

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

W 6a

Filed: May 1, 2009
49th Day: June 19, 2009
180th Day: October 28, 2009
Staff: Fernie Sy-LB
Staff Report: August 19, 2009
Hearing Date: September 9, 2009
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-08-058

APPLICANT: City of Seal Beach Public Works, Attn: Vince Mastrosimone

PROJECT LOCATION: Electric Avenue (Between 12th Street and Seal Beach Boulevard), City of Seal Beach, County of Orange

PROJECT DESCRIPTION: Installation of a new 66-inch storm drain (built to work alongside an existing 54-inch storm drain pipe) and 25 new catch basins and laterals. In addition, portions of an existing storm drain will be abandoned in place.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing the installation of a new 66-inch storm drain pipe that will work alongside with an existing 54-inch storm drain pipe to help alleviate flooding in the area. The major issues discussed in this staff report concern the project's impacts upon water quality and public access. The project has been reviewed by the Commission's water quality unit, who has determined that the proposed water quality Best Management Practices (BMPs) are consistent with past Commission practice with regard to similar projects and appear to be consistent with water board requirements on similar projects.

Commission staff is recommending **APPROVAL** of the proposed project with **SEVEN (7) SPECIAL CONDITIONS** regarding: **1)** submittal of Final Design Project Plans; **2)** submittal of Construction Staging Plans; **3)** submittal of Traffic Control Plans; **4)** Construction Best Management Practices; **5)** prohibition of any changes to parking in the project area that would result in changes to availability of parking for the public; **6)** prohibition of construction from occurring during the peak use summer season; and **7)** location of export disposal site.

SUBSTANTIVE FILE DOCUMENTS: Letter from Commission staff to the City of Seal Beach dated April 10, 2006; Letter from the City of Seal Beach to Commission staff dated February 23, 2009; Letter from Commission staff to the City of Seal Beach dated March 23, 2009; and Letter from the City of Seal Beach to Commission staff dated April 28, 2009.

LOCAL APPROVALS RECEIVED: City of Seal Beach Approval-in-Concept dated March 11, 2008.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Seal Beach does not have a certified Local Coastal Program. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act.

LIST OF EXHIBITS

1. Location Map
 2. Site Plan
-

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

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.

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

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

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

III. SPECIAL CONDITIONS

1. FINAL DESIGN PROJECT PLANS & NARRATIVE

- A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of Final Design Project Plans that show the City's proposed Best Management Practices (i.e. catch basins with trash collection inserts). Please also submit a narrative describing the additional Best Management Practices measures the City has proposed (i.e. street sweeping, education, etc.). In addition, the submitted plans shall substantially conform to the preliminary plans submitted on February 25, 2009.
- B.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. CONSTRUCTION STAGING PLAN

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the permittee shall submit, for the Executive Director's review and approval, two (2) full size sets of Construction Staging Plans for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s) will minimize public access impacts to the nearby beach.
 - (1) The plan shall demonstrate that:
 - (a) Construction equipment, materials or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition; and
 - (b) Construction equipment, materials, or activity shall not be placed in any location which would result in access impacts to the nearby beach.
 - (2) The plan shall include, at a minimum, the following components:
 - (a) A site plan that depicts:

1. limits of the staging area(s);
2. construction corridor(s); and
3. construction site.

(b) A narrative describing the construction staging plan.

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

3. TRAFFIC CONTROL PLAN

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, two (2) full size sets of Traffic Control Plans that demonstrate the following:

- (1) Every effort shall be made to minimize the duration of sidewalk, bike and road lane closures so that impacts upon public access are minimized; and
- (2) The sidewalk, bike and road lanes should be opened, even intermittently, whenever possible during construction; and
- (3) A detour plan to re-route pedestrian and bicycle traffic shall be identified for those periods when the sidewalk and/or bicycle lane is closed within the project area.

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

4. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A.** The permittee shall comply with the following construction-related requirements:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;

- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These 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. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The applicant shall develop and implement spill prevention and control measures;
- (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

5. PARKING DURING CONSTRUCTION

No reduction in the quantity of existing public parking spaces is allowed or authorized as a result of the proposed development. Temporary relocation of existing public parking spaces in the area to accommodate construction may be allowed provided that parking is restored to the pre-existing condition upon completion of the proposed work.

6. TIMING OF CONSTRUCTION

No construction shall occur during the “peak use” beach season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year.

7. LOCATION OF EXPORT DISPOSAL SITE

The applicant shall dispose of all export at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The project site is located along Electric Avenue between 12th Street (West end of the project site) and Seal Beach Boulevard (East end of the project site) in the City of Seal Beach (Exhibit #1). Electric Avenue is located adjacent to residential uses and a public park that is situated within a center island that runs down the middle of Electric Avenue. Westbound Electric Avenue (a one-way lane) is located North of the public park and Eastbound Electric Avenue (one-way lane) is located South of the public park. Further east of Seal Beach Boulevard is the Seal Beach Naval Base and Anaheim Bay.

The project consists of the installation of a new 66-inch storm drain that will be built to work alongside an existing 54-inch storm drain (Exhibit #2). The proposed new storm drain system will collect all runoff south of Pacific Coast Highway and east of 12th Street. This new storm drain will connect with the existing 54-inch storm drain and then drain into an existing storm drain pump at the intersection of Seal Beach Boulevard, Ocean Avenue and Electric Avenue, which will then be pumped into Anaheim Bay, a listed 303d impaired water body.

The project also calls for 25 new catch basins and laterals to be installed between 12th Street and Seal Beach Boulevard (Exhibit #2). These new catch basins will serve as connections to the new 66-inch and existing 54-inch storm drains. The catch basins will be built with debris traps according to the City. Additionally, the City plans to install screens in the new catch basins during the non-rainy season to help eliminate trash and debris from entering the storm drains. Currently, regulations call for annual cleaning of catch basins by the Santa Ana Regional Water Quality Control Board, however, the City says it cleans its catch basins twice a year, double what is required. The City will continue to clean its existing catch basins and all its new catch basins on a twice a year schedule.

The new storm drain system being proposed will act in conjunction with the existing system already in the ground. The existing pipes are not adequate for the existing demands. The existing storm drain does not have the capacity to handle the design flows. In addition, localized flooding occurs regularly in this drainage area. Increased capacity to the existing storm drain system can help reduce flooding greatly. Therefore, while capacity is being increased, it is not serving additional development area. The overall amount of storm water discharged into Anaheim Bay will remain

the same after implementation of the project. However, the project will facilitate faster conveyance so as to avoid flooding of the area.

Part of the proposed project also includes abandoning portions of the existing storm drain in place.

Grading for trenching and backfilling will take place consisting of approximately 5,900 cubic yards of cut, 4,670 cubic yards of fill and 1,230 cubic yards of export.

The anticipated length of project construction is 120 days.

Water Quality

As stated previously, the City plans to install debris traps and screens into the new catch basins to help eliminate trash and debris from entering the storm drains. The submitted project plans show the locations of the catch basins, but fails to provide any additional information regarding the traps and screens.

The new storm drain and existing storm drain will drain into Anaheim Bay, which is considered a 303d impaired water body. It is listed as an impaired water body for Dieldrin, Nickel, PCBs and Sediment Toxicity. While the proposed project will not generate any new runoff, but rather ameliorate an existing undersized problem leading to constant flooding of the area, it still is enhancing and increasing conveyance and discharge into an impaired water body. Therefore, the City should demonstrate that they are implementing/participating in appropriate source and/or treatment control measures designed to reduce the discharge of pollutants into coastal waters to the greatest extent feasible. To deal with this, the City has proposed catch basins with debris traps and screens and has stated that they will rely on their NPDES Program's Source Control approach (i.e. Integrated Pest Management Plan (IPM), street sweeping, inspections, construction and post-construction BMP requirements, public education, etc.) to protect water quality. The City believes that this fully functioning program will reduce the pollutants of concern. While the City has stated that this is how they will deal with impacts to the impaired water body, no further information or documents verifying this have been submitted. Therefore, Commission staff imposes **SPECIAL CONDITION NO.1**, which requires submittal of Final Project Plans that show the City's proposed Best Management Practices (i.e. catch basins with trash inserts) and submittal of a narrative describing the additional Best Management Practices measures the City has proposed (i.e. street sweeping, education, etc.).

Additionally, the Commission imposes **SPECIAL CONDITION NO. 4**, which requires adherence to Construction Best Management Practices.

Public Access

The proposed project may impact access to the nearby beach due to the proposed construction taking place within the public right of way (for approximately 120 days) (which will impede pedestrian and vehicle traffic and affect parking). In order to make sure that access to the beach is available during construction, a Traffic Control Plan is necessary. However, no such plan has been submitted. Therefore, the Commission imposes **SPECIAL CONDITION NO. 3**, which requires submittal of Traffic Control Plans. The

location of a construction staging area may also potentially impact public access to the beach. Thus, the Commission also imposes **SPECIAL CONDITION. 2**, which requires submittal of Construction Staging Plans. These plans shall indicate that the construction staging area(s) and construction corridor(s) will minimize public access impacts to the nearby beach.

The proposed project will temporarily impact public parking availability along Electric Avenue during construction since work will take place within the right-of-way where parking spaces are located. The City is proposing to temporarily relocate the parking spaces (to areas that are currently red-curbed) during construction activity and to restore the parking to pre-existing conditions upon completion of the work. In order to make sure that no other changes to parking availability in the area for the public to access the beach are imposed, the Commission imposes **SPECIAL CONDITION NO. 5**, which states that no parking changes that would result in the decreased availability of parking for the public is allowed in the project area.

Westbound Electric Avenue consists of one lane, as does eastbound Electric Avenue. Electric Avenue is a major street, along with Ocean Boulevard, that provides access to the nearby beach. Thus, construction would adversely impact access along Electric Avenue during construction. In order to ensure access to the beach is not hindered during the peak summer season, the Commission imposes **SPECIAL CONDITION NO. 6**, which states that no construction shall occur during the “peak use” beach season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year.

Export

The applicant states that there will be 1,230 cubic yards of export. However, the location of the export has not been identified. Thus, the Commission imposes **SPECIAL CONDITION NO. 7**, which states that the applicant shall dispose of all export at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place

B. WATER QUALITY

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

C. PUBLIC ACCESS

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act

D. LOCAL COASTAL PROGRAM (LCP)

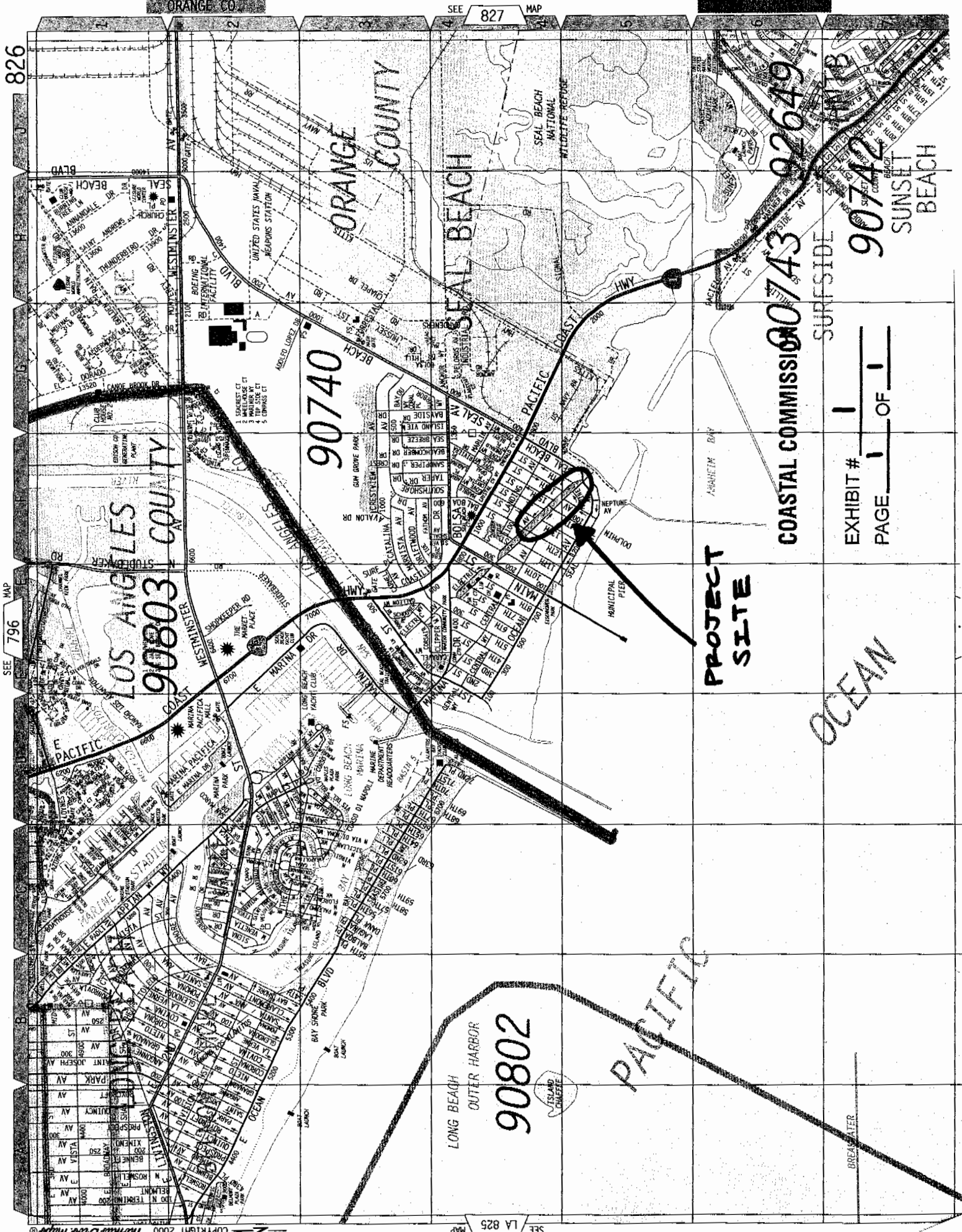
Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program, which conforms with the Chapter 3 policies of the Coastal Act.

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time. Thus, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act.

The proposed development is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter 3 policies of the Coastal Act.

E. 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.



SEE 796 MAP

SEE 827 MAP

826

LOS ANGELES COUNTY
90803

90740

ORANGE COUNTY

LONG BEACH OUTER HARBOR
90802

PROJECT SITE

COASTAL COMMISSION 0743 92649

SUNSET BEACH

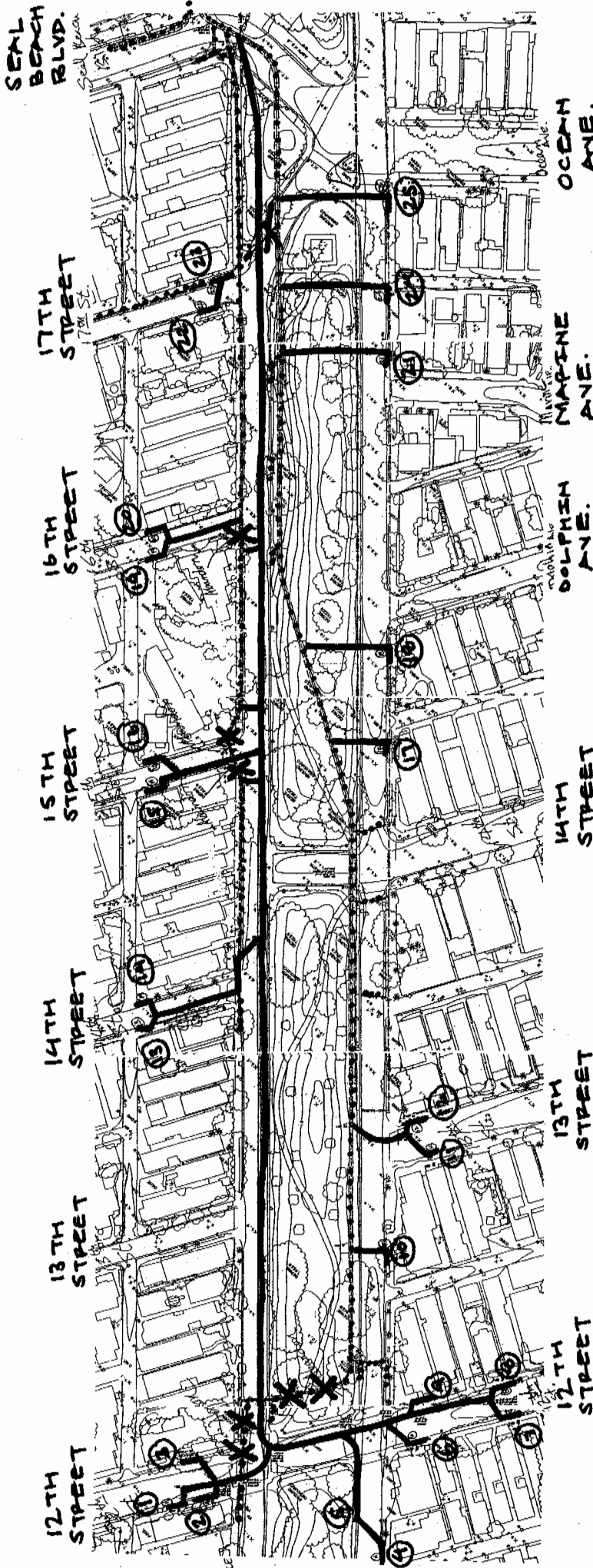
SURFSIDE

EXHIBIT # 1

PAGE 1 OF 1

OCEAN

PACIFIC COAST HIGHWAY



LEGEND

- PROPOSED STORM DRAIN
- EXISTING ACTIVE STORM DRAIN
- X·X· ABANDON EXISTING STORM DRAIN IN PLACE
- ① NEW CATCH BASIN

COASTAL COMMISSION

EXHIBIT # 2

PAGE 1 OF 1