

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

Application No.: 5-16-0037

Applicant: Brett Cyprus

Agent: John Sturzel, Stutzel Design, Inc.

Location: 16836 Marina Bay Drive, Huntington Beach, Orange County (APN: 178-652-03)

Project Description: Removal of a 50-foot long by five-foot wide concrete deck cantilevered five feet over the water and replacement with a new 90-foot long concrete deck cantilevered five feet over the water with a 42-inch high tempered glass windscreen. Repair of voids beneath and behind the seawall footing and deteriorated timber pile. Removal of 2.63 square-feet of concrete overpour at the base of the seawall and installation of sheetpile (1.71 square-feet) along the face of the footing.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Issues associated with the proposed deck and bulkhead repair include concerns regarding water quality during and after construction and impacts to soft bottom habitat. The applicant has proposed to mitigate those impacts.

Staff is recommending **approval** of the proposed coastal development permit with **nine (9)** special conditions. The special conditions would: **1) Bulkhead Monitoring Plan; 2) Alternatives to Plastic; 3) Bird Strike Prevention; 4) Soft Bottom Mitigation; 5) Construction Responsibilities and Debris Removal; 6) Pre-Construction Eelgrass Survey; 7) Pre-Construction *Caulerpa taxifolia* Survey; 8) Conformance with Proposed Plans; and 9) Public Rights.**

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EXHIBITS

Exhibit 1 - Vicinity Map

Exhibit 2 – Site Plan

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. Bulkhead Monitoring Plan.** The permittee shall maintain the bulkhead reinforcement in good condition throughout the life of the development. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and approval a Bulkhead Monitoring Plan. The permittee, and their successors in interest shall be responsible for carrying out all provisions of the approved Monitoring Plan for as long as the bulkhead reinforcement remains in place. The monitoring plan, at a minimum, shall provide for: (a) regular inspections by a qualified person familiar with bulkhead structures who is able to document via photos and provide written descriptions based on personal observation whether any cracks, breaks or deterioration have occurred. These inspections shall be performed at least every 2 years; (b) inspections shall examine the exposed portions of the bulkhead reinforcement (to the mud line) for signs of weakness or possible failure, including, but not limited to cracking, bending, splitting, splintering, or flaking. All weak or potential failure areas should be marked on an as-built plan of the bulkhead reinforcement, and there should be photographs and text to explain the nature and extent of each weakness.

Inspection reports shall be prepared and conveyed to the Executive Director within 30 days of the inspection work. These reports shall provide information on and photographs from the date of the inspection, the name and qualifications of the person performing the inspection, and an overall assessment of the continued integrity of the bulkhead reinforcement. If the inspection identifies any areas where the bulkhead reinforcement has been damaged, the report shall identify alternatives to remedy the damage.

In the event that any sections of the bulkhead reinforcement are damaged or flaking, the permittees shall notify the Commission within 10 days; and in such event, within 30 days of such notification, submit to the Commission a complete application for any coastal development permit amendment, or new permit, necessary for the repair or replacement of the bulkhead reinforcement.

- 2. Alternatives to Plastic.** By acceptance of this permit, the applicant agrees to submit an application for an amendment to this permit or a new coastal development permit if new information becomes available that indicates that plastic has harmful effects on the marine environment, and that environmentally superior, feasible alternative(s) are available. The amendment or new coastal development shall include measures to eliminate or significantly reduce the adverse impacts of the plastic including, if necessary, the replacement of the bulkhead.
- 3. Bird Strike Prevention.** Oceanfront deck railing systems, fences, screen walls, gates, and windows subject to this permit shall use materials designed to minimize bird-strikes with the deck railing, fence, gate, or window. Such materials may consist, all or in part, of wood, wrought iron, frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas may be installed only if it contains UV-reflective glazing that is visible to birds or is used with

appliqués (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency. Any appliqués used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one appliqué for every 3 foot by 3 foot area). Use of opaque or partially opaque materials is preferred to clear glass or Plexiglas and appliqués. All materials and appliqués shall be maintained throughout the life of the development to ensure continued effectiveness at minimizing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications.

4. **Soft Bottom Mitigation.** By acceptance of this permit, the applicant shall assure that the soft bottom mitigation shall be carried out as proposed by the removal of 2.63 sq. ft. of concrete overpour at the existing bulkhead toe at the subject site.
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. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
 - I. 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;

- J. 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;
 - K. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material;
 - 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 (BMP's) and Good Housekeeping Practices (GHP's) 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; and
 - P. All BMP's shall be maintained in a functional condition throughout the duration of construction activity.
6. **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. If any portion of the project commences in a previously undisturbed area after the last valid eelgrass survey expires, a new survey is required prior to commencement of work in that area. 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 by 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.

Post-Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required by this special condition, 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 (SCEMP) (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 by 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 SCEMP. 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 legally required.

- 7. Pre-Construction *Caulerpa taxifolia* Survey.** 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. If any portion of the project commences in a previously undisturbed area after the last valid *Caulerpa taxifolia* survey expires, a new survey is required prior to commencement of work in that area.

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. Within five (5) business days of completion of the survey, the applicant shall submit the survey:

- (1) for the review and approval by the Executive Director; and
- (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043), or their successors.

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 *Calurpa taxifolia* discovered within the project and 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 *Calurpa. 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.

8. **Conformance with Proposed Plans.** The applicant shall conform to the plans dated 12/31/2015 and 6/16/2016, received in the Commission's office on 1/19/2016 and 6/29/2016, including the restoration of 1.71 square feet of soft bottom habitat at 16836 Marina Bay Drive, Hunting Beach (to be used as mitigation for soft bottom impacts at the subject site) as described in the *Bulkhead & Cantilevered Deck Condition and Sea Level Rise Assessment*, prepared by Streamlinewest Engineering, LLC, dated April 20, 2016 and the *Amendment to Project Description*, prepared by Streamlinewest Engineering, LLC, dated 6/16/2016. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
9. **Public Rights.** The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION & LOCATION

The applicant proposes to remove a 50-foot long by five-foot wide concrete deck cantilevered five feet over the water and replace it with a new 90-foot long by five-foot side concrete deck cantilevered five feet over the water with a 42-inch high tempered glass windscreen. During an evaluation of the condition of the seawall (conducted by *Streamlinewest Engineering, Inc.*), which was conducted after the application was filed on April 20, 2016, the applicant discovered voids beneath the existing seawall. As such, the applicant has amended their proposal and now also proposes to repair voids beneath and behind the seawall footing and to repair deteriorated timber piles behind the seawall. This will include the removal of 2.63 square-feet of concrete overpour at the base of the seawall and installation of sheetpile along the face of the footing, which will result in 1.71 square-feet of soft bottom coverage. The removal of the overpour and installation of the sheet pile will result in a net increase of 0.92 square feet of soft bottom habitat.

The proposed project site is located at 16836 Marina Bay Drive in Huntington Harbor in the City of Huntington Beach, Orange County (**Exhibit 1**). The site is currently developed with a single-family residence on a bulkhead lot with a 250 sq. ft. deck with a private boat dock and gangway. The applicant proposes to remove the existing cantilevered deck and install a new 450 square-foot deck and will be cantilevered 5 feet over the water. The applicant also proposes to add a 42-inch high tempered glass windscreen around the perimeter of the deck. **Special Condition 3** requires the applicant to use bird safe glass in order to prevent bird strikes.

Although cantilevered above the water, the proposed deck would preclude the general public from utilizing the public water area underneath the deck for recreation or navigational purposes. However, the proposed deck will not expand further than other existing decks in the area. There is no sandy beach area along the bulkhead, therefore, in this case, the placement of a deck cantilevered 5 feet beyond the bulkhead would not create an impediment to public access as there is no

opportunity for the public to walk upon the land in front of the bulkhead at this site or immediate area. The nearest public access in the area is the public beach approximately 1,230 feet west of the site across Pacific Coast Highway at the public beach. The proposed deck will not have any significant adverse impact on public access to the coast or to nearby recreational facilities.

In this case, there is an existing significant pattern of development of 5-foot wide decks cantilevered over the bulkhead. Thus, the construction of a cantilevered deck at this site and in this location would not be establishing a new pattern of development (nor create an adverse public access condition, as previously mentioned). However, the Commission imposes **Special Condition 9** stating that the approval of a coastal development permit for the project does not waive any public rights or interest that exist or may exist on the property or on adjacent public waters.

The existing concrete bulkhead beneath the cantilevered deck is supported by untreated timber piles below the bulkhead footing. In the past 40-50 years since the creation of the Harbor, sediments have settled or eroded away from the toe of the bulkhead and from beneath the bulkhead footing exposing the timber piles. The applicant's engineering consultant has indicated that undermining of the bulkhead footings does not affect the structural integrity of the wall. The exposure does, however, affect the wood piles supporting the bulkhead wall by allowing access by marine wood boring organisms. The wood boring organisms house themselves and feed on the wood piles, which weaken the pile, and decreases the pile's ability to support the bulkhead. Damage to the supporting timber piles could lead to bulkhead collapse. If protective measures are not implemented, damage to the bulkhead could result, leading to failure of the bulkhead and damage to the residences landward of the bulkhead. The proposed bulkhead repair is designed to fill in the eroded sediment voids behind the concrete bulkhead footing with grout thereby sealing the untreated timber piles and protecting them from marine boring organisms, ensuring the necessary support to the bulkhead.

The applicant proposes to repair/reinforce an approximately 32-foot section at the northern most end of the existing approximately 100-foot long bulkhead/seawall. The initial phase of the project includes removing the existing concrete cut-off wall that extends beneath the toe of the seawall footing to allow the evaluation of the condition of the timber piles. Piles that are found to be deteriorated will be repaired by removing deteriorated timber and wrapping decayed portions of the timber piles in fiberglass sleeves and then filling the sleeves with an epoxy grout.

The proposed bulkhead repair also includes removing the existing concrete overpour along the toe of the footing to allow the installation of 7/16-inch thick, 7-foot 6-inch tall, marine grade carbon fiber reinforced vinyl ester resin sheetpile panels with two-inch by two-inch interlocks. Due to the voids and varying mudline depth along the toe of the bulkhead, the actual depth that the panels will extend into the harbor bottom below the bottom of the concrete bulkhead footing will vary. The minimum amount of panel penetration into the harbor bottom for structural stability has been determined to be at least 3.5 feet. Project Plans are included as **Exhibit 2**. No rock/toe-stone is proposed as part of the bulkhead repair as has been the case in other similar bulkhead repair projects within Huntington Harbor. The sheetpile panels will be flush along the vertical face of the seawall footing and will seal off existing voids beneath the footings. The proposed sheetpile panels will be installed using a modified driving hammer from a waterside work platform. No spuds or anchors or other bottom disturbing activities are associated with the work platform. Each sheet pile has an interlocking mechanism that acts as a guide to keep the pile aligned while driving and provides for a mechanical attachment at each joint.

The sheetpile panels will provide a barrier to seal off the voids. After installation of the panels, grout will be injected into the voids beneath the footing and around the timber piles supporting the seawall. The panels will have holes in them approximately every four feet. The pre-mixed grout will be pumped through a hose and injected through the holes in the panels to fill the void under the footing and around the timber piles. Since the panels will be installed prior to the injection of the grout to fill the voids, dispersion of the grout into the harbor will be prevented. As the grout is pumped into a void, the holes in the adjacent panels will be closely monitored to ensure that grout does not escape into the water. Once the grout is observed at an adjacent hole, pumping will immediately halt and the injection holes will be temporarily plugged until the grout has hardened. This process will continue until all of the voids are filled.

Huntington Harbor was developed in the 1960s constructed using cast in place, reinforced concrete seawall/bulkheads with foundations supported on vertical and battered (i.e., angled) untreated timber piles. Single-family residences are located behind the bulkhead and private boat docks associated with the residences are located seaward of the bulkhead. Most of the Huntington Harbor water frontage is developed with single-family homes, many of which have cantilevered decks and boat docks over public waters, including properties adjacent to the project site. The proposed deck is similar in function to the other cantilevered decks associated with residential development within Huntington Harbor and is consistent with past Commission actions in the area. All work on the deck will occur from the landward side of the deck. The proposed deck and bulkhead repair are associated with the adjacent single-family residential use. To address water quality concerns, the applicant is proposing to install a gutter around the perimeter of the cantilevered deck which will collect runoff and direct it to an on-site drainage system, which will then direct deck drainage and runoff landward toward a street drain. Additionally, **Special Condition 5** requires the applicant to observe water quality and best management practices (BMP) measures into the project during and post-construction.

The City of Huntington Beach has a certified Local Coastal Program. However, due to the project location seaward of the mean high tide line, the project is within an area of the Commission's retained permit jurisdiction. Nonetheless, the City's certified Local Coastal Program may be used as guidance. The land use designation at the site is Open Space – Water (OS – W). The site is zoned Open Space Water Recreation. The proposed development is consistent with the City's certified LCP, specifically with Implementation Plan Chapter 213 Open Space District, which allows private cantilevered decks abutting residential uses, and with Chapter 210, which provides standards for cantilevered decks in Huntington Harbor in the Open Space Water Recreation zone. The City of Huntington Beach reviewed the proposed plans and issued Approval-in-Concept July 15, 2015 and updated on June 16, 2016. this area of Huntington Harbor, the water area is owned by the State but administered by the City of Huntington Beach.

Fill of Coastal Waters - Soft Bottom Impacts

Portions of the proposed development will occur in the waters of Huntington Harbor, in an area that is entirely submerged. The proposed placement of the sheetpile panels and interlocks would result in the permanent coverage of 1.71 square feet of soft bottom habitat and associated benthic (bottom-dwelling) organisms. The impacted habitat consists of soft bottom sediments containing amphipods and hydroids. These species are common to soft bottom habitat throughout the harbor. No sensitive plant or wildlife species are known to occur within this habitat at the subject site.

To mitigate the permanent coverage of 1.71 square feet of soft bottom habitat, the applicant proposes to remove existing concrete overpour adjacent to the bulkhead which dates from the time of the bulkhead's original construction in the 1960s. The area of existing concrete overpour at the subject site proposed to be removed is 2.63 square feet. The area of concrete overpour was determined through field measurements taken along the bulkhead footings (**Exhibit 2**). Since the area of concrete overpour proposed for removal exceeds the area of sheetpile being installed, there will be an increase in soft bottom of 0.92 square feet (2.63 square feet restored soft bottom minus 1.71 square feet taken up by proposed new sheetpile panels). **Special Condition 4** requires the applicant to carry out this mitigation as proposed.

Thus, the proposed project as conditioned to carry out the proposed mitigation is consistent with the requirements of Section 30233 regarding fill of coastal waters in that the project be an allowable use, the least environmentally damaging feasible alternative, and provides adequate mitigation.

Shoreline Protection

The proposed project involves the fill of coastal waters in the form of the 32 linear feet of 7/16th inch thick sheet piles with 2-inch by 2-inch interlocks for a total fill amount of 1.71 square feet. The purpose of the proposed fill is to protect the existing residences, which is not one of the seven allowable uses enumerated under section 30233 of the Coastal Act. However, Section 30235 of the Coastal Act requires the Commission to approve seawalls and other similar structures when such protection structures are necessary to protect existing primary structures and provided that the protection structures are designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Alternatives considered were: 1) installation of driven sheet piles with rip rap rock at the base; 2) concrete encasement of the existing wood piles in place; 3) the use of steel sheet piles rather than plastic (ester vinyl resin); 4) placement of filter fabric across the void to be held in place by new rock; and 5) repair of individual piles as they become damaged (do nothing alternative). All of the alternatives other than the proposed project would result in greater impacts to the marine environment. Thus, the proposed project is the least environmentally damaging feasible alternative.

The proposed bulkhead reinforcement is necessary to maintain the existing bulkhead and thus to protect the adjacent single-family residences. Therefore, the Commission finds that the proposed project is consistent with Section 30235 of the Coastal Act.

Water Quality and Construction Impacts

Due to the proposed project's location in the water, the proposed work may have adverse impacts upon water quality and the marine environment. To address potential adverse impacts to water quality the applicant has proposed a number of Best Management Practices including: monitoring for adherence to the Regional Water Quality Control Board specifications for discharges limiting the dispersion of any turbidity plume for the duration of construction; if regulatory levels are exceeded work shall stop until turbidity decreases and corrective actions (including reducing the rate of construction activities) are implemented; disposal of all debris and trash in suitable containers on land at the end of each construction day; and prohibition of the discharge of hazardous materials into the waters of Huntington Harbor. In addition, **Special Condition 5** requires the prevention of improper storage of construction equipment and materials during construction and to conform with specific construction responsibilities and debris removal

procedures. Thus, the proposed project is consistent with the requirements of Sections 30230 and 30231 regarding protection of coastal waters.

Plastics in the Marine Environment

The Commission has expressed concern about the use of plastic in the marine environment. In past actions, the Commission has accepted plastic for the proposed purpose when monitoring is included and when future alternatives are considered. Consequently the plastic sheet piles must be monitored to ensure that they are maintained in an environmentally safe operating condition and replaced when damage or degradation has occurred. To minimize the potential of the plastic sheet piles breaking apart and entering the water due to damage or deterioration, **Special Condition 2** is imposed which requires that the project be carefully monitored at least once every two years for the life of the project. Further, **Special Condition 2** requires the applicant to submit an application for an amendment to this permit or a new coastal development permit if new information becomes available that indicates that plastic has harmful effects on the marine environment, and that environmentally superior, feasible alternative(s) are available. The Commission has found such conditions necessary in past actions (5-10-106 (Hernandez); 5-03-078 & 5-03-078-A1 (Buchanan), 5-06-436 & 5-06-438 (Tetra Tech, et al).

Eelgrass

An eelgrass survey was conducted on prior to the City review of the seawall repair on June 16, 2016 as part of the Pre-Construction Biological Survey Assessments prepared by Streamlinewest Engineering, Inc. and submitted with supplemental material on June 27, 2016 as part of the CDP application. The survey found no eelgrass within the projects' vicinity. Due to the ephemeral nature of eelgrass, however, an eelgrass certification is only valid until the next period of active growth. More than a year may elapse before construction commences. Even though the eelgrass inspection indicates that no eelgrass is present, and therefore eelgrass is not expected to be impacted by the proposed project, eelgrass may have established within the project area between the time the survey was conducted and commencement of construction. If eelgrass is present in the project area, adverse impacts from the proposed project could result. Therefore, measures to avoid or minimize such potential impacts must be in place in order for the project to be found consistent with Section 30230 of the Coastal Act. Therefore, the Commission imposes **Special Condition 6** which requires that a current pre-construction eelgrass survey be conducted within the boundaries of the proposed project during the period of active growth of eelgrass (typically March through October), and which identifies steps to be taken should eelgrass be found onsite via a future survey.

Caulerpa taxifolia

The Pre-Construction Marine Biological Survey Assessment prepared by Streamlinewest also surveyed the site for *Caulerpa taxifolia*. None was found at the subject site. However, *Caulerpa taxifolia* surveys are valid for a limited period of time (90 days for *Caulerpa taxifolia*). Due to the potential that commencement of construction may not occur during the period the survey remains valid, a special condition is imposed which requires a *Caulerpa taxifolia* survey not more than 90 days prior to commencement of construction. If construction does not occur within the respective time periods, subsequent surveys will be required. **Special Condition 7** identifies the procedures necessary to be completed prior to beginning construction in case the survey expires prior to commencement of construction. In addition, the special condition identifies post-construction procedures.

Conclusion

The proposed bulkhead repair project is necessary to protect the existing residence. Section 30235 of the Coastal Act requires the Commission to approve such projects when necessary to protect existing structures and when designed to eliminate or mitigate adverse impacts. A number of alternatives were considered, and the proposed alternative has been found to be the least environmentally damaging alternative. The proposed project includes on-site mitigation that increases soft bottom habitat at the site. As proposed, and as conditioned, measures will be in place to protect water quality during and after construction. Also, as conditioned, surveys will be conducted pre- and post- construction to assure that any unanticipated impacts to eelgrass that may occur are addressed and to assure that the project will not result in the spread of the invasive algae *Caluerna taxifolia*. Therefore, as conditioned, the Commission finds that the project is consistent with Sections 30210 and 30231 regarding protection of the marine environment.

B. 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 conditioned, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. RECREATION

The proposed development, as conditioned, does not interfere with public recreational use of coastal resources. The proposed development, as conditioned, protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development, as conditioned, is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

D. WATER QUALITY

The proposed work will be occurring on, within, or adjacent to coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for 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. To reduce the potential for post-construction impacts to water quality the Commission requires the continued use and maintenance of post construction BMPs. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

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 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. The Land Use Plan for the Sunset Beach was effectively certified on in 1982 and updated in 1992, however, Sunset Beach was annexed into the City of Huntington Beach effective August 2011. The City of Huntington Beach has since submitted an LCP Amendment to incorporate the Sunset Beach area into the City of Huntington Beach LCP. In the interim, Chapter 3 of the Coastal Act is the standard

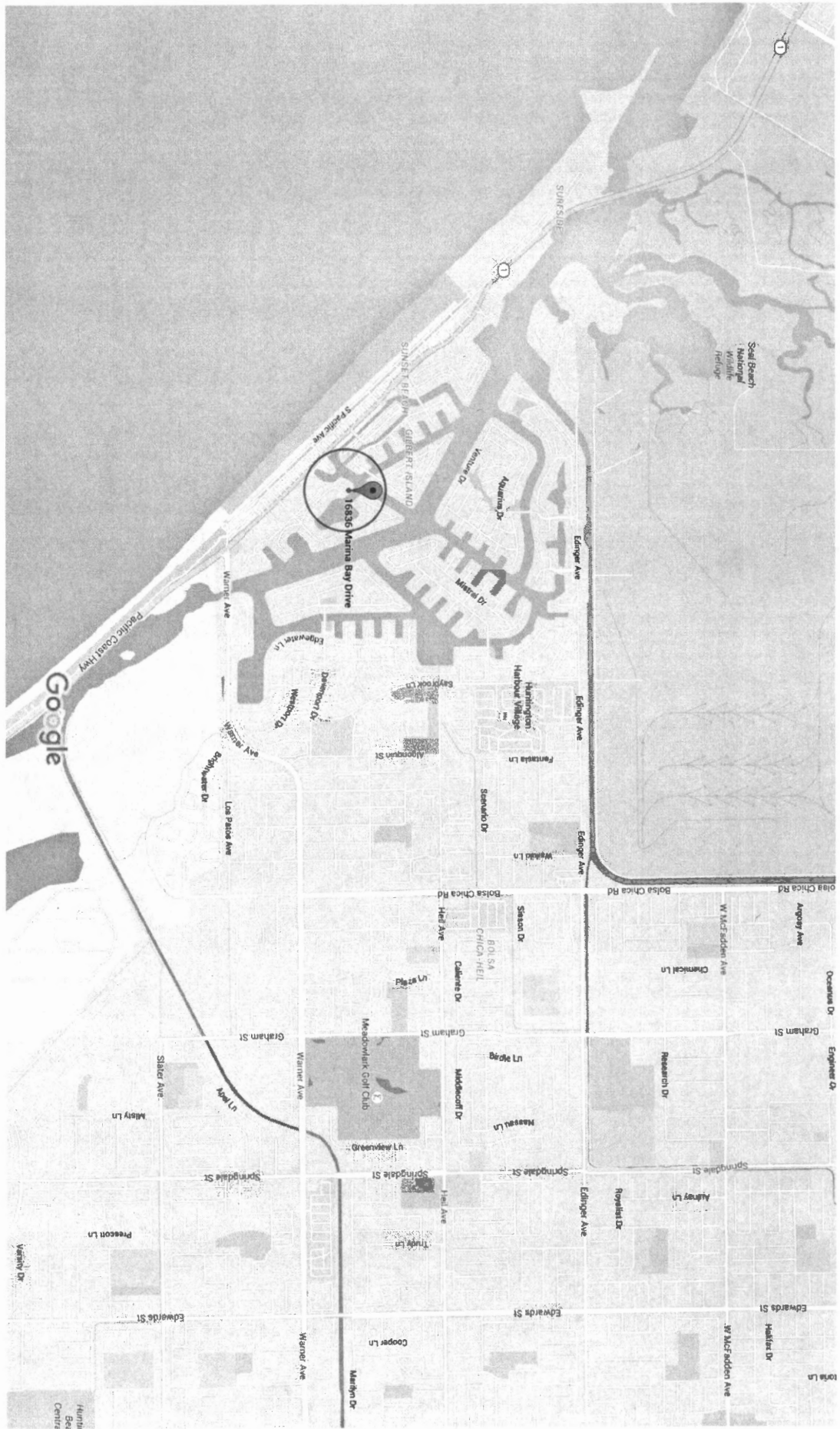
of review and the previously certified Sunset Beach LCP may be used as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications 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 which the activity may have on the environment.

The City of Huntington Beach is the lead agency responsible for CEQA review. As determined by the City, this project is categorically exempt from CEQA as a Class 1; Section 15301 exemption. As conditioned, there are no additional feasible alternatives or additional feasible mitigation measures available which will substantially lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified possible impacts, is consistent with CEQA and the policies of the Coastal Act.

Google Maps 16836 Marina Bay Dr



Map data ©2016 Google 1000 ft

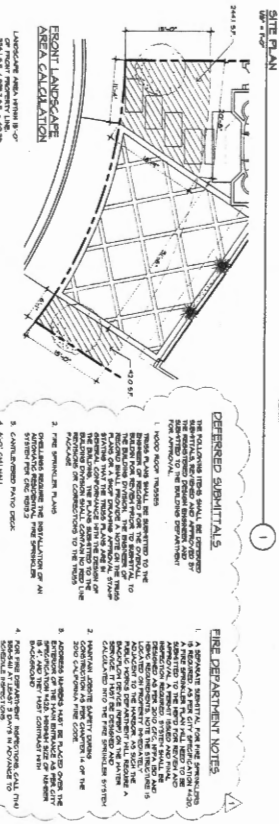
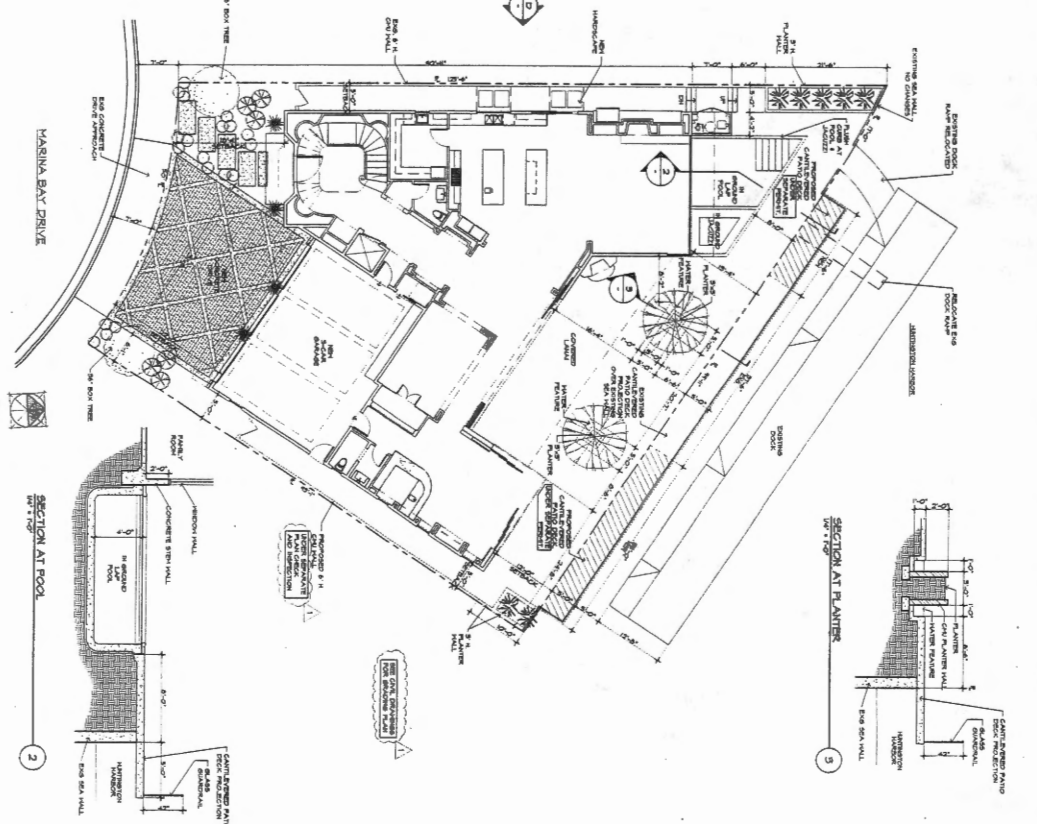
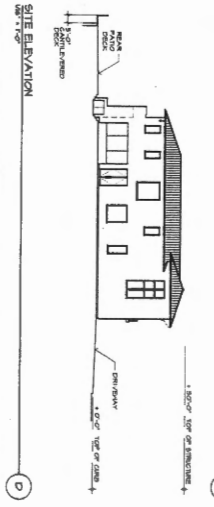
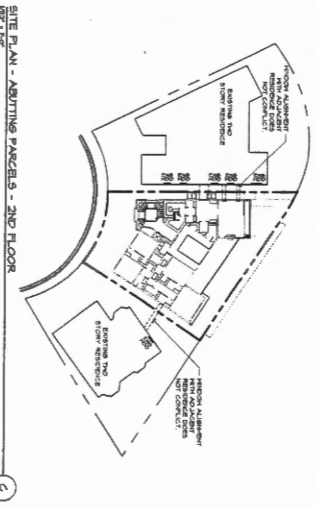
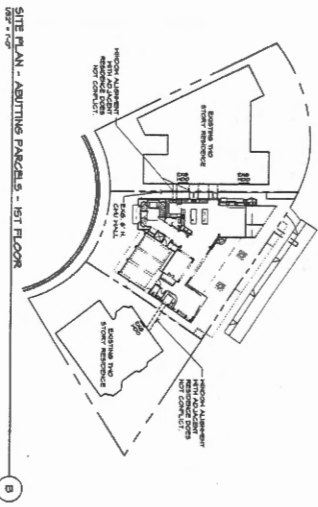
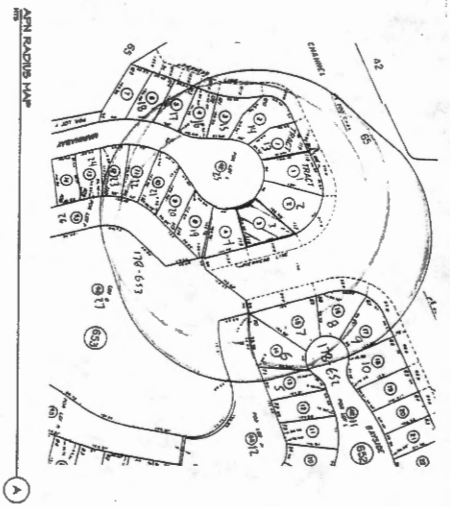
COASTAL COMMISSION

S-16-0037

EXHIBIT # 1

PAGE 1 OF 2

7/20/2016 2:28 PM



PROJECT DATA

OWNER: [Name]

DESIGNER: [Name]

DATE: [Date]

PERMITTED SUBMITTALS

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FIRE DEPARTMENT NOTES

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GENERAL NOTES

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COASTAL COMMISSION

S-16-0037

EXHIBIT # 2

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stüzel
DESIGN

1320 Albany Avenue
Cypress, CA 92626
714.926.0043

CYPRUS RESIDENCE

1826 Marina Bay Drive
Huntington Beach, CA

NO.	DATE	DESCRIPTION
01	05/18/18	CONCEPT PLAN
02	05/18/18	PRELIMINARY PLAN
03	05/18/18	PERMITS
04	05/18/18	CONSTRUCTION
05	05/18/18	AS-BUILT

RECEIVED
South Coast Region

JUN 27 2016

CALIFORNIA
COASTAL COMMISSION

OUTSIDE FACE OF
EXISTING SEAWALL
FOOTING

SHEETPILE (32 FT)
TO BE INSTALLED
ALONG THE OUTSIDE
FACE OF FOOTING

OUTSIDE FACE OF
EXISTING SEAWALL
(FACE PANEL)

EXISTING DOCK

PROPOSED RESIDENCE
16836 MARINA BAY DR.

GENERAL NOTES:

- DESIGN CRITERIA:
CODE: 2013 CBC
WIND SPEED: N/A (BELOW WATER)
WIND EXPOSURE: NONE
(BELOW WATER)
SEE STRUCTURAL CALCULATIONS.
- NOTES AND DETAILS ON DRAWINGS WILL TAKE PRECEDENCE OVER THESE GENERAL NOTES.
- NO CHANGES SHALL BE MADE TO THESE PLANS WITHOUT ENGINEER APPROVAL.
- THE CONTRACTOR SHALL SUPERVISE THE WORK AND BE SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS AND METHODS.

COASTAL COMMISSION

EXHIBIT # 2
PAGE 3 OF 4

**APPROVED
IN CONCEPT**

Julia Villa 6-16-16
PLANNING DIVISION DATE
CITY OF HUNTINGTON BEACH

MARINA BAY
DRIVE

*seawall repair: remove concrete over-pour
repair deteriorated timber piles, install
sheet pile panels to seal off voids, fill voids
w/ grout*

Streamlinewest
ENGINEERING LLC

CYPRUS SEAWALL
HUNTINGTON BEACH, CA.

PILE REPAIR PLAN

Designed by:
GSR

Date:
5/11/2016

Job No.
16001

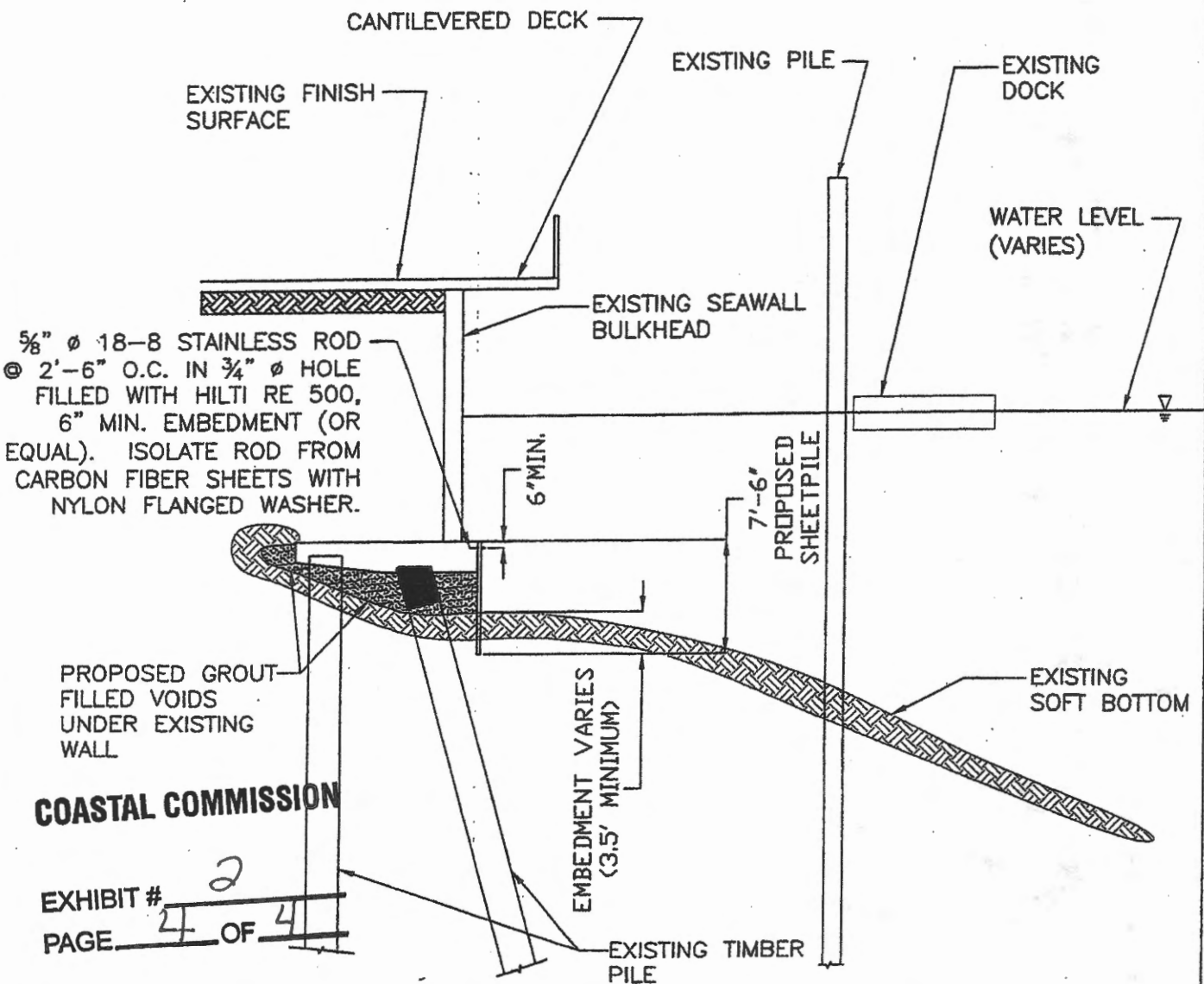
Drawn by:
GSR

Scale:
1"=20'

PAGE
4 OF 6

GENERAL NOTES (CONT.):

5. THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING DIMENSIONS AND GRADES. ANY CHANGES TO THE DIMENSION SHOWN ON THE PLANS SHALL BE BROUGHT TO THE ENGINEER FOR APPROVAL OR REDESIGN IF NECESSARY. ANY REDESIGN SHALL BE PROVIDED TO THE CITY PRIOR TO CONSTRUCTION.
6. ANY DISCREPANCIES FOUND BY THE CONTRACTOR WITHIN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE ENGINEER FOR CLARIFICATION.
7. FIELD VERIFY AND PROTECT ALL UTILITIES AND EXISTING IMPROVEMENTS. ANY DAMAGE RESULTING FROM THE WORK OF THE CONTRACTOR SHALL BE REPAIRED AT NO ADDITIONAL COST.
8. ALL WORK AND BMP'S SHALL BE PERFORMED IN CONFORMANCE WITH ALL PERMIT CONDITIONS.
9. SHEETPILE ARE TO BE MARINE GRADE 7/16" CARBON FIBER REINFORCED, VINYL ESTER COMPOSITE SHEETS.



Streamlinewest ENGINEERING LLC	CYPRUS SEAWALL HUNTINGTON BEACH, CA. REPAIR ELEVATION	Designed by: GSR	Date: 5/11/2016	Job No. 16001
		Drawn by: GSR	Scale: 1"=10'	PAGE 6 of 6