

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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W10b

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| Filed: | 2/05/2014 |
| 180th Day: | 8/04/2014 |
| Staff: | S. Vaughn-LB |
| Staff Report: | 4/24/2014 |
| Hearing Date: | 5/14/2014 |

STAFF REPORT: CONSENT CALENDAR

| | |
|------------------------------|--|
| Application No.: | 5-14-0283 |
| Applicant: | City of Huntington Beach, Jonathan Claudio, P.E., Senior Engineer |
| Agent: | Erinn Peterson, Senior Environmental Planner, GPA Consulting |
| Location: | Magnolia Street Bridge over Huntington Beach Channel, Bridge No. 55C-0388, City of Huntington Beach |
| Project Description: | Bridge maintenance including replacing concrete barriers and chain link railing; removal and patching of unsound concrete on bridge pier walls; and restoration of rock revetment on both banks of the channel by replacing missing boulders. |
| Staff Recommendation: | Approval with conditions |

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 of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

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:

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. Resource Agencies.

The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, Regional Water Quality Control Board, U.S. Army Corps of Engineers, National Oceanic and Atmospheric Administration, U.S. Coast Guard and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the marine and terrestrial environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. Avoidance of Sensitive Species

- A. Nesting Birds. Prior to commencement of any construction activities between February 15 through August 31, a qualified biologist shall conduct a breeding behavior and nesting survey for birds protected by the United States Fish and Wildlife Service, California Department of Fish and Wildlife, the Migratory Bird Treaty Act and California species of special concern within 300' of the project site (500' for raptors and owls). If any occupied nests of any sensitive species are discovered, construction activities within 300' of the nest (500' for raptors and owls) shall be monitored to ensure that construction noise levels do not exceed 85 dB peak within 300' of the nest until the nest is vacated and juveniles have fledged and there is no longer evidence of a second attempt at nesting. The applicant shall implement a larger buffer if the biologist recommends a larger buffer from the nest area.
- B. Sensitive Species Monitoring. Prior to undertaking any development including, but not limited to, construction, grading or excavation, a qualified biologist shall survey the project site to determine whether sensitive bird species, including but not limited to Belding's savannah sparrow, western snowy plover, brown pelican, light-footed clapper rail, black skimmer and/or California least tern, are present within 100' of the project site, and whether sensitive plant species, including but not limited to wooly seablite, estuary seablite, Leopold's rush and/or southern tarplant are located within 25' of the project site. Any identified species shall be flagged for avoidance.
- C. An appropriately trained biologist shall monitor the proposed development for disturbance to sensitive species or habitat area. At minimum, monitoring shall occur once a week during any week in which construction occurs. Daily monitoring shall occur during development which could significantly impact biological resources such as construction that could result in disturbances to sensitive species. Based on field observations, the biologist shall advise the applicant regarding methods to avoid significant impacts which could occur to sensitive species or habitat areas.
- D. If, prior to construction, the biologist identifies impacts to southern tarplant which cannot be avoided, a final seeding and salvage plan shall be submitted for the review and approval of the Executive Director. The seeding and salvage plan shall include a plan identifying the location of southern tarplant, the required width necessary for construction access and measures for reseedling or salvage.

3. Pre-and Post-Construction Eelgrass Survey(s)

- A. Pre-Construction Eelgrass Survey. A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the “Southern California Eelgrass Mitigation Policy” Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.
- B. Post Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the “Southern California Eelgrass Mitigation Policy” Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

4. Pre-Construction *Caulerpa taxifolia* Survey

- A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit (the “project”), the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.
- C. Within five (5) business days of completion of the survey, the applicant shall submit the survey:
 - 1. for the review and approval of the Executive Director; and
 - 2. to the Surveillance Subcommittee to the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Wildlife (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043).

- D. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project 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. Construction Responsibilities and Debris Removal.

The permittee shall comply with the following construction related requirements:

- A. No demolition or construction materials, equipment, 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.
- B. Any and all debris resulting from demolition or construction activities, and any remaining construction material, 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. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone
- E. If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity.
- F. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- G. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.
- H. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- I. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- J. 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.

- K. 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.
- L. 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.
- M. The discharge of any hazardous materials into any receiving waters shall be prohibited.
- N. 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.
- O. 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.
- P. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

6. As-Built Plans.

Within 60 days of completion of the project, the applicant shall submit two copies of As-Built Plans, approved by the City of Huntington Beach, showing all development completed pursuant to this coastal development permit with all relevant property lines depicted. The As-Built Plans shall be consistent with the approved final project plans. The As-Built Plans shall include a graphic scale and all elevation(s) shall be described in relation to National Geodetic Vertical Datum (NGVD). The As-Built Plans shall include color photographs (in hard copy and jpg format) that clearly show all components of the as-built project, and that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph. At a minimum, the photographs shall be from representative viewpoints along the Huntington Channel located directly upcoast, downcoast and seaward of the project site, and show the entirety of the restored revetment and areas where vegetation was removed and subsequently replaced. The As-Built Plans shall be submitted with certification by a licensed civil engineer with experience in coastal structures and processes and by other relevant qualified licensed professionals to comply with this special condition, acceptable to the Executive Director, verifying that the development has been constructed in conformance with the approved final project plans.

If the as-built plans identify that the project has been constructed inconsistent with the approved final plans, the applicant shall submit an application for an amendment to this coastal development permit, or a new coastal development permit, if legally required, within 30 days of receiving the Executive Director's notice that the as-built plans are inconsistent with the final approved plans for restoration of any impacts to coastal resources resulting from the identified unpermitted development.

7. Fence Design Alternatives:

- A. Prior to commencement of construction, the applicant shall submit, for review and approval of the Executive Director, two (2) sets of final revised project plans. The revised final project plans and project description shall reflect the following:
 - 1. The fence shall be a visually open design, consistent with the provisions of public safety, subject to the review and approval of the Executive Director. Alternative designs may be allowed if the Executive Director determines that such designs are consistent with the intent of this condition and serve to minimize adverse effects to public views.
 - 2. The proposed fence shall be designed to be the minimum possible height that would be consistent with the requirements of the resource agencies and the provisions of public safety, but in no event shall be higher than 6'1".
- 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.

8. Construction Access and Staging Plans.

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit a plan for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s)/access will avoid impacts to public access or sensitive habitat areas, except as specifically authorized in this coastal development permit:

- A. The plan shall demonstrate that:
 - 1. Construction equipment or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition.
 - 2. Staging or storage areas shall not be located in or result in impacts to habitat areas.
 - 3. The construction staging/storage area shall not be located in public beach parking areas during the peak summer period (Memorial Day to Labor Day).
 - 4. The size of the construction staging/storage area will be minimized and will be gradually reduced as less materials and equipment are necessary.
 - 5. The construction access corridor is the minimum width necessary, boundaries of the corridor have been flagged for avoidance of sensitive habitat and public access ways, and measures to protect the soil from disturbance such as temporary driving surfaces are utilized.
- B. The plan shall include, at a minimum, the following components:
 - 1. A site plan that depicts:
 - a. limits of the staging area(s)
 - b. construction corridor(s)
 - c. construction site
 - d. location of construction fencing and temporary job trailers
 - e. traffic control plan

2. Written documentation from the owner of the staging area site that the permittee is authorized to use the site, as conditioned by the Coastal Commission, for the period the project is under construction or needed to complete post construction restoration work.

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.

9. Assumption of Risk, Waiver of Liability and Indemnity Agreement Applicable to Applicant.

- A. By acceptance of this permit, the applicant, the City of Huntington Beach, acknowledges and agrees (i) that the site may be subject to hazards from wave and tidal action, flooding, erosion, sea level rise, geologic instability, or liquefaction; (ii) to assume the risks to the applicant, the City of Huntington Beach, 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; (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 interest(s) that is/are the subject of this Coastal Development Permit, the landowner shall execute and record an easement restriction or other restriction depending on the property interest involved in the conveyance, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (A) of this condition. The restriction shall include a legal description of the applicant's entire parcel. The easement restriction or other restriction depending on the property interest involved in the conveyance shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This easement restriction or other restriction depending on the property interest involved in the conveyance shall not be removed or changed without a Commission amendment to this Coastal Development Permit.
- C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the City of Huntington Beach, as 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.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION & DESCRIPTION

The project site is the existing Magnolia Street Bridge in the City of Huntington Beach, between Pacific Coast Highway (PCH) and Banning Avenue. A former oil pumping storage facility lies to the north and residential development lies to the east and northeast. The bridge spans approximately 89' across the Huntington Beach Channel, a tidally influenced waterway connecting the Pacific Ocean with the Talbert, Brookhurst and Magnolia Marshes. The Magnolia Marsh lies directly west and southwest of the bridge. The Brookhurst Marsh lies southeast of the bridge. The Talbert marsh lies east of the Brookhurst Marsh and is the direct connection for the Huntington Beach Channel and the marshes to the Pacific Ocean. The marshes provide open space, walking and bike trails, an observation deck and a boat dock that are all available to the public. See **Exhibits 1, 2 and 3** for vicinity maps.

In 1974, through a judgment of condemnation, the City of Huntington Beach acquired the 100' wide strip of land known as Magnolia Street, including the Magnolia Street Bridge, from the Orange County Flood Control District. Magnolia Street, from Hamilton Avenue to PCH, was constructed pursuant to California Coastal Commission Coastal Development Permit No P-73-844, which was approved on June 25, 1973. Since the bridge's construction in 1973, portions of the existing bridge have deteriorated due to wear from vehicular traffic and from tidal action of the Huntington Beach Channel. Specifically, portions of the concrete vehicle barriers along the bridge's roadway are cracked and spalled (pieces of concrete have broken off) and exposed internal reinforcing shows signs of corrosion; the bridge pier walls have unsound concrete areas that require repair; and the chain-link fence that lines the walkways along the bridge shows signs of corrosion. Additionally, a rock revetment placed at the existing bridge supports and along the banks of the channel has degraded, resulting in erosion at the top of the banks of the channel and undermining of the bridge abutments and weakening of the bridge substructure.

The proposed project includes repairs to the existing bridge consisting of: 1) Removal and replacement of the existing 2'3" concrete barriers on the north and south sides of the bridge and the 5' high chain link fence secured on top of the barriers; 2) Removal of areas of unsound concrete and patching of concrete at the bridge pier walls; 3) Restoration of revetments on the banks of the channel to within the original design limits of the revetment through installation of 252 cubic yards of rock slope protection of one-quarter-ton rocks placed over rock slope protection fabric. The portion of rock slope protection to be replaced includes 120' X 5' along the west slope and 120' X 5' along the east slope of the channel (see **Exhibits 4, 5, and 6**).

The proposed project includes the removal of the existing 2'3" high concrete barriers and 5' high chain-link fence atop the barrier that runs along the north and south sides of the bridge, and the installation of a new concrete barrier and chain-link fence of the same heights. The new fence is proposed at the height of the old fence as a result of a Section 7 consultation with the US Department of Fish and Wildlife recommending that "*Fencing will be of adequate height to direct birds over vehicle traffic.*"

However, the proposed chain-link fence would result in obstruction of views of the surrounding area. Although it's possible to see through a chain-link fence, the views are impaired, and there are

alternative fence designs that have lesser visual impacts. To ensure that the project would, where feasible, restore and enhance visual quality as required in Coastal Act Section 30251, the Commission imposes **Special Condition 7**, requiring the applicant to submit alternative project plans which include a revised fence design, such as a post and cable fence (**Exhibit 7**), which meets the requirements of public safety and the resource agencies, but which minimizes impacts to scenic views. The proposed fence, and shall be designed to be the minimum possible height that would be consistent with the requirements of the resource agencies and the provisions of public safety but in no event shall be higher than 6 foot 1 inch.

Work for the proposed project would occur within a flood control channel. The project involves restoration of rock revetment within the Huntington Beach Channel. The rock revetment placed at the existing bridge supports has degraded, resulting in erosion of the banks of the channel and undermining of the bridge abutments and weakening of the bridge substructure. The proposed project would result in the restoration of the rock revetment protecting the bridge substructure through placement of rock to within the original design limits of the revetment totaling 252 cubic yards of rock slope protection replacement. Additionally, in order to protect biological resources within the channel, the Commission imposes **Special Conditions 3, 4 & 5**, which require the applicant to conduct Eelgrass and *Caulerpa taxifolia* surveys, possible Eelgrass mitigation and to implement construction BMPs.

The location proposed project is adjacent to the Magnolia and Brookhurst Marshes, which are part of the Huntington Beach wetlands. In an effort to avoid impacts to sensitive species, the Commission imposes **Special Conditions 1 & 2**, which require the applicant to comply with the requirements of other resource agencies and to take careful measure to avoid adversely affecting sensitive

The estimated construction time for the project is 6 months: 2.5 months for construction on the north side of the bridge including removal and replacement of the concrete barrier and chain link railing, removal and replacement of unsound concrete underneath the bridge and replacement of missing rock slope protection; 2.5 months for construction on the south side of the bridge including removal and replacement of the concrete barrier and chain link fence; 0.5 months for removal of existing traffic control and installation of detours to funnel traffic into the open lanes on the bridge; and 0.5 months for roadway restriping. The bridge would remain open for public use through the construction period, but would require temporary closure of some traffic lanes to perform the required repairs. At the end of each workday, all construction equipment, materials and other possessions will be properly secured and stored within the closed off-curb lanes immediately south of the bridge. Revised traffic control plans will maintain two-way vehicular traffic on Magnolia Street throughout construction. **Special Condition 8** requires that the applicant submit construction access and staging plans for approval by the Executive Director prior to commencement of construction.

Special Condition 6 requires the applicant to submit As-Built Plans within 60 days of completion of the project. The Commission will review these plans to ensure that the final project is consistent with the project description in Staff Report 5-14-0183. **Special Condition 9** imposes an assumption of risk, waiver of liability and indemnity agreement on the applicant. By accepting a Coastal Development Permit, the applicant agrees to this and all associated conditions.

B. WATER QUALITY / MARINE RESOURCES

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 32031 of the Coastal Act.

C. Biological Resources

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

D. VISUAL RESOURCES

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. As conditioned, the project will not disrupt public coastal views. Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

E. HAZARDS

The proposed development is the improvement of a bridge which crosses over a waterway and leads into a wetland. The proposed development has been designed to minimize the fill of coastal waters and adequate mitigation has been provided. The proposed development has been conditioned to minimize adverse effects on the marine environment by avoiding or mitigating impacts upon sensitive marine resources, such as eelgrass and to avoid contributing to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. As conditioned, there are no feasible less environmentally damaging alternatives available. Therefore, the Commission finds that the proposed development conforms with Sections 30224, 30230, 30231, and 30233 of the Coastal Act.

F. 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.

G. LOCAL COASTAL PROGRAM (LCP)

An LCP for the City of Huntington Beach was effectively certified in March 1985. However, the proposed development is occurring within an area that crosses jurisdiction with that of the Commission's original permit jurisdiction.

Section 30601.3 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission when the applicant, the local government and the Commission through its executive director consent to consolidate the permit action, provided that public participation is not substantially impaired by that review consolidation. In this case, the project site crosses jurisdictional boundaries, the applicant is the City, and the City submitted the coastal development permit application directly to the Commission, requesting a consolidated permit action by the Commission. Consequently, the standard of review is Chapter 3 of the Coastal Act and the City's LCP is used only as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, 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 that the activity may have on the environment.

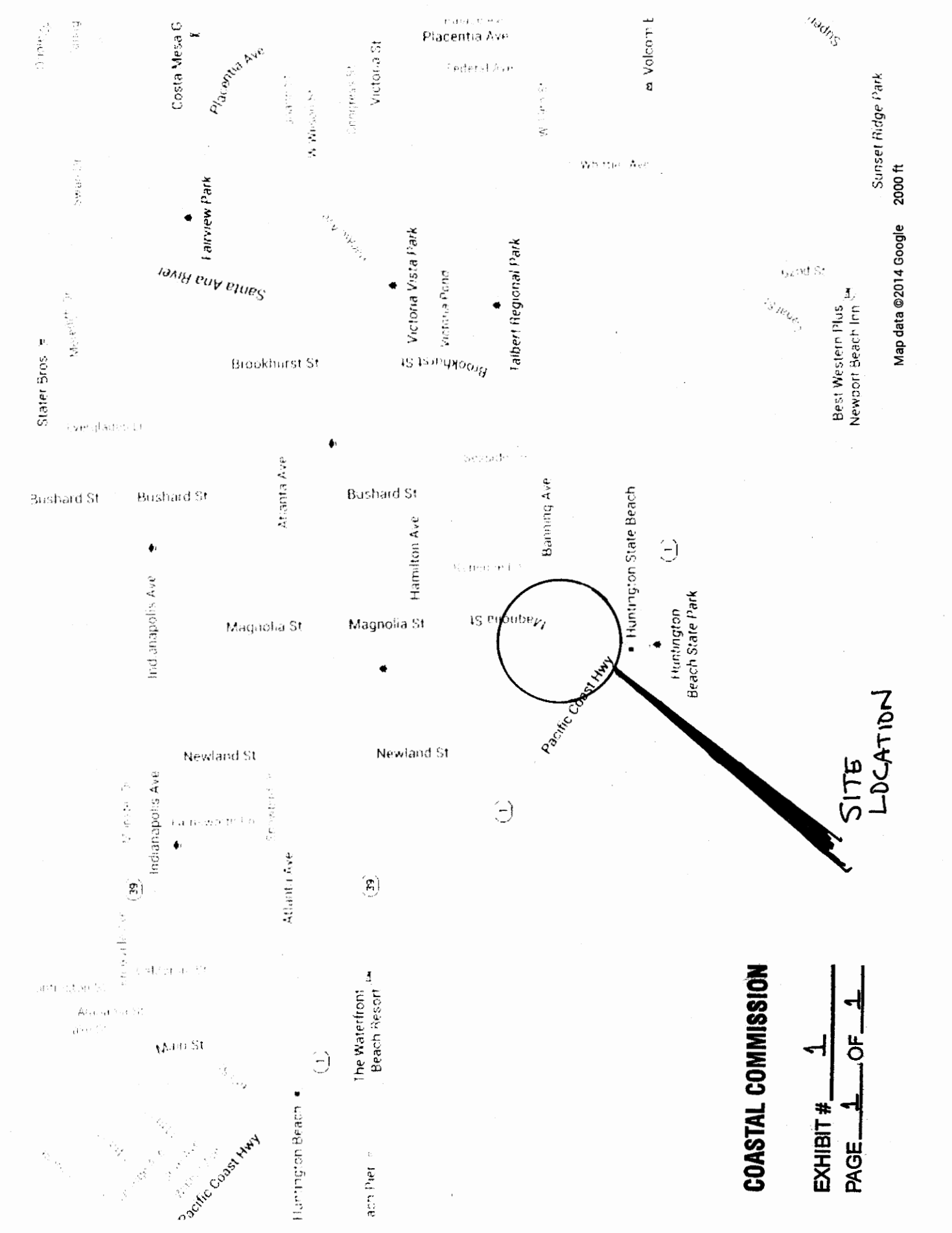
The City of Huntington Beach is the lead agency for purposes of CEQA compliance. The City of Huntington Beach issued a Mitigated Negative Declaration for the project on September 6, 2012, pursuant to the provisions of CEQA. Mitigation measures included education of construction personnel on sensitive species in the area, biological monitoring during vegetation clearance, implementation of a Habitat Mitigation and Monitoring Plan, archaeological resources, and reduction of noise.

The proposed project has been conditioned in order to be found consistent with the resource protection policies of the Coastal Act. As conditioned, the project has been found consistent with the hazard minimization, archaeological resources, marine resources, water quality, and public access policies of the Coastal Act. Mitigation measures to minimize adverse effects include: 1) the requirement to comply with the requirements of resource agencies; 2) monitoring to avoid impacts to sensitive species; 3) pre and post-construction eelgrass surveys and eelgrass mitigation; 4) pre- construction *Caulerpa taxifolia* surveys; 5) construction BMPs to protect water quality; 6) as-built plans for the proposed restoration of the rock revetment 7) alternative fence designs to improve views; 8) submittal of a construction staging and access plan; and 9) assumption of risk for the development.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that 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.

COASTAL COMMISSION

EXHIBIT # 1
PAGE 1 OF 1



**SITE
LOCATION**

Map data ©2014 Google 2000 ft



Service Layer Credits: Image courtesy of USGS © 2012 Microsoft Corporation Image courtesy of LAR-IAC © 2010 NAVTEQ © AND, National Geographic, Esri, DeLorme, NAVTEQ, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, IPC; UltraSystems Environmental Inc. 2012

July 23, 2012

Scale 1:12,000
 1 inch = 1,000 feet



0 1,000 2,000 Feet

0 200 400 Meters

Legend



Magnolia Street Bridge



500 Foot Buffer

Orange County Boundary

**Magnolia Street Bridge
 Preventive Maintenance**

Regional Map

Source: Ultrasystems, 2013



REGIONAL AND PROJECT LOCATION MAP

Magnolia Street Bridge Preventative Maintenance Project



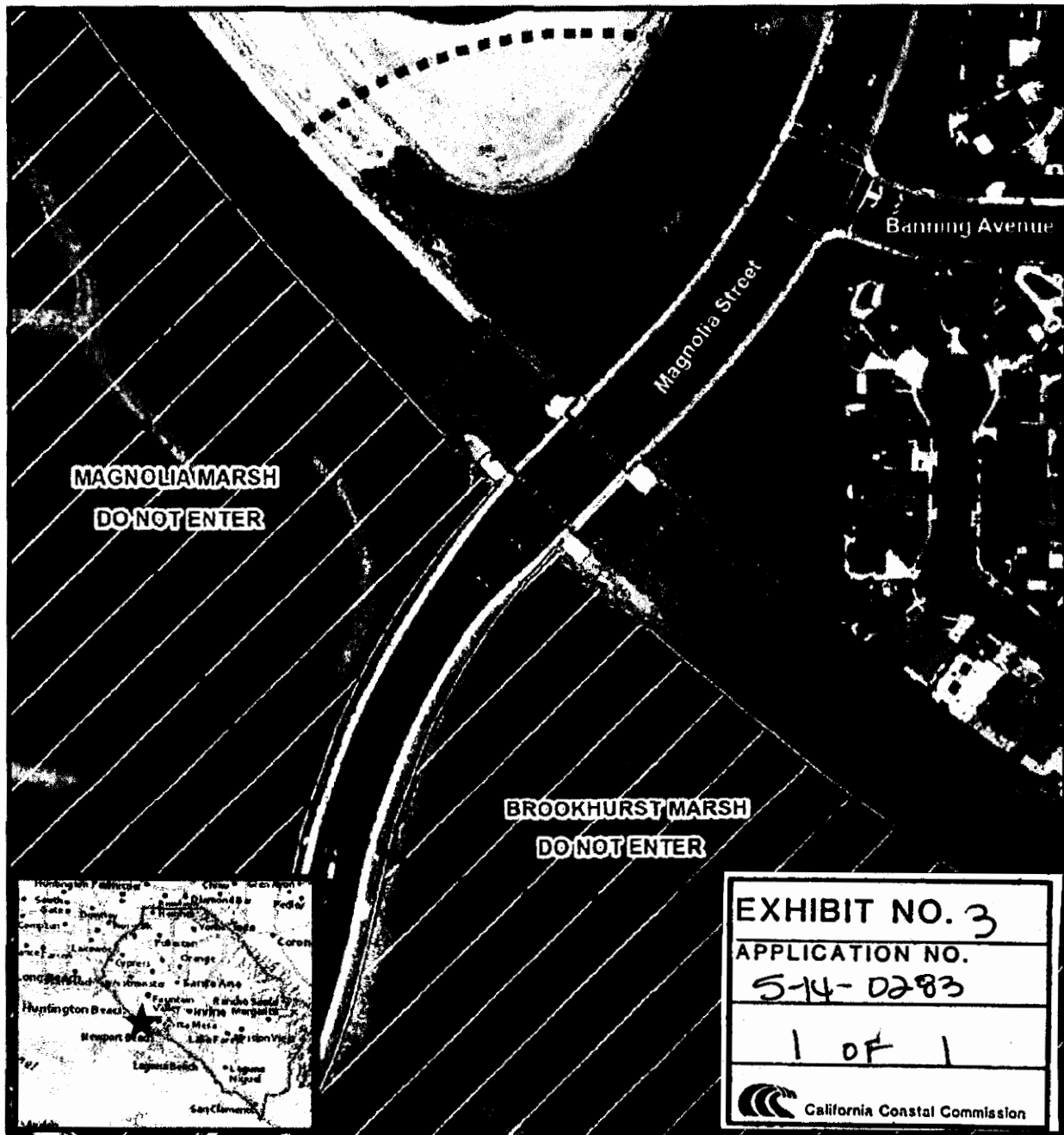


EXHIBIT NO. 3

APPLICATION NO.

5-14-0283

1 OF 1



California Coastal Commission

Service Layer Credits: National Geographic, Esri, DeLorme, NAVTEQ, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, IPC, © 2013 Microsoft Corporation Image courtesy of LAR-IAC ; UltraSystems Environmental Inc., 2012

August 10, 2012

Scale 1:1,800
1 inch = 150 feet

0 50 100 150 Feet

0 20 40 60 Meters

Legend

- ★ Magnolia Street Bridge
- 500 Foot Buffer
- Project Work Limits
- Huntington Beach Wetlands Conservancy
- Access Point for Barge
- Orange County Boundary

Magnolia Street Bridge
Preventative Maintenance

Project Footprint

EXHIBIT # 3

PAGE 1 OF 1

Source: Ultrasystems, 2013



PROJECT FOOTPRINT MAP

Magnolia Street Bridge Preventative Maintenance Project



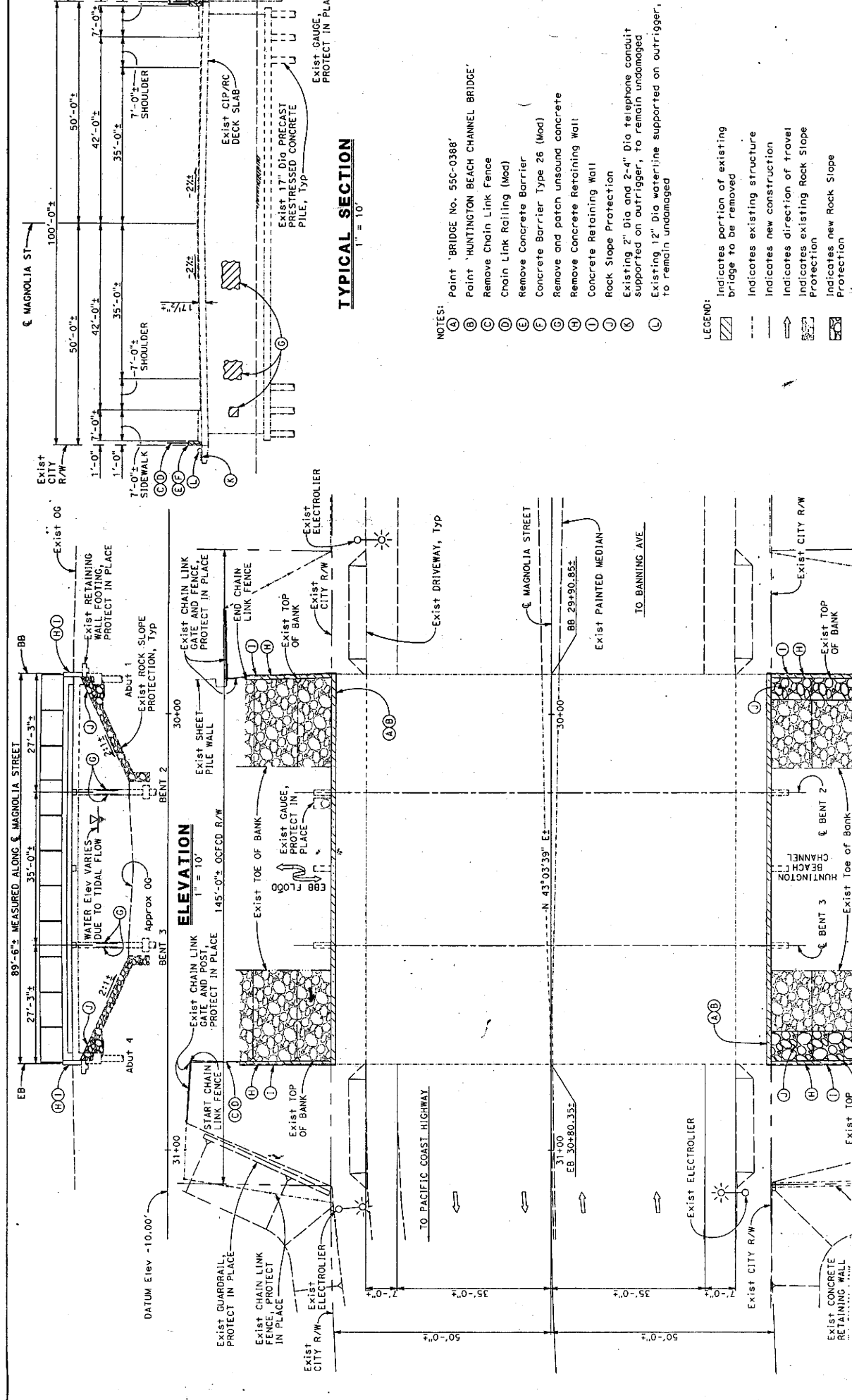


EXHIBIT NO. 41

Application Number

5-14-0283

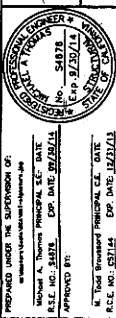
Site Plan and

Elevation

California Coastal Commission

PLAN CHECK SET/NOT FOR CONSTRUCTION (12/C)

GENERAL PLAN
MAGNOLIA ST BRIDGE PREVENTIVE MAINTEN
 (OVER HUNTINGTON BEACH CHANNEL)
 STA. 29+90.66 TO 37A.30+80.35



PROPOSED WORK IN SUPPORT OF
 Robert A. Thomas, Principal C.E. DATE
 R.E. NO. 54879 EXP. DATE 12/20/12
 APPROVED BY: [Signature] DATE: 12/20/12

| REVISIONS | DATE | DESCRIPTION |
|-----------|------|-------------|
| | | |
| | | |
| | | |

REFERENCES

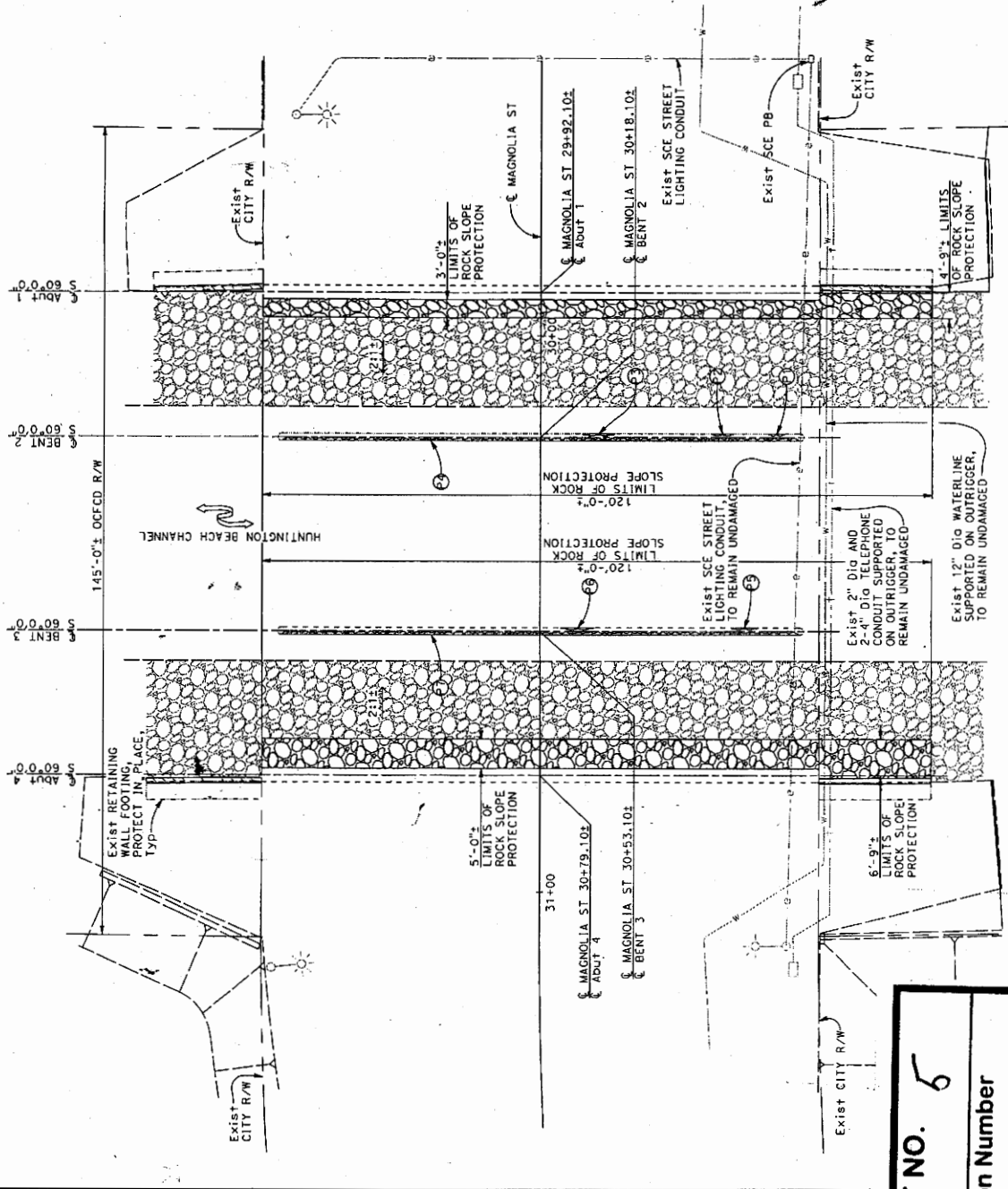
- NOTES:
- A Paint 'BRIDGE No. 55C-0388'
 - B Paint 'HUNTINGTON BEACH CHANNEL BRIDGE'
 - C Remove Chain Link Fence
 - D Chain Link Railing (Mod)
 - E Remove Concrete Barrier
 - F Concrete Barrier Type 26 (Mod)
 - G Remove and patch unsound concrete
 - H Concrete Retaining Wall
 - I Rock Slope Protection
 - J Existing 2" Dia and 2-4" Dia telephone conduit supported on outrigger, to remain undamaged
 - K Existing 12" Dia waterline supported on outrigger, to remain undamaged

- LEGEND:
- Indicates portion of existing bridge to be removed
 - Indicates existing structure
 - Indicates new construction
 - Indicates direction of travel
 - Indicates existing Rock Slope Protection
 - Indicates new Rock Slope Protection
 - Indicates unsound concrete to be removed and patched

NOTES:

1. Indicates unsound concrete 'Repair Schedule'
2. Indicates existing structure
3. Indicates new structure
4. Indicates existing Rock Slope
5. Indicates new Rock Slope
6. Indicates portion of existing bridge to be removed
7. Indicates unsound concrete to be removed and patched

| REMOVE AND PATCH SCI | |
|----------------------|------------------------------------|
| BRIDGE BENT NO. | BRIDGE PIER WALL |
| 2 | 2'-0" x 2'-0" x 0'-4" DEEP C |
| 2 | 4'-0" x 4'-0" x 0'-4" DEEP C |
| 2 | 6'-0" x 4'-0" x 0'-4" DEEP C |
| 2 | FULL LENGTH x 4'-0" x 0'-4" DEEP C |
| 3 | 4'-0" x 4'-0" x 0'-4" DEEP C |
| 3 | 6'-0" x 4'-0" x 0'-4" DEEP C |
| 3 | FULL LENGTH x 4'-0" x 0'-4" DEEP C |



FOUNDATION PLAN

1" = 10'

| |
|-------------------------------|
| EXHIBIT NO. 5 |
| Application Number 5-14-0283 |
| Foundation Plan |
| California Coastal Commission |

ALL BEFORE MATERIAL

| DATE | BY | REVISIONS |
|------|----|-----------|
| | | |
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| | | |

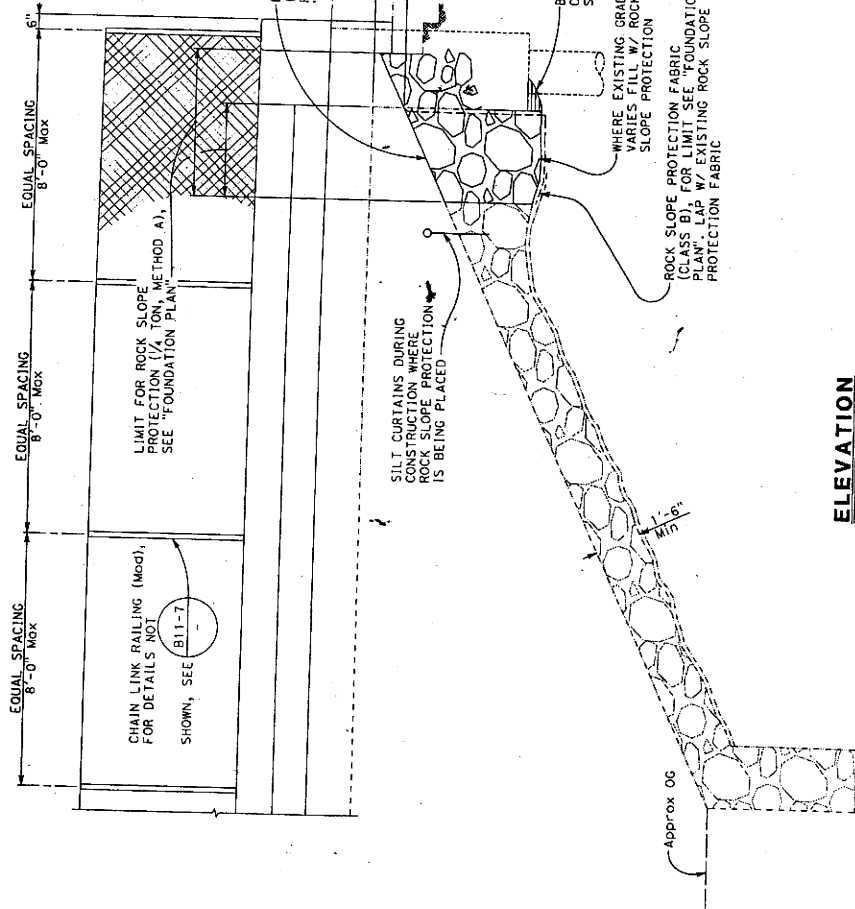
REFERENCES

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PREPARED UNDER THE SUPERVISION OF:
 Michael A. Brown, Principal, E.C. DATE: 05/13/12
 S.C.E. NO. 54876 EXP. DATE 05/13/12
 APPROVED BY:
 Michael A. Brown, Principal, E.C. DATE: 05/13/12
 S.C.E. NO. 54876 EXP. DATE 05/13/12

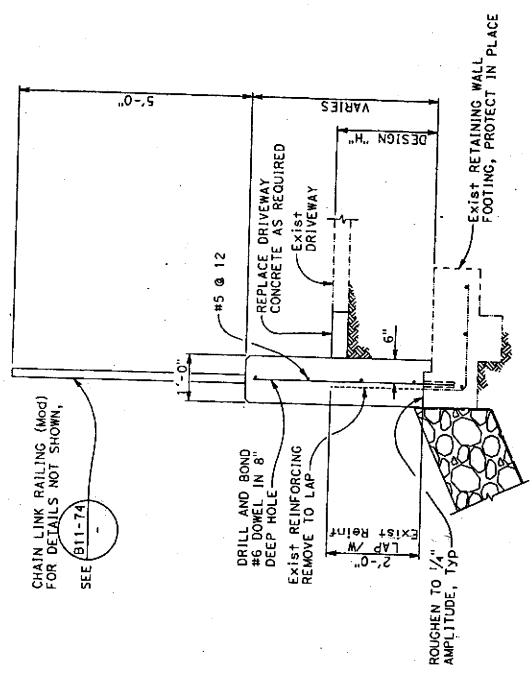
FOR
MAGNOLIA ST BRIDGE
 (OVER HUNTINGTON BEACH)
 CITY OF HUNTINGTON BEACH
 DEPARTMENT OF PUBLIC WORKS
 STA. 29+1

PLAN CHECK SET/NOT FOR CONS

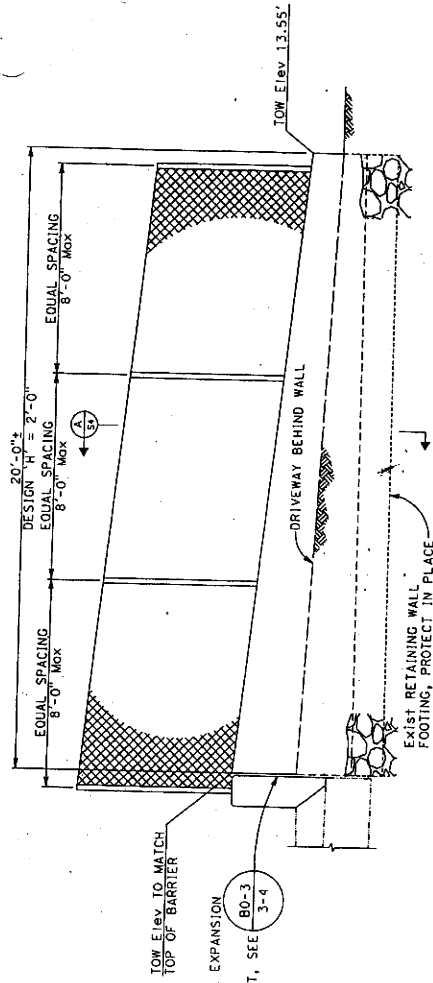


ELEVATION 1/2" = 1'-0"

- LEGEND:**
- Indicates existing structure
 - - - Indicates new construction
 - ▨ Indicates soil backfill
- ROCK SLOPE PROTECTION NOTE:**
The work for replacing rock slope protection shall include, but not be limited to, the following:
- Contractor shall submit a work plan for replacing the rock slope protection.
- Install silt curtains.
- Remove existing debris and rock in the rock slope protection limits, see "FOUNDATION PLAN".
- Place backfill below abutment cap and around piles where soil is missing.
- Place rock slope protection fabric in the rock slope protection limits.
- Place rock slope protection.

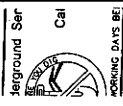


SECTION 3/4" = 1'-0"

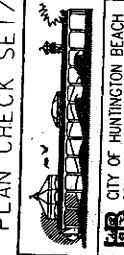
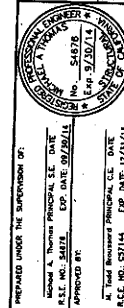


RETAINING WALL ELEVATION 1/2" = 1'-0"

| | |
|--------------------------------------|-----------------------|
| EXHIBIT NO. | 6 |
| Application Number | 5-14-0283 |
| Elevation | Proposed Fence Design |
| California Coastal Commission | |

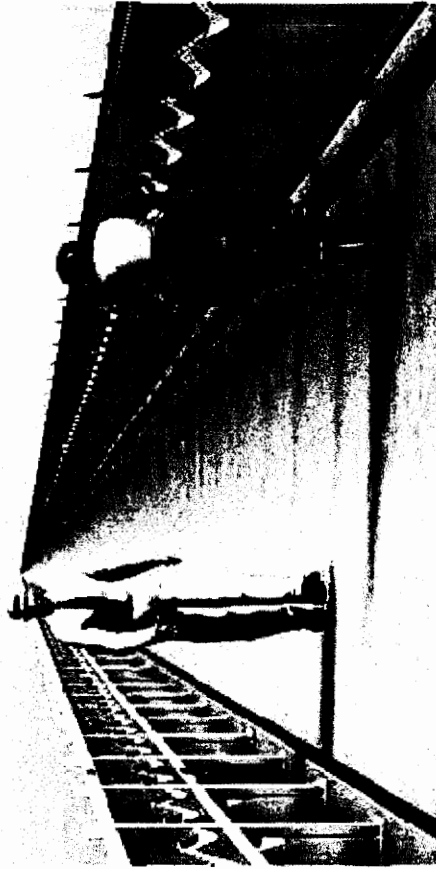


| REFERENCES | |
|-------------|------|
| APPROVED | |
| DESIGNED BY | DATE |
| CHECKED BY | DATE |
| APPROVED BY | DATE |

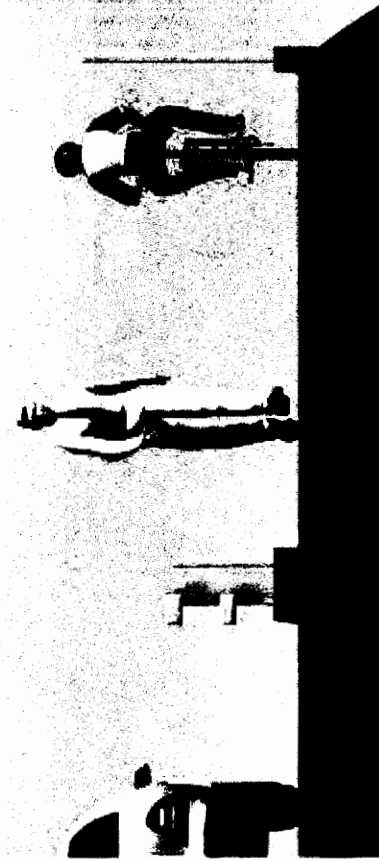


| | |
|---|--|
| PLAN CHECK SET/NOT FOR CONSTRUCTION (12/06/13) | SLOPE PROTECTION AND RETAINING WALL DETAILS |
| MAGNOLIA ST BRIDGE PREVENTIVE MAINTENANCE | STA. 29+80.85 TO STA. 30+80.35 |
| (OVER HUNTINGTON BEACH CHANNEL) | |

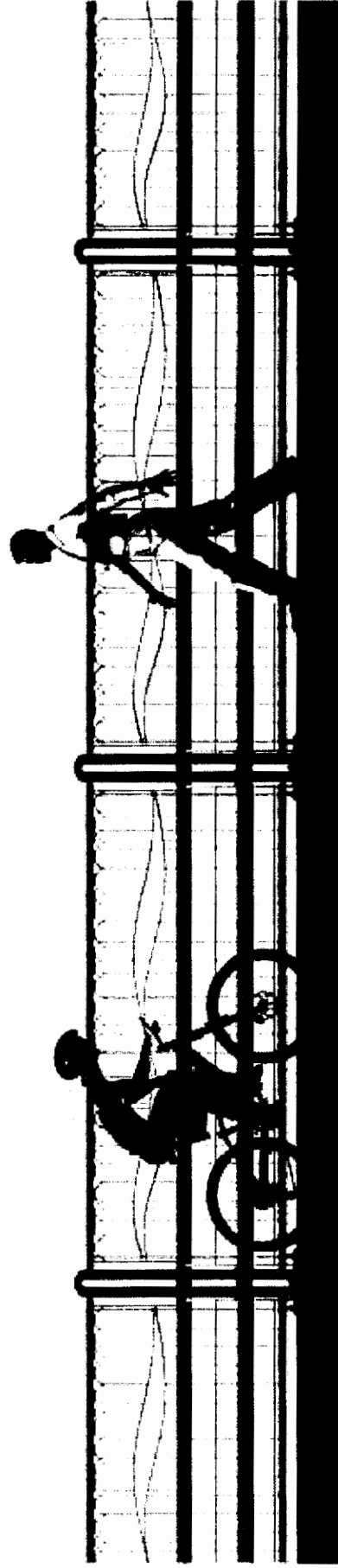
La Conchita Coastal Barrier Rail Study



PERSPECTIVE - PEDESTRIAN VIEW



SECTION



ELEVATION

54" ACCESS CONTROL RAIL
54" PEDESTRIAN RAIL

COASTAL COMMISSION

CB
Caltrans

BY: DES. BRIDGE ARCHITECTURAL & AESTHETICS
12/15/2009

EXHIBIT # 7
PAGE 1 OF 1