

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Filed: September 26, 2011
49th Day: November 14, 2011
180th Day: March, 24, 2012
Staff: Gabriel Buhr - SD
Staff Report: November 17, 2011
Hearing Date: December 7 -9, 2011

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-11-076

Applicant: California Department of Transportation (Caltrans)

Agent: Robert A. James

Description: The proposed project includes the repair and stabilization of an existing culvert. Proposed work includes the removal of exposed wingwalls, stabilization of the end wall with rip rap back fill, gabion installation, construction of a rock lined drainage channel, and reconstruction of a sunken rock-lined basin. The applicant proposes to mitigate on-site impacts to native habitat at the Marron Mitigation Site.

Site: The project site is located north of the Las Pulgas Interchange and west of I-5, adjacent to Marine Base Camp Pendleton, San Diego County.

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to repair and stabilize an existing culvert, which would include the removal of exposed wingwalls, stabilization of the end wall with rip rap back fill, gabion installation, construction of a rock lined drainage channel, and reconstruction of a sunken rock-lined basin. Permanent impacts to native upland habitat would be mitigated at an off-site mitigation site, located outside of the Marine Corps Base and outside of the Coastal Zone. The major issues with this development involve construction methods and timing, and impacts to adjacent habitat and biological resources.

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with **Three (3) special conditions** addressing: **1)** construction methods; **2)** construction timing; and **3)** landscaping.

Standard of Review: Chapter 3 policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS

1. Informal Section 7 Consultation for the Interstate 5/San Onofre Culvert and Slope Repair, San Diego County, California, USFWS, letter dated January 15, 2009.
2. Biological Assessment, Culvert Rehabilitation at Various Locations, prepared by Michael Galloway (Caltrans), dated July 2008.
3. Coastal Development Permit 6-01-149, approved January 2003.
4. Coastal Development Permit 6-10-006, approved August 2010.
5. San Mateo Creek/Marron Mitigation Site, Habitat Mitigation and Monitoring Report, prepared by Sue Scatolini (Caltrans), dated December 2007.

LIST OF EXHIBITS

1. Location Map
 2. Site Conditions
 3. Site Plan
 4. Marron Mitigation Site – Acreage Table
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I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Construction Methods. The permittee shall comply with the following construction-related requirements:

- Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity;
- No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain;
- All trash and debris shall be disposed in the proper trash or recycling receptacle at the end of every construction day;
- Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
- The discharge of any hazardous materials into any receiving waters shall be prohibited;
- A pre-construction meeting shall be held for all personnel to review procedural and BMP/GHP guidelines;
- All BMPs shall be maintained in a functional condition throughout the duration of the project.

Debris shall be disposed at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

2. Timing of Construction. To avoid potential impacts to the Coastal California Gnatcatcher breeding period, construction will not be permitted between the dates of February 15th and September 15th of any year, unless written approval is received from USFWS and CDFG and provided to the Executive Director for review.

3. Landscape Plan. The applicant shall undertake plant installation as outlined in its Biological Assessment submitted to the US Fish and Wildlife Service (July 2008), more specifically detailed in Section 4 of that document.

Vegetation in landscaped areas shall only consist of native plants. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission 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:

A. Detailed Project Description/History. The subject site is located west of I-5, just north of the Las Pulgas Road Interchange and surrounded by the Marine Corps Base Camp Pendleton, in northern coastal San Diego County, approximately 9 miles south of the Orange County Line (Exhibit #1). The subject site is located within the Caltrans right-of-way, although some minor temporary impacts would extend onto the adjacent Marine Base that surrounds the proposed project. Coastal sage scrub habitat exists adjacent to the culvert. The existing development on the subject site consists of an eroded slope and culvert originally installed to divert runoff under the adjacent freeway (Exhibit #2). The applicant proposes work to rehabilitate and stabilize the existing culvert. Proposed work would include removing the overhanging wingwalls that currently extend away from the eroded slope, backfilling the slope behind the culvert with rip rap and creating a rock-lined channel to prevent future erosion around the culvert (Exhibit #3). Additionally, the rock-lined detention basin/flow dissipater at the culvert outlet has sunken, and the applicant proposes to raise and reinforce this basin to improve its function and stability.

The proposed project would permanently impact 0.04 acres of coastal sage scrub. The applicant proposes to mitigate permanent impacts to coastal sage scrub habitat at a ratio of 2:1 resulting in a total of 0.08 acres of restored coastal sage scrub. The subject site is surrounded by U.S. Marine Corps Base Camp Pendleton, which does not allow other agencies to perform mitigation within the base boundaries. The applicant therefore proposes to provide for the required mitigation at a site located outside of the Marine Base and outside of the Coastal Zone.

Construction activities would also temporarily impact another 0.07 acres of coastal sage scrub. The applicant proposes to mitigate for temporary impacts by revegetating the

impacted areas following the completion of construction. Revegetation activities would occur between October and January to take advantage of seasonal rainfall.

The subject site is located in an unincorporated area of the County of San Diego, adjacent to the Camp Pendleton United States Marine Corps Base. Because there is no certified LCP for this area, the standard of review for this development is Chapter 3 policies of the Coastal Act.

B. Biological Resources. Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized. The proposed project as sited and designed would avoid the adjacent habitats and populations of the threatened coastal California gnatcatcher (*Poliophtilia californica californica*), and construction for the proposed project is further restricted to occur outside of the nesting season for this species (**Special Condition #2**).

The scale of the proposed project is relatively small, however the culvert repair and stabilization would result in some temporary and permanent impacts to surrounding coastal sage scrub. The proposed project has been designed to avoid impacts to sensitive resources to the greatest extent practicable, and where impacts are unavoidable they have been minimized and mitigated. The applicant proposes to revegetate areas temporarily impacted by the culvert repair onsite; however permanent impacts resulting from the proposed project would need to be mitigated off-site due to the inability to mitigate the impacts on the surrounding Marine Base property.

The applicant (Caltrans) faced a similar complication regarding the need to locate proposed mitigation off-site associated with Coastal Development Permit #6-02-149 which involved a bridge repair project over San Mateo Creek, and Coastal Development Permit #6-10-006 which involved a culvert repair, both of these projects were also located within the Coastal Zone of Marine Corps Base Camp Pendleton. The Commission approved 6-02-149 in December 2002, and 6-10-006 in April 2010, and agreed to allow for off-site mitigation to take place for permanent impacts associated with the projects, agreeing that required mitigation acreages could be restored at the Marron Mitigation Site located along the San Luis Rey River, just below the southern Camp Pendleton border (Exhibit #1). The Marron Mitigation Site is located outside of the Coastal Zone, however, findings for 6-02-149 indicated that since the applicant was not granted authorization to perform mitigation on-site, and given the fact that the Marron Mitigation Site was located along a watershed that drains into the Coastal Zone and was situated close to the south of the subject site, that in this instance performing mitigation at this off-site location would be acceptable. Commission staff reviewed the habitat mitigation and monitoring report for the Marron Mitigation Site and accepted it as a part of condition compliance for 6-02-149 in December 2008.

The Marron Mitigation Site was designed and secured to ensure that the created habitat on-site be maintained in perpetuity. Excess created acreages located within the Marron Mitigation Site were banked by the applicant for future small scale Caltrans projects

located within Marine Corps Base Camp Pendleton where on-site mitigation would not be authorized, such as is the case with the proposed culvert repair project. The applicant has submitted an accounting table for remaining created acreages located within the Marron Mitigation Site (Exhibit #4), and has proposed that required mitigation for permanent impacts to coastal sage scrub habitat be deducted from the remaining acreage credits at the mitigation site.

The proposed project would result in permanent impacts to 0.04 acres of coastal sage scrub which at a 2:1 ratio would result in the need for 0.08 acres of coastal sage scrub mitigation. The accounting table submitted by the applicant for the Marron Mitigation Site identifies these mitigation acreages as being allocated for mitigation as a part of the Culverts project (EA 270800) (Exhibit #4). Due to the exceptionally small size of the permanent project related impacts, the inability of the applicant to mitigate directly on-site, and in accordance with Commission actions on similar projects located within the Marine Base, only in this specific instance is the proposed off-site mitigation acceptable.

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Due to this, the Commission has imposed **Special Condition #1**, which requires the applicant to comply with construction-related requirements related to storage of construction materials, mechanized equipment and removal of construction debris, and **Special Condition #3** also reaffirms that the landscaping measures included within the BA must be adhered to in order to minimize potential impacts.

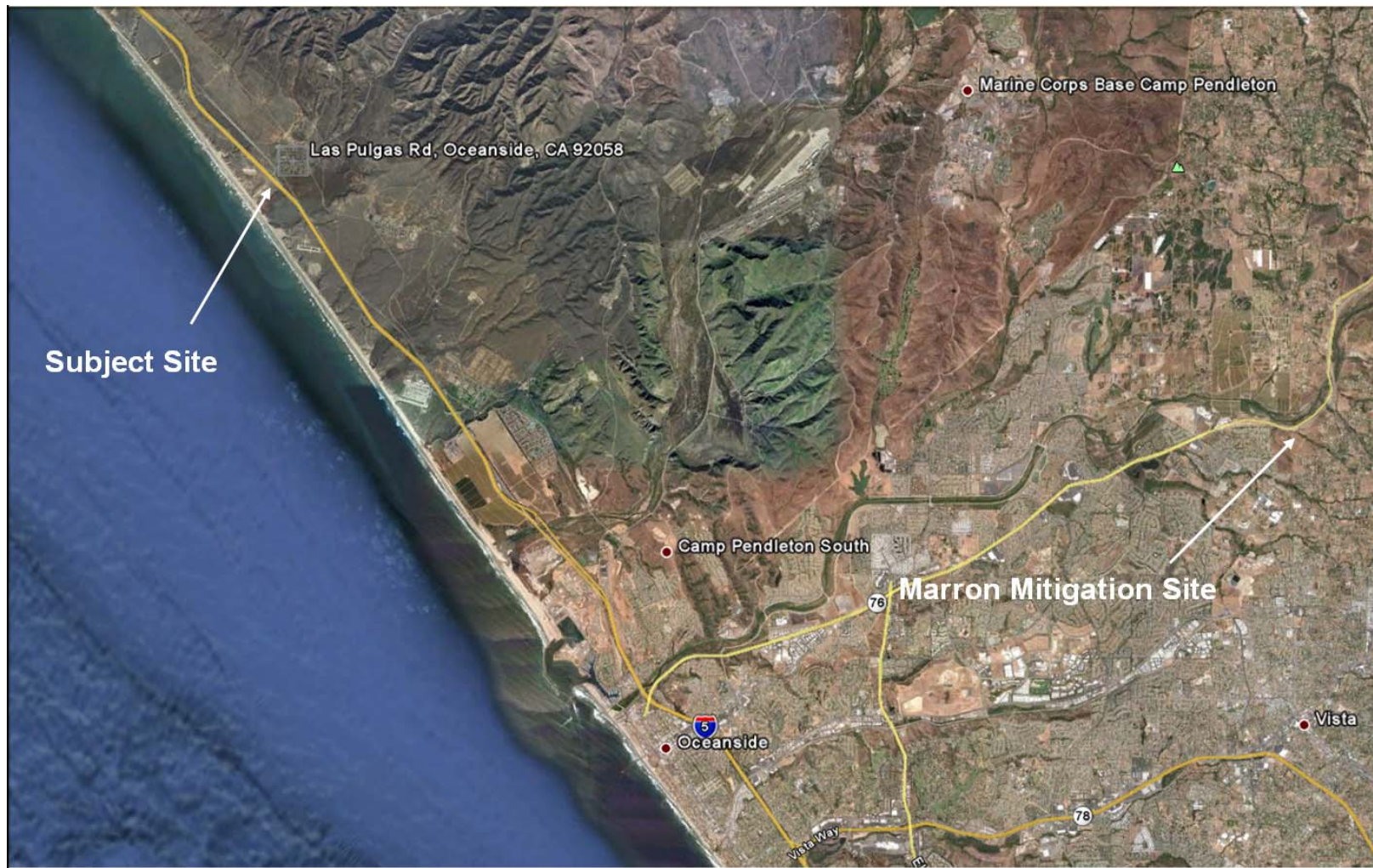
The proposed development will not have any significant adverse impacts on sensitive habitats, and, as conditioned, will not result in erosion or adverse impacts to water quality, as adequate drainage controls will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

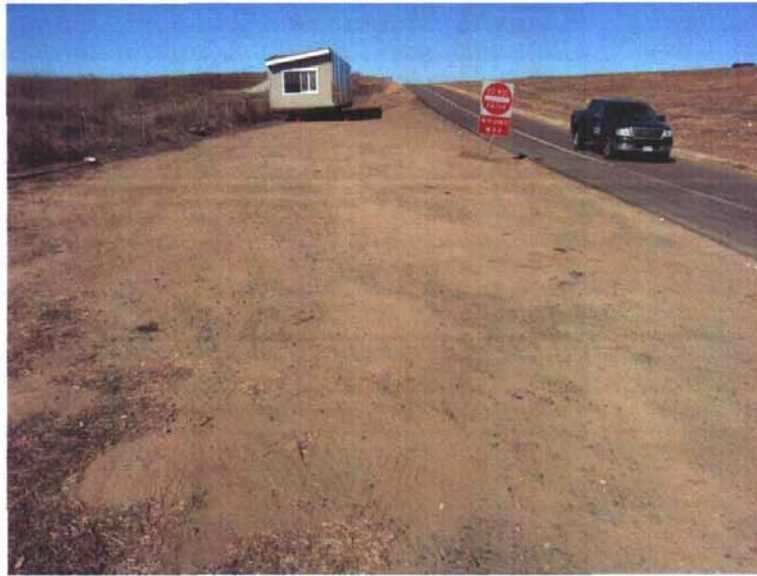
C. Local Coastal Program. The County of San Diego does not have a certified LCP. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the County of San Diego to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

D. California Environmental Quality Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging 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.



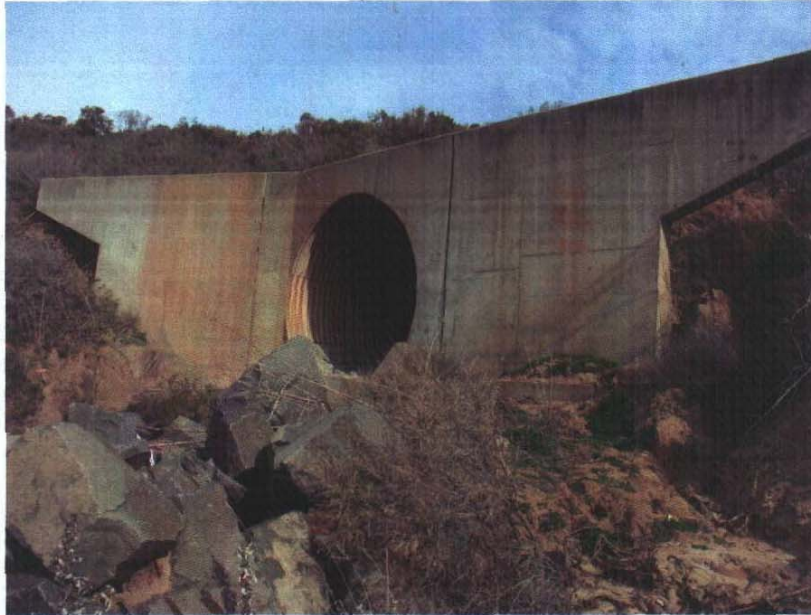


Above: Staging area west of southbound Interstate 5 off-ramp to Las Pulgas Road.

Below: Access road on USMC Camp Pendleton west of Interstate 5.



EXHIBIT NO. 2
APPLICATION NO.
6-11-076
Site Conditions



Above: Outlet with wing walls.

Below: Erosion behind wing wall

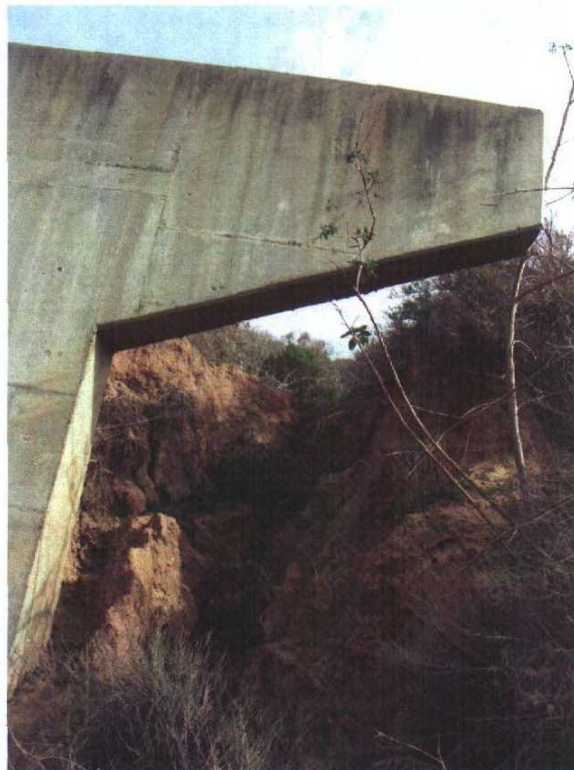


EXHIBIT NO. 2
APPLICATION NO.
6-11-076
Site Conditions



Above: Access to outlet from un-vegetated streambed. Southbound Interstate 5 is above the outlet.

Below: No access to outlet from Interstate 5 and coastal sage covered slope.

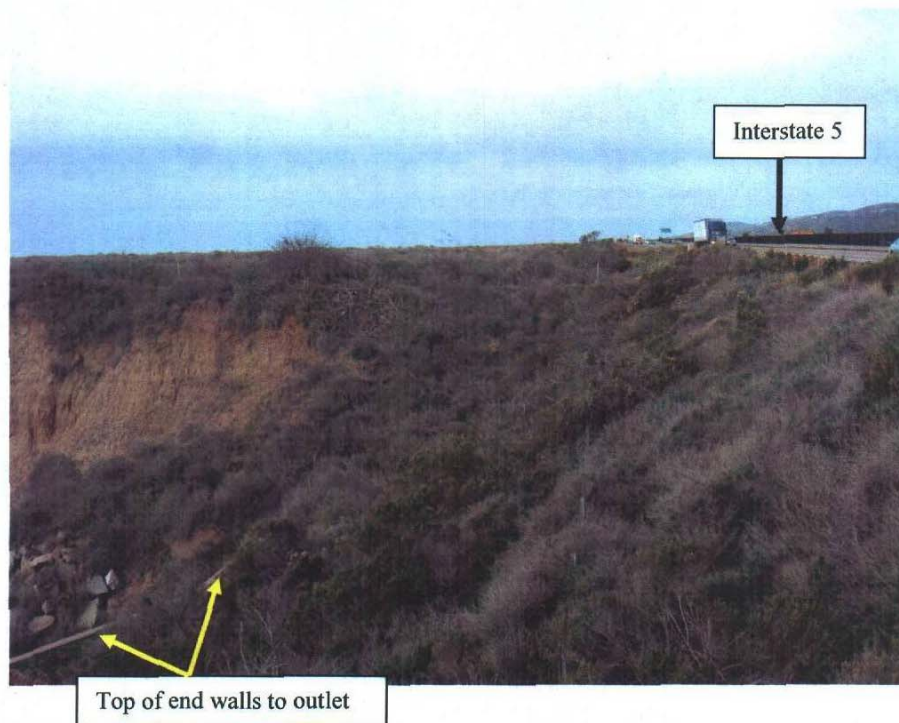


EXHIBIT NO. 2

APPLICATION NO.

6-11-076

Site Conditions

 California Coastal Commission

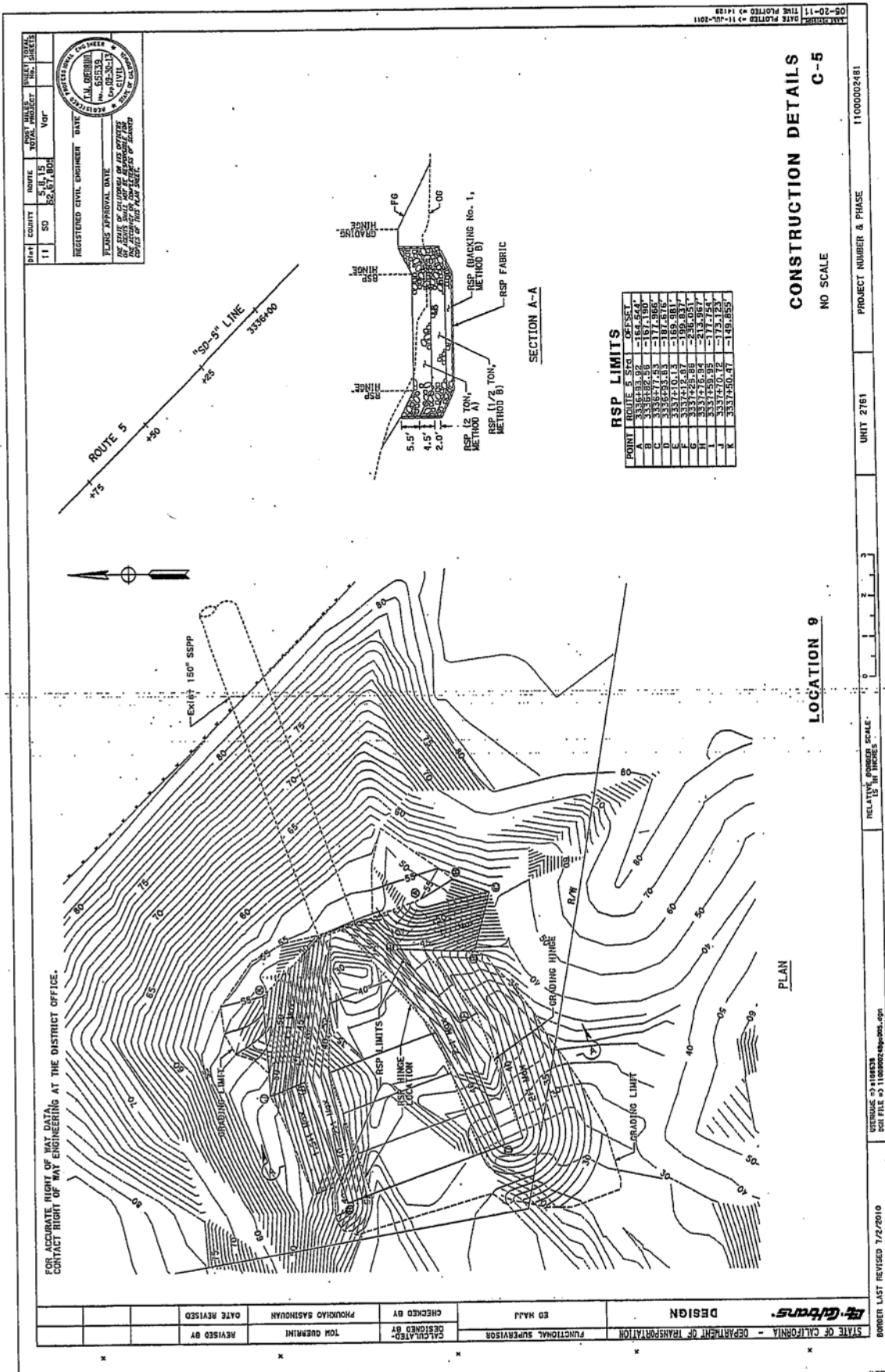


EXHIBIT NO. 3
APPLICATION NO.
6-11-076
Site Plan
California Coastal Commission

MARRON MITIGATION SITE

<u>Bank Location, Type of Resources, & Any Restrictions</u>	<u>Credits Debited (date)</u>	<u>Project (Purchaser)</u>	<u>Credits Available</u>
Southern Willow Scrub/Freshwater Marsh (CREATION)	1.910 (8/2/04) 0.05 ac (2/2/09) 0.08 ac (2/2/09) 0.044 ac (6/09) 0.41ac (5/10) 0.033 ac (10/18/11) Save credits for additional at Via Monserate??	San Mateo Monserate (EA 272201) Flowerwood (272301) Via Monserate (304201) Pala (273401) San Onofre Culverts (EA354501)	2.8 acres 0.89 0.84 0.76 0.716 0.306 0.273
CDP 6-10-006 →			
<u>Bank Location, Type of Resources, & Any Restrictions</u>	<u>Credits Debited (date)</u>	<u>Project (Purchaser)</u>	<u>Credits Available</u>
Southern Willow Scrub/Freshwater Marsh (ENHANCEMENT)	0.034 @ 2:1 ratio (8/2/04) 0.10 (4/26/11) 0.68(7/09)	SR-76/Olive Hill Culverts (EA 270800) Pala (273401)	1.8 acres 1.766 1.666 0.986
CDP 6-11-076 → (Subject Permit)			
<u>Bank Location, Type of Resources, & Any Restrictions</u>	<u>Credits Debited (date)</u>	<u>Project (Purchaser)</u>	<u>Credits Available</u>
Coastal Sage Scrub	0.040 (8/2/04) 1.380 (8/2/04) 0.06 0.08 (4/26/11) 0.36 (3/10/10)	San Mateo SR-76/Olive Hill I-5 Drainage (EA27910k) Culverts (EA 270800) San Onofre Culverts (EA354501)	5.7 acres 5.66 4.28 4.22 4.14 3.78
			4/26/2011