

CALIFORNIA COASTAL COMMISSION

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Filed: 1/27/2016
180th Day: 7/25/2016
Staff: M. Vaughn-LB
Staff Report: 2/18/2016
Hearing Date: 3/10/2016

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-15-0814

Applicant: City of Huntington Beach Department of Public Works
Andrew Ferrigno, Senior Civil Engineer

Agent: Erik Larsen, AECOM

Location: Vacant land between the Bolsa Chica Ecological Reserve and inland residential development, at the Allstone Drive, Bankton Drive, Graham Street, and Fallkirk Lane street ends, and adjacent to the East Garden Grove Wintersburg flood control channel, partially within the City of Huntington Beach and partially within unincorporated Orange County.

Project Description: Construction of approximately 1,285 lineal feet of 8-inch diameter water main pipeline (underground).

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant proposes to construct approximately 1,285 lineal feet of 8-inch diameter water pipeline to provide a redundant and reliable water supply to the existing adjacent residences (approximately 175 homes), the California Department of Fish & Wildlife field office, and fire hydrants in the area. The proposed waterline project will provide a redundant looped connection to an existing tract that is currently served by only one connection to the City's water system, with no increase in service capacity. The project is located on California State Lands adjacent to: Bankton Drive, Graham Street, and Fallkirk Lane street ends, and on land owned by the City of Huntington Beach in the area immediately south of East Garden Grove Wintersburg flood control channel south levee between the Allstone Drive street end and the terminus of Slater Channel.

The proposed project raises issues regarding the protection of wetlands.

Staff is recommending **APPROVAL** of the coastal development permit with three Special Conditions. The special conditions would require: 1) the applicant to carry out the proposed measures that assure protection of onsite wetlands (including plant surveys prior to and following construction, and reseeded the disturbed area after construction); 2) incorporation of measures to minimize adverse impacts during construction; and, 3) that public access to adjacent trails be maintained during construction.

The subject site is located partially within the City of Huntington Beach LCP permitting jurisdiction and partially within the Coastal Commission's permitting jurisdiction. Section 30601.3 of the Coastal Act allows for the processing of a single, consolidated coastal development permit for the entire project by the Coastal Commission if the applicant and local government agree to that process. In this case, the applicant is the local government and the City has requested that the Commission process a consolidated coastal development permit for the proposed project. The standard of review for a consolidated coastal development permit is Chapter 3 policies of the Coastal Act.

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EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Site Plan

Exhibit 3 – Site Photos (from AECOM Wetland Delineation Report)

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. **Wetland Protection.** As proposed by the applicant:
 - a. A plant survey shall be conducted within five days prior to commencement of construction and any wetland or other sensitive plant species present shall be documented. Within five days of completion of pipeline construction, a post-construction plant survey shall be conducted. Based upon the pre- and post-construction plant surveys, any wetland or other sensitive plant species identified by the surveys as disturbed due to construction shall be replaced in-kind and in the same location at the conclusion of construction.
 - b. All areas disturbed by construction shall be reseeded with plants native to the area and compatible with coastal saltmarsh habitat.
2. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:
 - 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.
 - b. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers. 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, habitat areas, streams, wetlands or their buffers.
 - 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(s) 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.
3. **Public Access.** Public access in the project vicinity shall be maintained at all times during project activities. Proposed project activities shall not interfere with the public's ability to gain access to the public trails in the project vicinity, including but not limited to the public trail on the south levee of the East Garden Grove Wintersburg flood control channel.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The applicant, the City of Huntington Beach Public Works Department, proposes to extend existing underground water pipelines in order to create looped water pipelines to provide reliable service and the redundancy necessary to improve the quality of the potable water used by residents and to serve fire hydrants in the service area. The proposed waterline project will not increase service capacity, as its purpose is to provide a redundant looped connection to an existing tract that is currently served by only one connection to the City's water system. The redundant water line service is intended to ensure a continuous water supply for the area in the event of waterline failures and improve fire-fighting capability.

The proposed pipeline project will involve construction of a total of approximately 1,285 linear feet of new, 8-inch diameter pipelines, within open trenches to a depth of four-to-seven feet below grade, with a typical trench width of about two to three feet. Shoring to prevent collapse during construction may be required. The proposed project consists of two separate areas of pipeline construction. The northern pipeline (Northern Loop) construction will connect the ends of two existing water pipelines with a new 8-inch diameter pipeline approximately 950 feet in length. This northern area of the project will connect the existing pipeline that currently ends at the western terminus of Allstone Drive with the existing pipeline that now ends in the maintenance road adjacent to the Slater flood control channel. The southern pipeline (Southern Loop) construction

would connect the ends of three existing water pipelines with new 8-inch diameter pipelines, approximately 335 feet in total length. This southern area of the project will connect the ends of the three existing pipelines that currently extend only to the western termini of Bankton Drive, Graham Street, and Falkirk Lane. (See Exhibit 2 for the project site plan). Project construction is expected to occur over a period of approximately three to four weeks.

The proposed project is necessitated by the fact that, at the time the existing approximately 175 home subdivision was constructed (c. 1976/77), it was then anticipated that the mainline utilities, including water lines, would eventually be extended into future residential development west/seaward of the subject development. However, the area to the west has since been preserved as the Bolsa Chica Ecological Reserve (BCER). Based on the expectations at the time, the water mainlines within Allstone Drive, Bankton Drive, Graham Street, and Falkirk Lane were constructed as dead-end lines with blowoff devices installed for maintenance, with the expectation that the mainlines would later continue into future residential developments. However, that expected future development was never constructed. Thus, the water main pipelines were never extended and interconnected to provide a looping water system. In its current configuration, approximately one-third of the 175 existing residences are served by a single, non-redundant water pipeline. If there were to be a break or stoppage in that single pipeline, all water service to those homes on that waterline would be disrupted. In addition, the pipelines that service the remaining two thirds of the residences terminate in dead ends, resulting in poor water quality due to a lack of adequate flushing of the potable water. One of the water pipelines in this area also serves the California Department of Fish & Wildlife field office in the Bolsa Chica Ecological Reserve. The proposed project would provide a looped and interconnected water pipeline system that provides redundancy and eliminates the single-source situation that many of the homes now endure. (A redundant pipeline has at least two different points of connection from two different sources.)

The proposed project is located in the area between the Bolsa Chica Ecological Reserve and the residential tract located immediately inland of the Reserve. Because the wetlands of the BCER are tidally influenced, the location of the project falls between the first public road and the sea. Part of the project is located on land owned by the State Lands Commission, in unincorporated Orange County. The applicant has entered into a lease agreement with the California State Lands Commission (CSLC) for work in the project area owned by the CSLC. CDFW has also reviewed and endorsed the project. There is no certified LCP for this area of the proposed project. The remaining portion of the project falls within the City's corporate boundary and thus within the City's certified LCP jurisdiction. The proposed project has received Approval in Concept from the City of Huntington Beach.

The proposed development is immediately adjacent to a public trail that connects to the public trail on the south levee of the East Garden Grove Wintersburg flood control channel and to the extensive trail system of the BCER, and eventually to the public beaches seaward of the BCER (Bolsa Chica State Beach and Sunset County Beach). The proposed project is expected to take about a month to complete. There is adequate area in the project vicinity to provide continued public access during construction. In order to assure that public access in the vicinity is not adversely affected during project construction, the Commission imposes **Special Condition No. 3** which requires that public access be maintained during project construction.

Although no part of the project will occur within the boundary of the Bolsa Chica Ecological Reserve, the project will be located adjacent to the BCER. The BCER supports hundreds of acres

of wetlands. Due to the proximity of the subject site to extensive wetlands, a Wetlands Delineation was prepared for the proposed project (Coastal Wetland Delineation for the Bolsa Chica Water Line Extension Project, prepared by AECOM, dated 12/4/15). The Wetland Delineation concluded that no wetlands were present at the subject site. However, the Delineation's conclusion raises some questions. The Wetland Delineation reviewed four sample pits, three of which are located within the project footprint and one that is located in the area between the northern and southern loops. However, the three pits within the project footprint were dug only to a depth of three inches (Sample Pit 1, Northern Loop) and six inches (Sample Pits 3 & 4, Southern Loop). Sample Pit 2, located outside the project footprint between the Northern and Southern Loops, was dug to a depth of 20 inches. In this pit, hydric soils were observed within the upper 10 inches, which raises the question of why none of the other sample pits were excavated deeper than three and six inches. In addition, five hook bassia (*Bassia hyssopifolia*) and Australian salt bush (*Atriplex semibaccata*) were present at Sample Pit 4. Both of these plants occur in coastal salt marsh habitats. Moreover, *Heliotropium curassavicum* (Chinese parsley) and *cressa truxillensis* (alkali weed), also plants known to occur in coastal salt marsh habitat, were found in and near the project site's footprint (see Exhibit 3 for a photo of Sample Pit 4 vegetation). In addition, the field work conducted for the subject Wetland Delineation occurred on a single day, August 21, 2015, following a multi-year drought. Since that single day of the field work, the area has received a number of days of rainfall, which may merit additional site review. However, rather than conduct additional wetland delineation work, the City has proposed to treat the subject site as wetlands.

Section 30233 of the Coastal Act provides the restrictions and requirements that apply to any development proposed in wetlands: the project must be one of the allowable uses enumerated in 30233(a)(1-7), it must be the least environmentally damaging feasible alternative, and, adequate mitigation must be provided to minimize any adverse environmental impacts the project may have.

Allowable Use

Section 30233(a)(4) allows limited development in wetlands for "incidental public service purposes." The proposed project is a public water main pipeline project, undertaken by the local government's Public Works Department. The proposed work is incidental to the existing water main pipelines and is necessary to improve the quality of the existing public potable water service and as needed to improve fire protection in the area. Further, it is incidental in that it will not increase the service capacity of the existing supply water system.

Alternatives

Alternatives to the project were considered and the proposed project represents the least environmentally damaging, feasible alternative. Alternatives considered include: looping the pipes within the public streets; acquiring right-of-way to construct the pipes within private, residential property; and the no project alternative. The applicant characterizes the first project alternative, looping the pipes within the public streets, as follows: *"Each existing dead end main looped back on itself would double the length of pipeline which doubles the volume of water within the system of pipes. The flow rate would remain the same for the customers served thus it would take twice as long to consume the water in those pipes, thus the water would be twice as old before it was consumed. Water is similar to vegetables; it has the highest quality if it is served fresh. The older the water is within a system of pipelines, the more likely it is to lose its disinfection residual and the more likely it is to host bacteriological re-growth. We believe the two pipelines [proposed northern and southern loops] provide the greatest benefit for the least amount of pipeline installed, and the lowest cost to both the City and to the environment."* Looping the pipes was not considered a viable

option since it would not achieve the project goal in that it would not satisfy the definition of redundant pipeline, which is to have at least two different points of connection from two different sources.

The applicant also considered constructing the pipeline through private residential property. However, most private residential owners are reluctant to dedicate a 10-foot wide water utility easement to the City because this would prohibit the property owner from constructing any structures or planting any trees within the easement. In addition, private property owners would also have concerns about a water main leak or break that could potentially result in property damage. Because the area is completely built out, alignment options were limited. Therefore, this option is also not feasible.

Finally, the no project alternative would leave the water supply system as is. This is not acceptable because the quality of the potable water serving the residences and the CDFW field station would not be improved and it would not provide the required water pressure to fire hydrants as required for fire protection.

The proposed alternative would provide the City with four additional routes to distribute water to the community of 175 homes, especially significant during a fire emergency. The Public Works Department has indicated that a well-designed water system serving an area must be comprised of a grid system built to have more than two connections to the City water system in order to support fire protection demands/redundancy and the ability to circulate water to maintain good water quality for the customers. The proposed project alternative accomplishes these goals. The location of the connecting pipelines will be within 10 feet of the developed residential area and are the minimum length necessary to achieve the desired connection to the existing water main pipes. In addition, the City has proposed to construct the project outside bird nesting season (February 15 to September 15) to avoid impacts to nesting birds, including birds within the BCER. Construction outside the nesting season is also a requirement of the lease agreement with CSLC (Section 2, Item 6).

Mitigation

The applicant has proposed to document the presence or absence of wetland flora within the project footprint prior to commencement of construction and once again following construction. Based on the results of the wetland flora surveys, any wetland plants impacted by the proposed development will be replaced in-kind once pipeline construction is complete. In addition, the applicant proposes to reseed the areas disturbed by the proposed pipeline construction with a native plant seed mix compatible with coastal saltmarsh habitat in an effort to improve the quality of the vegetation in the project area. As proposed by the applicant, adequate mitigation for the proposed project will be provided.

In order to assure that the project components proposed by the applicant to minimize adverse impacts and to mitigation any unavoidable impacts, **Special Condition No. 1** is imposed requiring the applicant to carry out the project as proposed, specifically with regard to minimizing project impacts on wetlands and the provision of adequate mitigation. In addition, because the project site is in proximity to coastal waters (BCER), the Commission recommends construction-related requirements and best management practices under **Special Condition 2** in order to assure that adverse impacts during construction are minimized. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30233 of the Coastal Act.

B. PERMIT JURISDICTION

The subject site is located partially within the City of Huntington Beach LCP permitting jurisdiction and partially within the Coastal Commission’s permitting jurisdiction. Section 30601.3 of the Coastal Act provides that where a project is located in both the Coastal Commission’s and a local government’s coastal development permit jurisdiction, a single, consolidated coastal development permit for the entire project may be processed by the Coastal Commission if the applicant and local government agree to that process. In this case, the applicant is the local government and the applicant/City has requested that the Commission process a consolidated coastal development permit for the proposed project. The standard of review for a consolidated coastal development permit is Chapter 3 policies of the Coastal Act.

C. HABITAT

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 condition, conforms with Section 30240(B) of the Coastal Act.

D. PUBLIC ACCESS

The proposed development will not affect the public’s ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed the development, as conditioned, conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. Construction best management practices should minimize the project’s potential adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

F. LOCAL COASTAL PROGRAM (LCP)

Coastal Act Section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Coastal Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. An LCP for the City of Huntington Beach was effectively certified in March 1985. However, the proposed development is occurring partially within an area of the Commission’s original permit jurisdiction, due to a portion of the project being located in an area outside the City’s jurisdiction in an unincorporated area of the County of Orange. The area is located in the Orange County geographical LCP segment known as Bolsa Chica. An LCP for this area has not yet been certified and so the standard of review in this area remains the Coastal Act. As described above, the subject permit application is being processed as a single, consolidated coastal development permit, pursuant to Section 30601.3 of the Coastal Act. Consequently, the standard of review for the entire project is the Coastal Act, with the City’s LCP used as guidance. Approval of the project, as conditioned, will

not prejudice the County's ability to prepare an LCP for the uncertified, Bolsa Chica segment of the County of Orange that is in conformity with the provision of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of Huntington Beach approved a Categorical Exemption for the proposed development. Notice of the Categorical Exemption was recorded in the Official Records of the County of Orange on December 9, 2013. 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.

Appendix A - Substantive File Documents

- City of Huntington Beach certified Local Coastal Program
- General Lease – Public Agency Use; City of Huntington Beach, File Ref: PRC 9228.9
- Coastal Wetland Delineation for the Bolsa Chica Water Line Extension Project, prepared by AECOM, dated 12/4/15.



Exhibit 1
 5-15-0814 (Huntington Beach Public Works)
 Vicinity Map



Exhibit 2
5-15-0814 (Huntington Beach Public Works)
Site Plan



Photograph 6. North Area, location of Sample Point 1. Facing Northeast.

Northern Loop Area

East Garden Grove Wintersburg flood control channel levee on left of photo

Exhibit 3 (Page 1 of 6)

5-15-0814 (Huntington Beach Public Works)

Site Plan



Photograph 21. Sample Point 2. Facing North.

Sample Point 2
Between Northern and Southern Loops

Exhibit 3 (Page 2 of 6)
5-15-0814 (Huntington Beach Public Works)
Site Plan



Photograph 23. South Area A. Yellow circle denotes the location of Sample Point 3 within South Area A. Facing Southeast.

Sample Point 3 (Yellow Circle)
Southern Loop

Exhibit 3 (Page 3 of 6)
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Site Plan

Sample Point 4



Photograph 24. Five-hook bassia (*Bassia hyssopifolia*) within South Area B. Shovel (center of the photograph) denotes the location of Sample Point 3. Facing Northwest.

Sample Point 4
Southern Loop

Exhibit 3 (Page 4 of 6)
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Site Plan



Photograph 25. Five-hook bassia is the dominant plant within the ruderal vegetation. Facing Southeast.

Sample Point 4
Southern Loop

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Site Plan



Photograph 26. Five-hook bassia is the dominant plant within the ruderal vegetation. Facing North.

Sample Point 4
Southern Loop

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Site Plan