and steelhead trout. In summary, the EIR states that the vegetation type at the project location consists primarily of a wetland/riparian community bordered by an upland plant community. Invasive species are present in both wetland and upland communities onsite. The most recent focused survey was completed by EDAW in 2003 and was summarized in EDAW's "2003 Biological Survey Results" (Sept. 2003).

The Biological Technical Report (EDAW, March 2003) notes that of the 59 vegetative species observed on-site, that only 24 (41%) were native species. The Biological Technical Report notes that there is a potential for 14 sensitive plant species to exist on site. Of the 14 sensitive plant species that could exist on-site; only one, the southwestern spiny rush (*Juncus acutus* ssp. *Leopoldii*), a CNPS list 4 plant⁸ was found. The City's biological consultant (EDAW) estimates that six southwestern spiny rush would be impacted. However, these impacts are not considered significant considering the plants current broad distribution⁹. The 2003 focused survey conducted by EDAW re-confirmed the presence of southwestern spiny rush and the conclusion that project impacts to southwestern spiny rush would not be significant.

Of the total 30 animal species observed, no sensitive species were detected during the year 2000 protocol surveys. Though no sensitive animals were observed, the "Biological Technical Report" notes that 22 animal species could potentially occur in the project area based on the presence of suitable habitat and historical occurrence. The 2003 protocol

⁸ List 4 is considered a watch list by the California Native Plant Society (CNPS) and includes species determined to be of limited distribution in California,; however, their vulnerability to threat is considered relatively low.

⁹ Biological Technical Report, EDAW, March 2003, page v.

surveys; however, notes that "Of the 11 federally and/or state listed animal species with a potential to occur within the study area, only 1 species, the federally and state-listed endangered California brown pelican was observed within the study area." The 2003 protocol survey goes on to state that the project related construction activities are not anticipated to have a significant adverse impact on the California brown pelican due to the large distribution range and that the species is not expected to nest in the project area.

The wetland plant community in the project area includes southern arroyo willow riparian forest, southern willow scrub, tamarisk scrub, arundo scrub, brackish water marsh, and freshwater marsh. The upland plant community includes disturbed Diegan coastal sage scrub, exotic trees or shrubs, and ruderal vegetation. The location and aerial extent of these vegetative communities are shown in Exhibit 2.

There are a total of 35 exotic non-native species within the project area. Of the exotic species present in the upland plant communities, the most invasive species include fennel, hottentot fig, and garland chrysanthemum. In addition, star thistle and Russian thistle are state listed noxious weeds that have been found in the project site. Of the exotic species present in the wetland communities onsite, giant reed and salt cedar are among the most invasive species found.

MITIGATION PLAN ANALYSIS

To address the impacts shown in Exhibit 2 and identified in Exhibit 4 the City has submitted a mitigation plan¹⁰. This plan proposes to mitigate the projects permanent impacts by restoring the area identified in Exhibit 3 to natural habitat. The mitigation site identified in Exhibit 3 is an off-site area just east of Interstate 5. Shading impacts by the proposed project to wetlands and open water are estimated to affect 37,500 square feet. Exhibit 4 is a detailed chart reviewing the various habitat impacts anticipated by the project. The aerial extent and location of these project impacts on wetlands and habitat are shown in Exhibit 2. To mitigate the anticipated permanent impacts of the proposed development, the City proposes to mitigate direct wetland impacts at a 4:1 ratio, but direct impacts to beach sand and open water would be mitigated at a 1:1 ratio. Shading impacts would be mitigated at a 1:1 ratio for wetland habitat except for shading impacts to open water, which would not be mitigated. Shading impacts from the proposed development would be mitigated through habitat enhancements at the offsite restoration area identified in Exhibit 3.

Project mitigation for shading impacts (at the restoration site) will be accomplished through the removal of the exotic and invasive plants within the restoration area identified in Exhibit 3. The City's biological consultant concluded that the habitat values of the proposed restoration site are low due to the extensive presence of invasive species. Within the proposed mitigation area, invasive exotics primarily: *Arundo donax* (Arundo), *Tamarix spp.* (tamarisk/salt cedar), *Foeniculum vulgare* (fennel), *Ricinus communis* (castor bean), and *Nicotina glauca* (tree tobacco). The removal of the invasive plants would

¹⁰ Conceptual Wetland Mitigation Plan; Pacific Street Bridge, Oceanside, California; EDAW, Inc.; September 2003.

restore (.44 acres) the area as a native habitat site. The proposed restoration site is immediately east of Interstate 5. Mitigation identified in Exhibit 3 will address the temporary impacts that occurred during the construction period and would be mitigated at a 1:1 ratio in-place through planting native vegetation in the areas disturbed by construction. The mitigation of the shading impacts by the bridge does not include credit for recreating natural beach and open water, which is discussed below. The City's biological consultant concluded in the mitigation plan that the reestablishment of native vegetation at the restoration site would result in increased plant and structural diversity which would provide habitats more attractive to native wildlife species and increase overall wetland functions and values compared to the existing condition.

Temporary impacts related to the use of the temporary trestle and removal of the at-grade roadway would total approximately 1.9 acres of wetlands and would be restored at a 1:1 ratio. The impacts of the temporary trestle are anticipated to last up to two years and will be eliminated with the removal of the trestle. Wetland impacts associated with the removal of the at-grade road are temporary construction related impacts that will result in the elimination of approximately 20,000 square feet of asphalt, which will restore approximately 16,000 square feet of natural beach and approximately 4,000 square feet of wetland in the form of a new river channel through the removal of the existing culverts.

Also discussed in this section are additional project mitigation measures (such as lighting, timing of construction, and removal of the at-grade crossing) that were outside the scope of the mitigation plan prepared by EDAW.

DEPARTMENT OF FISH AND GAME REVIEW: Though the mitigation plan is headed in the appropriate direction, the plan has several deficiencies that must be addressed. First, the California Department of Fish and Game has not approved the adequacy of the proposed mitigation plan nor has an executed streambed alteration agreement been executed between the City and the Department of Fish and Game. Therefore, the Commission imposes Special Condition #6 to require, that prior to the issuance of the permit, that the City submit written evidence to the Executive Director for review and written approval documenting that: 1) the Department of Fish and Game has reviewed and approved the mitigation plan; and 2) the City and Department of Fish and Game have an executed streambed alteration agreement. Should the Department of Fish and Game make substantial changes to the mitigation plan or require major project modification through the streambed alteration agreement, the City will be required to obtain an amendment (as determined by the Executive Director) to this permit before the project can be initiated.

COMMISSION REVIEW: The Commission's ecologist has reviewed the submitted mitigation/monitoring plan. The Commission ecologist concluded, that overall, the mitigation for the vegetated wetlands would be acceptable and that the use of an offsite restoration area (Exhibit 3) was appropriate. However, the review of the mitigation/monitoring plan, disclosed that the plan does not provide the required specificity for determining whether restoration would be successful or not. For example the plan proposes to evaluate the success of restoration effort after only two years.

Another deficiency of the submitted mitigation plan is that impacts to open water would only be mitigated at a 1:1 ratio as shown in Table 1. The Commission typically requires that the fill of open water be mitigated at a 4:1 ratio. Based on Table 1 of the mitigation plan, the fill of 113 square feet of open water for the pier pilings would require the creation of 452 square feet of new open water. The City has only proposed an in-kind creation of 113 square feet of open water that is less than the 452 square feet of in-kind mitigation that would normally be required. Though, the City has not proposed complying with a 4:1 mitigation (in-kind) requirement; the City has proposed the elimination of approximately 20,000 square feet of asphalt, which will restore approximately 16,000 square feet of natural beach and approximately 4,000 square feet of wetland in the form of a new river channel through the removal of the existing culverts. Though the restoration of the river channel is not an in-kind mitigation, it is more than adequate to comply with the Commission's typical 4:1 mitigation requirement as further explained below in the "Fill of Wetlands" section.

The Commission's ecologist recommends a five-year monitoring period with final monitoring for success to occur after a minimum period of three years without remediation or maintenance activities other than weeding. This is to help insure that the restoration will be self-sustaining. Additionally, the Commission's ecologist recommends several technical changes in the sampling design. To address these concerns, the Commission imposes Special Condition #7 to require, that prior to issuance of the permit, that the City submit, for the review and approval of the Executive Director, a final mitigation/monitoring plan that includes the recommendations of the Commission's. Only as conditioned does the Commission find the proposed project consistent with the mitigation requirements of Section 30233 of the Coastal Act.

Only as conditioned does the Commission find the proposed project consistent with the mitigation requirements of Section 30233 of the Coastal Act.

FILL OF WETLANDS: Exhibit #4 notes that the installation of the pier pilings will result in the fill of 56 square feet of marsh and 113 square feet of open water for a total of 170 square feet of fill. The Commission typically requires that wetland fill be mitigated at a ratio of 4:1 through the creation of new wetlands¹¹. Based on this criteria 676 square feet of new wetlands have to be created. To mitigate this fill, the City proposes to remove the Existing at-grade road including culverts and reestablish a natural channel for the San Luis Rey River¹². The effect of removal of the existing roadway and culverts is the elimination of approximately 20,000 square feet of asphalt, which will restore approximately 16,000 square feet of natural beach and approximately 4,000 square feet of wetland in the form of a new river channel through the removal of the existing culverts.

¹¹ The Commission at its conceptual consistency certification hearing on November 7, 2003 noted that the City had 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.

¹² The Commission at its conceptual consistency certification hearing on November 7, 2003 found that the proposed removal of the existing at-grade road would enhance the functional capacity of the river's estuary.

The EIR for this project notes that the restoration of the natural channel will enhance the biological functioning and productivity of the San Luis Rey River through improved tidal flushing. The *"2003 Biological Survey Results"* notes that the restoration of the natural river channel would enhance tidal exchange that may increase the potential for certain fish such as steelhead trout to re-colonize the river.

Based on the fact that the City's proposed mitigation exceeds the minimum required mitigation of 676 square feet of new wetlands and that improved tidal flushing will enhance the biological productivity of the estuary; the Commission finds that the restoration of 4,000 square feet of prior wetlands is adequate wetland enhancement to fulfill the mitigation requirements of this project under Section 30233 of the Coastal Act.

TIMING OF CONSTRUCTION ACTIVITIES: Construction activity through either noise and/or ground disturbing activities can have an adverse impact on threatened or endangered animals by interrupting nesting and foraging behaviors. To minimize the interference of construction activities on sensitive animals, the Commission typically imposes a special condition to minimize construction activities during breeding season or to conduct construction in such a manner that foraging is not adversely affected. However, in this case the biological data indicates that of the 11 federal and/or State listed animal species with a potential to occur in the study area, only one species, the federally and state-list endangered California brown pelican was observed in the study area. The *"2003 Biological Survey Results"* (EDAW) goes on to state that even though the brown pelicans were observed roosting in the study area, they were not observed foraging nor are they expected to nest in the project area. Impacts considered to affect sensitive species include increased noise from bridge construction, nighttime lighting, daylight shading, and reductions in foraging area because of construction. Based on the identified potential for threatened and endangered animals to utilize the habitat of the project area, the Commission imposes Special Condition #8 to require that the permittee have a qualified biologist (at the project site during periods of active construction) to verify the presence or absence of threatened and endangered animals and should they be present have the authority to modify construction activity to minimize adverse impacts on foraging and nesting activities.

REMOVAL OF AT-GRADE CROSSING: Removal of the existing at-grade crossing is a critical project component for re-establishing natural tidal flow that will improve the biological productivity of the San Luis Rey River Estuary. The EIR notes that, estuaries under natural conditions serve as areas of mixing for fresh and ocean waters leading to beneficial uses as habitat. The existing culverts however prevent natural seasonal or episodic intertidal exchange. Additionally, the estuary qualifies as an "impaired" water body in accordance with Section 303(d) of the Clean Water Act for not meeting the water quality standard for coliform from both nonpoint and point sources. The *"2003 Biological Survey"* (EDAW) notes that study area has the potential to support numerous native plants and animals. Some of the animals that could be supported, if the entrance into the San Luis Rey estuary is improved: include the Tidewater goby and steelhead trout. The environmental benefits of restoring natural flows between the river and estuary must be assured through the guaranteed removal of the at-grade crossing in a timely manner.

Additionally, beyond reestablishing natural tidal flows into the estuary, the removal of the at-grade road would restore a wildlife corridor along the San Luis Rey River banks. The EIR notes that the San Luis Rey River is part of a much larger network of wildlife movement corridors and habitat linkages throughout San Diego County. Wildlife migration corridors are essential for facilitating the movement of animals to critical resources such as food, cover, and water. The removal of the at-grade crossing would remove an impediment to animal movement and the bridge would allow animals to cross underneath it in relative safety.

Though the City proposes to remove the at-grade crossing, no time-line for the removal of the at-grade crossing was provided in the permit application. To assure that the at-grade crossing is removed in a timely manner the Commission imposes Special Condition #10 to require that the at-grade crossing be removed within ninety (90) days of the bridge being opened for public use.

LIGHTING: Though lighting is necessary to assure safety on the bridge; lighting, if not properly controlled, can have an adverse effect on wildlife. Light pollution can disrupt sleep, migratory, and foraging patterns of wildlife. Furthermore, the International Dark-Sky Association¹³ adds that artificial night lighting can cause wildlife to experience: attraction, fixation, and repulsion; and to disrupt biological rhythms. To address the light pollution concern, the EIR has included a mitigation measure¹⁴ to use low intensity light directed to the road surface away from habitat areas. A lighting plan (Sheet E-1) was included by the City as part of its construction plans, but it is unknown, at this time, if this lighting plan would comply with the requirement to minimize effects on wildlife as evidence of review of the plan from a qualified biologist was not provided. To assure that the proposed lighting minimizes the potential to affect wildlife habitat, the Commission imposes Special Conditions #6 and #7 to require that the applicant obtain the approval of the Department of Fish and Game for the proposed lighting plan, to then submit it to the Executive Director for review and approval, and to implement the approved lighting plan. This approved plan shall minimize the effect of artificial night light on wildlife through shielding, shall be directed to the roadway, and shall use the minimum lighting wattage necessary for safety. Any substantial changes the project resulting from modifications to the lighting plan shall require an amendment to the permit before the changes can be implemented.

FINAL PLANS: The proposed special conditions (in this section as well as other sections) require that the applicant make project revisions to resolve the identified project deficiencies. These revisions potentially result in changes to the bridge plans themselves, the lighting plan, landscaping plan, and mitigation plan. To bring the proposed development into conformance with Sections 30210, 30230, 30231, 30232, 30233, 30251, and 30253 of the Coastal Act, the Commission imposes Special Condition #2 that requires that the City submit final plans for the review and approval of the Executive

¹³ Effects of Artificial Light at Night on Wildlife, Information Sheet #187, August 2002.

¹⁴ Mitigation measure #8 in the Biological portion of the mitigation measures matrix (page 5-47).

Director. Any substantial changes the project resulting from modifications to the submitted plans shall require an amendment to the permit before the changes can be implemented

CONCLUSION: Section 30233 of the Coastal Act requires that a proposed project, which has been found to be an allowable use and, which has been found to be the least environmentally damaging feasible alternative, provides adequate mitigation. For the proposed bridge development to provide adequate mitigation the Commission has found it necessary to impose special conditions to require that the Department of Fish and Game approve the mitigation plan and the lighting plan, to execute a 1601 Streambed Alteration Agreement with the City and for the City to remove the at-grade crossing in a timely manner, retain a biologist on-site to minimize the adverse impacts of the construction activity on foraging and nesting activities, and to submit final plans. Additionally the Commission requires the applicant to implement and abide by the approved final plans. Only as conditioned does the Commission find that the project provides adequate mitigation pursuant to Section 30233 of the Coastal Act.

F. WATER QUALITY AND MARINE RESOURCES

The project site is located in the San Luis Rey River estuary at its confluence with the Pacific Ocean. At this point a tidally influenced lagoon exists. Thus, due to the project's location over coastal waters, the project has the potential (if not properly designed and constructed) to adversely impact water quality and marine resources. The Regional Water Quality Control Board's (RWQCB) Basin Plan for the project area designates the beneficial uses in the mouth of the San Luis Rey River as Marine Habitat, Wildlife Habitat, Rare Threatened and Endangered Species, Marine and Aquatic Organisms, Contact Water Recreation, and Non-Contact Water Recreation. The confluence of the San Luis Rey River with the Pacific Ocean is listed on the California 303(d) list as impaired with respect to coliform. The Coastal Act contains policies to protect marine resources and serves as the standard of review for evaluating the proposed development.

Section 30230 of the Coastal Act States: *"Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes."*

Section 30231 of the Coastal Act states: *"The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams."*

Section 30232 of the Coastal Act states: *“Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.”*

The proposed project plans to enhance water quality through improvements to the existing drainage control system 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 water system or directly into coastal waters. The applicant has also proposed to maintain, through the City’s Public Works Department, the source control BMPs for the bridge, which includes: street sweeping, litter collection, and inspection and repair of the facilities.

Other beneficial effects anticipated by the project on water quality include the removal of the existing at-grade roadway and drainage culverts that would restore the river/tidal interchange the natural condition that existed prior to the construction of the at-grade roadway. This would help restore the lagoon to less saline conditions with greater flushing by the river during high storm flows. The applicant anticipates that the lagoon would return to a more natural state of a wider, deeper channel and a more natural exchange of water between the lagoon and ocean.

Respective to water quality the project raises two topical concerns. The first concern relates to the construction impacts. This includes the building of the temporary trestle, the bridge itself and the removal of the existing at-grade crossing. The second concern relates to the long term (on-going) post-construction best management practices necessary to ameliorate water quality degradation resulting from pollutants being transported by storm water (falling onto the bridge) and discharging into coastal waters.

CONSTRUCTION RELATED IMPACTS:

Construction related impacts to water quality include, but are not limited to, the temporary effects resulting from ground disturbing activities of construction (such as dredging, pile driving, and the removal of the existing at-grade road), construction debris, and the establishment of construction staging areas. If not properly regulated through the use of best management practices, there is a possibility that sediment and pollutants will be transported into coastal waters which would further degrade water quality inconsistent with Sections 30230, 30231, and 30232 of the Coastal Act regarding the protection of water quality and, if feasible, the opportunity to enhance water quality.

Construction phase impacts include improper storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or in a manner that allows such materials to be discharged into the river and coastal waters via rain or urban runoff. These actions would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering the river or coastal waters may cover and displace soft bottom habitat. In

addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged to the river or coastal waters may cause turbidity that can shade and reduce the productivity of marine vegetation and foraging avian and marine species' ability to see food in the water column. Other impacts include the installation of the pilings and bridge abutments that may disturb the riverbed and generate turbidity plumes which (depending on the tides) may be distributed up or down stream. According to the City's water quality impact analysis, construction of the project would involve disturbance of the river's water, soil, and vegetation. These activities would re-suspend pollutants historically washed into the river such as trace metals, hydrocarbons, and organic pesticides. The City's water quality impact analysis notes that the San Luis Rey River's confluence with the Pacific Ocean is a coastal shoreline water body which is on the 1998 California 303(d) List and Total Maximum Daily Load (TMDL) Priority Schedule for not meeting the water quality standard for coliform from both nonpoint and point sources.

Of special note, relative to construction related impacts, is the assembly of a temporary trestle to serve as a construction platform for the new bridge. The potential exists that treated wood could be used in the trestle's construction. The base of the trestle will be located within the San Luis Rey River Lagoon. Consequently, the wood will be exposed to water. According to a report¹⁵ prepared by the New York State Department of Environmental Conservation (March 2000) creosote, pentachlorophenol, and inorganic arsenicals such as chromated copper arsenate (CCA) are the three most widely used wood preservative compounds. When wood containing these preservatives is used for in-water construction (such as bridge pilings) the potential exists for the toxic preservatives to leach from the wood into the water column. This report also noted that the greatest amount of leaching occurs when freshly-treated wood is first installed in water. Consequently, based on this finding the report observes that the greatest impacts, if any, to aquatic life is most likely to occur during the initial period of high leaching. To address the issues raised by the use of treated wood, the City of Oceanside has modified its project proposal to only use untreated wood in the trestle's construction¹⁶.

Another construction related activity associated with the trestle and bridge construction involves 500 cubic yards of dredging to facilitate the placement of pier pilings. To address the issue of ultimate disposal of this material, the City of Oceanside will dispose of the dredged material at a land fill outside of the coastal zone and has modified it's project description accordingly. The City of Oceanside, due to the small volume of dredging, is not proposing to test the material for suitability for beach deposition.

To address the construction related impacts to water quality the Commission imposes Special Condition #3, which requires that the City submit a plan to include a suite of best management practices to address construction related impacts to water quality. These best management practices include, but are not limited to, the removal of debris, that in-water work occur during periods of low-flow, that all storm drain inlets and catch

¹⁵ Timothy Sinnott, Division of Fish, Wildlife, and Marine Resources, New York State Department of Environmental Conservation, March 17, 2000.

¹⁶ City of Oceanside letter dated March 1, 2004.

basins be protected, that fiber rolls or tarps be used to contain any suspended sediments, and that only un-treated (natural) wood be used. Only as conditioned for the submission of a water quality plan to address construction impacts does the Commission find that project is consistent with Sections 30230, 30231, and 30232 of the Coastal Act regarding water quality.

POST-CONSTRUCTION BEST MANAGEMENT PRACTICES:

Post-construction phase impacts relate to the potential effects of long-term daily use of the proposed bridge and roadways on water quality. Run-off from roadways and bridges is commonly polluted with petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste; trash; and sediment. The discharge of these pollutants to coastal waters can cause: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sub-lethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

To address the post-construction effects of the proposed bridge on water quality the City has prepared a Storm Water Management Plan¹⁷ and received Clean Water Act Section 401 Water Quality Certification from the San Diego Region of the California Regional Water Quality Control Board¹⁸. The City proposes to abide by the requirements of this storm water management plan which includes best management practices for the collection and removal of trash, street sweeping on a regular basis, capturing the 85% storm flow and treating it through infiltration trenches, and the use of bio-filters to eliminate heavy metals and organic compounds. Though the City has prepared a storm water management plan (SWMP) and has received an approval from the Regional Water Quality Control Board (RWQCB), not every post-construction water quality concern has been addressed.

The storm water management plan is deficient in several respects. For example, the section of the SWMP discussing maintenance procedures states that catch basin inserts will be cleaned four times per year, but does not specify when they will be cleaned. It is critical that the inserts be cleaned once before the rainy season begins and after each major storm event to assure that the inserts function as intended. Next, the SWMP states that street sweeping of the bridge will be implemented on a regular basis, but the

¹⁷ Prepared by Willdan, October 2003.

¹⁸ Certification received January 28, 2004.

frequency of street cleaning has not been specified in the SWMP. City staff orally informed Commission staff that the frequency of street cleaning would be once per week.

The Regional Water Quality Board, has also identified that the City has not yet obtained coverage under the Statewide General NPDES Construction Storm Water Permit, and that a separate dewatering permit may be needed by the City from the RWQCB.

To assure that the requirements of the RWQCB and the SWMP are implemented and to address the identified deficiencies, the Commission imposes Special Conditions #4 and #5. Special Condition #4 contains a suite of best management practices, including but not limited to: maintaining the adequacy of the installed facilities; to inspect, clean, and/or repair as necessary the facilities before the beginning of the rainy season and after major storm events to assure that the facilities are operating correctly; and to clean the bridge pavement with a street cleaner on a periodic basis, at a minimum, of once per week. Special Condition #5 requires that the permittee obtain from the Regional Water Quality Control Board, prior to the commencement of construction, coverage under the Statewide General NPDES Construction Storm Water Permit and that this RWQCB approval be submitted to the Executive Director, for his review and approval. Additionally, should the applicant have to undertake de-watering, the applicant shall obtain (prior to the commencement of dewatering) a permit from the RWQCB which shall be submitted to the Executive Director, for his review and approval. If the RWQCB requires any substantial changes to the project, the changes shall be submitted to the Executive Director for a determination as to whether the changes require an amendment to this permit. Any changes that require an amendment shall not occur until the Commission has approved them and the applicant has complied with any required special conditions. Only as conditioned does the Commission find that the proposed development is consistent with Sections 30230, 30231, and 30232 of the Coastal Act regarding water quality.

G. PUBLIC ACCESS AND RECREATION

The public access and recreational policies of the Coastal Act encourage that proposed development be designed to maintain and improve public access and public recreational opportunities. The project will have two types of public access impacts. The first are the impacts to public access resulting from construction activity. The second are the public access enhancements that are to be placed on the bridge itself.

CONSTRUCTION RELATED IMPACTS: The proposed development will affect the public's ability to access the beach and the harbor as a result of construction activities. It is estimated that project construction will take approximately 18 to 24 months. Construction activity is also anticipated to result in temporary road closures and the temporary loss of approximately 146 public parking spaces.

To minimize effects on public access, the City's intends to begin construction in late September following the City's Harbor Festival celebration so that some of the construction will be occurring during the "off-season". If completed in 18 months the

bridge would be completed in April of the following year thereby affecting public access over the course of only one summer season. However, if project completion is delayed, construction activity could adversely impact the public's ability to access the coast for at least two summer seasons.

To address the anticipated adverse effects of the public's ability to utilize the beach, marina, and visitor serving commercial activities, the City prepared a parking management plan¹⁹. The City proposes to use portions of the existing parking lots as construction staging areas. Also there will be temporary road closures. Based on Table 4 of the parking management plan, 2,270 parking spaces currently exist in the project area. During construction, there will be a temporary loss of 146 spaces. Following construction, a total of 2,272 spaces will be provided.

As noted above, approximately 146 parking spaces are anticipated to be temporarily unavailable during construction. Consequently the public's ability to park their vehicles will be constrained by the parking lot closures. Physically, the majority of the lost parking spaces would occur on Lots 6, 7 and 9 which will be used for both construction staging and construction itself. Given the physical constraints of the project location, that other locations are unavailable for construction staging, and the necessity to located construction staging areas as close as possible the size of the staging area has been minimized which also has the effect of minimizing the loss of public parking. Lots 6, 7, and 9 are principally limited to 2 hour parking. These parking lots are immediately adjacent to the visitor serving commercial development along Harbor Drive. To make up for this parking loss, some of free parking in Lots 1 and 5 would be converted to a mixture of permit parking and 2 hour time limit parking. The temporary loss of the free parking in Lots 1 and 5 during construction are not anticipated to have adverse impact on public access to the beach as these lots are on the inland side of the project area. The parking management plan notes that lots 1, 4 and 5 are underutilized and have "excess" capacity. Lots 10, 11, and 12, which are immediately adjacent to the beach, and would be the parking lots most beach goers would use, would not lose any spaces during construction. Additionally a free shuttle would be provided to facilitate the movement of people visiting the beach, marina, and visitor serving commercial amenities. The shuttle would utilize two 28-passenger coaches that would operate daily, between the hours of 10:00 AM and 6:00 PM at a 20-minute interval²⁰. The location of the parking lots are shown in Exhibit 15. The new bridge would "enter" Exhibit 15 at the location of Parking Lot #6 which is on the right side of the exhibit.

The Commission finds that the public parking loss has been minimized and that the proposed parking management plan is adequate to mitigate the adverse impacts on public access resulting from the parking lot closures necessary to support construction activities. Additionally the Commission notes, that construction activities can periodically result in temporary road closures. To assure that the parking lot management plan is implemented and that the public is provided alternative means of getting around road closures, the Commission imposes Special Condition #9. Only as conditioned does the Commission

¹⁹ Parking Management Plan and Parking Lot Design at Oceanside Harbor, Willdan, October 9, 2001.

²⁰ City Staff affirmation, March 16, 2004.

find the project consistent with the public access and recreation policies of the Coastal Act.

POST-CONSTRUCTION: The proposed bridge will enhance public access by replacing an existing at-grade road that has been periodically washed-out with an all weather road in the form of a bridge that is designed to allow the passage of a 100-year storm event. Moreover, the removal of the existing at-grade road, which will restore the area to natural sandy beach would enhance the recreational opportunities of the public visiting the beach.

The new bridge would also provide sidewalks and bicycle paths. The EIR notes that the proposed bridge would improve the overall vehicular and pedestrian access to and within the Harbor Beach and marina area by providing a permanent secondary access to the Harbor Area. In addition the proposed bridge would serve a public safety component by providing a safer and more reliable access across the river during heavy storm events that have previously washed out the existing at-grade crossing in the past.

The reconstructed retaining wall/levee will have a public sidewalk on top that will provide the public with access from the bridge to the beach. This public sidewalk would provide the public with viewing opportunities of the San Luis Rey River estuary and views towards the beach and ocean.

Therefore, the Commission finds the post construction aspects of the project consistent with the public access and recreation policies of the Coastal Act.

H. VISUAL RESOURCES

The proposed development will result in the construction of a new bridge in the San Luis Rey River Estuary. Additionally the existing retaining walls/levees will be raised to contain storm waters in the river channel should a major storm event occur and will thus be more intrusive visually. Section 30251 of the Coastal Act establishes that scenic and visual qualities of coastal areas be considered and protected as a resource of importance. Where development is allowed in scenic areas, the development be designed and sited to minimize its impact and be visually compatible with the character of the surrounding area. The project area, though surrounded by urban development on three sides, has been identified by the City's Local Coastal Program as a visual resource where development, if allowed, will be designed to minimize disruption of natural landforms and vegetation; and be compatible in height, scale, color, and form with the surrounding neighborhood. The visual impacts of certain projects, such as a bridge, are evaluated from both the perspective of the public view from the bridge itself and the view of the bridge from adjacent public areas such as the nearby beach.

VIEWS FROM THE BRIDGE: The proposed bridge would provide viewing opportunities of the ocean for pedestrians, bicyclists, and motorists. This will enhance the recreational characteristics of the bridge as a public access route to the beach, harbor, and visitor serving commercial businesses in the harbor. Furthermore, the elimination of the

at-grade roadbed on the beach would result in the expansion of the white sandy beach at the mouth of the San Luis Rey River. This would visually enhance the character of the beach area which is now bisected by the dark grey blacktopped surface of the road. To assure that views from the bridge are adequate, the City has proposed to use the Type 80 CALTRANS concrete barriers. The Commission, in prior permit actions (such as the Marina Drive Bridge (5-00-321) in Seal Beach), has found the Type 80 CALTRANS barrier as not significantly interfering with public view opportunities from bridges. The City has also proposed the use of low wattage lights to minimize light pollution. Thus, as proposed, the Commission finds the viewing opportunities from the bridge to be consistent with Section 30251 of the Coastal Act.

VIEWS FROM PUBLIC VANTAGE POINTS TOWARDS THE BRIDGE: The bridge will be a new man made structure crossing the San Luis Rey River Estuary. The major public visual impact of the bridge would be public views from the public beach. Views from the marina are currently obstructed by the existing retaining wall/levee. However, there is a public walkway on the retaining wall/levee that provides viewing opportunities of the San Luis Rey River estuary. Views of the proposed bridge location from inland areas such as Interstate Highway 5 and Pacific Coast Highway are currently not available as they are obstructed by the existing NCTD railroad bridge located between Interstate 5 and the project site. Views from the south bank of the San Luis Rey are primarily private views from a condominium development.

In terms of visual impacts, the City evaluated one alternative location to the proposed bridge location²¹. The alternative location evaluated was for a bridge above the existing at-grade roadway. From the visual perspective this alternative was dismissed since it would not restore a view of the beach as a natural land form, views of the beach from inland areas toward the ocean would be blocked, and this alternative would create an imposing man made structure on the beach thereby diminishing the esthetic experience of the public visiting the beach.

Of special note in evaluating the impact of the proposed bridge on visual resources is the necessity for the bridge to be designed at a height that would allow it to accommodate the 100-year storm flow. Though the bridge has been designed to be as low as possible, construction of the bridge will result in the height of the retaining/levee walls being increased by up to 7 feet to meet the bridge elevation. This increase in height is necessary to assure that the bridge can accommodate the 100-year storm event. Overall, the entire design of the bridge is low profile, uses the minimum number of piles, and includes the use of Type 80 CALTRANS barriers. Based on the constraint to accommodate a 100-year storm event the bridge is at the minimum height feasible.

²¹ The Commission at its conceptual consistency certification hearing on November 7, 2003 found that a bridge above the existing at-grade alignment would not be consistent with Section 30251 of the Coastal Act. The Commission found that the inland bridge alignment could be found consistent provided that the final design plans included: appropriate bridge railings, decorative treatments for concrete surfaces, and landscaping of retaining walls.

In terms of visual impacts, the proposed bridge location would be the preferred location. As mentioned above, the principal public viewing position is from the beach. The proposed bridge location places the bridge, inland; away from the beach thereby diminishing its visual intrusiveness. The visual intrusiveness of the bridge is further reduced by presence of the existing NCTD rail bridge. In a visual simulation²² from the beach, the NCTD rail bridge is highly visible. The proposed bridge would be immediately in front of the NCTD rail bridge and would essentially replace the NCTD bridge as the first visual obstruction. Additionally, the increased height of the retaining wall/levee would make this structure visually more prominent.

Based on the standards of Section 30251 the bridge has been sited in a manner that minimizes its visual impacts. However, Section 30251 and the City's LCP also requires that a proposed development be designed in such a manner so as to be visually compatible with the character of the surrounding area. The proposed project involves the reconstruction of approximately 270 linear feet of retaining wall/levee which will be increased in height (over the existing retaining walls) by up to 7 feet thereby making the concrete wall and bridge visually prominent from surrounding public areas. The increase in height of the retaining walls is necessary to raise the road surface so that it can match the height of the bridge that has been designed to accommodate the 100 year storm event. Minimizing the increased visual prominence of the bridge and retaining walls can be accomplished through the use of aesthetic treatments such as color, texturing, and the use of screening vegetation so that the bridge blends with the color and terrain of the area. Additionally, to enhance public viewing opportunities, the City has included a public sidewalk on the top of the north retaining wall/levee that will run from the bridge's connection with Harbor Drive along Harbor Drive to the beach.

Though the submitted project description by the City recognizes that the bridge and retaining wall/levee will be designed through decorative treatments and vegetation to blend with the surrounding terrain, and such a requirement was included in the City's CDP, a tangible decorative treatment plan was not submitted to the Commission for evaluation. Additionally, the submitted planting plan is limited to the parking lot and does not demonstrate how screening vegetation would be applied to minimize the visual impact of the reconstructed retaining wall/levee. To assure that the proposed bridge and retaining wall/levee blends, to the extent practical, with the surrounding terrain in both texture and color; the Commission imposes Special Condition #11 to require the submission, for the review and approval of the Executive Director, of a decorative treatment plan (which uses only native vegetation common to the local area. Invasive species are prohibited) that minimize the visual impacts of the proposed bridge and retaining walls. Only as conditioned for the submission of a decorative treatment plan does the Commission find the proposed development consistent with Section 30251 of the Coastal Act regarding visual resources.

I. HAZARDS

²² Figure 3.14-5 of the EIR.

The Coastal Act states that new development must minimize risks to life and property and not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

Section 30253 of the Coastal Act states, in relevant part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Development located in or near the ocean has the potential to be damaged by wave energy, floods, seismic events, storms and erosion. Furthermore, the project is within the floodplain of the San Luis Rey River. As acknowledged in the project description this project is being undertaken because the existing at-grade road has been washed out several times due to flood events. If the existing at-grade crossing is allowed to remain, it is anticipated that it will again be washed-out in the future as a result of a storm. The proposed bridge minimizes the risk of development by providing an all weather route designed to pass a 100-year storm event. Due to the potential for a storm, which is greater than the 100-year storm event, no development in the water can be guaranteed to be totally safe from hazard.

Given that the applicants have chosen to implement the project despite these risks, the applicant must assume the risks. Therefore, the Commission imposes Special Condition #12 which requires the applicant to agree to assume the risk of development in the hazardous area. Special Condition #12 ensures that the permittee understands and assumes the potential hazards associated with development in or near the water. Through acceptance of this coastal development permit, the applicant acknowledges and agrees: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (iv).

Therefore, as conditioned, the Commission finds that the proposed project has been designed to minimize the risk to life and property in an area that is potentially subject to flooding hazards and is therefore consistent with Section 30253 of the Coastal Act.

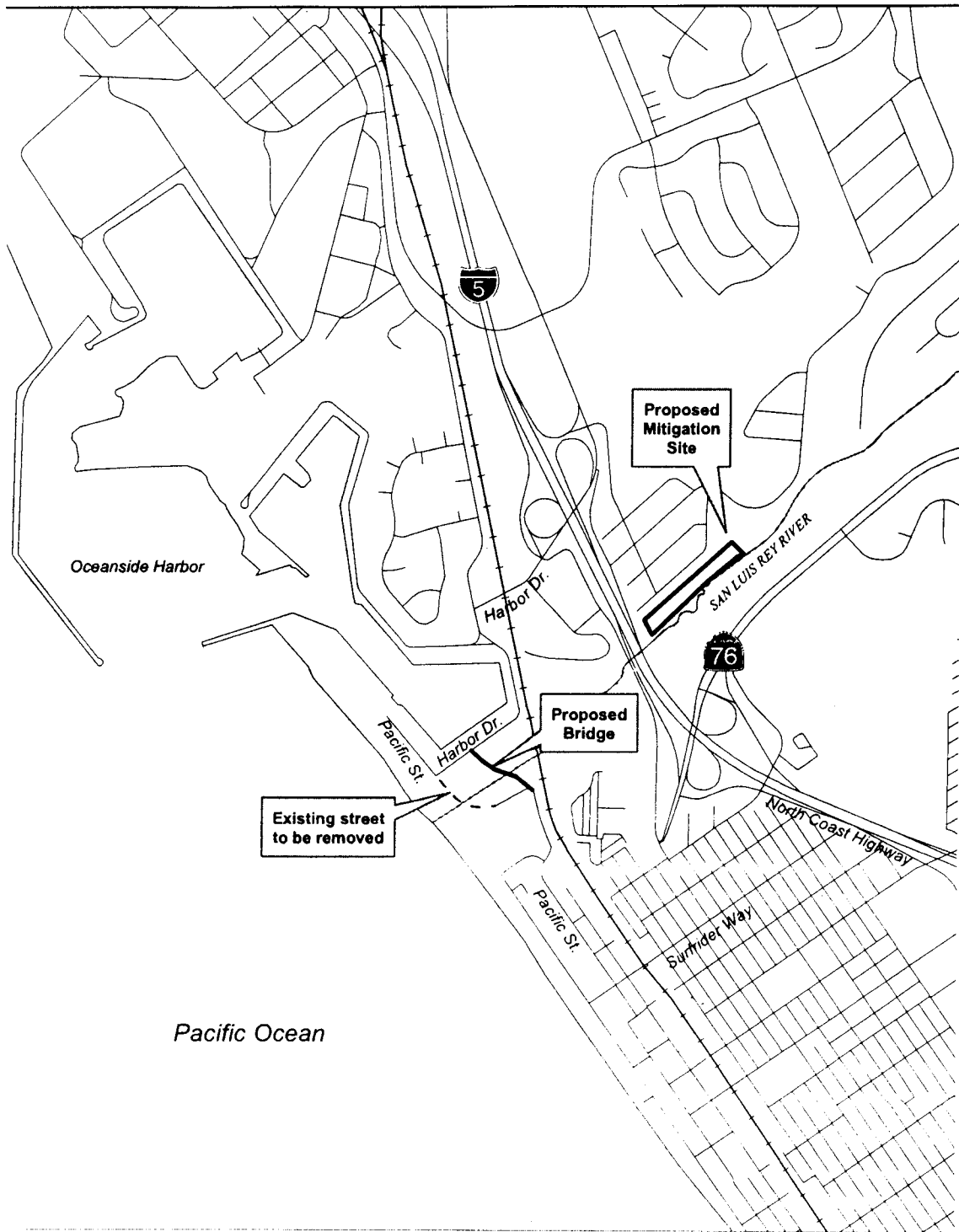
J. LOCAL COASTAL PROGRAM

The City of Oceanside has a certified LCP. The project is located in the certified LCP "Downtown District", within zoning sub-districts: 7A and 10. Sub-district 7A is a high density residential zone and allows for single-family and multi-family development at 29-43 du/ac. Sub-district 10 is designated for open space and recreational uses within the floodplain of the San Luis Rey River. Permitted uses include utilities, commercial recreation and entertainment, eating and drinking establishments, horticulture and commercial parking. The site is also within the LCP certified San Luis Rey River Specific Plan area. As conditioned, the proposed development is consistent with the LCP designations.

The proposed development occurs in large part in areas where the Commission retains permit jurisdiction (i.e. the river parcel where the bridge improvements and the mitigation is proposed). As such, Chapter 3 policies of the Coastal Act are the standard of review for those areas. As conditioned, the development is consistent with all applicable Chapter 3 policies of the Coastal Act.

K. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project is consistent with the requirements of the Coastal Act to conform to CEQA.



Source SanGIS SANDAG




1500 750 0 1500 Feet

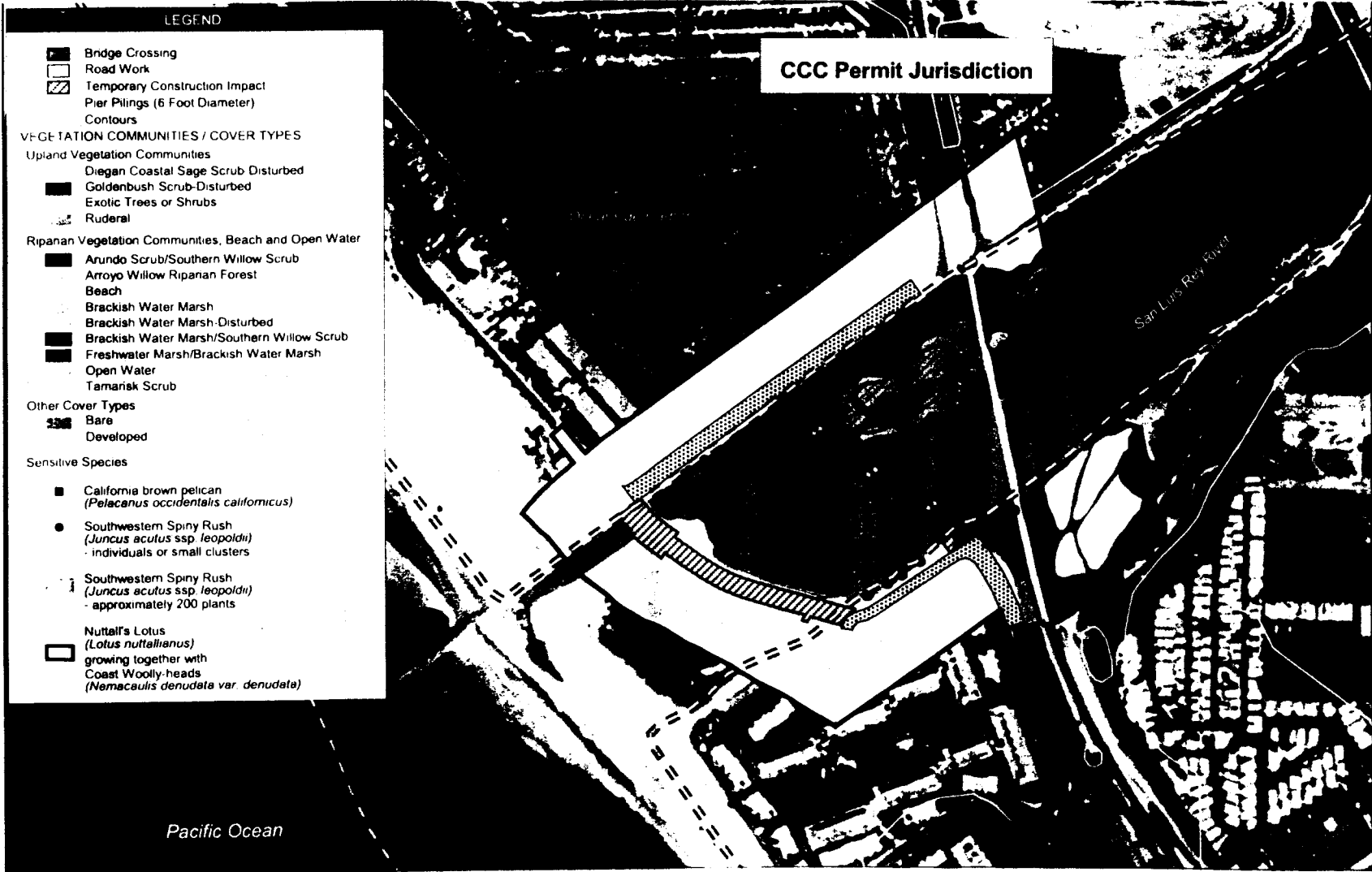


Scale: 1 18000; 1 inch = 1500 feet

GIS 00102 Pacific Street base map.mxd SPK/EPH/P. Moreno/ 8.27.03

**Pacific Street Bridge
Vicinity Map**

EXHIBIT No. 1
Application Number: 6-03-117
Vicinity Map
 California Coastal Commission



Sources: City of Oceanside (Aerial), SANDAG (Topo) 1970, KEA Environmental (Vegetation) 8/2000.

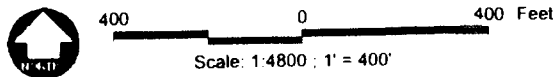
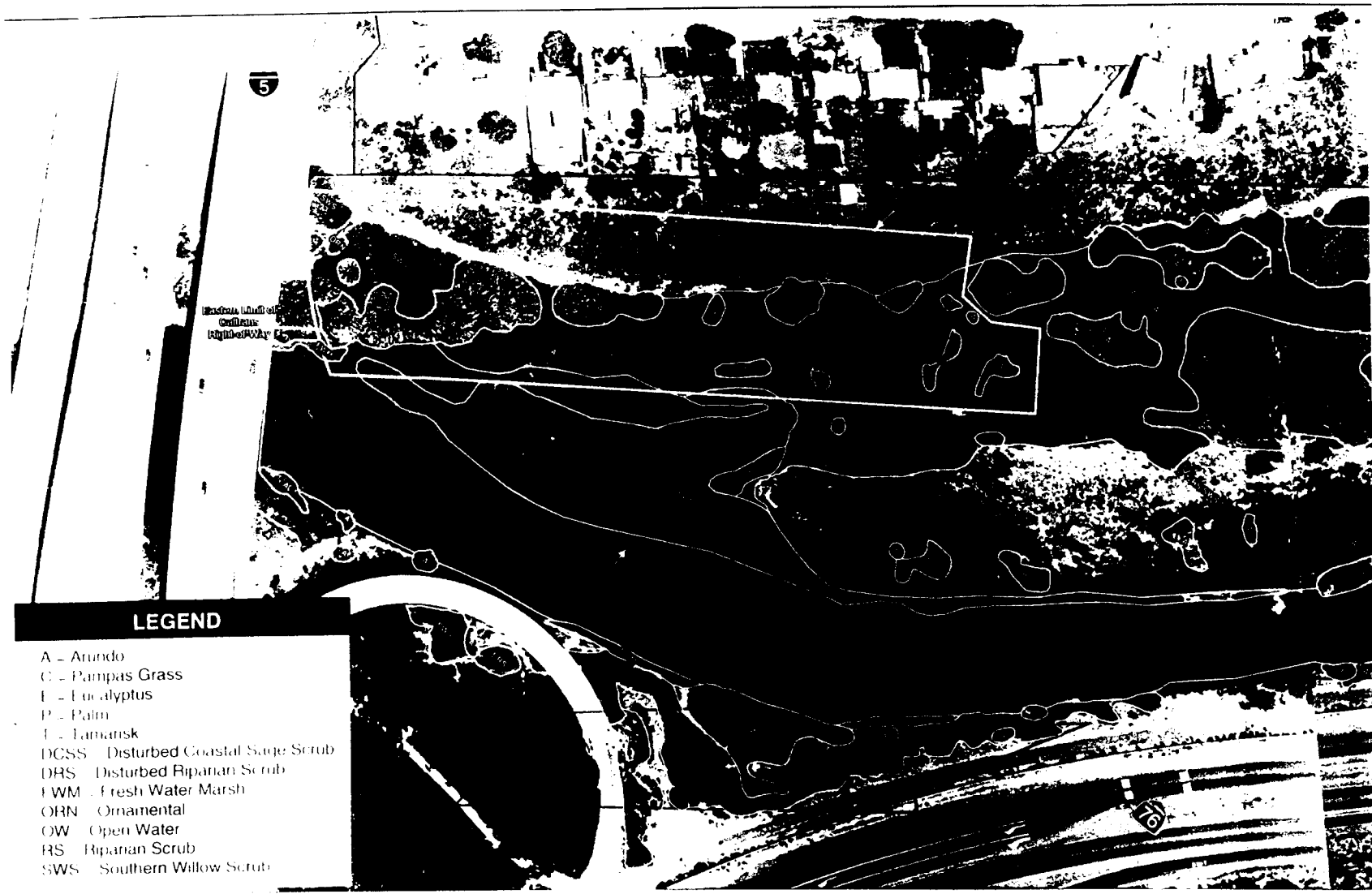


Exhibit 2
Pacific Street Bridge
Biological Resources

00102 Pacific Street GIS exhibit2.apr sp83/F6 3.10.04 Pacific Street Bridge



LEGEND

- A - Arundo
- C - Pampas Grass
- E - Eucalyptus
- P - Palm
- T - Tamansk
- DCSS - Disturbed Coastal Sage Scrub
- DHS - Disturbed Riparian Scrub
- FWM - Fresh Water Marsh
- ORN - Ornamental
- OW - Open Water
- RS - Riparian Scrub
- SWS - Southern Willow Scrub

Source: NAD 83

0 150 Feet



Scale: 1" = 1500 Feet = 150 Feet

Exhibit 3
Pacific Street Bridge Project
Offsite Wetland Mitigation Area

Pacific Street Bridge

City of Los Angeles, Department of Public Works, Office of Construction & Inspection

Table 3.7-1. Pacific Street Bridge Crossing Impacts on Wetland Vegetation Communities and Waters

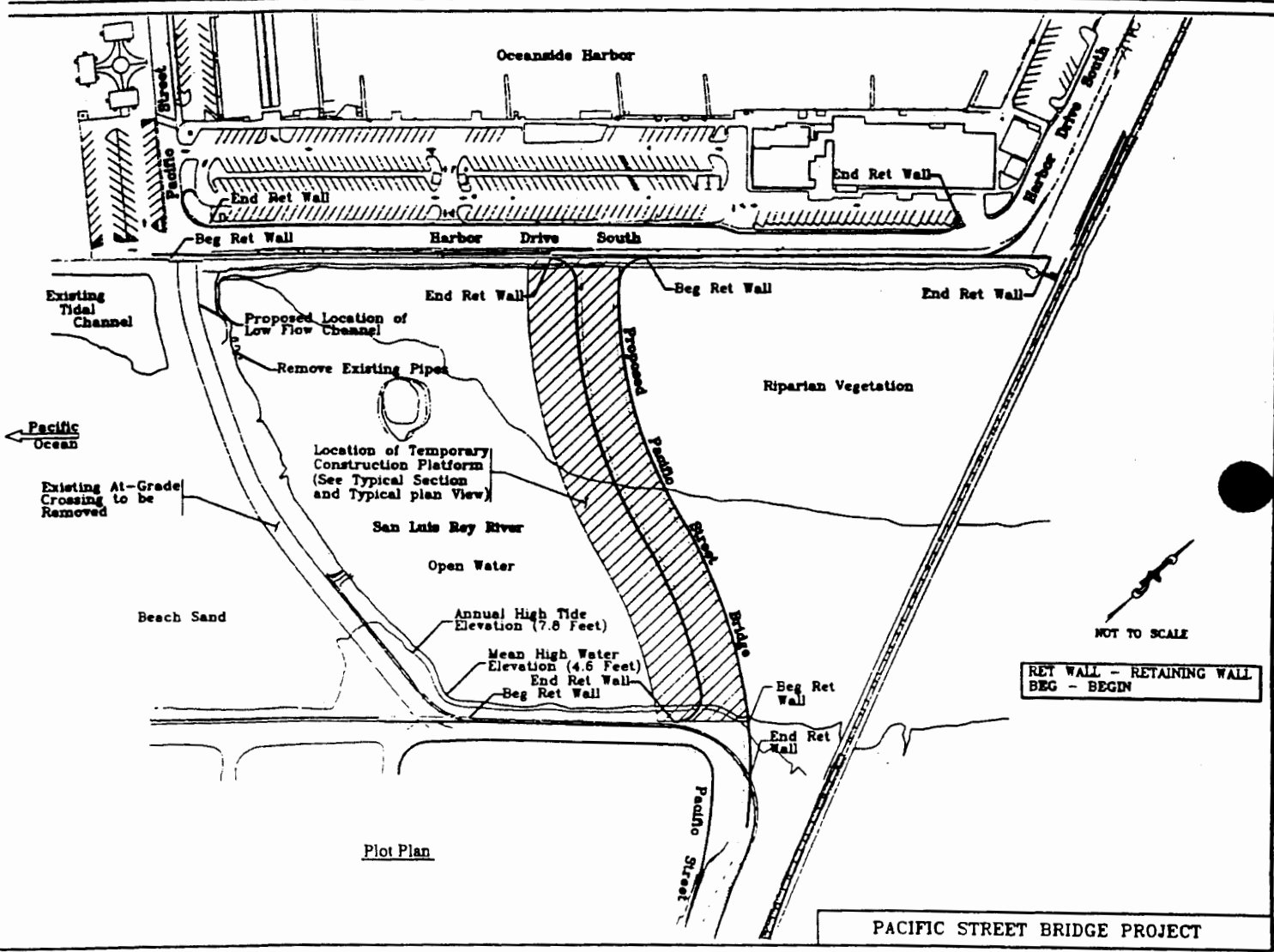
Vegetation Communities and Cover Types	DIRECT IMPACTS								INDIRECT IMPACTS	
	Temporary			Permanent			Total Direct Temporary and Permanent Impacts	Permanent		
	Trestle	Removal of at-grade crossing	Total Direct Temporary Impacts	Pier Pilings	Retaining Wall/Roadwork	Total Direct Permanent Impacts		Bridge Shading		
	meters ² (feet ²)	meters ² (feet ²)	meters ² (feet ²)	meters ² (feet ²)	meters ² (feet ²)	meters ² (feet ²)	meters ² (feet ²)	meters ² (feet ²)	meters ² (feet ²)	
ALTERNATIVE 1										
Wetlands/Waters										
Arundo scrub/Southern willow scrub	143.01 (1,539.38)		143.01 (1,539.38)				143.01 (1,539.38)		71.63 (771.07)	
Arroyo Willow Riparian Forest	14.08 (151.59)		14.08 (151.59)				14.08 (151.59)			
Brackish water marsh/ Southern willow scrub	28.80 (309.98)		28.80 (309.98)				28.80 (309.98)			
Freshwater marsh/ Brackish water marsh	2,883.54 (31,038.15)		2,883.54 (31,038.15)	5.25 (56.50)		5.25 (56.50)	2,888.79 (31,094.65)	1,663.78 (17,908.84)		
Beach sand		1,491.05 (16,050.00)	1,491.05 (16,050.00)				1,491.05 (16,050.00)			
Open water	3,100.03 (33,868.41)	111.48 (1,200.00)	3,211.51 (34,568.41)	10.50 (112.99)		10.50 (112.99)	3,222.01 (34,681.4)	1,743.37 (18,765.51)		
Impact to Wetlands/Waters meters² (feet²) =	6,169.46 (66,407.51)	1,602.53 (17,250.00)	7,771.99 (83,657.51)	15.75 (169.49)		15.75 (169.49)	7,787.74 (83,827)	3,478.79 (37,445.41)		
Impact to Wetlands/Waters hectares (acres) =	0.617 (1.525)	0.160 (0.396)	0.777 (1.921)	0.002 (0.004)		0.002 (0.004)	0.779 (1.925)	0.348 (0.860)		

EXHIBIT No. 4


Application Number:

6-03-117**Project Impacts**California Coastal
Commission

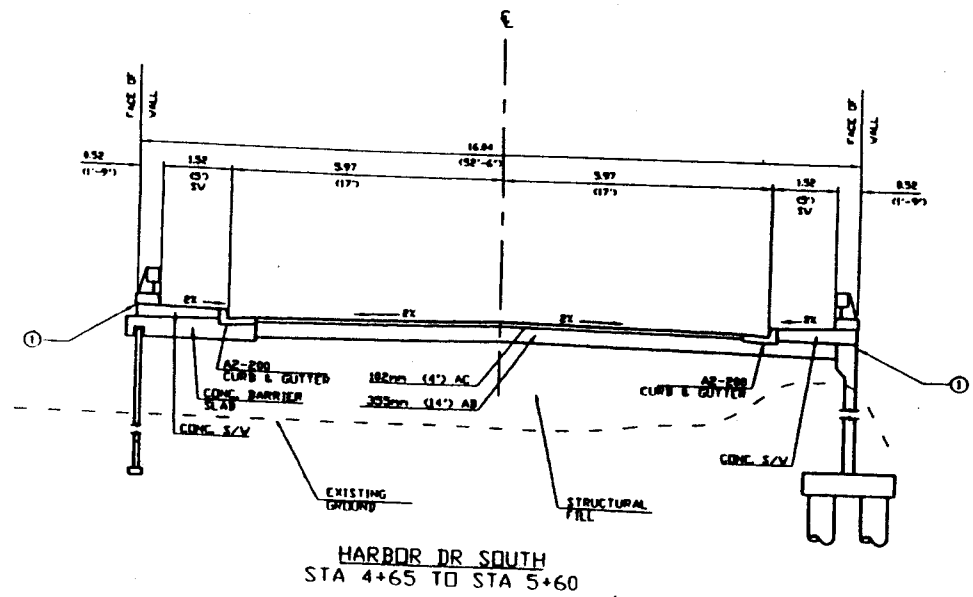
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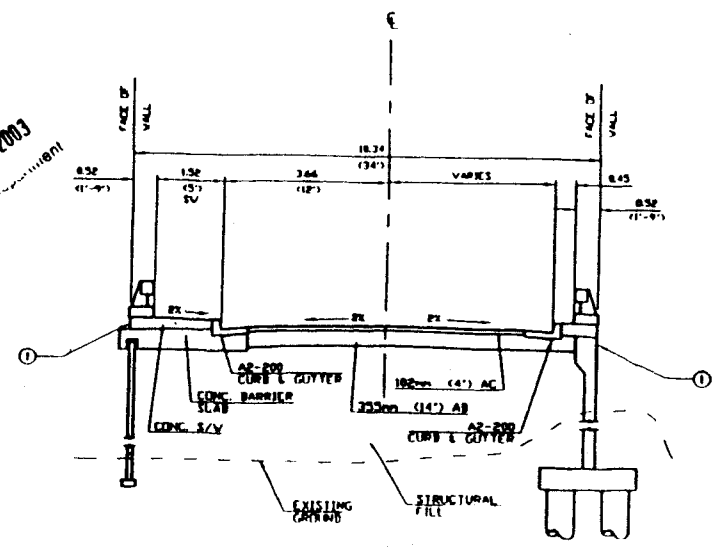
PACIFIC STREET BRIDGE PROJECT

EXHIBIT No. 5
Application Number: 6-02-117
Project Overview
 California Coastal Commission

RECEIVED
SEP 17 2003



HARBOR DR SOUTH
STA 4+65 TO STA 5+60



HARBOR DR SOUTH
STA 6+32 TO STA 6+70

PRELIMINARY
5/23/03

NOTES:
① See structural plans for details of barrier and retaining walls.

WILLDAN
Driving Public Agencies

1071 Bay Park Court, Suite 110
San Diego, California 92161
619-441-0000 Fax 619-441-0001

NO.	DESCRIPTION	APP'VD	DATE

CITY OF OCEANVIEW
ENGINEERING DEPARTMENT

**HARBOR DRIVE SOUTH
PACIFIC STREET CROSSING
OVER SAN LUIS KEY RIVER**

PROJECT: _____

DATE: _____

DESIGNED BY: _____

CHECKED BY: _____

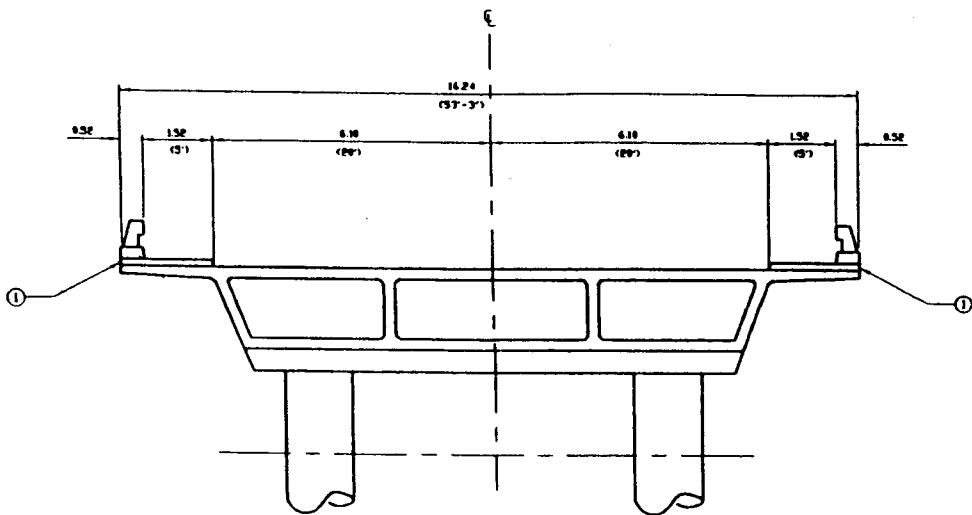
PERMITTED BY: _____

EXHIBIT No. 6

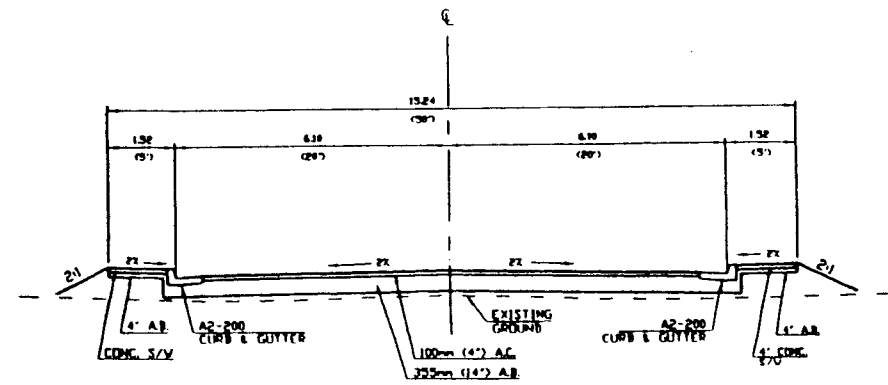
Application Number:
6-03-117

**Harbor Drive
Sectional**

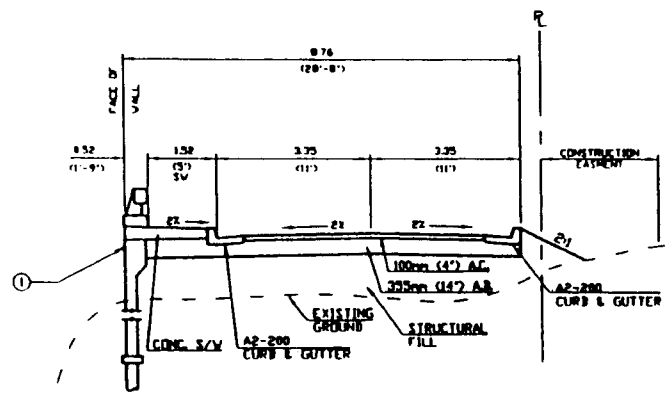
California Coastal
Commission



PACIFIC BRIDGE
STA 13+10 TO STA 15+00

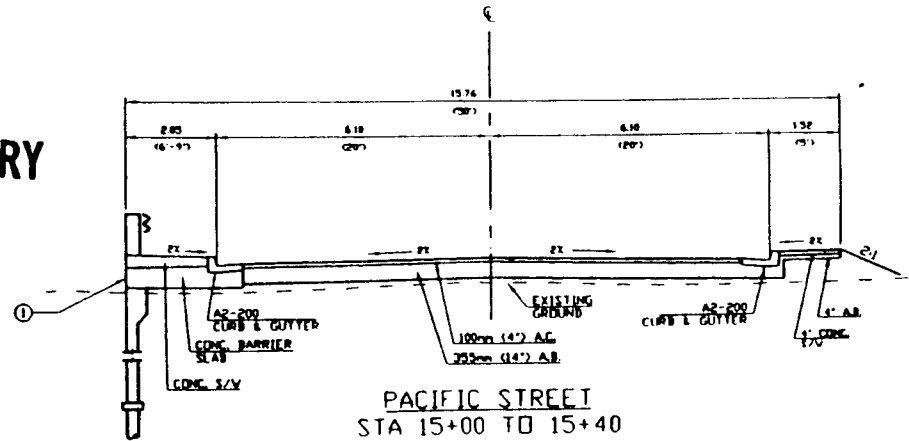


PACIFIC STREET
STA 15+40 TO 15+80



PACIFIC ACCESS ROAD
STA 25+70 TO STA 26+09

PRELIMINARY
5/23/03



PACIFIC STREET
STA 15+00 TO 15+40

NOTES:

- ① See structural plans for details of barrier and retaining walls.

WILDAN
Serving Public Agencies

1075 Sky Park Court, Suite 100
San Diego, CA 92108-5288
619-447-8888 Fax 619-447-8244

NO.	DESCRIPTION	APPROVED	DATE
1	SEE PLAN		5/23/03

Description: _____
 Location: _____
 Record From: _____
 Date: _____

CITY OF OCEANSIDE
ENGINEERING DEPARTMENT

**PACIFIC STREET
PACIFIC STREET CROSSING
OVER SAN LUIS KEY RIVER**

PROJECT NO. _____
 SHEET NO. _____

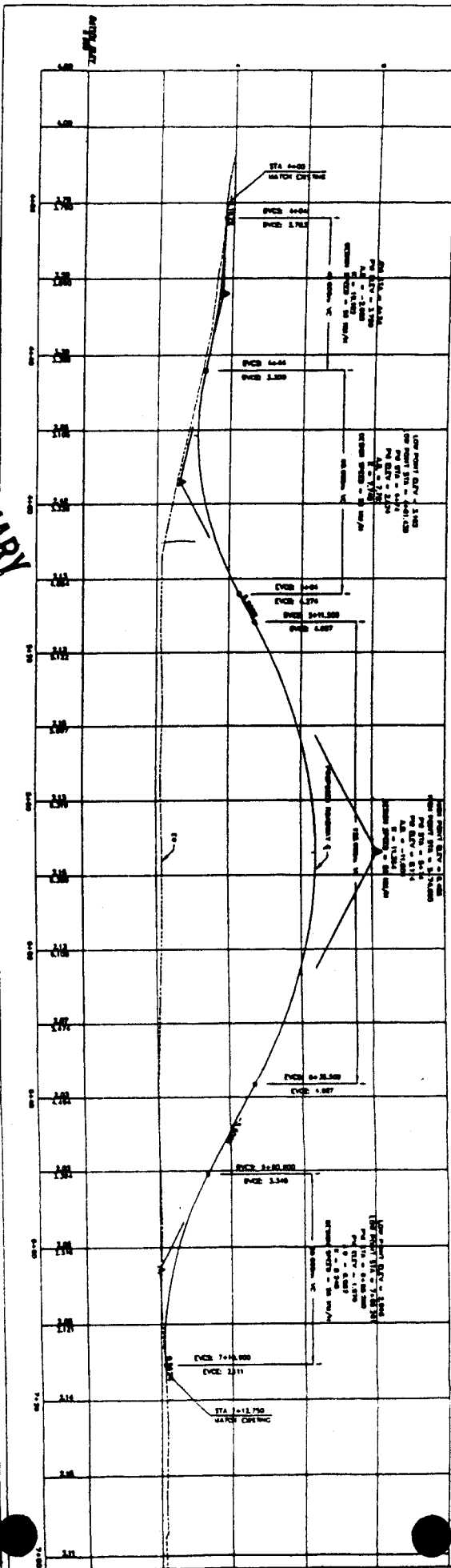
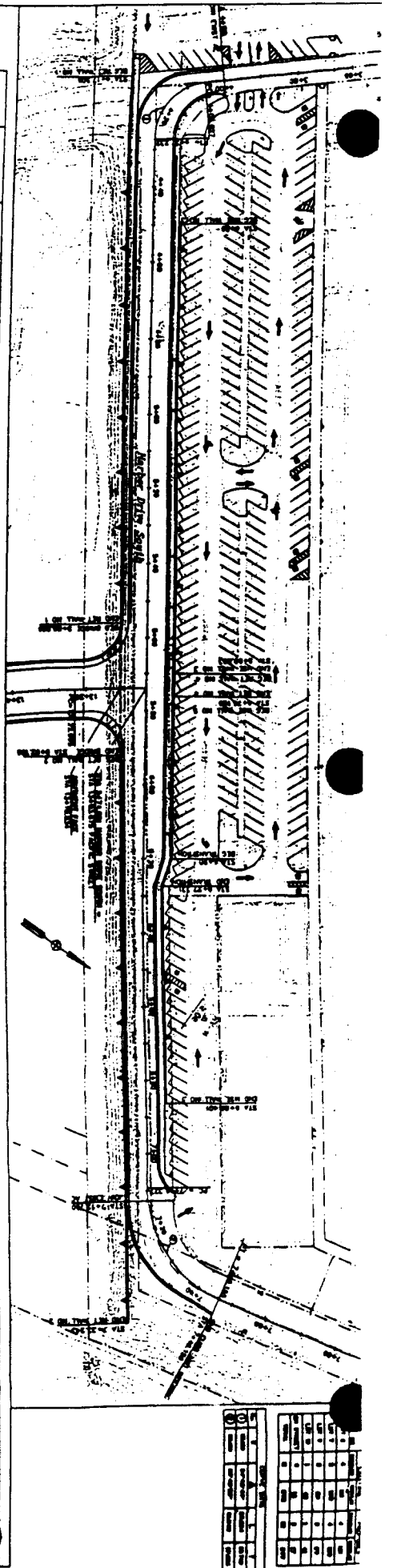
DESIGNED BY: _____
 CHECKED BY: _____
 APPROVED BY: _____

EXHIBIT No. 7

Application Number:
6-03-117

**Pacific Street Bridge
Sectional**

California Coastal
Commission



PRELIMINARY
5/2/15

SCALE: 1/8" = 1'-0"
SCALE: 1/8" = 1'-0"
SCALE: 1/8" = 1'-0"

WILLDAN
Engineering & Architecture
2701 Bay Park Court, Suite 110
San Diego, California 92108
619-444-1100

No.	Description	App'd	Date
1	200		

Description: _____
 Location: _____
 Report From: _____
 Date: _____

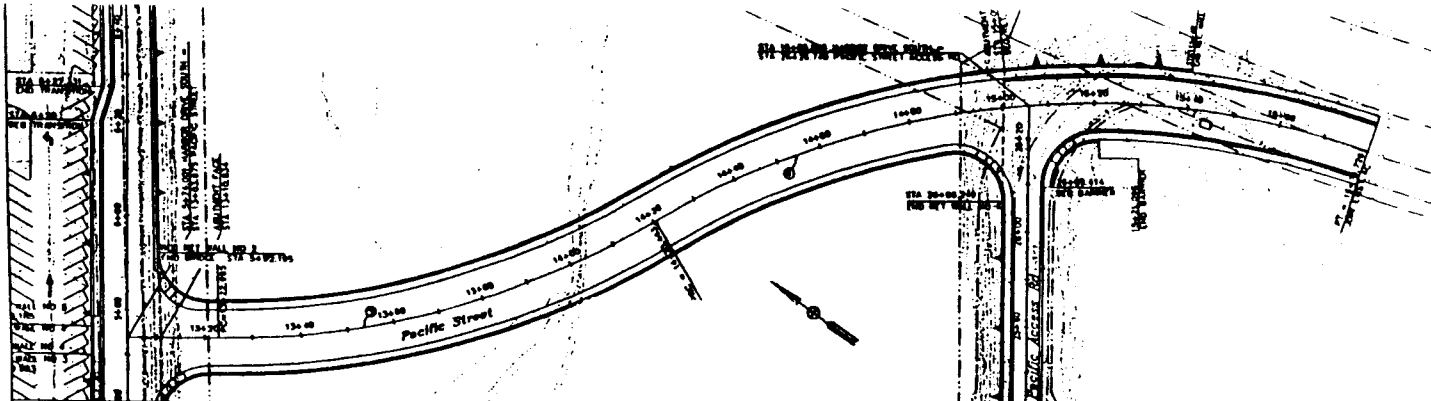
DIV OF PUBLIC WORKS
ENGINEERING DIVISION
HARBOR DRIVE SOUTH
PACIFIC STREET CROSSING
OVER SAN LUIS REY RIVER

EXHIBIT No. 8

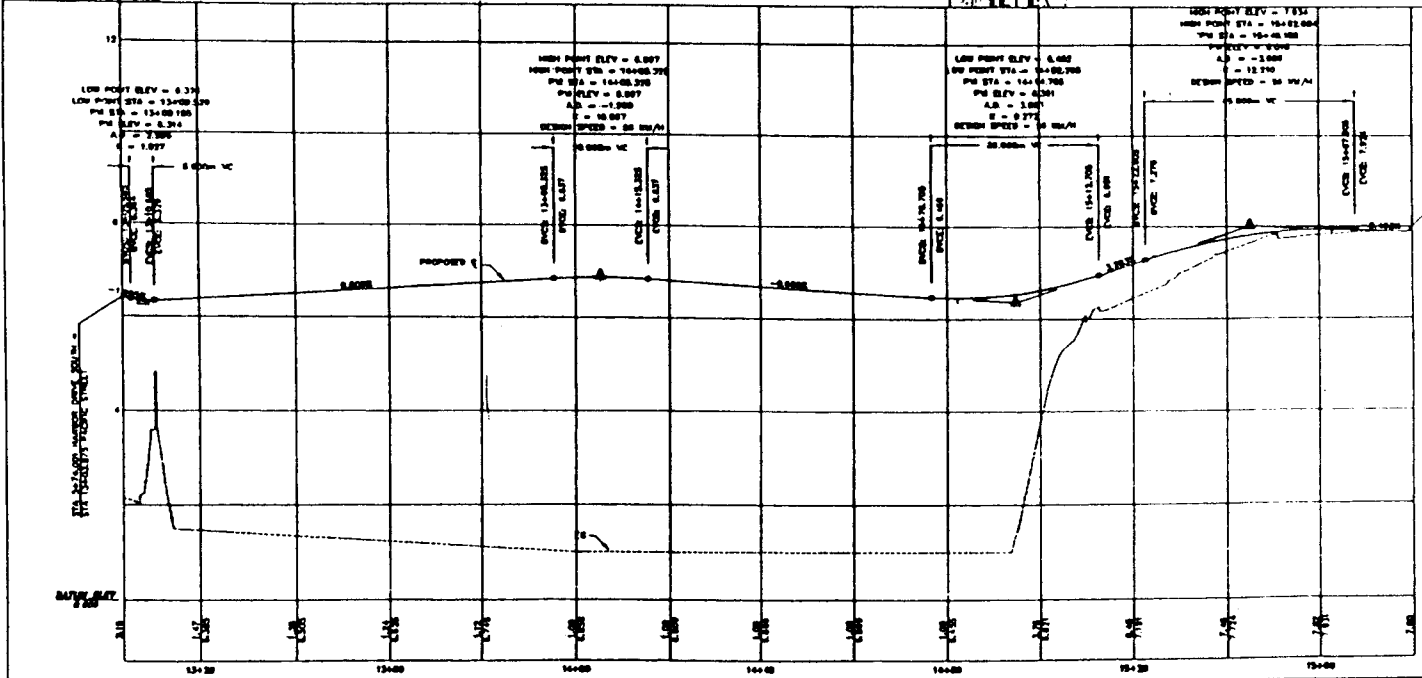
Application Number:
6-03-117

Harbor Drive
Elevation

California Coastal
Commission



CURVE DATA				
No.	R	Δ	L	T
①	162.000	30°31'49"	97.448	45.911
②	162.000	49°54'16"	179.203	85.896



PRELIMINARY
5/22/03

SCALE 1/80 HORIZ
SCALE 1/50 VERT

WILLDAN
Serving Public Agencies
979 Sky Park Court, Suite 110
San Diego, California 92123
619/487-9729 Fax 619/487-1345

NO.	DESCRIPTION	APPROV'D	DATE
1	SEE PLAN		5/22/03

SHEET 4
 CITY OF OCEANSIDE
 ENGINEERING DEPARTMENT
**PACIFIC STREET
 PACIFIC STREET CROSSING
 OVER SAN LUIS REY RIVER**
 APPROVED _____
 CITY ENGINEER

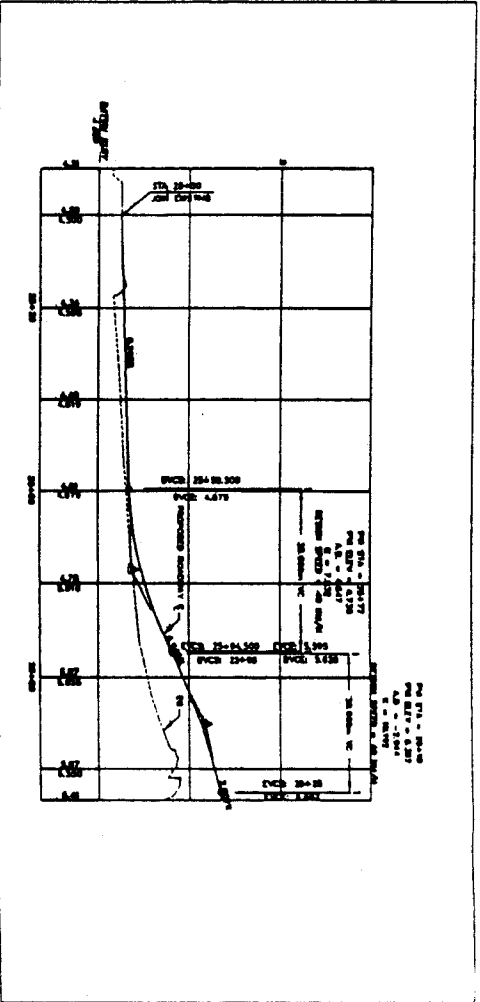
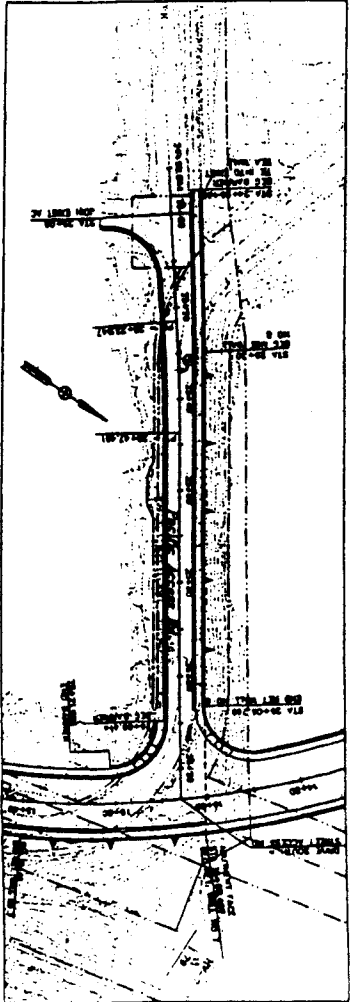
EXHIBIT No. 9

Application Number:
6-03-117

**Pacific Bridge
Elevation**

California Coastal
Commission

DATE	BY	REVISION
5/22/03	CS	1



PRELIMINARY
5/22/03/CS

SCALE 1/8" = 1'-0"
DATE 5/22/03



WILDAN
Surveying Public Utilities

222 Bay Area Blvd., Suite 110
San Francisco, CA 94134
415.774.1100

NO.	DESCRIPTION	APPROVED	DATE
1	ISSUED		


Drawn by: _____
 Location: _____
 Project Name: _____
 Date: _____

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PACIFIC STREET ACCESS AND
PACIFIC STREET CROSSING
OVER SAN LUIS REY RIVER

EXHIBIT No. 10

Application Number:
6-03-117

Access Road
Connection

 California Coastal
Commission

OCEANSIDE COMMUNITY DEVELOPMENT COMMISSION

RESOLUTION NO. 03-R663-3

A RESOLUTION OF THE OCEANSIDE COMMUNITY DEVELOPMENT COMMISSION APPROVING A REGULAR COASTAL PERMIT (RC-207-03) FOR A PERMANENT BRIDGE LOCATED AT PACIFIC STREET AND THE SAN LUIS REY RIVER – APPLICANT: CITY OF OCEANSIDE

WHEREAS, on November 5, 2003, the Community Development Commission held a duly noticed public hearing to consider an application for a Regular Coastal Permit (RC-207-03) for the Pacific Street Bridge Project located at Pacific Street and the San Luis Rey River;

WHEREAS, the applicant is the City of Oceanside;

WHEREAS, there is hereby imposed on the subject development project certain dedications, reservations and other exactions pursuant to State law and City ordinance;

WHEREAS, studies and investigations made by the Community Development Commission reveal the following facts:

FINDINGS:

For the Regular Coastal Permit:

1. The proposed bridge is consistent with the policies of the Local Coastal Program as implemented through the City Zoning Ordinance. In addition, the project will not substantially alter or impact existing public views of the coastal zone area.
2. The proposed bridge will not obstruct any existing or planned public beach access; is needed for a second permanent access point to the Harbor, and will enhance the environment of the San Luis Rey River, therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.

WHEREAS, the Community Development Commission finds that an environmental impact report has been prepared pursuant to the State Guidelines of the California Environmental Quality Act.

NOW, THEREFORE, the Community Development Commission of the City of Oceanside does resolve that Regular Coastal Permit (RC-207-03) is hereby approved subject to the following conditions:

EXHIBIT No. 11
Application Number: 6-03-117
City CDP RC-207-03

1 **Engineering:**

- 2 1. All right-of-way alignments, street dedications, exact geometrics and widths shall be
3 dedicated and improved as required by the City Engineer.
- 4 2. Design and construction of all improvements shall be in accordance with standard plans,
5 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 6 3. Prior to issuance of a grading permit a phasing plan for the construction of public and
7 private improvements including landscaping, shall be approved by the City Engineer.
- 8 4. The approval of the project shall not mean that the proposed closure, vacation or
9 abandonment of any public street, right-of-way, easement or facility indicated on the
10 development plan is granted or guaranteed to the developer. The developer is
11 responsible for applying for all closures, vacations and abandonments as necessary. The
12 application(s) shall be reviewed and approved or rejected by the City under separate
13 process(es) per codes, ordinances, and policies in effect at the time of the application.
- 14 5. The developer shall monitor, supervise and control all construction and construction-
15 supportive activities, so as to prevent these activities from causing a public nuisance,
16 including but not limited to, insuring strict adherence to the following:
- 17 a) Dirt, debris and other construction material shall not be deposited on any public
18 street or within the City's storm water conveyance system.
- 19 b) All grading and related site preparation and construction activities shall be limited
20 to the hours of 7 a.m. to 6 p.m., Monday through Friday, and on Saturday from 7
21 a.m. to 6 p.m. for work that is not inherently noise-producing unless otherwise
22 extended by the City and all work should utilize the latest technology for quiet
23 equipment. All on-site construction staging areas shall be as far as possible
24 (minimum 100 feet) from any existing residential development. Because
25 construction noise may still be intrusive in the evening or on holidays, the City of
26 Oceanside Noise Ordinance also prohibits "any disturbing excessive, or offensive
27 noise which causes discomfort or annoyance to reasonable persons of normal
28 sensitivity."

EXHIBIT No. 11

Application Number:

6-03-117

1 c) The construction site shall accommodate the parking of all motor vehicles used by
2 persons working at or providing deliveries to the site.

3 6. The developer shall contract with an engineering firm to perform R-value testing of the
4 existing pavement on the adjacent streets. The Developer shall submit a study that shall
5 analyze whether the existing pavement meets current City standards/traffic indices. If
6 the study concludes that the pavement does not meet City standards/traffic indices,
7 rehabilitation/mitigation recommendations shall be included in the study and the
8 Developer shall reconstruct the street per the recommendations or to the satisfaction of
9 the City Engineer.

10 7. Sight distance requirements at all street intersections shall conform to the intersection
11 sight distance criteria as provided by the California Department of Transportation
12 Highway Design Manual.

13 8. A traffic control plan shall be submitted to and approved by the City Engineer prior to
14 the start of work within open City rights-of-way. Traffic control during construction of
15 streets that have been opened to public traffic shall be in accordance with construction
16 signing, marking and other protection as required by the CalTrans Traffic Manual.
17 Traffic control during construction adjacent to or within all public streets must also meet
18 CalTrans standards.

19 9. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
20 construction of the project, shall be repaired or replaced as directed by the City Engineer.

21 10. Grading and drainage facilities shall be designed to adequately accommodate the local
22 storm water runoff and shall be in accordance with the City's Engineers Manual and as
23 directed by the City Engineer.

24 11. The applicant shall obtain any necessary permits and clearances from all public agencies
25 having jurisdiction over the project due to its type, size, or location, including but not
26 limited to the U.S. Army Corps of Engineers, California Department of Fish and Game,
27 U.S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board

28 //////////////

EXHIBIT No. 11
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1 (including NPDES), San Diego County Health Department, prior to the issuance of
2 grading permits.

3 12. Prior to any grading of any part of the tract or project, a comprehensive soils and
4 geologic investigation shall be conducted of the soils, slopes, and formations in the
5 project. All necessary measures shall be taken and implemented to assure slope stability,
6 erosion control, and soil integrity. No grading shall occur until a detailed grading plan,
7 to be prepared in accordance with the Grading Ordinance and Zoning Ordinance, is
8 approved by the City Engineer.

9 13. An erosion control plan and precise grading and private improvement plan shall be
10 prepared, reviewed, secured and approved prior to the issuance of any building permits.
11 The plan shall reflect all pavement, flatwork, landscaped areas, special surfaces, curbs,
12 gutters, medians, striping, signage, footprints of all structures, walls, drainage devices
13 and utility services. Parking lot striping and any on-site traffic calming devices shall be
14 shown on all precise grading and private improvement plans.

15 14. Landscaping plans, including plans for the construction of walls, fences or other
16 structures at or near intersections, must conform to intersection sight distance
17 requirements. Landscape and irrigation plans for disturbed areas must be submitted to
18 the City Engineer prior to the issuance of a preliminary grading permit and approved by
19 the City Engineer prior to the issuance of building permits. Frontage and median
20 landscaping shall be installed prior to the issuance of any building permits. Project
21 fences, sound or privacy walls and monument entry walls/signs shall be designed,
22 reviewed and constructed by the landscape plans and shown for location only on grading
23 plans. Plantable, segmental walls shall be designed, reviewed and constructed by the
24 grading plans and landscaped/irrigated through project landscape plans. All plans must
25 be approved by the City Engineer and a pre-construction meeting held, prior to the start
26 of any improvements.

27 15. All storm drain systems shall be designed and installed to the satisfaction of the City
28 Engineer.

EXHIBIT No. 11
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1 16. Grading and drainage facilities shall be designed to adequately accommodate the local
2 storm water runoff and shall be in accordance with the City's Engineers Manual and as
3 directed by the City Engineer.

4 17. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
5 disposed of in accordance with all state and federal requirements, prior to stormwater
6 discharge either off-site or into the City drainage system.

7 18. The development shall comply with all applicable regulations established by the United
8 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
9 Discharge Elimination System (N.P.D.E.S.) permit requirements for urban run-off and
10 storm water discharge and any regulations adopted by the City pursuant to the
11 N.P.D.E.S. regulations or requirements. Further, the applicant shall file a Notice of
12 Intent with the State Water Resources Control Board to obtain coverage under the
13 N.P.D.E.S. General Permit for Storm Water Discharges Associated with Construction
14 Activity and shall implement a Storm Water Pollution Prevention Plan (SWPPP)
15 concurrent with the commencement of grading activities. The SWPPP shall include both
16 construction and post construction pollution prevention and pollution control measures
17 and shall identify funding mechanisms for post construction control measures. The
18 developer shall comply with all the provisions of the Clean Water Program during and
19 after all phases of the development process, including but not limited to: mass grading,
20 rough grading, construction of street and landscaping improvements, and construction of
21 dwelling units. The applicant shall design the Project's storm drains and other drainage
22 facilities to include Best Management Practices to minimize non-point source pollution,
23 satisfactory to the City Engineer.

24 **Planning:**

25 19. This Regular Coastal Permit approves only the following: the construction of a 2-lane
26 bridge and related improvements over the San Luis Rey River at Pacific Street. Any
27 substantial modification in the design or layout shall require a revision to the Regular
28 Coastal Permit.

EXHIBIT No. 11
Application Number: 6-03-117

- 1 20. This Regular Coastal Permit shall expire on November 5, 2005, unless implemented as
2 required by the Zoning Ordinance or unless a time extension is granted by the
3 Community Development Commission.
- 4 21. Failure to meet any conditions of approval for this development shall constitute a violation
5 of the Regular Coastal Permit.
- 6 22. Unless expressly waived, all current zoning standards and City ordinances and policies in
7 effect at the time building permits are issued are required to be met by this project. The
8 approval of this project constitutes the applicant's agreement with all statements in the
9 Description and Justification, Management Plan and other materials and information
10 submitted with this application, unless specifically waived by an adopted condition of
11 approval.
- 12 23. The owner of the property shall be responsible for trash abatement on the site, and shall
13 keep the site free of litter, trash and other nuisances.
- 14 24. Elevations and plans shall be substantially the same as those approved by the Community
15 Development Commission. These shall be shown on plans submitted to the Public Works
16 Department and Planning Department.
- 17 25. Prior to issuance of grading permits, the proposed project plans shall incorporate a
18 drainage control plan that would collect and divert all surface drainage from the bridge,
19 parking lots 6, 7, and 9, and reconstructed streets, to "in-line" fossil filters or other
20 acceptable filtration/treatment devices prior to discharge to the existing storm drain
21 system or adjacent surface waters.
- 22 26. Concurrent with project construction, impacts to wetlands and other "waters of the U.S."
23 to below a level of significance, wetland creation and/or restoration would be conducted
24 at a suitable nearby site in the San Luis Rey River.
- 25 27. Concurrent with project construction, impacts to coastal sage scrub shall be mitigated by
26 preservation and/or creation of coastal sage scrub habitat at a 2:1 ratio.
- 27 28. Archaeological monitoring is required during construction of the revegetation area.

28 //////////////

EXHIBIT No. 11
Application Number: 6-03-117

1 29. The design of the bridge and retaining walls shall include decorative treatment of
2 concrete surfaces and other bridge features, and landscaping shall be installed adjacent to
3 the parking lots in the Harbor Village area.

4 30. All ground disturbing activities shall be monitored by a qualified archaeologist. If
5 cultural resources are found, work shall be halted until the resource can be assessed for
6 significance or eligibility for local, state, or federal listing.

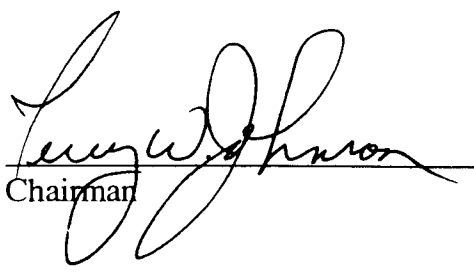
7 PASSED AND ADOPTED by the Oceanside Community Development Commission of
8 the City of Oceanside this 5th day of November, 2003 by the following vote:

9 AYES: JOHNSON, SANCHEZ, FELLER, CHAVEZ, WOOD

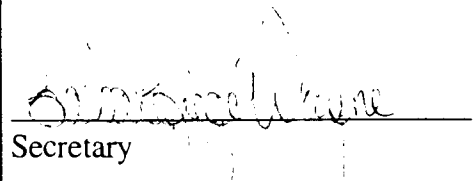
10 NAYS: None

11 ABSENT: None

12 ABSTAIN: None


Chairman

13
14
15 ATTEST:


Secretary

16
17
18
19 APPROVED AS TO FORM:
20 OFFICE OF THE CITY ATTORNEY

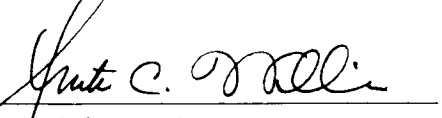

21 by 
22 General Counsel
23
24
25

EXHIBIT No. 11
Application Number: 6-03-117
City CDP RC-207-03 Page 7 of 7
 California Coastal Commission



California Regional Water Quality Control Board

San Diego Region



Terry Tamminen
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb9/>
9174 Sky Park Court, Suite 100, San Diego, California 92123
Phone (858) 467-2952 • FAX (858) 571-6972

Arnold Schwarzenegger
Governor

Action on Request for
Clean Water Act section 401 Water Quality Certification
and Waiver of Waste Discharge Requirements
for Discharge of Dredged and/or Fill Materials

PROJECT: Pacific Street Bridge Project (File No. 03C-128)

APPLICANT: Mr. Peter Biniaz
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Order for Low Impact Certification | 3. <input type="checkbox"/> Order for Denial of Certification |
| 2. <input checked="" type="checkbox"/> Order for Technically-conditioned Certification | 4. <input checked="" type="checkbox"/> Order for Waiver of Waste Discharge Requirements |

STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy costs. Simple ways you can reduce demand and cut your energy costs. See our Web-site at <http://www.swrcd.org>

Recycled Paper



EXHIBIT No. 12
Application Number: 6-03-117
Clean Water Act Certification
California Coastal Commission

ADDITIONAL CONDITIONS:

In addition to the three standard conditions, the City of Oceanside shall satisfy the following:

GENERAL

1. The City of Oceanside shall, at all times, fully comply with the engineering plans, specifications and technical reports submitted with this application for 401 Water Quality Certification and all subsequent submittals required as part of this certification.
2. The City of Oceanside shall comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
3. The City of Oceanside shall notify the Regional Board in writing at least 10 days prior to actual start dates for grading, mitigation installation, and completion of mitigation installation.
4. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
5. In response to a suspected violation of any condition of this certification, the Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the RWQCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
6. In response to any violation of the conditions of this certification, the RWQCB may add to or modify the conditions of this certification as appropriate to ensure compliance.

AUTHORIZED IMPACTS- PACIFIC STREET BRIDGE PROJECT

7. Impacts to jurisdictional waters of the U.S. shall not exceed the following:
 - a. Permanent Direct Impacts to waters of the U.S./wetlands (0.004 acre).
 - b. Temporary Direct Impacts to waters of the U.S./wetlands (1.921 acre).
 - c. Permanent Indirect impacts due to shading (0.86 acre)



EXHIBIT No. 12
Application Number: 6-03-117
Clean Water Act Certification
 California Coastal Commission

MITIGATION


8. Mitigation for the direct permanent impacts to jurisdictional waters of the U.S. shall occur at a ratio of 4:1. Mitigation for direct temporary impacts and indirect permanent impacts shall occur at a 1:1 ratio (excluding shading to open water). Mitigation for the proposed project shall be conducted in accordance with the September 2003 *Conceptual Wetland Mitigation Plan, Pacific Street Bridge* (prepared by EDAW).
9. The City of Oceanside shall submit a report (including topography maps and planting locations) to the Regional Board within 90 days of completion of mitigation site preparation and planting, describing as-built status of the mitigation project. If the site grading and planting are not completed within six weeks of each other, separate reports will be submitted describing those specific as-built conditions.
10. The construction of proposed mitigation shall be completed within the same calendar year as impacts occur, or at least no later than 9 months following the close of the calendar year in which impacts first occur (e.g., if impacts occur in June 2004, construction of mitigation for all impacts must be completed no later than September 2005).
11. Mitigation monitoring reports shall be submitted annually until mitigation has been deemed successful. Monitoring reports shall be submitted no later than 30 days following the end of the monitoring period. Monitoring reports shall include, but not be limited to, the following:
 - a. Names, qualifications, and affiliations of the persons contributing to the report;
 - b. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
 - c. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 - d. Photo-documentation from established reference points; and
 - e. Other items specified in the Conceptual Wetland Mitigation Plan, noted in above Directive No. 7.

POST CONSTRUCTION STORMWATER MANAGEMENT

12. Post-construction structural best management practices (BMPs) will be implemented to treat and control urban and storm water runoff generated from the Pacific Street Bridge Project. These BMPs will include storm drain inlet filters, infiltration trenches, and Biofilter swales. Post construction BMP's will be implemented and maintained in accordance the October 2003, *Storm Water Management Plan for Pacific Street Bridge Over the San Luis Rey River* (prepared by Willdan).

EXHIBIT No. 12
Application Number: 6-03-117
Clean Water Act Certification 
 California Coastal Commission

13. The City of Oceanside will be responsible for the maintenance of the entire storm drain system related to this project, including the post construction structural treatment systems. Storm drain inlet filters will be inspected and maintained according to manufacturers specifications.
14. All storm drain inlet structures within the project boundaries shall be stamped and/or stenciled with appropriate prohibitive language.
15. Prior to completion of construction of the Pacific Street Bridge Project, the City of Oceanside shall submit a report to the RWQCB outlining the maintenance requirements, and mechanisms that will be implemented to ensure that the post construction BMPs will be maintained throughout the life of the project. The report will outline the responsible party for the maintenance of the structural treatment BMPs, and the funding mechanism to ensure adequate maintenance.

EXHIBIT No. 12
Application Number: 6-03-117
Clean Water Act Certification
 California Coastal Commission

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On October 20, 2003 receipt of the project application was posted on the SDRWQCB web site to serve as appropriate notification to the public.

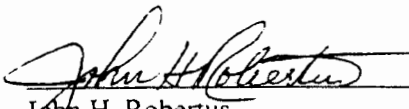
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Christopher Means
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court; Suite 100
San Diego, CA 92123
858-637-5581

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the Pacific Street Bridge Project (File No. 03C-128) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under the California Regional Water Quality Control Board, San Diego Region, Waiver of Waste Discharge Requirements (Waiver Policy) No. 17 (Stream channel alterations). Please note that this waiver is conditional and, should new information come to our attention that indicates a water quality problem, the SDRWQCB may issue waste discharge requirements at that time.


Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



John H. Robertus
Executive Officer
Regional Water Quality Control Board

1-28-04
Date

Attachments 1 and 2

EXHIBIT No. 12
Application Number 6-03-117
Clean Water Act Certification
 California Coastal Commission

**ATTACHMENT I
PROJECT INFORMATION**

Applicant: Mr. Peter Biniiaz
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054
760-435-5092
760-435-5105(f)

Applicant Representatives: n/a

Project Name: Pacific Street Bridge Project (03C-128)

Project Location: The proposed project is located in the City of Oceanside. The project site is in the California Coastal Zone and bounded by the beach and the Pacific Ocean on the west, Harbor Drive South and the Oceanside Harbor and Marina on the north. The project lies within the U.S. Geological Survey 7.5 minute, Oceanside quadrangle.

Type of Project: Bridge Construction.

Project Description: ✓ The City of Oceanside is proposing to replace the existing at-grade Pacific Street Crossing of the San Luis Rey River with a bridge designed to safely pass floodwaters of a 100-year storm and provide a permanent second access to Oceanside Harbor. The bridge would consist of one travel lane, shoulder/bike lane, and sidewalk in each direction, and would be supported by three sets of pier pilings.

Removal of the at-grade Pacific Street crossing would improve the estuarine system by improving tidal and flushing action; reducing sedimentation and stagnation in the river; facilitate improved movement of river sand to the beaches; and increase the potential for migration, spawning and establishment of important species of fish and wildlife in the river.

Federal Agency/Permit: U.S. Army Corps of Engineers
404 Permit.
Federal Coastal Consistency Determination.

Other Required Regulatory Approvals: Department of Fish and Game, 1601 Streambed Alteration Agreement
California Coastal Commission, Coastal Development Permit.
Standard Urban Storm Water Mitigation Plans (SUSUMP).

California Environmental Quality Act (CEQA) Compliance: The City of Oceanside approved an Environmental Impact Report (EIR); (SCH 2001121110), on May 2003.

EXHIBIT No. 12

Application Number:
6-03-117

**Clean Water Act
Certification**



California Coastal
Commission

Receiving Water: San Luis Rey River. Lower San Luis Rey H.A. 903.11, San Luis Rey H.U. 903.00

Impacted Waters of the United States: Approximately 0.004 acre of wetland will be permanently impacted and 1.921 acres of wetlands will be temporary impacted.

Dredge Volume: 500 yd³

Related Projects Implemented/to be Implemented by the Applicant(s): None.

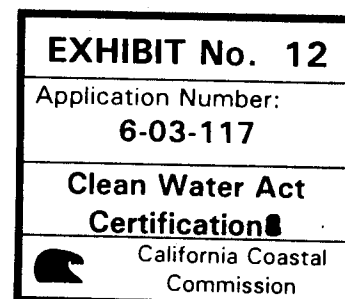
Compensatory Mitigation: On-site habitat that will be restored due to temporary impacts will include 0.37 acre of beach sand, 0.79 acre of open water and 0.71 acre of freshwater/brackish water marsh. Off site habitat that will be restored to mitigate for permanent impacts include 0.438 acre of southern willow scrub.

Best Management Practices: During construction, this project will comply with the BMP requirements stipulated in the State Water Resources Control Board Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.

Post-construction BMP's will be implemented to comply with Standard Urban Storm Water Mitigation Plan (SUSMP) requirements, San Diego Regional Water Quality Control Board Order No. 2001-01 (the San Diego Municipal Storm Water Permit). Specific BMP's include:

1. Street sweeping of the bridge and Harbor Drive will be implemented on a regular basis as described in the URMP.
2. Catch basins will be labeled with "Drains to Ocean" or similar text.
3. The project will have two types of treatment trains for treating stormwater flows. Both types of treatment trains start with flows being passed through catch basin inlet filters. The flows will then be passed into either an infiltration trench or a biofilter swale. The City of Oceanside will be the entity responsible for the inspection and maintenance of the treatment BMPs.

Public Notification: On October 20, 2003 receipt of the project application was posted on the SDRWQCB web site to serve as appropriate notification to the public.



**STATE WATER RESOURCES CONTROL BOARD (SWRCB)
ORDER NO. 99 - 08 - DWQ
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. CAS000002**

**WASTE DISCHARGE REQUIREMENTS (WDRS)
FOR
DISCHARGES OF STORM WATER RUNOFF ASSOCIATED WITH
CONSTRUCTION ACTIVITY**

The State Water Resources Control Board finds that:

1. Federal regulations for controlling pollutants in storm water runoff discharges were promulgated by the U.S. Environmental Protection Agency (USEPA) on November 16, 1990 (40 Code of Federal Regulations (CFR) Parts 122, 123, and 124). The regulations require discharges of storm water to surface waters associated with construction activity including clearing, grading, and excavation activities (except operations that result in disturbance of less than five acres of total land area and which are not part of a larger common plan of development or sale) to obtain an NPDES permit and to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate storm water pollution.

On December 8, 1999 federal regulations promulgated by USEPA (40CFR Parts 9, 122, 123, and 124) expanded the NPDES storm water program to include storm water discharges from municipal separate storm sewer systems (MS4s) and construction sites that were smaller than those previously included in the program. Federal regulation 40 CFR § 122.26(b)(15) defines small construction activity as including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre or less than five acres or is part of a larger common plan of development or sale. Permit applications for small construction activities are due by March 10, 2003.

2. This General Permit regulates pollutants in discharges of storm water associated with construction activity (storm water discharges) to surface waters, except from those areas on Tribal Lands; Lake Tahoe Hydrologic Unit; construction projects which disturb less than one acre, unless part of a larger common plan of development or sale; and storm water discharges which are determined ineligible for coverage under this General Permit by the California Regional Water Quality Control Boards (RWQCBs). Attachment I contains addresses and telephone numbers of each RWQCB office.
3. This General Permit does not preempt or supersede the authority of local storm water management agencies to prohibit, restrict, or control storm water discharges to separate storm sewer systems or other watercourses within their jurisdiction, as allowed by State and Federal law.

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4. To obtain authorization for proposed storm water discharges to surface waters, pursuant to this General Permit, the landowner (discharger) must submit a Notice of Intent (NOI) with a vicinity map and the appropriate fee to the SWRCB prior to commencement of construction activities. In addition, coverage under this General Permit shall not occur until the applicant develops a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of Section A of this permit for the project. For proposed construction activity conducted on easements or on nearby property by agreement or permission, or by an owner or lessee of a mineral estate (oil, gas, geothermal, aggregate, precious metals, and/or industrial minerals) entitled to conduct the activities, the entity responsible for the construction activity must submit the NOI and filing fee and shall be responsible for development of the SWPPP.
5. If an individual NPDES Permit is issued to a discharger otherwise subject to this General Permit or if an alternative General Permit is subsequently adopted which covers storm water discharges regulated by this General Permit, the applicability of this General Permit to such discharges is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the subsequent General Permit.
6. This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with section 13389 of the California Water Code.
7. The SWRCB adopted the California Ocean Plan, and the RWQCBs have adopted and the SWRCB has approved Water Quality Control Plans (Basin Plans). Dischargers regulated by this General Permit must comply with the water quality standards in these Basin Plans and subsequent amendments thereto.
8. The SWRCB finds storm water discharges associated with construction activity to be a potential significant sources of pollutants. Furthermore, the SWRCB finds that storm water discharges associated with construction activities have the reasonable potential to cause or contribute to an excursion above water quality standards for sediment in the water bodies listed in Attachment 3 to this permit.
9. It is not feasible at this time to establish numeric effluent limitations for pollutants in storm water discharges from construction activities. Instead, the provisions of this General Permit require implementation of Best Management Practices (BMPs) to control and abate the discharge of pollutants in storm water discharges.
10. Discharges of non-storm water may be necessary for the completion of certain construction projects. Such discharges include, but are not limited to: irrigation of vegetative erosion control measures, pipe flushing and testing, street cleaning, and dewatering. Such discharges are authorized by this General Permit as long as they (a) do comply with Section A.9 of this General Permit, (b) do not cause or contribute to violation of any water quality standard, (c) do not violate any other provision of this

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General Permit, (d) do not require a non-storm water permit as issued by some RWQCBs, and (e) are not prohibited by a Basin Plan. If a non-storm water discharge is subject to a separate permit adopted by a RWQCB, the discharge must additionally be authorized by the RWQCB permit.

11. Following adoption of this General Permit, the RWQCBs shall enforce the provisions herein including the monitoring and reporting requirements.
12. Following public notice in accordance with State and Federal laws and regulations, the SWRCB in a public meeting on June 8, 1998, heard and considered all comments. The SWRCB has prepared written responses to all significant comments.
13. This Order is an NPDES permit in compliance with section 402 of the Clean Water Act (CWA) and shall take effect upon adoption by the SWRCB provided the Regional Administrator of the USEPA has no objection. If the USEPA Regional Administrator objects to its issuance, the General Permit shall not become effective until such objection is withdrawn.
14. This General Permit does not authorize discharges of fill or dredged material regulated by the U.S. Army Corps of Engineers under CWA section 404 and does not constitute a waiver of water quality certification under CWA section 401.
15. The Monitoring Program and Reporting Requirements are modified in compliance with a judgment in the case of San Francisco BayKeeper, et al. v. State Water Resources Control Board. The modifications include sampling and analysis requirements for direct discharges of sediment to waters impaired due to sediment and for pollutants that are not visually detectable in runoff that may cause or contribute to an exceedance of water quality objectives.
16. Storm water discharges associated with industrial activity that are owned or operated by municipalities serving populations less than 100,000 people are no longer exempt from the need to apply for or obtain a storm water discharge permit. A temporary exemption, which was later extended by USEPA, was provided under section 1068(c) of the Intermodal Surface Transportation and Efficiency Act (ISTEA) of 1991. Federal regulation 40 CFR § 122.26(e)(1)(ii) requires the above municipalities to submit permit application by March 10, 2003.
17. This permit may be reopened and modified to include different monitoring requirements for small construction activity than for construction activity over five (5) acres.

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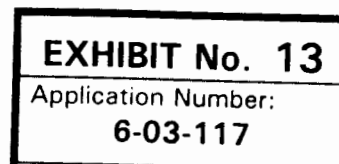
IT IS HEREBY ORDERED that all dischargers who file an NOI indicating their intention to be regulated under the provisions of this General Permit shall comply with the following:

A. DISCHARGE PROHIBITIONS:

1. Authorization pursuant to this General Permit does not constitute an exemption to applicable discharge prohibitions prescribed in Basin Plans, as implemented by the nine RWQCBs.
2. Discharges of material other than storm water which are not otherwise authorized by an NPDES permit to a separate storm sewer system (MS4) or waters of the nation are prohibited, except as allowed in Special Provisions for Construction Activity, C.3.
3. Storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance.
4. Storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.

B. RECEIVING WATER LIMITATIONS:

1. Storm water discharges and authorized nonstorm water discharges to any surface or ground water shall not adversely impact human health or the environment.
2. The SWPPP developed for the construction activity covered by this General Permit shall be designed and implemented such that storm water discharges and authorized nonstorm water discharges shall not cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan and/or the applicable RWQCB's Basin Plan.
3. Should it be determined by the discharger, SWRCB, or RWQCB that storm water discharges and/or authorized nonstorm water discharges are causing or contributing to an exceedance of an applicable water quality standard, the discharger shall:
 - a. Implement corrective measures immediately following discovery that water quality standards were exceeded, followed by notification to the RWQCB by telephone as soon as possible but no later than 48 hours after the discharge has been discovered. This notification shall be followed by a report within 14-calendar days to the appropriate RWQCB, unless otherwise directed by the RWQCB, describing (1) the nature and cause of the water quality standard exceedance; (2) the BMPs currently being implemented; (3) any additional BMPs which will be implemented to

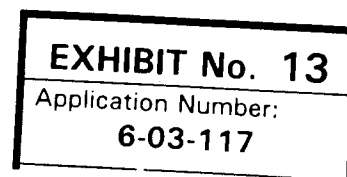


prevent or reduce pollutants that are causing or contributing to the exceedance of water quality standards; and (4) any maintenance or repair of BMPs. This report shall include an implementation schedule for corrective actions and shall describe the actions taken to reduce the pollutants causing or contributing to the exceedance.

- b. The discharger shall revise its SWPPP and monitoring program immediately after the report to the RWQCB to incorporate the additional BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring needed.
- c. Nothing in this section shall prevent the appropriate RWQCB from enforcing any provisions of this General Permit while the discharger prepares and implements the above report.

C. SPECIAL PROVISIONS FOR CONSTRUCTION ACTIVITY:

- 1. All dischargers shall file an NOI and pay the appropriate fee for construction activities conducted at each site as required by Attachment 2: Notice of Intent--General Instructions.
- 2. All dischargers shall develop and implement a SWPPP in accordance with Section A: Storm Water Pollution Prevention Plan. The discharger shall implement controls to reduce pollutants in storm water discharges from their construction sites to the BAT/BCT performance standard.
- 3. Discharges of non-storm water are authorized only where they do not cause or contribute to a violation of any water quality standard and are controlled through implementation of appropriate BMPs for elimination or reduction of pollutants. Implementation of appropriate BMPs is a condition for authorization of non-storm water discharges. Non-storm water discharges and the BMPs appropriate for their control must be described in the SWPPP. Wherever feasible, alternatives which do not result in discharge of nonstorm water shall be implemented in accordance with Section A.9. of the SWPPP requirements.
- 4. All dischargers shall develop and implement a monitoring program and reporting plan in accordance with Section B: Monitoring Program and Reporting Requirements.
- 5. All dischargers shall comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to separate storm sewer systems or other watercourses under their jurisdiction, including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by the RWQCBs to local agencies.

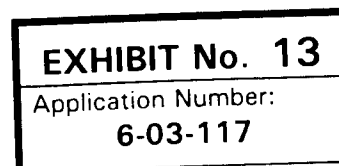


6. All dischargers shall comply with the standard provisions and reporting requirements contained in Section C: Standard Provisions.
7. The discharger may terminate coverage for a portion of the project under this General Permit when ownership of a portion of this project has been transferred or when a phase within this multi-phase project has been completed. When ownership has transferred, the discharger must submit to its RWQCB a Change of Information Form (COI) Attachment 4 with revised site map and the name, address and telephone number of the new owner(s). Upon transfer of title, the discharger should notify the new owner(s) of the need to obtain coverage under this General Permit. The new owner must comply with provisions of Sections A. 2. (c) and B. 2. (b) of this General Permit. To terminate coverage for a portion of the project when a phase has been completed, the discharger must submit to its RWQCB a COI with a revised map that identifies the newly delineated site.
8. The discharger may terminate coverage under this General Permit for a complete project by submitting to its RWQCB a Notice of Termination Form (NOT), and the post-construction BMPs plan according to Section A.10 of this General Permit. Note that a construction project is considered complete only when all portions of the site have been transferred to a new owner; or the following conditions have been met:
 - a. There is no potential for construction related storm water pollution,
 - b. All elements of the SWPPP have been completed,
 - c. Construction materials and waste have been disposed of properly,
 - d. The site is in compliance with all local storm water management requirements, and
 - e. A post-construction storm water management plan is in place as described in the site's SWPPP.
9. This General Permit expires five years from the date of adoption.



D. REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) AUTHORITIES:

1. RWQCBs shall:
 - a. Implement the provisions of this General Permit. Implementation of this General Permit may include, but is not limited to requesting the submittal of SWPPPS, reviewing SWPPPs, reviewing monitoring reports, conducting compliance inspections, and taking enforcement actions.
 - b. Issue permits as they deem appropriate to individual dischargers, categories of dischargers, or dischargers in a geographic area. Upon issuance of such permits by a RWQCB, the affected dischargers shall no longer be regulated by this General Permit.
2. RWQCBs may require, on a case-by-case basis, the inclusion of an analysis of potential downstream impacts on receiving waterways due to the permitted construction.
3. RWQCBs may provide information to dischargers on the development and implementation of SWPPPs and monitoring programs and may require revisions to SWPPPs and monitoring programs.
4. RWQCBs may require dischargers to retain records for more than three years.
5. RWQCBs may require additional monitoring and reporting program requirements including sampling and analysis of discharges to water bodies listed in Attachment 3 to this permit. Additional requirements imposed by the RWQCB should be consistent with the overall monitoring effort in the receiving waters.
6. RWQCBs may issue individual NPDES permits for those construction activities found to be ineligible for coverage under this permit.



CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 19, 1999.

AYE: James M. Stubchaer
Mary Jane Forster
John W. Brown
Arthur G. Baggett, Jr.

NO: None

ABSENT: None

ABSTAIN: None

_____/s/_____
Maureen Marché
Administrative Assistant to the Board

EXHIBIT No. 13
Application Number: 6-03-117

STORM WATER MANAGEMENT PLAN

for:

PACIFIC STREET BRIDGE OVER THE SAN LUIS REY RIVER

Prepared for:

**City of Oceanside
300 North Coast Highway
Oceanside, California 92054**

Prepared by:

**Willdan
9275 Sky Park Court
Suite 110
San Diego, California 92123**

RECEIVED
San Luis Rey River
City of Oceanside
September 16, 2003
Crystal S. O'Connell




September 16, 2003
 **WILLDAN**
a subsidiary of Ecolab


EXHIBIT No. 14
Application Number: 6-03-117
Storm Water Management Plan
 California Coastal Commission

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EXHIBIT No. 14

Application Number:
6-03-117

**Storm Water
Management Plan**



California Coastal
Commission

STORM WATER MANAGEMENT PLAN PACIFIC STREET BRIDGE OVER THE SAN LUIS REY RIVER

SECTION 1.0 – PROJECT DESCRIPTION

The proposed Pacific Street Bridge would consist of a permanent bridge across the San Luis Rey River designed to safely pass the floodwaters of a 100-year storm, and would include the following components:

- A 121.92 meter (400-foot) long bridge with one 3.66 meter (12-foot) traffic lane in each direction
- 2.44 meter (8-foot) shoulder with bike path
- 1.52 meter (5-foot) sidewalk on each side of the bridge
- Elevation of the vertical alignments of Harbor Drive and Pacific Street to meet the bridge approaches
- Removal of the current low water crossing
- Re-creation of coastal wetlands

The bridge is designed to replace the existing Pacific Street Crossing, which consists of one 3.66 meter (12-foot) traffic lane in each direction and a shared shoulder/bicycle lane in each direction. This existing at-grade crossing is one of two main access points to the City of Oceanside Harbor Beach and Marina. In order not to cause upstream flooding, and in accordance with the San Luis Rey River Flood Control Project, the existing road is designed to wash out during periods of significant rain and has washed out and been reconstructed six times between 1980 and 1998. The U.S. Army Corps of engineers will not allow the road to be reconstructed after any subsequent washout. The bridge construction is necessary to maintain a critical secondary access to the Oceanside Harbor Beach and Marina area.


SECTION 2.0 – POLLUTANTS OF CONCERN

Section 2.1 – Pollutants of Concern

Table 1 of Section 3.1.2 of the City of Oceanside's Standard Urban Storm Water Mitigation Plan assigns Priority Project category to the following anticipated pollutants of concern for the "Streets Highways & Freeways":

Anticipated Pollutants:

- Sediments
- Heavy metals
- Organic compounds
- Trash and debris
- Oil and grease

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 California Coastal Commission

Potential Pollutants:

- Nutrients
- Oxygen demanding substances

The bridge and elevated Harbor Drive and Pacific Streets will not have any landscaped areas. Further, no solvents will be used on the bridge, Harbor Drive or Pacific Street. For these reasons, nutrients and oxygen demanding substances will not be included as pollutants of concern for this project.

Section 2.2 – Conditions of Concern

The bridge will add 0.125 hectare (0.31 acres) of impervious area. However, the rainfall tributary to the proposed bridge falls directly into the San Luis Rey River under current conditions. Harbor Drive and Pacific Street will be elevated in the current alignments and no additional paved area will be added to these roadways. Therefore, the project creates no additional runoff volumes.

The bridge will drain to catch basins on Harbor Drive and Pacific Street. Proposed catch basins on Harbor Drive will replace existing inlets. (See Appendix 2 for the proposed system layout.) The new basins will connect to existing storm drains in the adjacent parking lot, which convey the flow to the small craft harbor. Catch basins in Pacific Street will convey flows to an existing storm drain outfall or to the San Luis Rey River.

SECTION 3.0 – BEST MANAGEMENT PRACTICES

Section 3.1 – BMP Descriptions

3.1.1 Site Design BMPs

The drainage facilities for the proposed project will be connected to existing storm drain systems, or to the river, eliminating the possibility of downstream erosion. Volumes of runoff will not change with the implementation of the project.

3.1.2 Source Control BMPs

Source control of the pollutants will be accomplished through the implementation of the measures outlined in the City of Oceanside's URMP. These measures will include but will not be limited to:

1. Trash receptacles will be placed in the parking area adjacent to Harbor Drive.
2. Street sweeping of the bridge and Harbor drive will be implemented on a regular basis as described in the URMP.
3. Catch basins will be labeled with "Drains to Ocean" or similar text.

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3.1.3 Treatment Control BMPs

The project will have two types of treatment trains for the treatment of storm flows. On Harbor Drive the first step in the treatment process will be filter inserts in the catch basins to trap trash, sediments, and oil and grease. The 85% storm flows will then be conveyed to infiltration trenches. The infiltration trenches will eliminate the heavy metals and organic compounds plus any materials that bypass the filter inserts. The larger storms will bypass the diversions to the infiltration and be conveyed to the small craft harbor via the existing drainage systems. Although the parking lot is not being reconstructed, catch basin inserts will be added to the existing inlets in the parking lot.

On Pacific Street, the treatment train will again begin with catch basin inserts. The flows will then be conveyed to bio filtration areas where the 85% storm flow will be filtered by the vegetation prior to entering the San Luis Rey River. The biofilters will eliminate the heavy metals and organic compounds plus any materials that bypass the filter inserts.

Section 3.2 – BMP Locations

The catch basins and filter inserts will be placed at the sag points in the proposed bridge and roadway alignments. The infiltration trenches and biofilter swales will be placed downstream of the inlets prior to the flows entering the adjacent receiving waters. The layout drawings in Appendix 2 show the locations of the proposed facilities.

Section 3.3 – BMP Numerical Sizing

Table 1 shows the Storm Water Quality Design Flow (SQDF) rate for the proposed inlets. The proposed filter inserts have 0.80 cfs filtration capacity.

Table 1
Treatment Train Storm Water Quality Design Flow (SQDF)

Inlet No.	Length (ft)	Drainage Area Width (ft)	Drainage Area Area (acres)	Intensity in/hr	C	Flow Rate (cfs)	Treatment Capacity (cfs)
1	472	20	0.22	0.20	0.90	0.039	0.80
2	768	20	0.35	0.20	0.90	0.063	0.80
3	426	20	0.20	0.20	0.90	0.035	0.80
4	689	20	0.32	0.20	0.90	0.057	0.80
5	262	20	0.12	0.20	0.90	0.022	0.80
6	590	20	0.27	0.20	0.90	0.049	0.80
7	328	20	0.15	0.20	0.90	0.027	0.80
8	541	20	0.25	0.20	0.90	0.045	0.80

EXHIBIT No. 14

Application Number:

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Section 3.4 – BMP Cost Analysis

Table 2 shows the anticipated cost impact for the proposed BMPs.

Table 2
Anticipated BMP costs

BMP	Const. Cost	Number of Units	Total Cost	Maintenance Cost/year/unit	Total Maintenance Cost/year
Street Sweeping	N/A	1	N/A	See note 1	N/A
Trash Receptacles	N/A	10	N/A	See note 2	N/A
Catch Basin Inserts	\$1,000	8	\$8,000	\$250	\$2,000
Infiltration Trenches	\$10,000	2	\$20,000	\$1,500	\$3,000
Biofilter	\$25,000	2	<u>\$50,000</u>	\$1,000	<u>\$2,000</u>
Total			\$78,000		\$10,000

Note 1. The City currently has a street sweeping program in place and the additional area of the bridge will not increase the overall cost of the program.

Note 2. The City currently maintains trash receptacles in the parking lot adjacent to Harbor.

SECTION 4 – MAINTENANCE PROCEDURES

The City will implement the street sweeping and trash collection as part of its normal maintenance procedures. City maintenance forces will also be responsible for the maintenance of the structural BMPs. The catch basin inserts will be cleaned four times a year. The infiltration trenches will be inspected twice a year and cleaned once a year. The biofilters will be designed to be self-sustaining but should be inspected twice a year. If necessary, minor repairs can be done at that time.


EXHIBIT No. 14
Application Number: 6-03-117
Storm Water Management Plan
 California Coastal Commission

FIGURE 3: Harbor Village Area Parking Lots

OCEANSIDE HARBOR

1540 Harbor Drive North
Oceanside, CA 92054



Pacific

Willdan

EXHIBIT No. 15
Application Number:
6-03-117
Parking Lot
Locations

10/8/01

