

CALIFORNIA COASTAL COMMISSION

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-06-152

Applicant: The City of Oceanside Water Utilities Dept.

Agents: Dennis Wood, Carollo Engineers, Gus Pennel

Description: Construction of an outlet pipe within an existing riprap revetment located on Buccaneer Beach in association with the development of a filtration and ultraviolet irradiation storm water treatment facility adjacent to Loma Alta Creek.

Site: Buccaneer Beach, west of Pacific Street and North of Morse Street, Oceanside, San Diego County.

Substantive File Documents: Final Mitigated Negative Declaration Environmental Impact Study by Recon dated November 28, 2006, draft Quality Assurance Project Plan by the City of Oceanside dated February 2007, Geological and Geotechnical Engineering Evaluation by Kleinfelder Inc. dated November 7, 2007, Loma Alta Creek Ultraviolet Treatment Facility Discharge Pipe Stability and Wave Runup Analysis by Hany Elwany dated March 13, 2007.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval with various special conditions. Concerns are raised with regard to impacts to water quality and public access. The proposed development includes the construction of a new outlet within an existing revetment that would allow water to discharge directly onto Buccaneer Beach. The proposed outlet construction is associated with a larger project for construction of an ultraviolet treatment facility at Loma Alta Creek. Only the outfall pipe and the associated effluent are included in this permit, as the outlet pipe will be located directly on the beach, subject to tides, and thus

within an area of Commission's original jurisdiction. The City of Oceanside has its own certified LCP and has already permitted a coastal development permit for the ultraviolet treatment facility itself. Conditions for the development include provisions for the maintenance of the existing revetment, restrictions to the construction schedule and required submittal of a water quality management plan and its associated reports. As conditioned, all potential adverse impacts on coastal resources are addressed to assure consistency of the development with Chapter 3 policies of the Coastal Act.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-06-152 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.

1. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director, final plans in substantial conformance to the plans submitted by Carollo Engineers dated 12/11/06 with the following modifications:

- a. The outfall structure shall be constructed in substantial conformance with the design recommended by The Loma Alta Creek Ultra Violet Treatment

Facility Discharge Pipe Stability and Wave Runup Analysis by Hani Elwany dated 3/13/07, as shown on Exhibit #5.

- b. Plans indicating the reconstructed riprap revetment will be constructed to minimize impacts to public access. Plans shall incorporate any modification to the riprap that will decrease the revetment footprint while still protecting the outfall pipe and the neighboring condominium building, including seaward and southern extent of the existing revetment.
- c. Plans indicating the proposed apron no larger than 6' x 6' and located no less than 10' inland of the revetment footprint.

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 an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Revetment As-Built Plans/Shoreline Protection. Within 60 days following completion of the outfall installation and revetment reconfiguration, the permittee shall submit revetment as-built plans to be reviewed and approved in writing by the Executive Director documenting that the revised revetment is in substantial conformance with the revetment plans approved pursuant to final plans approved by Special Condition #1.

In addition, within 60 days following completion of the revetment reconfiguration, the permittee shall submit a geological survey of the existing revetment, prepared by a licensed geologist, or civil or geotechnical engineer for the review and written approval of the Executive Director. The survey shall identify permanent benchmarks from the property line or another fixed reference point from which the elevation and seaward limit of the revetment can be referenced for measurements in the future.

3. No Future Seaward Extension of Shoreline Protective Devices. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the existing shoreline protective device, as shown on Exhibit #3, shall be undertaken if such activity extends the footprint seaward of the subject shoreline protective device as specified in Special Condition #2 of CDP #6-06-152. By acceptance of this Permit, the applicant waives, on behalf of itself and all successors and assigns, any rights to such activity that may exist under Public Resources Code Section 30235.

4. Long-Term Revetment Monitoring Program. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director, a long-term monitoring plan for the existing shoreline protection. The purpose of the plan is to monitor and identify damage or changes to the revetment such that repair and maintenance is completed in a timely manner to avoid further encroachment of the revetment on the beach. The monitoring plan shall incorporate, but not be limited to the following:

- a. An evaluation of the current condition and performance of the revetment, addressing any migration or movement of rock which may have occurred on the

site and any significant weathering or damage to the revetment that may adversely impact its future performance.

- b. Measurements taken from the benchmarks established in the survey as required in Special Condition #2 of CDP #6-06-152 to determine settling or seaward movement of the revetment. Changes in the beach profile fronting the site shall be noted and the potential impact of these changes on the effectiveness of the revetment evaluated.
- c. Recommendations on any necessary maintenance needs, changes or modifications to the revetment to assure its continued function and to assure no encroachment beyond the permitted toe.
- d. An agreement that the permittee shall apply for a coastal development permit within 90 days of submission of the report required in subsection c. above for any necessary maintenance, repair, changes or modifications to the project recommended by the report that require a coastal development permit and implement the repairs, changes, etc. approved in any such permit.

The above-cited monitoring information shall be summarized in a report prepared by a licensed engineer familiar with shoreline processes and submitted to the Executive Director for review and written approval. The report shall be submitted to the Executive Director and the City of Oceanside Engineering Department after each winter storm season but prior to May 1st of each year starting with May 1, 2008. Monitoring shall continue throughout the life of the revetment or until the revetment is removed or replaced under a separate coastal development permit.

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

5. Water Quality Monitoring Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, two (2) copies of a Final Water Quality Monitoring Plan (WQMP) to measure the effectiveness of the Ultra Violet Light Treatment Facility and results of discharges of treated water from Loma Alta Creek to the ocean waters at Buccaneer Beach. The WQMP shall provide detailed information on the methods used, including sample collection methods at each of the locations noted below. The WQMP shall be in substantial conformance with the following requirements:

- (a) Monitoring locations must include the following locations:
 - (i) Just upstream of the flow diversion within the channel (influent);
 - (ii) Within the treatment facility system just before and after UV treatment
 - (iii) In the water traveling out of the discharge pipe toward the ocean (effluent);
 - (iv) At the discharge pipe outlet in the mixing zone at ankle depth;

- (b) Water quality data must be obtained by grab samples at the following frequencies and reported for the following constituents:
 - (i) Flow (cfs or gpm): Flow must be measured at the treatment facility discharge pipe outlet and weekly flow rates reported. Flow rate at the time of sampling shall be reported.
 - (ii) Total Coliform, Fecal Coliform and Enterococcus (MPN or CFU /100ml): Bacteria monitoring must be conducted at least once per week.

- (c) Water quality monitoring shall commence when the treatment facility begins operating and shall continue for a period of no less than one year. The applicant shall submit an annual report to the Executive Director documenting the results of the above monitoring activities and any associated beach water quality monitoring data.

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 required.

6. Assumption of Risk, Waiver of Liability and Indemnity Agreement

- a. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wave action and flooding (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.

8. Other Special Conditions of the Oceanside Regular Coastal Permit. Except as provided by this coastal development permit, this permit has no effect on conditions imposed by the City of Oceanside pursuant to an authority other than the Coastal Act.

9. Construction Schedule/Staging Areas/Access Corridors. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, detailed plans identifying the location of access corridors to the construction sites and staging areas, and a final construction schedule. Access shall only be via the identified access corridors. Said plans shall include the following criteria specified via written notes on the plan:

- a. Use of sandy beach and public parking areas outside the actual construction site i.e. Buccaneer Park, including on-street parking, where the interim storage of materials and equipment is prohibited.
- b. No work shall occur on the beach during the summer peak months (start of Memorial Day weekend through Labor day) of any year.
- c. Equipment used on the beach shall be removed from the beach at the end of each workday.

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

10. Construction Materials. Disturbance to sand and intertidal areas shall be minimized. Beach sand excavated shall be redeposited on the beach. Local sand, cobbles or shoreline rocks shall not be used for backfill or construction material. The permittee shall remove from the beach and revetment area any and all debris that result from the construction.

11. Project Modifications. Only that work specifically described in this permit is authorized. Any additional work requires separate authorization from the Executive Director. **If, during construction, site conditions warrant changes to the project (i.e. increased revetment relocation), the San Diego District office of the Coastal Commission shall be contacted immediately prior to any changes to the project in the field.**

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description.

Project Background

The Loma Alta Creek watershed is comprised of 14 habitat types, with most land being urbanized (70% of the water shed) and is included on Section 303(d) of the federal Clean Water Act list of impaired water bodies for bacterial indicators, other contaminants, and eutrophication within the slough and for 1.1 miles of coastline at the opening. The increased eutrophication and the presence of bacteria and pathogens in the watershed pose a threat to REC-1 (water contact recreational activities associated with swimming) and REC-2 (non-contact water recreational activities involving incidental water contact) and have directly impacted the ocean water quality at Buccaneer Beach. The bacterial presence in Loma Alta Creek has resulted in numerous beach closures and postings at Buccaneer Beach. Historically, Buccaneer Beach was subject to closures that lasted the entire summer season. Buccaneer Beach is an easily accessible and highly used public beach. It has a wide sandy bank that extends all the way east to the sidewalk alongside Pacific Street and reaches capacity during the summer months. The unobstructed sandy shoreline extends approximately 200 feet, measuring from east to west, along Pacific Street.

In 1992, the City began diversion of the entire Loma Alta Creek flow during dry weather conditions, and combined the flow with treated wastewater from the adjacent La Salina Wastewater Treatment facility. The Regional Water Quality Board indicated to the City that this was a temporary solution to the problem. Furthermore, the La Salina Waste Water Treatment Facility no longer has the capacity to accommodate the volume of water associated with this diversion. As such the City of Oceanside is proposing the construction of an Ultraviolet Treatment Facility. The water will be filtered and then ultraviolet (UV) radiated to kill bacteria. The treated water will then flow by gravity via a pipeline that would cross under the Pacific Street Bridge to Buccaneer Beach and then outlet to the ocean (ref. Exhibit #2 & 3). The discharge pipe and outfall will be located within an existing rip rap revetment. The discharge system will operate only during the summer season.

The proposed ultraviolet facility would not change the flow pattern of Loma Alta Creek onto the beach. The Creek has historically flowed uninterrupted during the winter/wet months across Buccaneer Beach and into the Pacific Ocean. The ultraviolet facility would be located within the already developed La Salina facility and no impacts to wetlands are associated with this development.

Project Description.

The proposed endwall structure will be 6' x 6' in size and will be placed on top of a ¾" crushed gravel base. No impacts to sensitive habitat and no loss of public beach are proposed with this project. The outflow pipe will be placed under the beach behind and parallel to an existing riprap revetment. This revetment runs from the Pacific Street Bridge west (parallel to the Loma Alta Creek) that then turns north and runs parallel to the beach, connecting to revetments for other development to the north. The location of the endfall and discharge pipe is protected by and located adjacent to and within this existing revetment. The outfall structure is proposed to run parallel with the east to west facing revetment on the north side of Buccaneer Beach (ref. Exhibit #3) and outlet at the point this rip rap makes the 90 degree angle and begins to run south to north (ref. Exhibit

#3). These revetments were approved by the Commission in 1981 for the protection of an existing condominium building located north of Buccaneer Beach. During construction, the riprap would be temporarily laid back, the pipeline placed beside the revetment and the endwall of the outfall pipe will be located underneath it. The riprap will then be replaced in its same position. The riprap boulders will completely cover the outfall structure protecting it from waves and storms as well as visually screening the structure from beach users. The endwall would be located at an elevation 2.65 mean sea level, which is the mean high tide mark. In order to prevent high tide from entering the discharge pipe, a one way valve will be installed. The outfall would flow at an average rate of 500 gallons per minute (gpm), and a peak flow of 700 gpm. This would be similar to the October through May existing condition in which the creek flows unimpeded directly into the ocean via a channel that bisects Buccaneer Beach. There will be approximately 1,200 cubic yards of grading, but no material will be removed from the site.

Commission Jurisdiction

The outflow pipe and outfall structure west of the Pacific Street Bridge, are located on Buccaneer Beach and within the Commission's original permit jurisdiction. Therefore, this permit is for the outfall pipe and outfall structure and its associated effluent only, all other components of the UV treatment facility are within the City of Oceanside's coastal development permit jurisdiction. The City permitted the UV treatment facility by Regular Coastal Permit #RC-18-06, approved on December 11, 2006.

The specific project before the Commission is the construction of the outfall pipe, the endwall and the associated effluent. The project in its entirety will ultimately result in improved water quality from Loma Alta Creek to Buccaneer Beach. Because the outfall pipe, endwall and effluent are within the Commission's original jurisdiction the Chapter 3 policies of the Coastal Act are the standard of review.

2. Geologic Stability. Coastal Act Policy 30253 has provisions for geological stability and states in part:

Section 30253

New development shall:

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

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

In addition, section 30235 of the Coastal Act is applicable and states:

Section 30235

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

The project includes both a new pipe and outfall structure on the beach. Both these structures will be subject to threat from wave action and flooding, and therefore, if outleted on the beach, shoreline protection will be necessary. Because of the concerns with creating a new discharge on the beach and due to the hazards of the location, three alternatives were considered by the City for the placement of the outfall pipe. Alternative #1 included a structure similar to that being proposed, the primary difference being that the outfall pipe was located at the rear (east) of the beach. However, the applicant determined that this alternative was not feasible due to low flow velocity. During the summer, a sand berm with a level top would build up near the bridge, and there would not be enough slope to facilitate movement of the low flow discharge into the ocean. The discharge would therefore accumulate and pond east of the bridge, resulting in algal and bacterial growth. Alternative #2 included extending the outfall pipe farther seaward into the ocean. However, the applicant found that this alternative was also not feasible because the nearshore area is too dynamic and is subject to sand erosion and accretion. If the pipe were located farther seaward from the proposed location, the sand underneath the pipe would erode, exposing the pipe. This would present safety issues for swimmers and beach-users and could jeopardize the integrity of the pipe. Further, if the nearshore area experienced accretion, the outfall could be buried, thereby affecting the discharge.

The alternative of locating the outfall within the existing scour pond of Loma Alta Creek, as opposed to directly on the beach, was discussed as a further alternative. This location was eliminated due to site constraints. The existing intake for the UV facility is located at the western extreme of the scour pond. If the effluent were outletted in the scour pond, it would not be possible to separate the treated from the untreated water. Further, a sand berm exists between the Loma Alta scour pond lagoon area and the ocean. If the water were redirected back to this area, it would not only mix with untreated water but would pond within the lagoon area and inevitably become re-contaminated creating problems similar to those associated with Alternative #1 discussed above. While an outlet directly on the beach is not the ideal location, in this particular case, given site constraints and existing conditions, the Commission has concluded that it is the least impacting and most beneficial option for this site.

As stated above, there is an existing revetment that runs from the Pacific Street Bridge west (parallel to the Loma Alta Creek) that then turns north and runs parallel to the beach, connecting to revetments for other development to the north. Section 30235 of the Coastal Act does allow for the construction of shoreline protective devices if needed to protect existing development. Because the discharge pipe and endwall structure are proposed to be protected by the existing revetment, no new shoreline protective device is necessary. The outfall structure is proposed within the revetment on the north side of Buccaneer Beach (ref. Exhibit 3). The outlet structure will be subject to weather events and may lead to scouring of the endwall and discharge pipe. A wave runup analysis was completed for the project which states:

The outfall pipe will be protected by two revetments (west and south). Under large wave storm conditions, some of the beach sand in front of the west revetment may be exposed. However, this revetment will be able to withstand the effects of such wave events. The revetment consists of several layers of stones, which would reduce the effects of pore pressure on the sand behind the revetment. In addition, the foundation of the outfall pipe is concrete with a front wall [ref Exhibit #5] to prevent any possibility of scour occurring under the structure.

Because of frequent wave action, some protection for the discharge pipe and outfall structure was recommended by the wave runup analysis. As recommended, the outfall structure includes a 6 ft. by 6 ft. concrete apron to be constructed down into the beach sand. This concrete apron will serve as a scour guard to prevent the outfall structure from being undermined by wave action. The endwall, as submitted by the applicant, did not include the reinforcing apron (ref. Exhibit #4). Staff requested the applicant conduct a wave runup analysis. The wave runup analysis recommended the endwall incorporate a concrete apron to increase the strength and stability of the discharge pipe and endwall structure. Special Condition #1 therefore requires the applicant to submit final plans reflecting the recommendations of this wave runup analysis. Further, should site conditions warrant changes to these recommendations, Special Condition #11 requires the applicant to contact the San Diego office. Therefore, as conditioned, the geologic stability of the outfall has been properly addressed.

The removal and replacement of the revetment rocks could also alter the structural integrity of the revetment itself. The revetment is not only necessary to protect the outfall structure but as stated above, serves to protect the surrounding development. Special Condition #4 requires the applicant to develop a long term monitoring plan for the revetment. This monitoring plan will document the location of the riprap rocks as well as determine whether maintenance or improvements to the revetment are necessary annually. As such, the integrity and essential function of the revetment will be maintained.

With the documented stability of the existing revetment and outfall structure as well as the special condition requirements for final plans and riprap maintenance, the integrity and stability of the proposed structure will be protected and is therefore consistent with the Chapter 3 policies of the Coastal Act relating to geologic stability.

3. Water Quality/Marine Resources.

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

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 30236

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

The portion of the project subject to review by the Commission includes only the outflow pipe/outfall structure and discharge associated with an Ultraviolet treatment facility. The entire project will result in improved water quality on Buccaneer Beach. The UV treatment facility will treat all dry weather flows from Loma Alta Creek. Loma Alta Creek outlets onto Buccaneer Beach during winter months and historically during summer months as well. Loma Alta Creek is classified as an impaired water body and the bacteria in the water often caused beach closures at Buccaneer Beach, some of which have extended for the entire summer season.

In 1992 the City of Oceanside began diverting this water during dry weather conditions (summer months) to La Salina Treatment facility and combining the water with treated wastewater. However, the Creek water itself remains untreated. The water is then pumped 8,400 feet through an offshore ocean outfall. So while preventing beach closures, this diversion did not address the impacts of contamination. As proposed, the water would be filtered and treated by a UV treatment facility. The result being treated water outletting on the beach, as opposed to untreated water outletting onto the beach, leading to beach closures (historic conditions prior to the diversion which began in 1992), or into the ocean waters 8,400 ft. offshore (present conditions).

The construction of the outfall pipe will require construction equipment and the grading of 1,200 cubic yards of beach sand. The applicant has proposed that none of the grading material will be exported off site, but rather, will be relocated on the beach and replaced post-construction. Special Condition #9 prevents the applicant from exporting any of the associated beach sand or cobblestone or using these materials for construction. Further, construction activities and the use of equipment may lead to disturbance of sand and intertidal areas. Special Condition #9 also required the applicant to minimize impacts to the sand and intertidal areas during construction activities. Thus, as conditioned, the possible impacts to the sandy beach and intertidal area have been properly addressed.

When operational (during the summer months), the UV treatment facility will treat 95% of the water from Loma Alta Creek, with the remaining 5%, due to filter backslash,

being diverted to the La Salina Waste Water Treatment Plant. Thus, the amount of water discharged at the outfall will be approximately 5% less than that taken in.

Treating water with UV is a relatively new procedure and is generally considered highly effective at treating water contaminated with bacteria. However, the specific benefits for Loma Alta Creek and Buccaneer Beach cannot be precisely predicted. As such, a Water Quality Monitoring Plan has been proposed by the applicant; however the final document has not been submitted. Special Condition #5 requires the applicant to submit for approval a detailed Water Quality Management Plan, indicating the contaminant levels of the water pre- and post- treatment. This monitoring plan will assure the UV treatment is adequately treating this water, thus improving water quality and preventing beach closures. Therefore the project, as conditioned, can be found consistent with the Chapter 3 policies regarding water quality and marine resources.

4. Public Access/Recreation. The proposed development is located directly on Buccaneer Beach and as such may have impacts on public access and recreation. Section 30604(c) requires that the Commission make a specific finding that the development conforms to the public access and recreation policies of the Coastal Act. 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, 30213, 30220 and 30221. These policies address maintaining the public's ability to reach and enjoy the water, preventing overcrowding by providing adequate recreational areas, and protecting suitable upland recreational sites and state in part:

Section 30210

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

Section 30211

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

Section 30213

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

Section 30220

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

Section 30221

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

The proposed development includes the development of an ultraviolet treatment facility to treat the contaminated waters of Loma Alta Creek. Historically these waters outlet onto Buccaneer Beach year-round and this led to the beach closures during the dry weather months (summer season). From 1992 until the present, the waters have been diverted to the City's sewage treatment plant and into the ocean through an offshore outfall pipe. However, diversion in this manner does not treat the water and is no longer feasible. If the water was to again outlet onto Buccaneer Beach untreated, it would likely lead to beach closures and therefore impacts to public access. As proposed, all dry weather flows from Loma Alta creek will be treated by an Ultraviolet treatment facility to be located within an existing developed area. Once treated, the water will then outlet directly onto Buccaneer Beach, just north of the existing Loma Alta Creek mouth. As stated above, because outletting on a public beach is not ideal, the applicant proposed three different locations for the outflow pipe. One being further inland on the sand and the other located subtidally, as well as relocating the outfall pipe back into the lagoon portion of Loma Alta Creek. As discussed above, due to various site constraints, all these alternatives were eliminated as potential locations. Therefore, locating the outfall within existing riprap is the most desirable alternative and will result in the least impacts to public access.

The outfall would flow at an average rate of 500 gallons per minute (gpm), with a peak flow of 700 gpm. The total ponding depth for this rate of flow would be only inches deep during low tide, and undetectable at high tide. It would be similar to the October through May existing conditions, in which the creek flows unimpeded directly into the ocean. Thus, the effluent will have no impacts to public access.

The outfall, endfall and discharge pipe will be located in existing and permitted riprap. If during wave action or storm events portions of the revetment are dislodged from the revetment, it is possible that the discharge pipe and associated structures will become exposed, leading to impacts to public access. The applicant has submitted a wave runup analysis that makes recommendations to assure the discharge pipe will not shift or become exposed. Special Condition #1 requires the applicant to incorporate these recommendations into the final submitted plans, to assure the discharge pipe will be constructed in the most stable way.

The construction of the outfall will require the applicant to remove some of the existing riprap rocks. It is possible that the reconfiguration of the riprap could take up more of the available sandy beach, thus increasing impacts to public access. Special Condition #1 requires the applicant to reconfigure the revetment to have the least possible impacts to public access. Special Conditions #2 requires the applicant to submit as-built plans showing the revetment as approved by Special Condition #1. Special Conditions #2 and #3 require the applicant to maintain the revetment in this configuration and restricts the seaward extension of the riprap in the future. The public access impacts resulting from the outfall structure and the associated revetment have therefore been minimized.

The applicant has indicated that the outfall structure is to be constructed during the last two weeks of September to minimize impacts to public access during the summer season. However, development of the UV treatment facility itself, which will be located adjacent to Buccaneer Beach, is proposed to be constructed during summer months. Construction crews and associated vehicles will be necessary to complete these activities and may result in impacts to public access and parking. Special Condition #9 therefore requires the applicant to restrict any construction activities on the beach and prohibits the applicant from monopolizing any public or street parking during summer months. Impacts to public access associated with construction activities have therefore been properly addressed or conditioned.

By treating the impacted waters of Loma Alta Creek, the development will result in benefits to both water quality and public access. This permit application addresses the potential impacts associated with the construction of the outfall, discharge pipe and effluent. Concerns were raised and have been addressed regarding geologic stability, water quality and public access. Special Conditions have been developed addressing the monitoring of the revetment and monitoring the quality of the effluent waters. Special Conditions have also been developed to restrict construction activities to minimize impacts to public access. As proposed and conditioned, the project has addressed all impacts associated with the above concerns and therefore can be found consistent with applicable Chapter 3 policies of the Coastal Act.

5. Local Coastal Planning. The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of Oceanside to continue to implement its certified LCP.

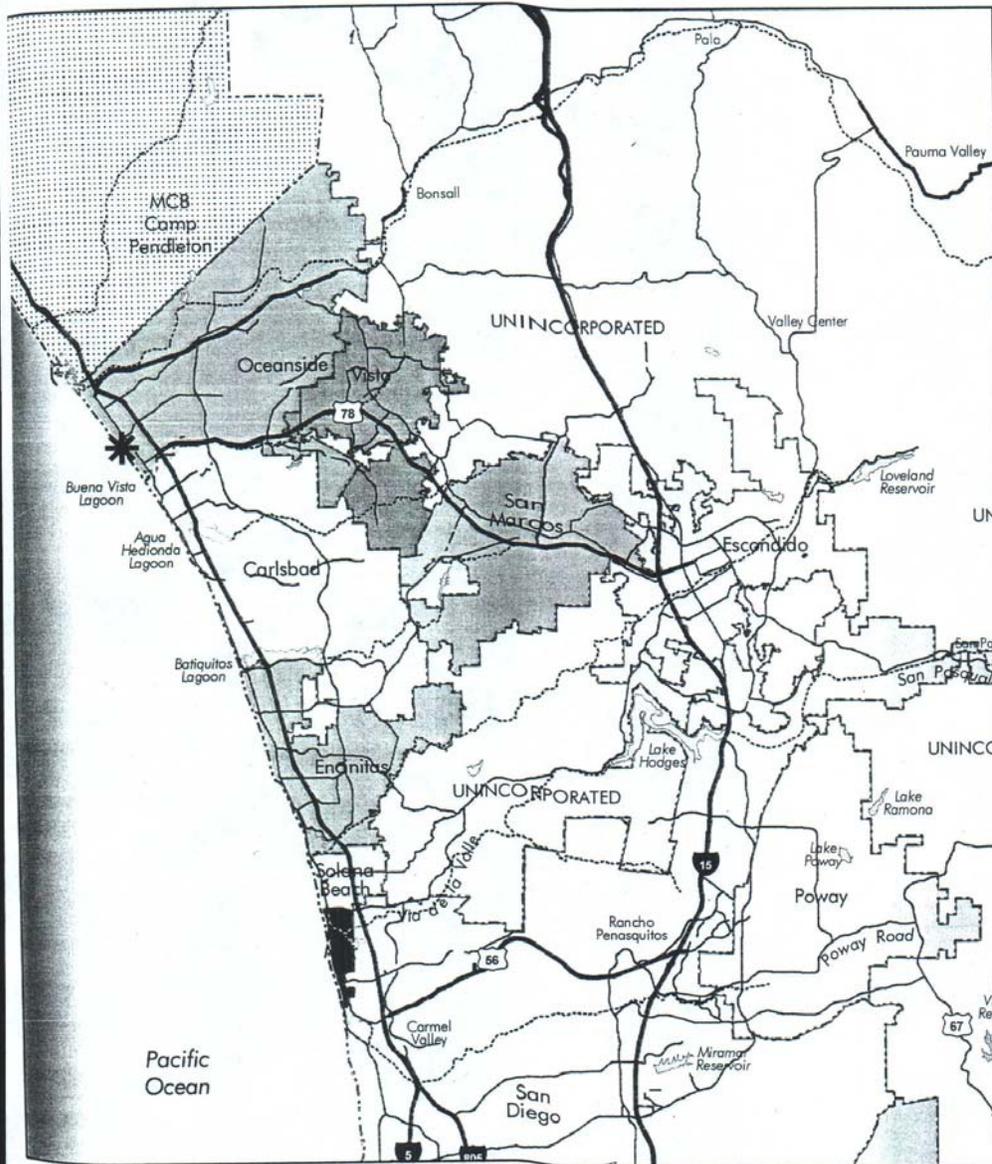
6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The City of Oceanside is the lead agency for this project for purposes of CEQA review. The City certified a Mitigated Negative Declaration with respect to this project on November 28, 2006.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing the discharge pipe, water quality monitoring, revetment monitoring and construction schedule will minimize all adverse environmental impacts. The applicant proposed three different locations for the outflow pipe. One being further inland on the sand and the other located subtidally, as well as relocating the outfall pipe back into the lagoon portion of Loma Alta Creek. As discussed above, due to various site constraints, all of these alternatives were eliminated as potential locations. Therefore, the applicant has documented that there are no feasible alternatives which would substantially lessen any significant adverse impact that the activity may have on the environment. And as

conditioned, there are no feasible additional mitigation measures that would substantially lessen any significant adverse impact the activity may have on the environment. Therefore, the Commission finds that the proposed project 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.



* Project location



EXHIBIT NO. 1
 APPLICATION NO.
6-06-152
 Location Map

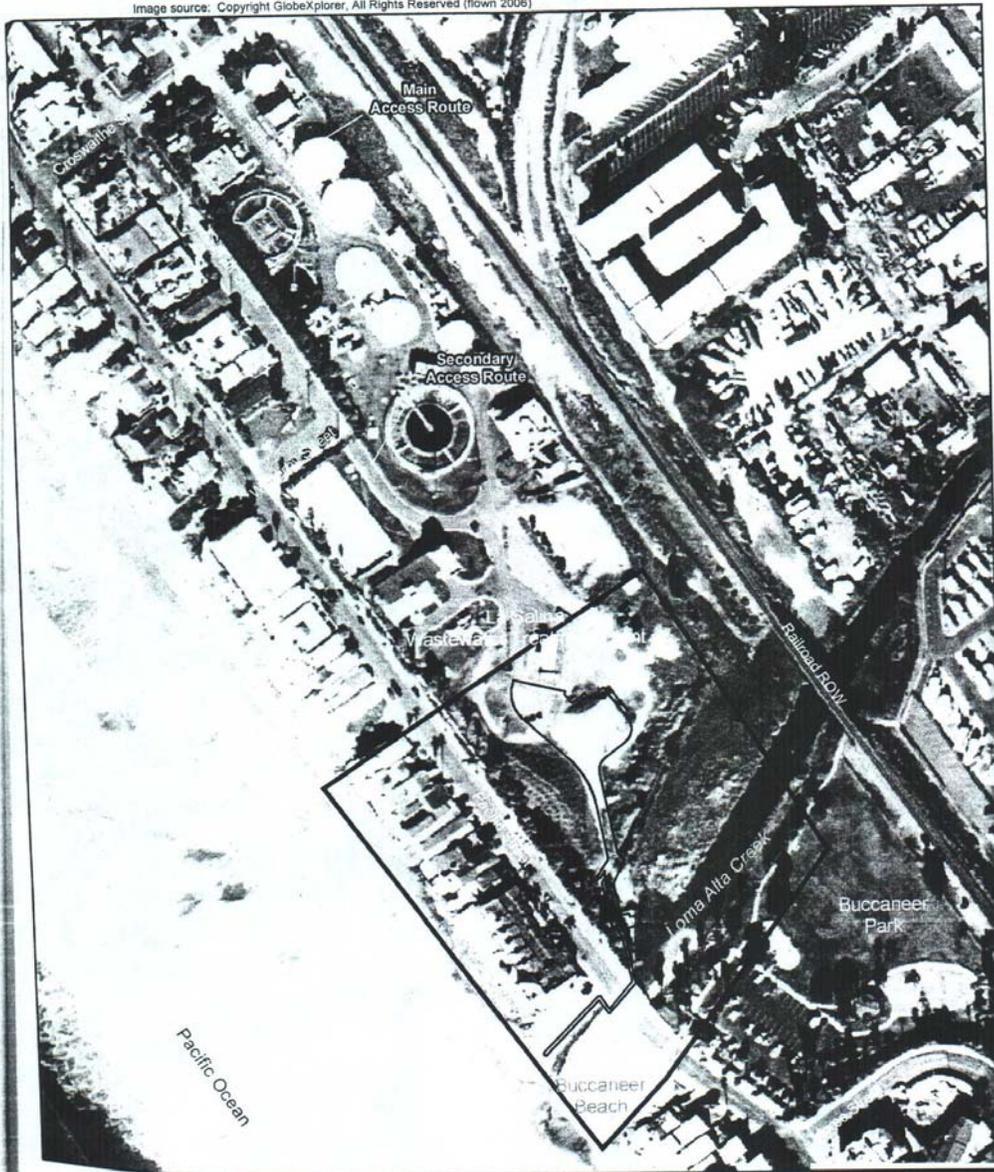
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Region



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-  Project limits
-  Survey area

RECON

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Aerial Photo

EXHIBIT NO. 2
APPLICATION NO.
6-06-152
Aerial Photograph



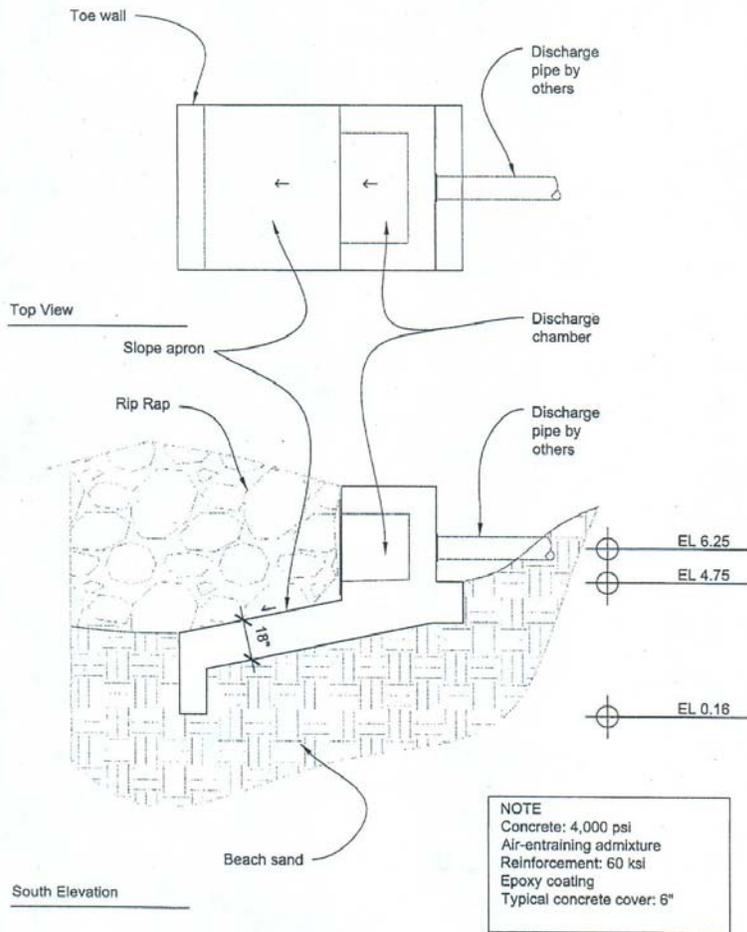


EXHIBIT NO. 3

APPLICATION NO.

6-06-152

Location of
Revetment



1 Endwall Plan View & South Elevation
 1/4" = 1' - 0" Loma Alta Creek UV Treatment Facility

Figure A-1. Endwall plan view and south elevation.

EXHIBIT NO. 5
APPLICATION NO.
6-06-152
Endwall as Recommended by Wave Runup Anls.
California Coastal Commission