

**CALIFORNIA COASTAL COMMISSION**

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REGULAR CALENDARSTAFF REPORT AND PRELIMINARY RECOMMENDATION

Application Number: 6-04-35

Applicant: City of Oceanside

Project Location: Coast Hwy Bridge, over the San Luis Rey River, Oceanside (San Diego County)

Project Description: Seismic retrofit of bridge to include expanding structural foundations, improving bridge support structures, and addition of seismic isolation and restrainer systems.

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Substantive File Documents: Biological Field Survey Report San Luis Rey Bridge by MEC Analytical Systems, Inc., dated November 1, 2003; Biological Opinion by the United States Fish and Wildlife Service dated May 10, 2004; City of Oceanside Local Coastal Program; Regional Water Quality Control Board approval dated January 10, 2004

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Summary of Staff's Preliminary Recommendation: Staff recommends the Commission find the proposed development, as conditioned, consistent with Coastal Act policies as all impacts to sensitive resources have been avoided or adequately mitigated and shown to be allowable under the applicable policies. The applicant has documented that a seismic retrofit is needed to the existing bridge. Although the project will result in temporary direct and indirect impacts to sensitive wetlands (open water/riparian) and upland vegetation (disturbed coastal sage scrub), no permanent impacts are proposed. Impacts to wetlands will result from proposed foundation work in the San Luis Rey River. Proposed impacts to disturbed coastal sage scrub will result from work occurring within disturbed areas surrounding the subject bridge. The applicant proposes to restore all areas of temporary impact and complete additional mitigation for all temporary impacts. While the proposed development will result in a small area of impacts to sensitive uplands and wetlands, it will significantly enhance public safety. 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.

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**I. PRELIMINARY STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

**MOTION:**                *I move that the Commission approve Coastal Development Permit No. 6-04-35 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

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.**

See attached page.

**III. Special Conditions.**

The permit is subject to the following conditions:

1. Construction Impacts/Restoration. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a detailed revegetation plan indicating the type, size, extent and location of all plant materials, any proposed irrigation system and other landscape features to revegetate all proposed temporary wetland impacts and the disturbed upland portion of construction staging areas. The program shall be developed in consultation with the California Department of Fish & Game and at a minimum shall include:

- a. Before/After Survey. The condition of the wetland vegetation and substrate under the bridge shall be documented prior to the repair activities. The extent of impacts to the vegetation and substrate shall be assessed and documented

after completion of the repairs. Temporary impacts to riparian habitats shall be mitigated at a 3:1 ratio; temporary impacts to disturbed riparian habitats shall be mitigated at a 2:1 ratio and temporary open water impacts shall be mitigated at a 1:1 ratio as proposed by the applicant. If the post construction survey identifies that permanent wetland impacts have occurred, a permit amendment is required to address the identified impacts. Mitigation shall be provided for any identified permanent wetland impacts at a ratio of not less than 4:1.

Temporary impacts to disturbed coastal sage scrub shall be mitigated at a 2:1 ratio through a combination of on and off site restoration and enhancement, including removal of exotic species, reseeding the area with coastal sage scrub species, irrigating, and maintaining the area for five years to ensure establishment of coastal sage scrub habitat. The plant palette for the seed mix shall contain additional herbaceous species and native grasses. A revised sampling plan shall propose explicit success criteria appropriate to the habitat type and a detailed monitoring plan. The plan shall include 1:1 mitigation for temporal losses in addition to restoration of the impacted footprint. Additional mitigation to fulfill the 2:1 ratio is permitted by contribution to an approved mitigation bank or other approved restoration project due to limited opportunity for additional restoration of this habitat in the project vicinity.

- b. The project shall comply with the "Biological Field Survey Report San Luis Rey Bridge by MEC Analytical Systems, Inc., dated November, 2003.
- c. The following goals, objectives, and performance standards for the restoration sites:
  1. Provisions for the full restoration of all wetland impacts that are identified as temporary. Restoration of temporarily impacted areas shall include at a minimum, restoration of before-impact elevations, restoration of before-impact hydrology, removal of all non-native plant species, and replanting with locally collected native wetland plant species.
  2. Success criteria and final performance monitoring shall provide at least a 90% coverage of areas disturbed by construction activities in 1 year.
  3. The final design and construction methods that will be used to ensure the restoration sites achieve the defined goals, objectives, and performance standards.
  4. Provisions for submittal, within 30 days of completion of initial restoration work, of post-restoration plans demonstrating that the restoration sites have been established in accordance with the approved design and construction methods.

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 Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Final Monitoring Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director in consultation with the California Department of Fish and Game, a final detailed monitoring program designed by a qualified wetland biologist for monitoring of the wetland restoration site. The monitoring program shall at a minimum include the following:

- Final monitoring for success shall take place after at least 3 years without remediation or maintenance activities other than weeding.
- The final report including the results of the final monitoring for success shall be submitted to the Coastal Commission for review and approval of the Executive Director.
- If after 5 years the restoration has not been successful, the applicant shall submit an amendment to the Coastal Commission for remediation or additional mitigation.
- Final monitoring for success shall be conducted with sufficient replication to detect a 10% difference in absolute ground cover between the mean of the restoration and the success standard with 90% power at an alpha level of 0.10. The mean native cover for the restoration site shall be compared to the performance criteria at the end of five years using an appropriate inferential test such as a single-sample t-test. The mean cover for the restoration site shall be considered to meet the performance criteria if the resulting alpha level is greater than 0.10.
- The goal of the sampling plan is that each potential plot within the restored area has an equal chance of being sampled and that actual sample plots are spatially distributed throughout that area. Therefore, an appropriate sampling design, such as a spatially stratified random design, shall be employed to achieve those objectives.
- Locally derived seeds and plants shall be used in the restoration without exception unless approved by the California Department of Fish and Game.

If the final report indicates that the restoration project has been unsuccessful, in part, or in whole, based on the approved performance standards, the applicant shall submit a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved performance standards. The revised restoration program, if necessary, shall be processed as an amendment to this coastal development permit. The applicant shall undertake the work authorized in any such amendment expeditiously.

The permittee shall monitor and remediate the wetland mitigation site in accordance with the approved monitoring program. Any proposed changes from the approved monitoring program shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Future Maintenance/Debris Removal. Within 15 days of completion of construction, the permittee shall remove all debris. In addition, the permittee shall maintain the project in its approved state except to the extent necessary to comply with the requirements set forth below. Maintenance, future additions or reinforcement of the bridge, or other changes in the design of the bridge may require an amendment to this permit or a separate coastal development permit. If after inspection, it is apparent that further repair and maintenance is necessary, the permittee shall contact the Commission office to determine whether an amendment to this permit or a separate coastal development permit is legally required, and shall subsequently apply for any legally required permit amendment or coastal development permit for the necessary maintenance. No maintenance, additions reinforcement, or other changes in the design of the bridge that requires an amendment to this permit may be undertaken until such amendment is issued.

4. Other Permits. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the permittee shall provide to the Executive Director copies of all other required state or federal discretionary permits for the development authorized by CDP #6-04-35. The applicant shall inform the Executive Director of any changes to the project required by other state or federal agencies. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this permit, unless the Executive Director determines that no amendment is legally required.

5. Construction Best Management Practices Related To Water Quality. 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).
- xiv. The permittee shall comply with the Water Quality Management Plan for The San Luis Rey River Bridge Retrofit by MEC Analytical Systems, Inc., dated November 2003

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.

#### 6. 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, 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; and (2) imposing the 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.

7. Construction Schedule/Access Impacts/Seasonal Restrictions. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a final construction schedule, which shall be incorporated into construction bid documents. The schedule shall include the following:

- a. Adverse effects on traffic flow on Pacific Coast Highway shall be minimized during the summer months and at least one traffic lane in each direction shall remain open at all times. No overnight storage of equipment or materials shall occur on public parking spaces.
- b. Construction activities, including removal of vegetation, shall not occur within the California gnatcatcher breeding season (February 15 – August 31) of any year

without the concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

- c. If nests are found, a 500-foot buffer from construction activities shall be established and maintained until the nest is no longer active.

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

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The purpose of the proposed project is to perform seismic retrofit of the Coast Highway Bridge in the City of Oceanside. The bridge was screened by Caltrans as part of the California bridge seismic retrofit program and determined to be in need of retrofit to improve safety during earthquakes. The bridge serves a major road that crosses the San Luis Rey River in the western part of the City (Exhibit 1). The seismic retrofit is needed to protect public safety, infrastructure, and property.

The Coast Highway Bridge is 0.5 mile east of the Pacific Ocean and southeast of Oceanside Harbor, immediately west of Interstate 5. Seismic retrofit will include expanding structural foundations, improvements to the bridge support structures, and addition of seismic isolation and restrainer systems. Work will be conducted from both the top and under the bridge. Equipment will include trucks for delivering supplies and hauling materials offsite, drill rig, pile driver, jackhammer, crane, backhoe, and front loader. Concrete mixer trucks and cranes will be used from the bridge platforms, requiring traffic to be directed to a single lane across the bridge. Other equipment will be used above and below the bridge. An additional activity includes re-painting the bridge, which currently has lead-based paint. A catch cloth will be used to capture paint and debris, which will be disposed of at an approved hazardous waste material site. Construction will occur during daytime. Construction will take approximately three months, which will be scheduled over a six-month period depending on weather. Operations would be suspended in the event of substantial rain and/or flooding.

Equipment staging areas will be located at both the north and south sides of the Coast Highway Bridge and primary access will be from local streets. Access to the area under the bridge will be from Monterey and Riverside Drives at the north side of the bridge, and from Neptune and Cleveland Avenues to a partially paved bike path at the south side of the bridge. All access and staging areas will occur in areas of disturbed habitat.



Excavation will be required to perform the structural foundation work at Bents 5 and 6 (Exhibits #2 and #3) and for adding steel casings around support columns at Bents 2 and 3. Approximately 2,420 cubic yards will be excavated around Bents 5 and 6, and approximately 100 cubic yards will be excavated around Bents 2 and 3. Excavated materials will be temporarily stockpiled under the bridge. An additional area adjacent to the west side of the bridge on the south side of the river also may be used for stockpiling. The excavated areas will be backfilled after the retrofit activities.

A temporary trestle will be constructed next to Bent 6 which is partially in the water) to permit vehicle access to drive sheet piles around the bent to form a cofferdam, which will be dewatered to provide full access to the work area. The seismic retrofit includes adding four piles to the corners of the subsurface foundation of the pile cap structure. The cofferdam will enclose an area of 10,036 square feet around the bent, which has an area of 866 square feet. The temporary trestle will be constructed within the footprint of the cofferdam to minimize disturbance. Silt curtains will be used to minimize turbidity impacts during construction of the trestle and cofferdam. After the seismic retrofit, sediment excavated from the streambed around Bent 6 will be backfilled to pre-project elevations, and the temporary trestle and cofferdam removed.

The area within the cofferdam would be dewatered to provide full access to the work area. Water would be pumped through filtration tanks to remove suspended sediment, and clear water would be discharged to the river within the silt fence. A temporary rock fill may be placed within the silt fence to dissipate energy during dewatering. Temporary rock placement areas may be located on both the north and south sides of the river, associated with excavations and dewatering of work areas around Bents 5 and 6, as necessary.

Bent 5 is located more than 100 feet south of the riverbank and ordinary high water mark. Similar to Bent 6, the seismic retrofit includes adding four piles to the corners of the subsurface foundation. Surrounding land cover types include freshwater marsh, disturbed and southern willow scrub riparian habitats, disturbed coastal sage scrub, and disturbed non-vegetated habitat with and without riprap. Freshwater marsh wetlands will be avoided and the temporary impacts to riparian habitats will be minimized.

Bents 2 and 3 are located on a steep upland slope above and more than 340 feet south of the riverbank and ordinary high water mark. Retrofit work on these bents would include excavation and adding steel casing to columns. Surrounding habitat is disturbed. Any upland slopes denuded of vegetation during construction will be vegetated with fire retardant native species (by hydroseed application or other approved landscaping) to stabilize slopes and prevent erosion.

All impacts will be temporary and will affect 0.16 acre of non-vegetated streambed/waters, 0.08 acre of southern willow scrub, 0.04 acre of arundo scrub, and 0.35 acre of disturbed riparian habitat. Disturbed riparian habitat under the bridge is sparsely vegetated primarily with exotic species (e.g., Arundo, myoporum, Brazilian pepper) and poison oak. Up to 0.20 acre of disturbed coastal sage scrub has the potential

to be temporarily impacted from stockpiling on the west side of the bridge. Over 88 percent of the temporary impacts to riparian and coastal sage scrub habitats would be to substantially disturbed habitats. Other temporary impacts would affect up to 3.2 acres of disturbed upland habitat.

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, the subject development occurs within tidelands under the bridge and above the San Luis Rey River within the Commission's retained coastal development permit jurisdiction. The standard of review is Chapter 3 policies of the Coastal Act with the certified Oceanside LCP used as guidance.

2. Protection of Sensitive Resources. Several Coastal Act sections are applicable as follows:

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. ...

Section 30240 of the Coastal Act is applicable, and states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The proposed retrofit raises a potential concern with Section 30233 of the Coastal Act through the placement of development (temporary trestle, coffer dam and enlarged seismic foundation) into coastal waters. Section 30233 allows the dredging and filling of coastal waters, including estuaries, for only eight 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 mitigation is provided for all remaining unavoidable impacts

The proposed seismic retrofit can be permitted under Section 30233(a)(5) of the Coastal Act. Section 30233(a)(5) applies since the fortified bridge and the temporary coffer dam placed in the 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 a submerged area"*. The bridge is an existing public facility and will provide the same number of traffic lanes as the existing bridge. Therefore, based on past

Commission decisions for similar public work projects, the Commission finds that the proposed retrofit of the bridge serves an incidental public service purpose, supporting the public access function provided by the bridge generally, and is necessary to maintain the existing road capacity. It therefore qualifies as an allowable use under Section 30233(a)(5) of the Coastal Act.

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.* There are limited available bridge design alternatives with a seismic retrofit; however, the applicant has proposed many avoidance and minimization measures to minimize impacts in the project area. These include locating the temporary trestle within the footprint of the cofferdam to minimize wetland and open water disturbance, preconstruction surveys for sensitive species, confining access and work areas to disturbed habitats, educating work personnel about resource constraints, requiring staging areas be clearly marked (e.g., stakes, flags, or fencing) and located outside sensitive habitats and protecting sensitive areas with 4 feet tall orange "snow" fencing. Additionally, sensitive vegetation in the work area will be covered with plastic sheeting, wood, and/or metal plates to preserve root systems to facilitate natural re-growth. Construction activities will not extend across the river at any given time, but will progress from one side of the river to the other to avoid blockage or impediment of movement of wildlife along wildlife corridors. Based on the above, the Commission finds that the proposed avoidance/minimization measures result in an approach that is the least environmentally damaging feasible alternative.

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. All impacts will be temporary and will affect 0.16 acre of non-vegetated streambed/waters, 0.08 acre of southern willow scrub, and 0.35 acre of disturbed riparian habitat. Mitigation is proposed at a 3:1 ratio for temporary disturbance to riparian habitats, a 2:1 ratio is proposed for temporary disturbance to disturbed riparian habitats and a 1:1 ratio is proposed for temporary disturbance to nonvegetated floodway channel/streambed and waters, which will quickly recover from the temporary disturbance without temporal loss of habitat function and value to sensitive wildlife. The mitigation includes a combination of on and off site restoration and enhancement. Site conditions at temporary disturbance areas will be restored to the same or better condition by removal of exotic vegetation, replanting and/or seeding with riparian wetland vegetation, irrigating as appropriate, and maintaining the areas for five years to ensure the success of the restoration. It is proposed that substantially degraded habitat be restored by removal of exotic species and active replanting with riparian woodland species to fulfill mitigation requirements.

The proposed mitigation site is immediately west of the bridge in the coastal zone. The mitigation would occur on the north side of the river between the bridge and a railroad bridge which is approximately ¼ mile from the subject bridge. This area is disturbed and

would greatly benefit from the proposed mitigation program. The Commission's staff ecologist has reviewed the submitted mitigation/monitoring plan and finds that overall, the mitigation is acceptable. However, several revisions are suggested, including changes in the sampling design and an augmented coastal sage scrub restoration plan. To address these concerns, the Commission imposes Special Condition Nos. 1 and 2 which require a final mitigation/monitoring plan that includes the recommendations of the Commission's ecologist.

No permanent wetland impacts are proposed or permitted with this application. Special Condition #1 requires the applicant to revegetate all proposed temporary wetland impacts and the disturbed construction areas. A "Before/After" survey is required to document the condition of the wetland vegetation and substrate under the bridge prior to and after completion of the repair activities. If the post construction survey identifies that permanent wetland impacts have occurred, a permit amendment is required. Special Condition #1 also requires the applicant to comply with the provisions of the "Biological Field Survey Report", including additional performance standards typically required by the Commission to restore wetland impacts. Special Condition #1 requires that this area be revegetated upon completion of the project with drought tolerant native plants to re-establish the area consistent with its present character.

Regarding upland impacts, Section 30240(a) requires environmentally sensitive habitat areas to be protected against any significant disruption of habitat values. Section 30240(b) requires development adjacent to ESHA to be sited and designed to prevent impacts which would significantly degrade the ESHA. Up to 0.20 acre of disturbed coastal sage scrub would be temporarily impacted from stockpiling on the west side of the bridge. The Commission staff ecologist has reviewed the biology report and determined that impacts will not occur to an Environmentally Sensitive Habitat Area (ESHA) nor result in permanent impacts and as such the project can be found consistent with Section 30240. Impacts will be offset through a combination of on and off site restoration and enhancement at a 2:1 ratio, including removal of exotic species, reseeding the area with coastal sage scrub species, irrigating, and maintaining the area for five years to ensure establishment of coastal sage scrub habitat. Additional mitigation to fulfill the 2:1 ratio is proposed by contribution to an approved mitigation bank or other approved restoration project due to limited opportunity for additional restoration of this habitat in the project vicinity. Additionally, any upland slopes denuded of vegetation during construction will be vegetated with fire retardant native species (by hydroseed application or other approved landscaping) to stabilize slopes and prevent erosion. Again, the Commission's ecologist finds the proposed ratios acceptable but suggests some changes to the restoration plan which are identified in Special Conditions #1 and #2. The changes require additional herbaceous species and native grasses and a revised sampling plan with explicit success criteria and a detailed monitoring plan. The plan shall include 1:1 mitigation for temporal losses in addition to restoration of the impacted footprint. Additional mitigation to fulfill the 2:1 ratio is permitted by contribution to an approved mitigation bank or other approved restoration project due to limited opportunity for additional restoration of this habitat in the project vicinity.

According to the proposed restoration/mitigation plan, potential impacts could occur to federally listed threatened or endangered species which may be present in the area. California gnatcatcher and tidewater goby could occur in the project area, and potentially be directly or indirectly affected by project implementation. Pre-construction, focused, presence/absence surveys are proposed for these species to determine if they are present in the project area. If presence is detected, several avoidance and minimization measures are proposed to ensure that activities associated with implementation of the project will not have an adverse affect on these species. Prior to construction, the environmental or biological monitor will delineate (with stakes and flagging) the work area limits within the railroad ROW. Areas of avoidance in the wetland will also be delineated. Flagging will be placed in the wetland area to prohibit work activity and avoid direct and indirect impacts to the small channel immediately adjacent to the project site where tidewater goby may be present. Special Condition #1 requires the applicant to comply with provisions of the mitigation plan which address avoiding and minimizing impacts to sensitive species. Additionally, Special Condition #7 requires a condition for project timing to avoid adverse impacts to sensitive species.

Special Condition #3 requires any future maintenance activities and/or vegetation removal be reviewed. Within 15 days of project completion all debris must be removed.

Special Condition #4 requires the submittal of any required discretionary permits from other agencies. Should any project modifications be required as a result of other permits, an amendment to this permit may be necessary.

In summary, the proposed unavoidable impacts to wetlands have been found an allowable use within a wetland under 30233 of the Coastal Act. The applicant has minimized all adverse environmental impacts to the extent feasible and has proposed adequate mitigation for those impacts that do occur and cannot be avoided. Therefore, the Commission finds the proposed development, as conditioned, is consistent with Sections 30233 and 30240 of the Coastal Act.

3. Water Quality. Section 30230 of the Coastal Act states:

Section 30230.

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.

The project site is located in the San Luis Rey River estuary near its confluence with the Pacific Ocean. Due to the project's location over coastal waters, the project has the potential 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.

The project raises water quality concerns regarding construction impacts. Construction related impacts to water quality include temporary effects resulting from ground disturbing activities of construction (such as dredging, dewatering and pile driving), construction debris, and the establishment of construction staging areas. Of special note, relative to construction related impacts, is the assembly of a temporary trestle to facilitate construction of the cofferdam. 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 report 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. Special Condition #5 requires the project must not use wood containing preservatives (such as, but not limited to, creosote, pentachlorophenol, or inorganic arsenicals) that may be placed into coastal waters and must 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.

Many measures are proposed to preserve and protect water quality within the river, including erosion control plans and a Storm Water Pollution Prevention Plan (SWPPP). Best Management Practices (BMPs) are proposed addressing bank erosion and sedimentation, equipment use, materials storage, dewatering, drilling, waste and debris removal. An additional activity includes re-painting the bridge, which currently has lead-

based paint. A catch cloth will be used to capture paint and debris, which will be disposed of at an approved hazardous waste material site.

The Commission's water quality staff has found the water quality plan acceptable. Special Condition #6 requires that plan recommendations be followed, including those identified addressing trestle materials. 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 and 30231 of the Coastal Act regarding water quality.

4. Public Access. Because the proposed development is located between the sea and the first public road, Section 30604(c) requires that a specific access finding be made. In addition, many policies of the Coastal Act address the provision, protection and enhancement of public access to and along the shoreline, in particular, Sections 30210, 30211, 30212 and 30223. These policies address maintaining the public's ability to reach and enjoy the water, preventing overcrowding by providing adequate recreational area, and protecting suitable upland recreational sites.

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. While no public parking spaces would be usurped by the project through construction or staging, 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 3 months and begin in August which is within the peak summer season when public access demands are greatest. To minimize impacts, the applicant proposes at least one lane will be open to allow motorized vehicles, bicyclists, and pedestrians to access the beach and harbor. Also, temporary signage is proposed to identify alternative public access routes that bypass the temporarily closed portions of the bridge. Special Condition #7 requires these measures be identified in the access/staging plans. The Commission finds the project, as conditioned, is consistent with the above public access policies of the Coastal Act.

5. Visual Resources.

Section 30251 of the Coastal Act establishes that scenic and visual qualities of coastal areas be considered and protected as a resource of importance

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The proposed development will result in the seismic improvement of an existing bridge in the San Luis Rey River Estuary. Where development is allowed in scenic areas, the



development must be designed and sited to minimize its impact and be visually compatible with the character of the surrounding area. The project area has been identified by the City's Local Coastal Program as a visual resource where development, if allowed, must be designed to minimize disruption of natural landforms and vegetation; and be compatible in height, scale, color, and form with the surrounding neighborhood. Most project components will replace or expand existing components and will not substantially alter the scale or profile of the bridge. No change to railings or the height of bridge is proposed. The bridge will be repainted and employ decorative treatments to blend with the surrounding terrain. Therefore, the structure will not be more visually prominent and can be found consistent with Section 30251 of the Coastal Act regarding visual resources.

6. Hazards. 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.

The proposed project is a retrofit for seismic safety. Upon completion of the project, the bridge will be safer from damage due to earthquakes. However, development located in or near the ocean has the potential to be damaged by floods, storms and erosion. Furthermore, the project is within the floodplain of the San Luis Rey River. Due to the potential for a storm, no development in the water can be guaranteed to be totally safe from hazard.

Even though the bridge is designed to accommodate 100-year flood (and that will not change with the project), there still is the potential for damage to the bridge during a significant flood event. Given that the applicant has chosen to implement the project despite these risks, the applicant must assume the risks. Therefore, the Commission imposes Special Condition #7 which requires the applicant to agree to assume the risk of development in the hazardous area. As conditioned, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act.

7. Local Coastal Program.

The City of Oceanside has a certified LCP. The project is located in the certified LCP "Downtown District", within zoning sub-district 10. 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. The project only involves seismic retrofit to an existing bridge. As conditioned, the proposed development is consistent with the LCP designations.

The proposed development occurs in areas where the Commission retains permit jurisdiction. 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 and will not prejudice the ability of the City of Oceanside to continue to implement its certified LCP.

8. California Environmental Quality Act (CEQA) Consistency. Section 13096 of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit to be supported by a finding showing the permit, as conditioned, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.

As discussed herein, as proposed and conditioned the project will not result in any significant adverse impacts to upland habitat. Impacts to wetlands are unavoidable, but will be temporary and small in amount. Adequate mitigation is required for all impacts. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

#### STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. 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.

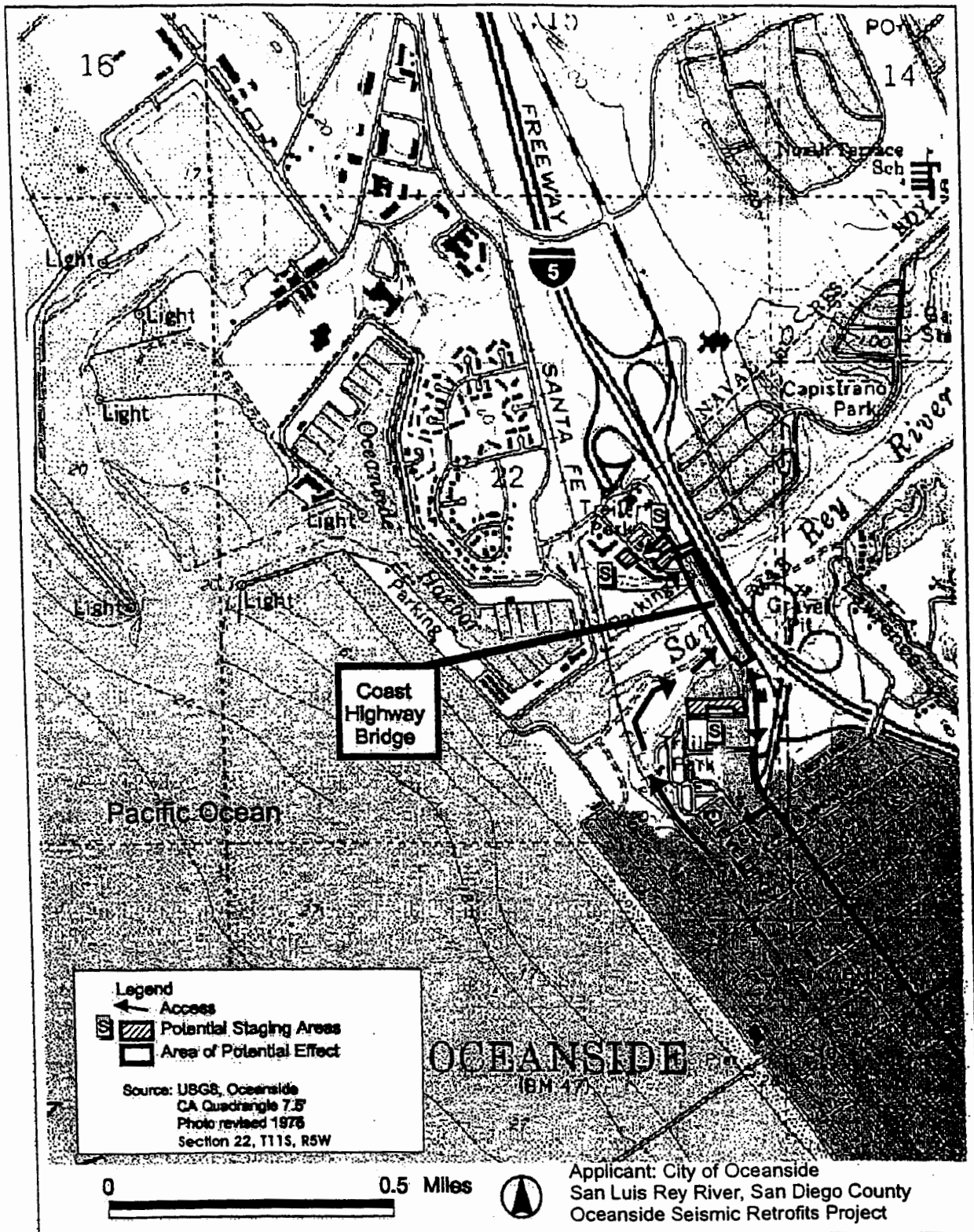

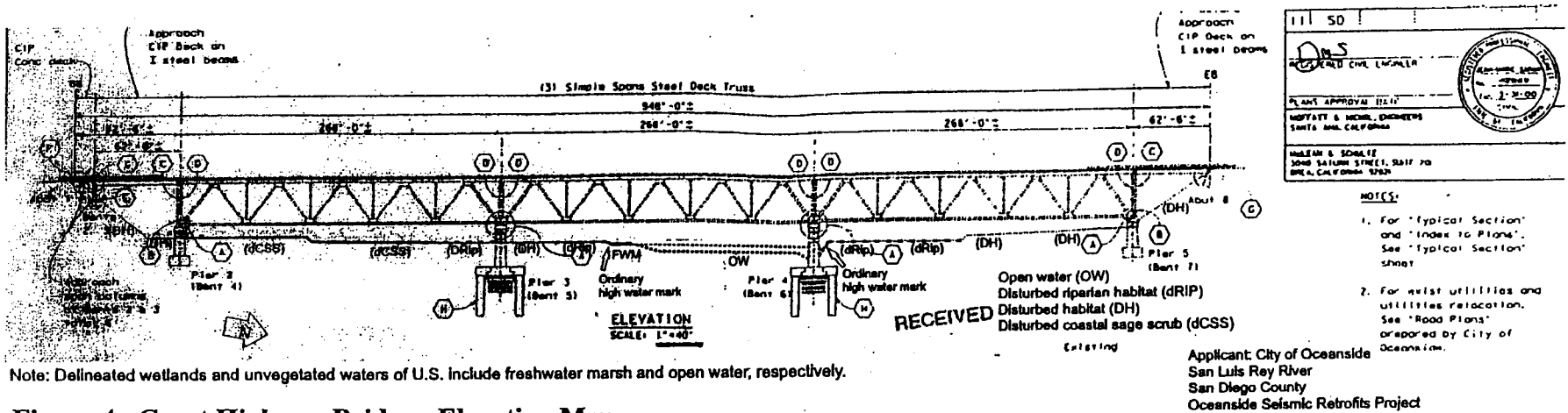


Figure 3. Coast Highway Bridge vicinity map showing construction, access, and staging areas.

EXHIBIT NO. 1
APPLICATION NO.
<b>6-04-035</b>
Location Map
 California Coastal Commission



Note: Delineated wetlands and unvegetated waters of U.S. include freshwater marsh and open water, respectively.

Figure 4. Coast Highway Bridge - Elevation Map.

EXHIBIT NO. 3

APPLICATION NO.

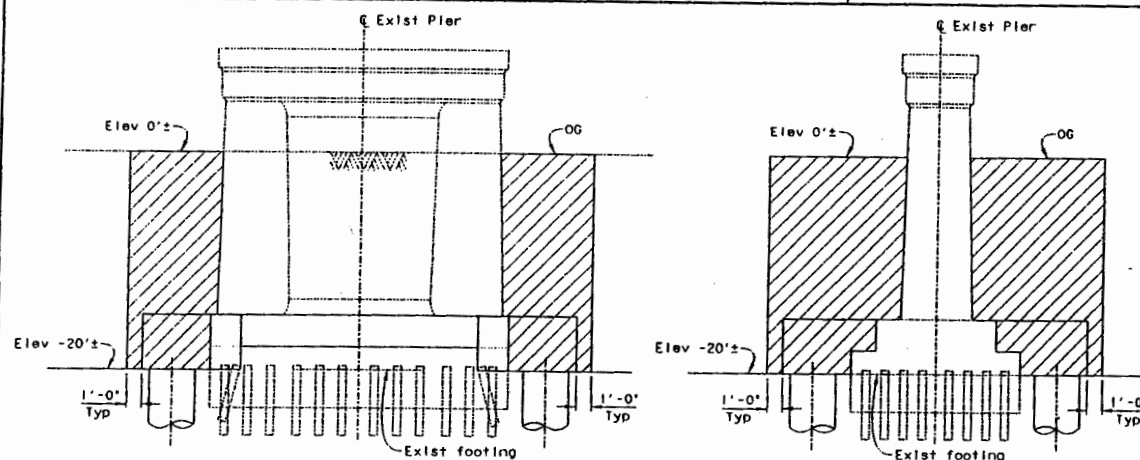
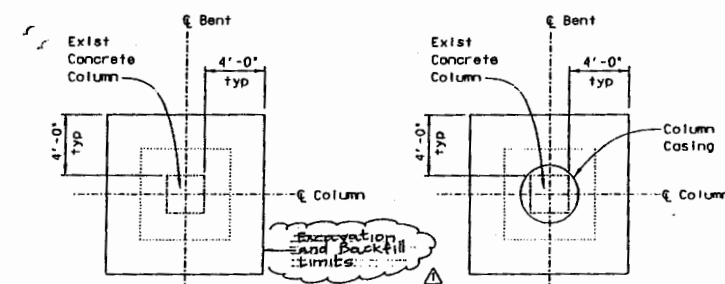
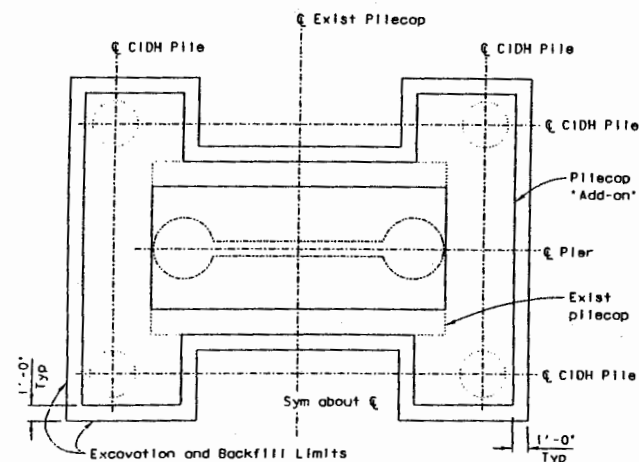
6-04-035

Bents 5 &amp; 6 Plan

California Coastal Commission

DIST COUNTY  
II SO

REGISTERED CIVIL ENGINEER

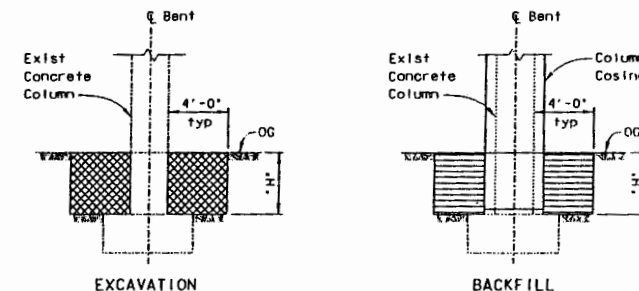
PLANS APPROVAL DATE  
MOFFATT & NICHOL ENGINEERS  
SANTA ANA, CALIFORNIAMcLEAN & SCHWARTZ  
1040 SATURN STREET, SUITE 201  
BREA, CALIFORNIA 92821BENTS 5 AND 6 ELEVATION - EXCAVATION (TYPE D)  
NO SCALEBENTS 2 AND 3  
TYPICAL COLUMN PLAN  
NO SCALEBENTS 5 AND 6 PLAN  
NO SCALE

LOCATION	ESTIMATED 'H' (NOTE 1)
Bent 2	1'-9" ± Average
Bent 3	6'-0" ± Average

NOTE 1  
See Note 5 on 'Foundation Plan' sheet.

## LEGEND:

- Indicates Structure Excavation (Type D)
- Indicates Structure Excavation
- Indicates Structure Backfill

BENTS 2 AND 3  
TYPICAL COLUMN ELEVATION  
NO SCALE

Notes:  
The Contractor shall verify all  
controlling field dimensions before  
ordering or fabricating any material.

*David K. Harris*  
SEAL  
DATE: 11-15-13

DESIGN	BY G. SARAH	CHECKED J. SARAH
DETAILS	BY G. SARAH	CHECKED J. SARAH
QUANTITIES	BY G. SARAH	CHECKED J. SARAH

PREPARED FOR THE  
CITY OF OCEANSIDE

PROJECT ENGINEER  
JOHN R. ARIAS

2304	Update to 2002 Specs and minor revisions	GS	JA
Rev	Date	Description	By

BRIDGE NO.  
STC-0322  
POST DATE

## EARTHQUAKE RETROFIT

~~GOOSE HILL STREET BRIDGE~~

LIMITS OF PAYMENT FOR EXCAVATION AND BACKFILL

ORIGINAL SCALE IN INCHES  
FOR REDUCED PLANS

0 1 2 3

CU 11-153  
EA L02507

REVISION DATES (PRELIMINARY STAGE ONLY)  
DATE REVISION

SHEET 18 OF 24