

CALIFORNIA COASTAL COMMISSION

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Staff: K. Brown-SD
Staff Report: 11/21/13
Hearing Date: 12/12/13

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-12-083

Applicant: City of Carlsbad Utility Department

Agent: Sherri Howard

Location: Along Hoover Street, southwest of Adams Street, adjacent to Agua Hedionda Lagoon (Hoover/Lagoon); and intersection of Highland Drive and Adams Street (Highland/Adams), Agua Hedionda, Carlsbad, San Diego County

Project Description: At Hoover/Lagoon, repair approximately 474 lineal ft. of 21-in. corrugated metal pipeline (CMP) with cured-in-place liner, replace approximately 24 lineal ft. of 21-in. CMP with 18-in. high-density polyethylene pipe and construct storm drain cleanout, headwall, and riprap energy dissipater. At Highland/Adams, replace approximately 132 lineal ft. of 12- and 15-in. CMP with 18-in. reinforced concrete pipe and construct two catch basins, two storm drain cleanouts, concrete drainage swale, concrete drainage ditch, concrete spillway, and riprap energy dissipater.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project is for the repair and/or replacement of existing, deteriorated stormdrain pipelines located in two locations (Hoover/Lagoon and Highland/Adams)

adjacent to Agua Hedionda Lagoon within the City of Carlsbad. Construction staging is proposed to occur within roadways or disturbed, vacant lots that are devoid of biological resources. Coastal Act issues raised by the proposed development include potential impacts to ESHA and water quality.

Since the original submittal, the applicant has revised the project to avoid any impacts to biological resources and limit both temporary and permanent impacts to disturbed habitat and/or developed areas. However, to ensure that impacts to biological resources are avoided, Commission staff is recommending: **Special Condition #4** requiring the applicant to avoid work during the bird nesting season, and **Special Condition #3** requiring a Final Construction Staging Plan that would prohibit any storage and/or staging in vegetated areas.

Due to the project site's proximity to Agua Hedionda Lagoon, Commission staff is also recommending **Special Condition #2** that would require the applicant to prepare an Interim Erosion Control and Construction Best Management Practices Plan to ensure that potential adverse impacts to water quality are avoided during construction. In addition, **Special Condition #1** requires the applicant to submit final plans that include trash racks on all storm drain structures to filter large trash particles from entering Agua Hedionda Lagoon. With the proposed conditions, all potential impacts have been reduced or eliminated and the project is consistent with all applicable Chapter 3 policies of the Coastal Act.

Commission staff recommends **approval** of coastal development permit application 6-12-083 as conditioned.

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I. MOTION AND 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 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

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

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans for the development. Said plans shall be in substantial conformance with the preliminary plans submitted on November 6,

2013 and include that all storm drain structures be equipped with trash racks to filter large trash particles from entering Agua Hedionda Lagoon.

The applicant 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. Interim Erosion Control & Construction BMPs Plan.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, an Interim Erosion Control and Construction Best Management Practices plan, prepared by a licensed civil engineer or qualified water quality professional. The consulting civil engineer/water quality professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan is in conformance with the following requirements:

1. Erosion Control Plan

- (a) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas.
- (b) Include a narrative describing all temporary run-off and erosion control measures to be used during construction.
- (c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
- (d) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps); temporary drains and swales; sand bag barriers; silt fencing; stabilize any stockpiled fill with geofabric covers or other appropriate cover; install geotextiles or mats on all cut or fill slopes; and close and stabilize open trenches as soon as possible.
- (e) The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.

- (f) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

2. Construction Best Management Practices

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion. To avoid disposal of construction materials, debris, or waste into the ocean, appropriate catch basins shall be installed prior to commencement of construction.
- (b) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (c) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (d) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (e) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (f) Debris shall be disposed of 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 unless the Executive Director determines that no amendment or new permit is legally required.
- (g) 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.
- (h) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (i) The discharge of any hazardous materials into any receiving waters shall be prohibited.

- (j) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (k) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (l) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. The final Interim Erosion Control and Construction Best Management Practices plan shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

3. Construction Staging Area. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a detailed plan identifying the location of staging areas and access corridors to the construction sites. The plan shall include, at a minimum, the following:

- a) No overnight storage of equipment, construction materials, or excavated materials shall occur within native vegetation areas or public parking spaces. Stockpiles shall be located away from drainage courses, covered at all times and contained with runoff control measures.
- b) Storage and staging areas shall be located in a manner that has the least impact on vehicular and pedestrian traffic.
- c) Staging site(s) shall be removed and/or restored immediately following completion of the development.

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

4. **Sensitive Species/Timing.** To avoid potential impacts to breeding activities of the California gnatcatcher, migratory songbirds, and other bird species associated with the adjacent sensitive open water, wetland, riparian, and coastal sage scrub habitat, construction will not be permitted between the dates of February 15th to August 31st of any year, unless approved in writing by the California Department of Fish and Wildlife and/or the U.S. Fish and Wildlife Service.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION & BACKGROUND

The proposed project is for the repair and/or replacement of existing, degraded stormdrain pipelines located in two locations (Hoover/Lagoon and Highland/Adams) adjacent to Agua Hedionda Lagoon within the City of Carlsbad. The portion of the project located at Hoover/Lagoon involves the repair of approximately 474 lineal ft. of 21-in. corrugated metal pipeline (CMP) with a cured-in-place liner and replacement of approximately 24 lineal ft. of 21-in. CMP with 18-in. high-density polyethylene (HDPE) pipe via an open trench immediately upstream of the damaged drainage outfall structure; and construction of a storm drain cleanout, headwall, and riprap energy dissipater. The portion of the project located at Highland/Adams involves the replacement of approximately 132 lineal ft. of 12- and 15-in. CMP with an 18-in. reinforced concrete pipe (RCP) and construction of two catch basins, two storm drain cleanouts, a concrete drainage swale, a concrete drainage ditch, a concrete spillway, and a riprap energy dissipater. Construction staging is proposed to occur within roadways or disturbed, vacant lots that are devoid of biological resources.

The proposed project is located at two separate sites in the City of Carlsbad, adjacent to and northeast of the Agua Hedionda Lagoon. The first site (Hoover/Lagoon) is located immediately adjacent to the terminus of Hoover Street, southwest of Adams Street, which slopes southwest toward the lagoon. The pipe extends southwest of Hoover Street, into disturbed habitat, and continues to slope toward the lagoon. This vacant site, located between Adams Street and the lagoon, is identified as Hedionda Point in the Agua Hedionda Land Use Plan. Elevations range from approximately 0-80 feet above mean sea level. The second site (Highland/Adams) is located at the intersection of Highland Drive and Adams Street, primarily within roadways; however, a small portion of the project is located within disturbed habitat. Topography within the immediate project vicinity is relatively flat, but a slope of native vegetation that leads to the lagoon is located just south of the project area. Residential development surrounds both project areas.

The proposed project is located within the City of Carlsbad which has a certified LCP; however the implementation program for the Agua Hedionda segment has yet to be certified. Therefore, the Coastal Commission retains permit jurisdiction in this area and Chapter Three of the Coastal Act remains the standard of review, with the certified Agua Hedionda Land Use Plan used as guidance.

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 development will not have an adverse impact on any sensitive habitat, and, as conditioned, will not result in erosion or adverse impacts to water quality, as adequate temporary erosion controls (construction BMPs) will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. PUBLIC ACCESS & RECREATION

As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

D. VISUAL RESOURCES

The development is located within an existing developed or previously disturbed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

E. LOCAL COASTAL PLANNING

The proposed project is within the City of Carlsbad; however, it is not part of the City's certified Local Coastal Program (LCP) because it is located in an area of deferred certification. Therefore, the Coastal Commission retains permit jurisdiction in this area, even though the City of Carlsbad has a certified LCP and the Chapter Three policies of the Coastal Act remain the legal standard of review. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of Carlsbad to prepare a Local Coastal Program that is in conformity with the provisions of Chapter Three for this area.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 proposed project has been conditioned in order to be found consistent with the Chapter Three policies of the Coastal Act. Mitigation measures, including special conditions addressing the protection of water quality, environmentally sensitive habitat

areas, and public access and recreation will minimize all potentially adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which 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.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

Biological Resources Report for the Corrugated Metal Pipe Replacement Program – Hoover/Lagoon and Highland/Adams, prepared by Dudek, dated April 2012; Biological Resources Report for the Corrugated Metal Pipe Replacement Program – Hoover/Lagoon and Highland/Adams, prepared by Dudek, dated October 13; Mitigation Letter Report for the Corrugated Metal Pipe Replacement Program on Hoover/Lagoon and Highland/Adams, City of Carlsbad, San Diego County, California, prepared by Dudek, dated May 24, 2013; Engineering Peer Review prepared by Dudek, dated April 11, 2012



DUDEK

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SOURCE: USGS 7.5-Minute Series San Luis Rey Quadrangle.

Corrugated Metal Pipe Replacement Program - Hoover/Lagoon and Highland/Adams

EXHIBIT NO. 1
APPLICATION NO.
6-12-083

Vicinity Map

 California Coastal Commission



EXHIBIT NO. 2

APPLICATION NO.

6-12-083

Bio. Resource Maps

California Coastal Commission



250 Ft Buffer

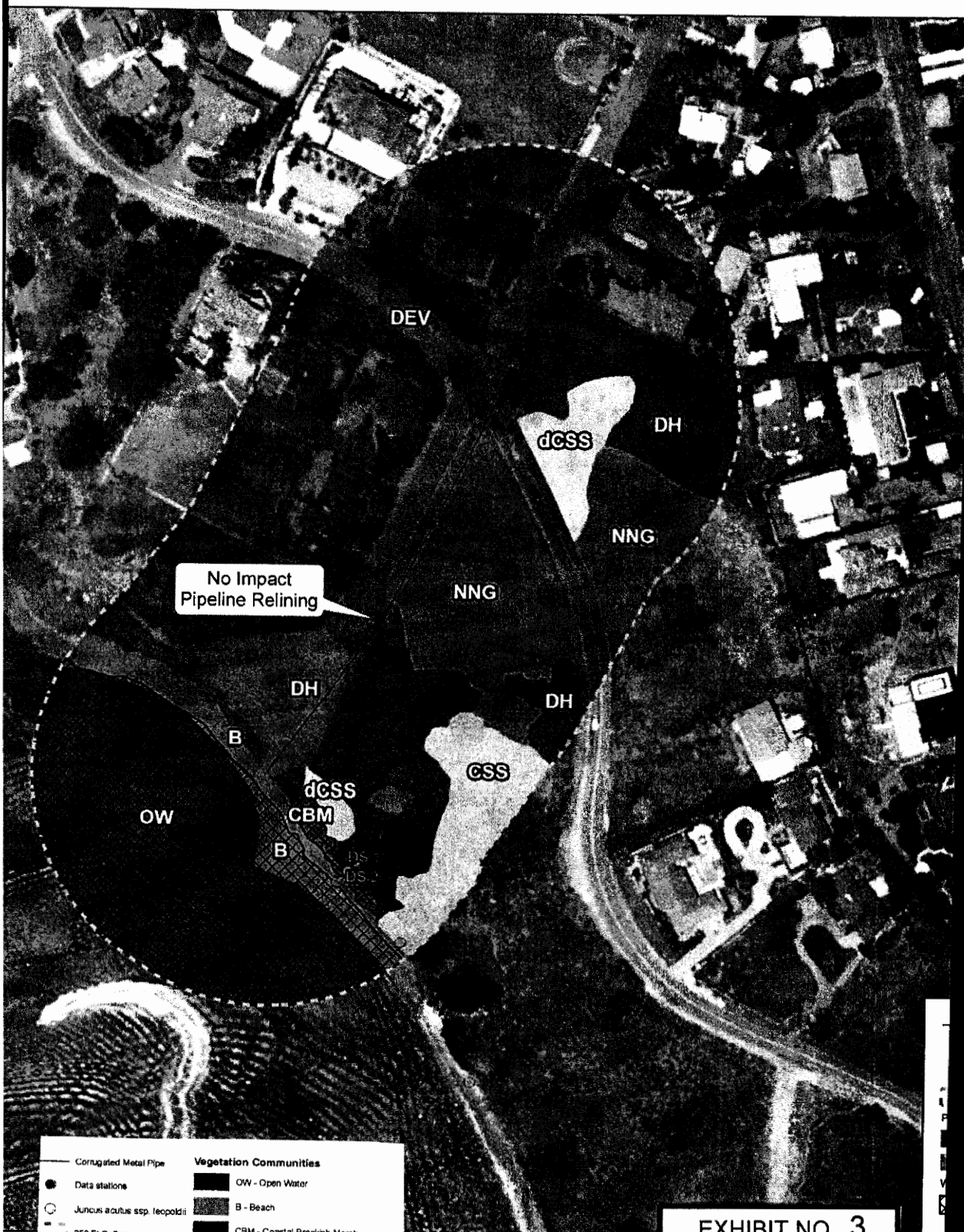
Vegetation Communities

CSS - Coastal Sage Scrub

DEV - Developed

DH

Biological Resources Map - Highla



<ul style="list-style-type: none"> Corrugated Metal Pipe Data stations <i>Juncus acutus</i> ssp. <i>leopoldii</i> 250 Ft Buffer 	Vegetation Communities <ul style="list-style-type: none"> OW - Open Water B - Beach CBM - Coastal Brackish Marsh CSS - Coastal Sage Scrub dCSS - disturbed Coastal Sage Scrub NNG - Non-Native Grassland DH - Disturbed Habitat DEV - Developed
Project Impacts <ul style="list-style-type: none"> Permanent - 528 sq ft Temporary - 1941 sq ft 	
Wetland Jurisdiction <ul style="list-style-type: none"> ACOE, RWQCB and CCC 	

EXHIBIT NO. 3

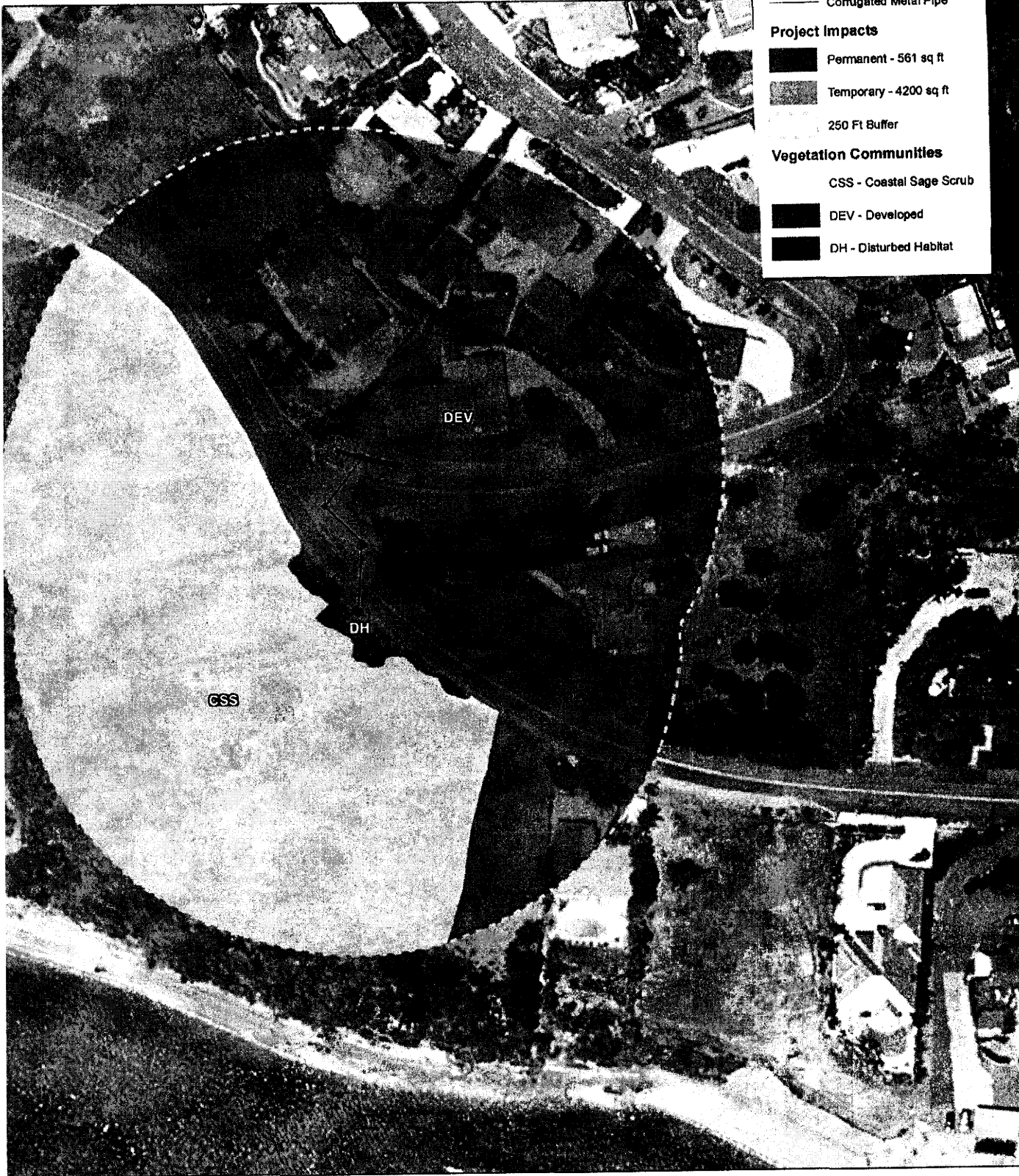
APPLICATION NO.

6-12-083

Impact Maps

California Coastal Commission

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Proposed Impacts - Hig