

CALIFORNIA COASTAL COMMISSION

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

W16e

**RECORD PACKET COPY**

Filed: 9/8/97
49th Day: 10/27/97
180th Day: 3/7/98
Staff: MV-LB
Staff Report: 10/17/97
Hearing Date: 11/4-7/97
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-97-230

APPLICANT: City of Newport Beach

AGENT: Don Webb, Director of Public Works

PROJECT LOCATION: Balboa Island Bridge (Marine Avenue) over the Beacon Bay reach of Newport Bay - between Balboa Island and the intersection of Jamboree Road and Bayside Drive, Newport Beach, Orange County.

PROJECT DESCRIPTION: Seismic retrofit of Balboa Island Bridge. 1.5 meter (5.0 foot) diameter piles will be driven in the channel on both sides of the bridge center line along the bents. Up to 20 piles will be driven. The piles will consist of open ended steel shells driven from a floating barge, except near the bridge abutments where the barge mounted rig cannot reach. Near the abutments, at Bent 20, and possibly at Bents 1 and 18, piles will be driven from the shore by wheel or track mounted equipment unloaded from the barge. The soil inside each driven shell is excavated and removed from the site on the barge. A rebar steel cage is placed inside the steel shell, which is then filled with concrete. The new piles will extend as high above water as do the existing piles. The piles will be connected at the top with pile caps doweled into the existing 2.1 meter (7.0 foot) wide pile caps. There will also be concrete work under the deck to construct some transverse shear keys at bents 2, 4, 6, 8 and 9, 12, and 13, 15, 17 and 19.

LOCAL APPROVALS RECEIVED: Categorical Exemption, Class I (Existing Facilities) (Sec. 21084(a); 15301(c)), City of Newport Beach.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION:

Balboa Island Bridge Retrofit
City of Newport Beach
5-97-230
Page: 3

2. Expiration. If construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application, or in the case of administrative permits, the date on which the permit is reported to the Commission. Construction 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. Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

The proposed project must be constructed as proposed with implementation of all measures designed to minimize adverse impacts on marine resources and water quality. Such measures include, but are not limited to:

- a) Vessels should not encroach upon the existing eelgrass beds and smaller patches that begin 3.0 to 4.5 meters (10 - 15 feet) away from the bridge.
- b) Prior to construction, the inshore and offshore boundaries of the eelgrass meadow shall be marked with buoys so that equipment and vessel operators can avoid unnecessary damage to eelgrass.
- c) Barges and other vessels shall be anchored outside of eelgrass habitat. Anchors and anchor chains shall not impinge upon any eelgrass vegetation.
- d) Barges or work boats should transit over the eelgrass habitat on higher tides to prevent grounding and potential damage to eelgrass.
- e) All construction debris shall be removed from the seafloor following the completion of construction.

5. Biological Monitor

- a) The contractor shall retain a qualified marine biologist who shall be present when any waterside construction is occurring in order to monitor the retrofit process and to assist the contractor with avoiding unnecessary impacts to eelgrass.
- b) The monitor shall attend the pre-construction meeting and inform the contractor regarding the importance of avoiding eelgrass impacts during the construction process.
- c) The monitor shall survey and map eelgrass prior to commencing construction, and shall set marker buoys to indicate the eelgrass perimeter which the contractor shall avoid.
- d) The monitor shall meet with the contractor, to inspect the work area at least monthly, and report indications of observed or expected impacts to the City. The monitor shall also advise the contractor on how to avoid further impacts to eelgrass if field observations indicate that eelgrass is being impacted.

6. Post-Construction Survey

after an earthquake, because the bridge provides the sole roadway access to the island.

B. Public Access and Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with the public safety needs and the need to protect public rights, rights of private property owners, and natural resources from overuse.

Balboa Island provides a popular visitor serving destination along its commercial area on Marine Avenue. In addition, there is a public walkway around the perimeter of the island. Also, the island is connected to the Balboa Peninsula by a popular car ferry. The ferry lands on the peninsula side at the Balboa Fun Zone which is also a popular tourist destination. The peninsula also contains numerous public walkways along the water and miles of public beach.

Traffic Impacts due to Construction

Adverse traffic impacts on access to Balboa Island during the peak visitor use summer months would adversely effect public access. If traffic were significantly slowed or halted during this period, visitor's abilities to access the popular visitor destinations on the island and vicinity would be significantly curtailed. The cessation of any work that requires the bridge to be closed work during the peak visitor use period will adequately protect public access to visitor amenities. During the period between September 2 and March 31 one lane of the two lane bridge may be closed periodically. One lane will always remain open to traffic.

To assure that any work that requires bridge closure ceases during this period, a special condition requires that this work shall not occur between April 1 and September 1 and that the bridge shall remain open to traffic during that time. As conditioned, the project is consistent with Section 30210 of the Coastal Act public access related to traffic.

Navigation

There are three navigation channels under the bridge. The expected duration of construction for the project is seven months. Consequently, the proposed project must be reviewed for possible adverse impacts on navigation.

been identified and there is a possibility that disposal could occur in the coastal zone, the Commission must impose a special condition to require that a coastal development permit or amendment to this permit shall be obtained prior to any disposal activity should the contractor propose disposal within the coastal zone.

Section 30233(a)(5) of the Coastal Act allows fill of open coastal waters for incidental public service purposes. The proposed seismic retrofit is necessary to make the bridge safe for the public use. The bridge is a public road. The proposed addition of piles is incidental to the existing bridge. Therefore, the placement of the pilings in conjunction with the seismic retrofit constitutes an incidental public service use which is an allowable use under the Coastal Act.

A Marine Resources Report and Mitigation Plan was prepared for the proposed project by Coastal Resources Management, dated December 18, 1996. The report evaluated the potential impacts the proposed development may have on the marine biological resource communities that inhabit the channel in the project vicinity. The report identified eelgrass in the vicinity of the proposed project. Regarding impacts the proposed project may have on the nearby eelgrass, the Marine Resources Report states:

The seismic retrofitting project could potentially affect small patches of eelgrass nearby the project site during the retrofitting process. No eelgrass is located directly under the bridge and there will be no direct construction-related burial or removal of eelgrass during the retrofitting process. However, if barges or other work vessels anchor at the project site and are positioned over eelgrass beds, the presence of the vessels could reduce the intensity of sunlight that reaches the seafloor and could limit eelgrass growth in the short-term. Anchor chains, anchors and the action of vessel propellers may produce seafloor scars. These are potentially injurious to eelgrass habitat. Minor amounts of silt may periodically accumulate on eelgrass blades, which will ultimately be redistributed into the water column through tidal current and wind wave activity. These impacts are expected to be less than significant, based upon the amount of work to be conducted and the relatively short time frame for the project.

Regarding impacts to water quality the Marine Resources Report states:

During seismic retrofitting of the Balboa Bridge, water quality in the Balboa Channel could be temporarily degraded when bottom sediments are disturbed, resuspended into the water column, and the resulting turbidity plume dispersed into the channel with tidal

During concrete placing operations, care shall be taken to prevent concrete from dropping into the water.

All construction debris is to be removed from the channel bottom prior to the acceptance of the completed construction work.

The least environmentally damaging techniques proposed as part of the project include the following:

Vessels should not encroach upon the existing eelgrass beds and smaller patches that begin 3.0 to 4.5 meters (10 - 15 feet) away from the bridge.

Prior to construction, the inshore and offshore boundaries of the eelgrass meadow shall be marked with buoys so that equipment and vessel operators can avoid unnecessary damage to eelgrass.

Barges and other vessels shall be anchored outside of eelgrass habitat. Anchors and anchor chains shall not impinge upon any eelgrass vegetation.

Barges or work boats should transit over the eelgrass habitat on higher tides to prevent grounding and potential damage to eelgrass.

All construction debris shall be removed from the seafloor following the completion of construction.

In addition to the above, the applicant is proposing to have a biological monitor available during construction. The applicant also proposes that no pile driving work will occur between April 1 and September 1 in order to avoid adverse impacts on California least tern foraging which occurs during that time. However, the Army Corps of Engineers believes that all waterside work should be halted during this time period to avoid potential harassment of foraging California brown pelicans and California least terns (see exhibit H page 3). Additionally, the availability of a biological monitor would not assure that construction (while it is in progress) would not have an adverse impact on wildlife since the monitor may not actually be present. Therefore, to assure that wildlife, especially the California brown pelican and California least tern, is protected from adverse impacts, the Commission must impose a special condition to require that a qualified marine biologist be present when any waterside construction is occurring.

substantially complete after the steel shell piles are driven. This eliminates the need for coffer dams and dewatering required of the other alternatives. Also, the foundation construction for the selected alternative may be completed in less than half the time it would take to construct any of the other alternatives. Therefore, the Commission finds that the project as proposed is the least environmentally damaging, feasible alternative.

The proposed project includes mitigation measures which will minimize adverse impacts to marine resources and water quality. Thus, if the project is constructed as proposed, its impacts on marine resources and water quality will be consistent with the Coastal Act. It is important that the project be constructed as proposed because any changes could potentially result in adverse impacts that would make the project inconsistent with the Coastal Act. For example, if the proposed project were constructed without the best management practices proposed, water quality would be adversely impacted. If pile driving work were to occur between April 1 and September 1, the California least tern may be adversely impacted. Without the post-construction eelgrass survey and proposed revegetation if necessary, adverse impacts to eelgrass may occur. Therefore, the permit is being conditioned to require that the project be constructed exactly as proposed, with implementation of all proposed measures to minimize adverse impacts on marine resources and water quality. As conditioned, the Commission finds the proposed project consistent with Sections 30230, 30231, and 30233 of the Coastal Act.

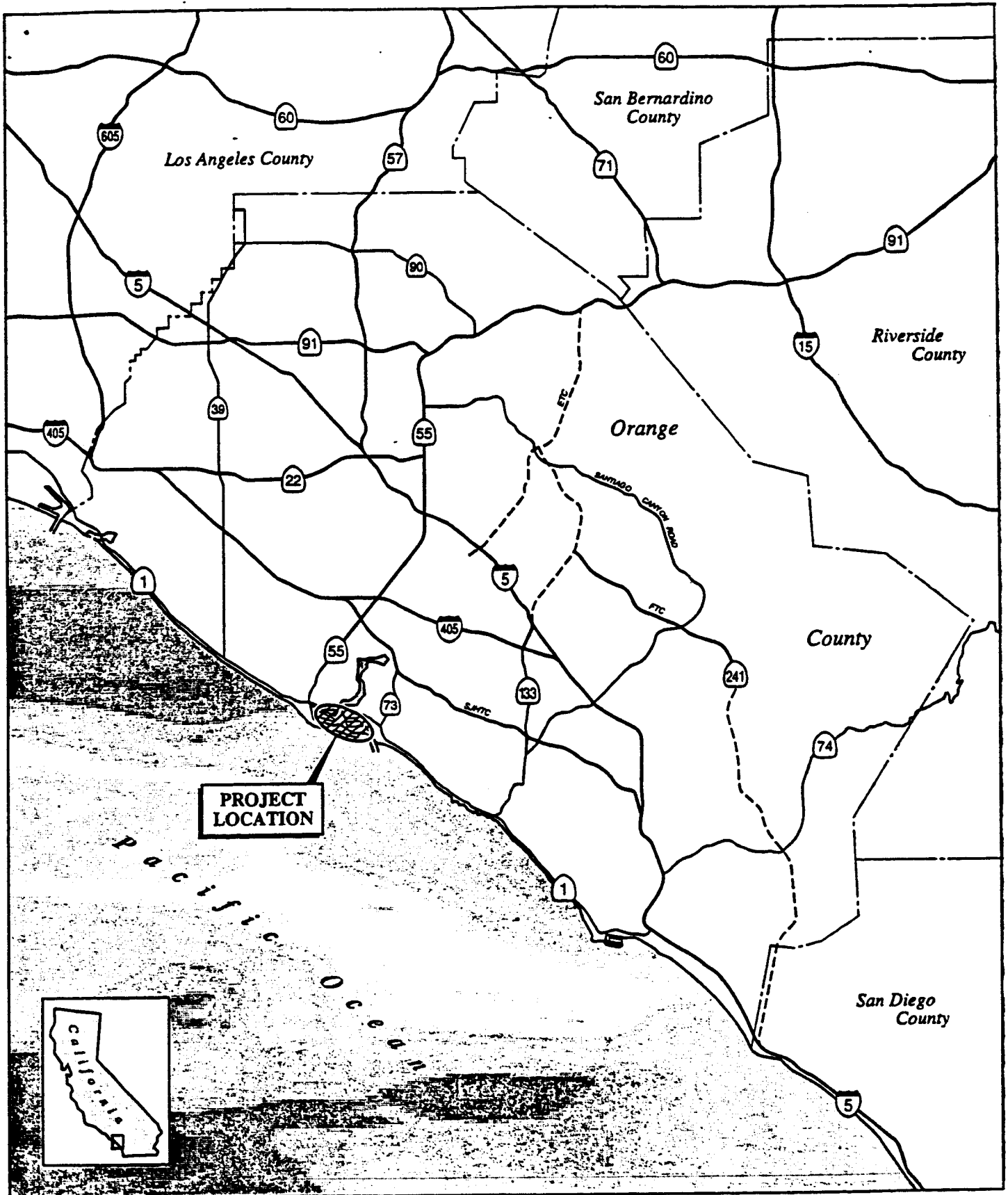
D. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was certified on May 19, 1982. The project as conditioned is consistent with the Chapter 3 policies of the Coastal Act. The proposed development will not prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act

Section 13096(a) of the Commission's administrative 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



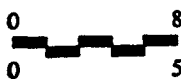
5/20/97 (DEC632)

5-97-230

Figure 1

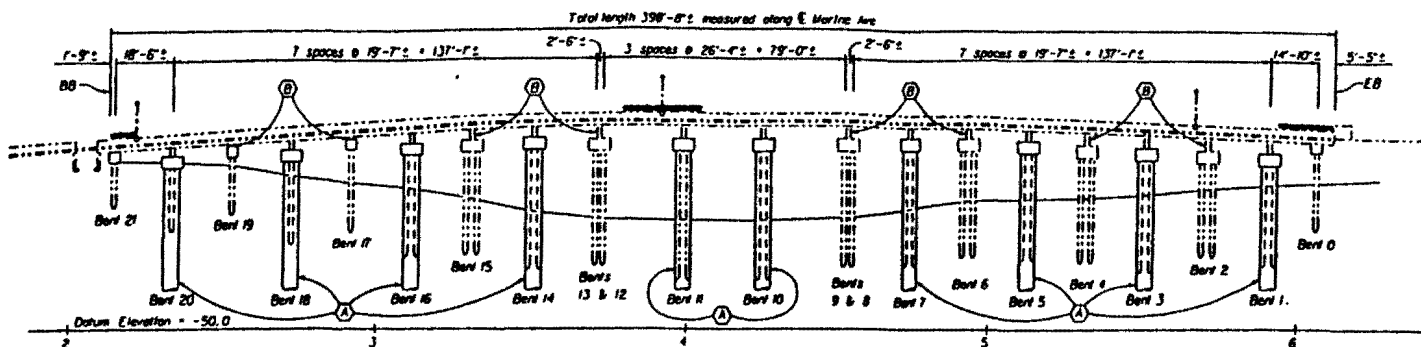


LSA



Scale in Kilometers
Scale in Miles

Exhibit A
City of Newport Beach
Seismic Retrofit Projects
Regional Location



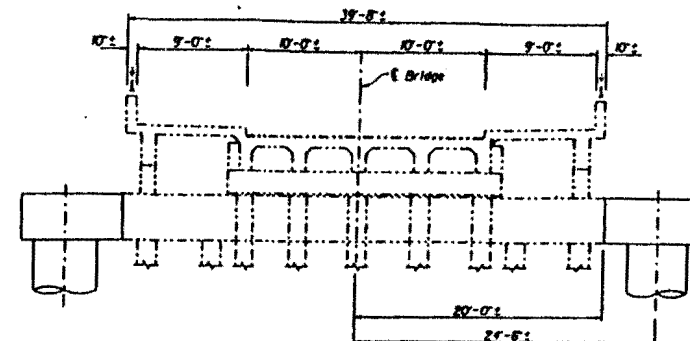
ELEVATION
F = 20'

PILE DATA - 60' CONCRETE FILLED STEEL SHELL PILES, 1" WALL THICKNESS

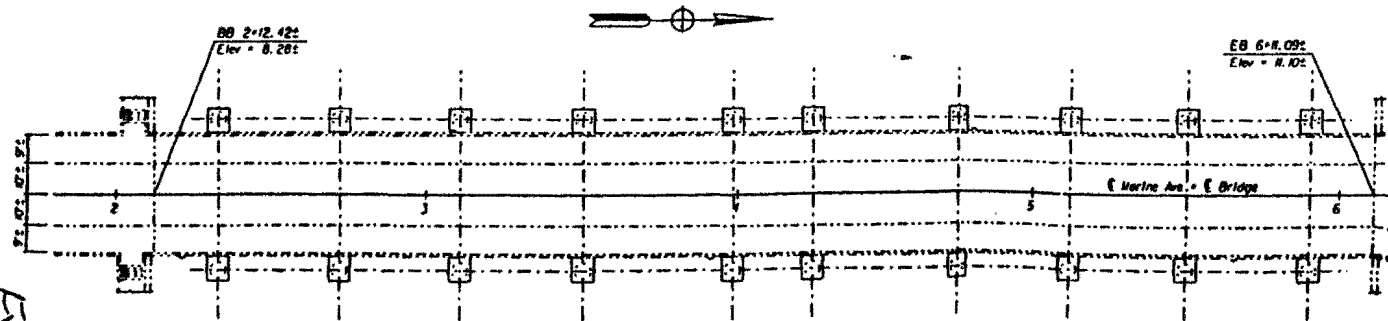
Bent	1	3	5	7	10	11	14	16	18	20
Cut-off elev.	2.54	4.26	6.45	7.41	6.83	6.78	7.37	5.74	3.54	1.24
Spigotted elev.	-52.0	-52.0	-54.0	-61.0	-61.0	-61.0	-61.0	-53.0	-45.0	-45.0

INDEX TO PLANS

Sheet No.	Title
1	General Plan
2	Construction Sequence
3	Bent Details No. 1
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5	Bent Details No. 3
6	Bent Details No. 4
7	Shear Key Details No. 1
8	Shear Key Details No. 2
9	Shear Key Details No. 3



TYPICAL SECTION
F = 5'



PLAN
F = 20'

Retrofit Legend

- Ⓐ Bent retrofit
- Ⓑ Shear key

				BALBOA ISLAND BRIDGE GENERAL PLAN	
				CITY OF MEMPHIS BEACH	
				PUBLIC WORKS DEPARTMENT	
				SHEET 1 OF 9	

5-97-230

EXHIBIT C

DEPARTMENT OF FISH AND GAME

1416 NINTH STREET

BOX 944209

SACRAMENTO, CA 94244-2090
(916) 653-4875

September 11, 1997

RECEIVED
SEP 16 1997CALIFORNIA
COASTAL COMMISSION

Ms. Meg Vaughn
California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor, Suite 100
Long Beach, California 90802-4302

Dear Ms. Vaughn:

Department of Fish and Game (DFG) personnel have reviewed the Categorical Exemption/Categorical Exclusion for the City of Newport Beach Seismic Retrofit Projects. As outlined in this document, the proposed retrofit of the Balboa Island Bridge could result in an impact to existing eelgrass beds. Appendix A of this document is a description of existing eelgrass beds at the project site and includes recommendations which would reduce and mitigate for potential impacts, should they occur, to these eelgrass beds.

With the inclusion of specific measures to avoid or reduce disturbances, and mitigation to compensate for any loss of eelgrass, as outlined in Appendix A of the Categorical Exemption/Categorical Exclusion document, the DFG does not object to the issuance of a Coastal Permit for the project as currently proposed.

Should you have any questions, please contact Mr. Richard Nitsos, Environmental Specialist, Environmental Services Division, Department of Fish and Game, 330 Golden Shore, Suite 50, Long Beach, California 90802, telephone (562) 590-5174.

Sincerely,

Larry L. Eng, Assistant Chief
Environmental Services Division

cc: See next page.

5-97-230

EXHIBIT E

You have submitted an application for a Nationwide 15 permit to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act and have requested a determination from the California Coastal Commission that this project will be exempt from coastal development permit requirements. A request has also been made to the U.S. Coast Guard Bridge Team regarding whether this project is exempt from permitting requirements established by Section 9 of the Rivers and Harbors Act of 1899. The proposed construction activities are exempt from the requirements of CEQA under Section 15301(c).

Resolution No. 96-9 (copy enclosed) provides that waste discharge requirements for certain types of discharges are waived provided that criteria and conditions specified in the Resolution are met. Provided that the criteria and conditions for Bridge Seismic Retrofitting specified on page 1 (of Attachment "A" to the Resolution), Projects Which Impact Wetlands and/or Riparian Habitats specified on page 2, and the general conditions specified on page 4 are met, waste discharge requirements are waived for this project. At this time, no further action will be taken on your application. However, if the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements.

Should there be any questions, please contact Hope Smythe at (909) 782-4493 or Linda Garcia at (909) 782-4469.

Sincerely,


GERARD J. THIBEAULT
Executive Officer

Attachment

cc (w/out attachment):

- U.S. Environmental Protection Agency, Wetlands and Sediment Management Section - Daniel Meer (W-3-3)
- U.S. Army Corps of Engineers - Mark Sudol
- U.S. Fish and Wildlife Service - Martin Kenney
- State Water Resources Control Board, DWQ-Nonpoint Source Certification and Loans Unit - William R. Campbell, Chief
- California Department of Fish and Game, Long Beach - Troy Kelly
- California Coastal Commission - Meg Vaughn
- ✓ LSA Associates, Inc. - Scott Holbrook

LCG:\data\401\balbrdg.401

EXHIBIT F₂



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

June 24, 1997

Office of the Chief
Regulatory Branch

City of Newport Beach-Public Works Dept.
c/o LSA Associates, Inc.
Attn: Scott Holbrook, Project Manager
One Park Plaza, Suite 500
Irvine, California 92614

Dear Sirs:

Reference is made to your request (No. 97-00252-SDM) dated May 20, 1997, for Department of the Army authorization to perform seismic retrofit of the Balboa Island Bridge, in Newport Bay, in the City of Newport Beach, Orange County, California.

While this activity, along with the attached special conditions, meets the general terms and conditions for authorization under Nationwide Permit Numbers 03 and 33 [Federal Register, Dec.13, 1996, pp.65874-65922], we note that you do not have Coastal Zone Management (CZM) consistency concurrence from the California Coastal Commission (CCC). Therefore, your request is denied without prejudice.

Your project cannot be authorized until the requirements at 33 CFR 330.4(d)(3) and 330.4(d)(6) are satisfied. These requirements can be satisfied by obtaining CZM consistency concurrence, or providing evidence that 6 months have passed since you applied to the CCC for CZM consistency concurrence. Be aware that any conditions on your CZM consistency concurrence will become conditions on your Nationwide Permit authorization, unless the Corps of Engineers determines that such conditions do not comply with the provisions of 33 CFR 325.4. In the latter case, the Corps of Engineers will consider the conditioned concurrence administratively denied.

When you receive your CZM consistency concurrence (or when 6 months have passed since you applied), you may reapply for authorization. Please reference application 97-00252-SDM in your letter. At that time your authorization could then be issued without further delay or processing.

RECEIVED
PVI & A INC.
JUN 26 1997

RECEIVED
JUL 23 1997
CALIFORNIA
COASTAL COMMISSION

5-97-230

5-97-230

EXHIBIT H

1/3

SPECIAL CONDITIONS FOR PERMIT NO. 97-00252-SDM

1. The permittee shall adhere to all mitigation and monitoring measures proposed in the December 18, 1996 "Marine Resources Report and Mitigation Plan for the City of Newport Beach Balboa Island Bridge Seismic Retrofit Project," prepared by Coastal Resources Management. Consistent with a recommendation made in the referenced report, the permittee shall not perform any waterside construction between April 1-September 1, in order to avoid potential harrassment of foraging California brown pelicans and/or California least terns.
2. The permittee shall receive mooring plan written approval from the United Coast Guard and provide the Corps with a copy of this approval prior to initiation of project work.
3. The permittee shall keep the main navigation span clear of all work equipment during non-work periods.

EXHIBIT H₃

It is our opinion that the other construction activity will not generate any noise that is substantially louder than the existing daytime ambient noise in the area, and would not result in birds avoiding this highly urbanized area any more than they normally do. If the retrofit process is interrupted, however, the City would be faced with a substantial additional cost for the contractor to cease work safely and then remobilize equipment and complete the work after September 1st.

In the interest of ensuring that the retrofit process is completed as efficiently as possible, while making all reasonable effort to avoid any harassment of sensitive wildlife, we request that the words "No work" be replaced with "No pile driving activity."

Condition No. 2 - Disposal Site

As written, this condition requires the City to secure Coastal Commission approval of the disposal site *prior* to issuance of the CDP. It is our expectation that all extracted soil material will be off-loaded from the construction vessel and hauled to a landfill. In any case, the contract specifications and provisions will require that the contractor dispose of the material legally; furthermore, if the contractor desires to dump the soil in any marine area, the site must be approved by the Coastal Commission South Coast District Office in advance of mobilization for the pile driving activity. We expect that contractors that bid on the work are aware of prohibitions against dumping at sea, and would anticipate this requirement.

In order for the City to proceed with the bid solicitation, we are requesting that the initial clause "Prior to issuance of the coastal development permit" be removed from this condition. This will not preclude your staff from approving of the disposal method or site prior to disposal.

Condition No. 5 - Biological Monitor

As written, this condition is not consistent with the monitoring recommended in the environmental document. Specifically, it is not necessary for the biological monitor to be present "at all times" (as the condition is currently written); rather, the monitor needs to be present only at certain times during project construction. We request that this condition be rewritten to include the items listed below. These items were prepared with input from LSA and Coastal Resources Management. The City will require its contractor to retain the biological monitor, and the applicable language is included in the special provisions for that contract.

- The contractor shall retain a qualified marine biologist to monitor the retrofit process and assist the contractor with avoiding unnecessary impacts to eelgrass.
- The monitor shall attend the preconstruction meeting and inform the contractor regarding the importance of avoiding eelgrass impacts during the construction process.