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CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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RECORD PACKET COPY

Filed: January 10, 2000
49th Day: February 28, 2000
180th Day: July 8, 2000
Staff: KFS-LB *[Signature]*
Staff Report: January 28, 2000
Hearing Date: February 15-18, 2000
Commission Action:

STAFF REPORT: PERMIT AMENDMENT

AMENDMENT

APPLICATION NUMBER: 5-97-230-A1

APPLICANT: City of Newport Beach

AGENT: Don Webb, Director of Public Works, Newport Beach
Lloyd Dalton, Design Engineer, Newport Beach

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; City of Newport Beach, County of Orange.

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Seismic retrofit of Balboa Island Bridge. Installation of 20-five foot diameter piles in the channel on both sides of the bridge center line along the bents. Construction is to occur from a floating barge and from the shore by wheel or track mounted equipment unloaded from the barge. The new piles extend as high above water as do the existing piles and are connected to the existing piles at the top with pile caps. Also proposed is concrete work under the deck to construct transverse shear keys at bents 2, 4, 6, 8, 9, 12, 13, 15, 17 and 19.

DESCRIPTION OF AMENDMENT: Install pedestrian walkways on both sides of the existing Balboa Island Bridge superstructure to improve safe access for pedestrians and cyclists using the bridge. The proposed walkways will be placed on top of the pilings and pile caps constructed as part of the seismic retrofit of the bridge.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed coastal development permit amendment with special conditions. The issues of concern include potential impacts upon eelgrass located within the vicinity of the bridge, impacts upon water quality, as well as impacts upon public access and navigation within the waterway during the peak summer season. Special Condition 1 carries forward the previously imposed special conditions which precluded development between April 1 and September 1 to avoid public access related impacts as well as impacts to foraging least terns and brown pelicans, addressed impacts upon water quality, as well as outlined mitigation for adverse impacts upon marine resources. Special Condition 2 addresses the issue regarding navigation by requiring the applicant to submit final approval from the U.S. Coast Guard. The applicant is not proposing any impacts to eelgrass. However, barges will be used during construction. Therefore, Special Condition 3 requires the applicant to mitigate any inadvertent impacts to eelgrass beds.

LOCAL APPROVALS RECEIVED: City of Newport Beach approval-in-concept 5373-99 dated September 22, 1999.

SUBSTANTIVE FILE DOCUMENTS: Coastal development permit 5-97-230; City of Newport Beach certified land use plan; *Marine Resources Report and Mitigation Plan for the City of Newport Beach Balboa Island Bridge Seismic Retrofit Project* dated December 1996 and prepared by Coastal Resources Management of Corona Del Mar, California.

PROCEDURAL NOTE

A. Coastal Development Permit Amendments

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The subject application is being forwarded to the Commission because the Executive Director has determined that the proposed amendment is a material change and affects conditions required for the purposes of protecting coastal resources or coastal access.

STAFF RECOMMENDATION:

Staff recommends that the Commission APPROVE the amendment application with special conditions.

MOTION

I move that the Commission approve CDP Amendment #5-97-230-A1 pursuant to the staff recommendation.

Staff recommends a YES vote. Passage of this motion will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION

I. APPROVAL WITH CONDITIONS

The Commission hereby **APPROVES** the amendment to Coastal Development Permit 5-97-230, subject to the conditions below, for the proposed development on the grounds that the development, located between the nearest public roadway and the shoreline, would be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, including the public access and recreation policies of Chapter 3, would 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 of the Coastal Act, and would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development 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 or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, 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.

III. SPECIAL CONDITIONS

1. Prior Conditions

Unless specifically altered by this amendment, all regular and special conditions attached to coastal development permit 5-97-230 remain in effect.

2. U.S. Coast Guard Approval:

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, applicant shall provide to the Executive Director a copy of a permit issued by the U.S. Department of Transportation, United States Coast Guard, or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the U.S. Department of Transportation, United States Coast Guard. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is required.

3. Eel Grass Mitigation

- A. Compliance with Eelgrass Mitigation Plan. The applicant shall implement and comply with the *Marine Resources Report and Mitigation Plan for the City of Newport Beach Balboa Island Bridge Seismic Retrofit Project* dated December 1996 and prepared by Coastal Resources Management of Corona Del Mar, California. The mitigation plan shall be undertaken in full compliance with the most recent version of the "Southern California Eelgrass Mitigation Policy" adopted by the National Marine Fisheries Service. Any changes to the approved mitigation plan, including but not limited to changes to the monitoring program to ensure success of the eelgrass mitigation site, shall require an amendment to this permit from the Coastal Commission or written concurrence from the Executive Director that the changes do not require a permit amendment.
- B. Pre-construction Eelgrass Survey. Not more than one hundred twenty (120) days prior to commencement of construction, the applicant shall undertake a survey of the project site to determine the existence of eelgrass. The survey shall be prepared in full compliance with the most recent version of the "Southern California Eelgrass Mitigation Policy" 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 new eelgrass survey for the review and written approval of the Executive Director within five (5) working days of completion of the new eelgrass survey and in any event no later than ten (10) working days prior to commencement of construction. If the new survey identifies, within the proposed project area, any eelgrass which is not documented in the eelgrass survey described in Special Condition No. 3.A. above, the newly identified eelgrass shall be transplanted prior to commencement of construction at a 1.2:1 ratio at the same transplantation locations identified in the eelgrass mitigation plan described in Special Condition No. 3.A. above. The transplantation shall occur consistent with all provisions of the mitigation plan described in Special Condition 3.A.

- C. Post-construction Eelgrass Survey. Within one month after the conclusion of construction in coastal waters, 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 most recent version of the "Southern California Eelgrass Mitigation Policy" adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a 1.2:1 ratio at the transplantation site and in accordance with the mitigation plan described in Special Condition No. 3.A. above.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION, BACKGROUND, AND AMENDED PROJECT DESCRIPTION

On November 5, 1997, the Commission granted to the City of Newport Beach Coastal Development Permit 5-97-230 with special conditions (Exhibit 5 and 6). The proposed project was the seismic retrofit of the existing Balboa Island Bridge (Marine Avenue) located over the Beacon Bay reach of Newport Bay between Balboa Island and the intersection of Jamboree Road and Bayside Drive in the City of Newport Beach, County of Orange (Exhibit 1).

The approved project included installation of 20-five foot diameter piles in the channel on both sides of the bridge center line along the bents. The piles were open ended steel shells driven from either a floating barge or from the shore by wheel or track mounted equipment unloaded from the barge. The soil inside each driven shell was excavated and removed from the site on the barge. A rebar steel cage was placed inside the steel shell, which was then filled with concrete. The new piles extend the same height above the water as the pilings being retrofitted. The new piles were connected to the existing bridge pilings at the top with pile caps. There was also concrete work under the deck to construct transverse shear keys at bents 2, 4, 6, 8, 9, 12, 13, 15, 17 and 19. This work was completed in the spring of 1999.

Eelgrass beds exist in the vicinity of the bridge. In addition, there were potential issues related to waterside and pile driving activity that would disturb foraging California least tern and California brown pelican. Therefore, the Commission imposed several special conditions which limited the time period when construction could occur, required disposal of materials outside the coastal zone, implementation of best management practices, implementation of avoid impacts upon marine resources and water quality, requirements for a biological monitor, and a post-construction eelgrass survey (Exhibit 5).

The City now proposes to add dedicated pedestrian and bicycle accessways to both sides of the bridge (Exhibit 2). Currently, there are sidewalks on both sides of the bridge and bicycles can use the roadway to cross the bridge. However, these accessways are not separated from traffic crossing the bridge. The addition of pilings to the bridge for seismic retrofitting presents the opportunity to expand the width of the bridge to allow the construction of pedestrian and bicycle accessways. The accessways would be added to each side of the bridge and would be separated from vehicle traffic using the bridge. These accessways would

be set on top of the pilings and pile caps constructed for seismic retrofitting of the bridge. Therefore, no fill of coastal waters will occur as a result of the development proposed in this amendment.

The proposed work is anticipated to begin in the year 2000 and will take approximately 4 months to complete. The entire bridge will be under construction at one time. However, the bridge will remain open to vehicular, bicycle, and pedestrian traffic throughout the construction period. At least one traffic lane will remain open at all times (Exhibit 3).

The proposed work will require the use of both land (bridge) mounted cranes and barge mounted cranes. In addition, there are eelgrass beds within the vicinity of the bridge and proposed barge mooring locations, however, there is no proposed impact to these eelgrass beds (Exhibit 4).

B. MARINE RESOURCES

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

1. Eelgrass and other Sensitive Species Impacts

Eelgrass is considered worthy of protection because it functions as important habitat for a variety of fish and other wildlife, according to the Southern California Eelgrass Mitigation Policy (SCEMP) adopted by the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFG).

While there is no proposed construction within coastal waters, the use of barges during construction could impact eelgrass beds. For instance, barges cast a shadow and changes to shading can effect the ability of eelgrass to grow. Also, barge anchoring, vessel propeller wash, and propeller contact with the harbor bottom could cause scarring to eelgrass beds. Also, if best management practices are not utilized, adverse impacts upon eelgrass beds due

to water quality degradation could occur. However, as noted next, the applicant does not anticipate any impacts to eelgrass beds as a result of construction of the proposed project.

The applicant has submitted an eelgrass survey which was prepared in February 1999 which shows that there are eelgrass beds within the vicinity of the bridge. In addition, the applicant has submitted a preliminary barge mooring plan which indicates the various locations where a barge would be anchored during construction of the proposed project. This plan shows that the barges will not be moored over the existing eelgrass beds (Exhibit 4). In addition, the applicant has stated that eelgrass beds were present during construction of the seismic retrofit project. Barges are proposed to be moored at the same locations where the barges were moored during the seismic retrofit project. No eelgrass beds were adversely affected during the seismic retrofit project, which involved in-water construction. In fact, the applicant has stated that the size of the eelgrass beds increased in size during the construction period. As opposed to the previously approved project, the development described in the amendment application involves no in-water activity. Therefore, the applicant does not anticipate any impacts upon eelgrass beds.

The applicant has also proposed the following best management practices to avoid any impacts upon marine resources including eelgrass beds:

Prior to the contractor's starting work, the resident engineer is to review specifications and permits with the contractor to assure a complete understanding of environmental concerns relating to constructing the walkways.

If a barge mounted crane is to be used, eelgrass is to be located, and its area buoyed and protected for the duration of the contract.

Debris screens are to be placed on the underside of the bridge to collect falling construction materials and to prevent them from falling into the water.

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.

Vessels should not encroach upon the existing eelgrass beds and smaller patches that begin 3.0 to 4.5 meters (10 to 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 or 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.

The Commission finds that the measures proposed by the applicant are necessary to avoid adverse impacts to eelgrass. Therefore, the Commission imposes Special Condition 1 which states that all previously imposed special conditions, not modified by this amendment, remain in effect. The previously imposed special conditions required the applicant to implement best management practices, implementation of least environmentally damaging construction techniques, and required the use of a biological monitor (Exhibit 5).

While the applicant is not proposing any eelgrass impacts there is no guarantee that there will be no impact from the proposed development. For instance, unanticipated impacts could occur during movement of the barges. Therefore, the Commission finds that it is necessary to condition the project to ensure that any unanticipated impacts to eelgrass are mitigated. The Commission previously imposed a special condition requiring eelgrass surveying and monitoring. However, this previously imposed condition did not require a pre-construction survey. Therefore, the Commission imposes Special Condition 3 which will apply to the development that is the subject of this amendment request. First, the eelgrass survey submitted was conducted in February of 1999. Due to the ephemeral nature of eelgrass locations, the SCEMP recommends that eelgrass surveys be conducted not more than one hundred twenty (120) days prior to the start of a project that may impact eelgrass. Therefore, based on this criteria, the eelgrass survey provided is outdated, and no new eelgrass survey is proposed. Therefore, the Commission finds that a special condition is necessary requiring that a new eelgrass survey within the boundaries of the proposed project be undertaken 120 days prior to commencement of any development. The Commission previously imposed similar conditions for pre-construction eelgrass surveys on coastal development permits 5-97-231 (County of Orange) for proposed dredging at Sunset Harbor, 5-97-071 (County of Orange) for dredging of Upper Newport Bay, and 5-99-244 (County of Orange-Goldrich-Kest-Grau) for the construction of a replacement marina at Sunset Harbor. The pre-construction survey will also identify any eelgrass beds not previously identified which could be impacted and which must be avoided. Finally, the Commission finds that a post-construction eelgrass survey must be submitted to determine whether any eelgrass was inadvertently impacted. Any eelgrass inadvertently impacted must be mitigated under the mitigation plan previously submitted titled *Marine Resources Report and Mitigation Plan for the City of Newport Beach Balboa Island Bridge Seismic Retrofit Project* dated December 1996 and prepared by Coastal Resources Management of Corona Del Mar, California and in accordance with the SCEMP which requires eelgrass transplantation and mitigation at a ratio of 1.2:1. The Commission required similar post-construction eelgrass surveys and mitigation for inadvertently impacted eelgrass in coastal development permit approvals 5-97-231, 5-97-071, and 5-99-244. Therefore, if any inadvertent losses to eelgrass are caused by the proposed development those losses must be mitigated.

The applicant has previously identified that sensitive wildlife such as the California brown pelican and the California least tern could use the subject area as foraging ground. Construction activity, such as moving barges, may disturb foraging wildlife and/or cause turbidity in the water column which would affect foraging species ability to see food normally visible in the water. In addition, construction equipment can generate noise that would disturb fish and other species normally present upon which foraging least terns or brown

pelicans would normally feed. The applicant is proposing the following measures to avoid adverse impacts upon sensitive wildlife:

The contractor shall comply with all applicable City of Newport Beach sound control and noise level requirements, regulations, and ordinances, inclusive or ordinances limiting hours of construction.

Internal combustion engines used for any purpose on the project, or related to the project, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the project without a muffler.

City of Newport Beach noise level requirements shall apply to all equipment on the project, or related to the project, including, but not limited to, trucks, transit mixers, or transient equipment. The use of loud sound signals shall be avoided in favor of warning lights, except those required by safety laws for the protection of personnel.

Construction planning shall group noisy operations to avoid continuing periods of greater annoyance.

Implement Dredging Best Management Practices (BMPs) to limit the dispersion of the turbidity plume and floatable debris. BMPs will reduce the potential for leakage of diesel fuel, engine oils, and other contaminants into Newport Bay.

The addition of sidewalks to the Balboa Island Bridge will not involve construction within the Beacon Bay channel, and potentially silty runoff will not be allowed into the channel.

There shall be no fueling, lubrication, or maintenance of construction equipment within the channel. Activities may be conducted entirely on board the construction vessel in such a manner as to prevent any petrochemicals or other solvents, etc. from leaking or spilling into the channel waters.

The Commission previously imposed a special condition incorporating the above elements and required activities. As noted in Special Condition 1, the previously imposed special conditions remain in effect. Also, the California least tern forages primarily between April 1 and September 1 of each year. In order to ensure that impacts upon sensitive species are avoided, the Commission finds that it is necessary to impose a condition which prohibits construction, between April 1 and September 1 of any year during which construction occurs. The Commission has previously imposed similar time limits on construction in approved coastal development permit 5-97-231, 5-97-071, and 5-99-244. In addition, the previously imposed special conditions of 5-97-230 include a time limit on construction. The previously imposed special condition regarding time limits is carried forward and applies to the development proposed in this amendment, as outlined in Special Condition 1 of this amendment.

Thus, as conditioned, the Commission finds that the proposed project would eliminate significant adverse impacts to eelgrass and sensitive species such as the least tern.

Therefore, the Commission finds that, as conditioned, the proposed project is consistent with section 30231 of the Coastal Act.

C. PUBLIC ACCESS/PARKING

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 public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas 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 which is popular with visitors. Also, the island is connected to the Balboa Peninsula by a car ferry. The ferry departs from Balboa Island at the end of Agate Avenue and lands on the Balboa Peninsula side of Newport Beach 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.

The Balboa Island Bridge provides the primary access to Balboa Island for vehicles, pedestrians, and cars. The proposed amendment would enhance access to the island by providing widened and dedicated bicycle and pedestrian access across the bridge.

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 ability 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 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 (Exhibit 3).

To assure that any work that requires bridge closure ceases during this period, a special condition requires that the work shall not occur between April 1 and September 1 and that the bridge shall remain open to traffic during that time. Special Condition 1 of this permit amendment carries forward the previously imposed special conditions, including the time limitation special condition which precludes work between April 1 and September 1 of any year that work occurs on the proposed project. As conditioned, the project is consistent with Section 30210 of the Coastal Act.

Navigation

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

The proposed development will require the use of barge mounted cranes (Exhibit 4). In a letter to the U.S. Coast Guard from the applicant's consultant (Exhibit 7), it is stated that the use of a barge mounted crane will cause one navigable lane under the bridge to be closed during installation of the walkways. The other two navigable lanes will remain open. Accordingly, there will be no permanent obstruction of navigable lanes due to the proposed project, and a maximum temporary obstruction of a single lane for a four month period. The letter indicates that certain measures will be implemented to mitigate any navigation related impacts including notification to the Coast Guard at least three weeks prior to construction, preparation of mooring plans for review and approval by the Coast Guard, and removal of all work equipment from the main navigation span at night and during non-work periods. These measures are consistent with measures outlined by the Coast Guard in their letter of approval to the applicant dated June 4, 1997, regarding the seismic retrofit project (Exhibit 6, Page 22). While these measures are consistent with the previous guidelines established by the Coast Guard, the Coast Guard has not provided final approval of the proposed measures. Therefore, Special Condition 2 requires the applicant to submit evidence of approval of the proposed project from the U.S. Coast Guard prior to issuance of the coastal development permit. Any changes to the project caused by any Coast Guard approval will require an amendment to coastal development permit 5-97-230 unless the Executive Director determines that no amendment is required.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30210 of the Coastal Act.

D. LAND USE PLAN

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

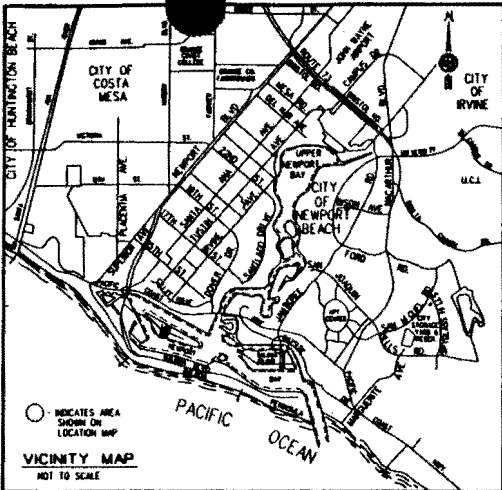
The Newport Beach Land Use Plan was effectively certified on May 19, 1982. The proposed development is consistent with the policies of the certified Land Use Plan. Therefore, the Commission finds that approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program (Implementation Plan) 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 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 proposed project has been conditioned for consistency with the public access and marine resource protection policies of Chapter Three of the Coastal Act of the Coastal Act.

Mitigation measures, in the form of special conditions 1) incorporate previously imposed special conditions, 2) require the applicant to obtain final U.S. Coast Guard approval, and 3) require mitigation for any inadvertent damage to eelgrass beds. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.



SYMBOL LEGEND

- POWER POLE
- HOLE
- ⊕ FIRE HYDRANT
- ⊞ METER BOX
- VALVE
- POWER POLE ARCH
- △ MOMENT
- - - FENCE
- BLOCKWALL
- ⊙ TREE
- ⊙ SHALIBERTY
- ASPHALT PAVEMENT
- BRICKWALK
- CONCRETE
- BUILDING
- - - EXISTING CONSTRUCTION
- - - PROPERTY LINE
- - - NEW CONSTRUCTION
- - - CENTERLINE
- - - SEWER LINE
- - - WATER LINE
- - - GAS LINE
- - - POWER LINE
- - - TELEPHONE LINE
- - - CABLEVISION LINE
- - - SPRINKLER SYSTEM
- STREET LIGHT

EMERGENCY TELEPHONE NUMBERS

AGENCY	NUMBERS
SOUTHERN CALIFORNIA GAS COMPANY	834-1221
SOUTHERN CALIFORNIA Edison COMPANY	885-8271
PACIFIC TELEPHONE COMPANY	88
CITY OF NEWPORT BEACH UTILITIES DEPT.	844-3011
COUNTY SANITATION DISTRICTS	862-2418
COASTAL CABLEVISION	342-8222
	342-3875 W/101 840 PM



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South Coast Region
NOV 30 1999
CALIFORNIA
COASTAL COMMISSION



PUBLIC WORKS DEPARTMENT
BALBOA ISLAND PEDESTRIAN BRIDGES
90% SUBMITTAL

REGISTERED CIVIL ENGINEER

MATTHEW W. BUCKNER
No. 28312
CIVIL
STATE OF CALIFORNIA

BUCKNER ENGINEERING
3914 MURPHY CANYON RD, SUITE A-153
SAN DIEGO, CALIFORNIA 92123

CALTRANS STANDARD PLANS DATED JULY, 1992

Sheet No.	Title
NOA	Abbreviations
MOB	Symbols
BB-21	Joint Seals (Maximum Movement Rating = 2")
T-3	Temporary Rating (Type K)

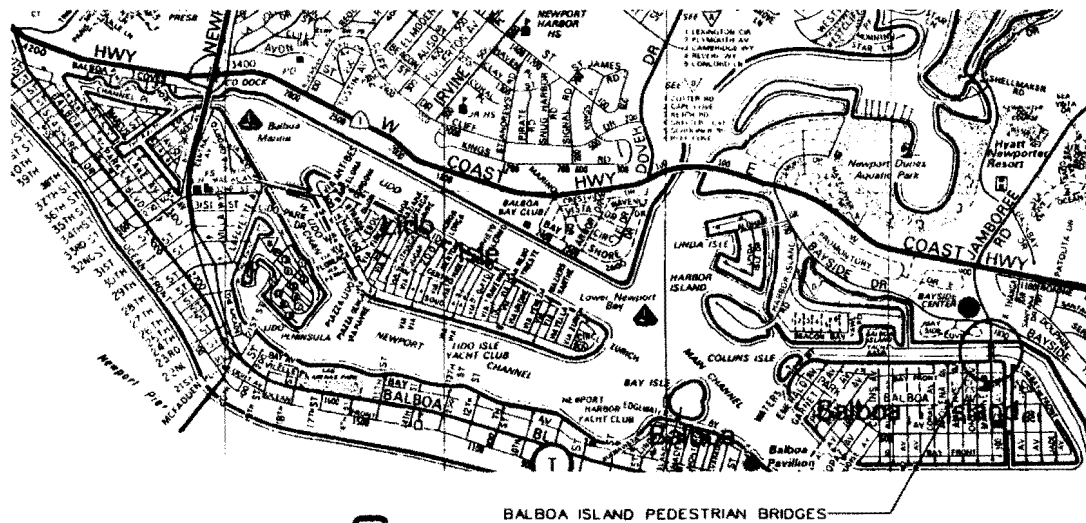
Standard plan sheet no.
Detail no.

INDEX TO PLANS

Sheet No.	Title
1	Title Sheet
Balboa Island Pedestrian Bridges	
2	General Plan
3	Grids Details No. 1
4	Grids Details No. 2
5	Grids Details No. 3
6	Rolling Details No. 1
7	Rolling Details No. 2
8	Observation Platform Details No. 1
9	Observation Platform Details No. 2
10	Shops 1 Traffic Control Plan
11	Shops 2 Traffic Control Plan
12	Electrical Details
13	Elevator Details

APPROVED _____ DATE _____

PUBLIC WORKS DIRECTOR



LOCATION MAP
NOT TO SCALE

EXHIBIT # 1 OF 1

COASTAL COMMISSION

TITLE SHEET

DWG. NO.
SHT. 1 OF

28-1A1

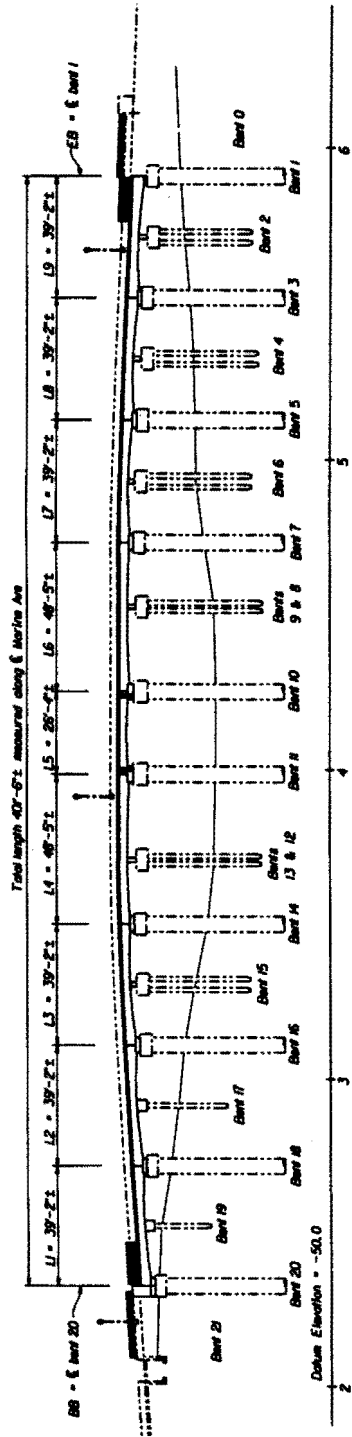
REGISTERED CIVIL ENGINEER

DOEREN ENGINEERING
 3914 SADDLE CANYON RD., SUITE 4-113
 SAN DIEGO, CALIFORNIA 92123

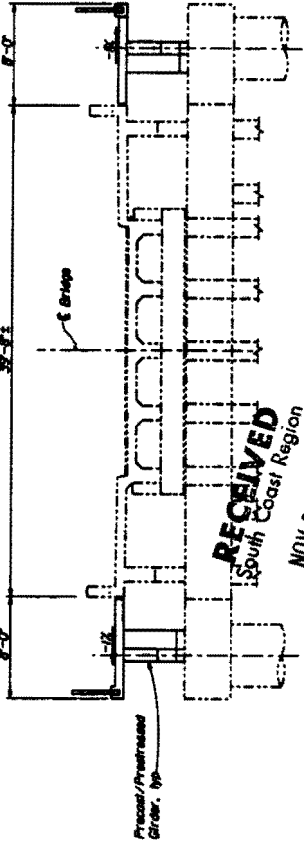
INTEGRITY
INTEGRITY
INTEGRITY

QUANTITIES

- Precast concrete girder 803 LF
- Prestressing tendons 50,700 LB
- Bar reinforcing steel 192 CY
- Structural concrete 126 LF
- Formwork 126 LF
- Drill hole electrical system 255 LF
- Drill hole concrete 255 LF
- Traffic control barriers 175 SF
- Bridge raised (barriels) 175 SF
- Protective surface coating 32 EA
- Frog roller 5,425 SF
- Shopped concrete 6 EA
- Light Standard 250 LB
- Miscellaneous Metal 250 LB
- Rebar Water Line

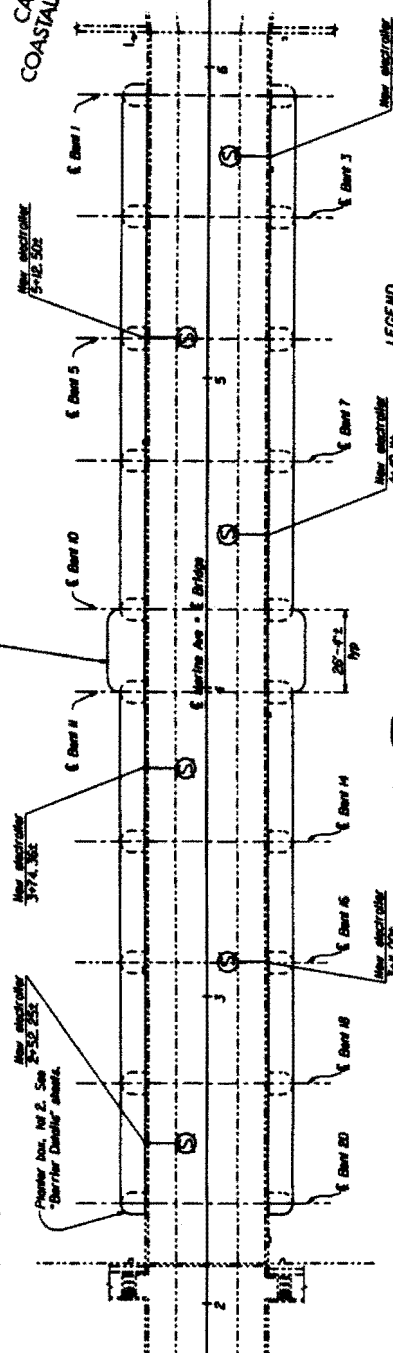


ELEVATION
 T = 20



TYPICAL SECTION
 T = 5

RECEIVED
 South Coast Region
 NOV 3 0 1999



COASTAL COMMISSION

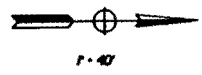
EXHIBIT # 2

PAGE 1 OF 2

NOTE: The contractor shall verify all controlling field dimensions before ordering or fabricating any material.

COSE-PC-051 REV. 02. 05. 80-CP-89

BALBOA ISLAND PEDESTRIAN BRIDGES GENERAL PLAN	
DATE: 02/05/99	SCALE: 1" = 20'
DESIGNED BY: [Signature]	CHECKED BY: [Signature]
DATE: 02/05/99	SCALE: 1" = 20'
CITY OF NEWPORT BEACH PUBLIC WORKS DEPARTMENT	
SHEET 2 OF 2	



REGISTERED CIVIL ENGINEER

WALTER H. BASKIN
 No. 34361
 CIVIL
 STATE OF CALIFORNIA

DOLKEN ENGINEERING
 3814 HAPPY CANYON RD., Suite A-153
 SAN DIEGO, CALIFORNIA 92123

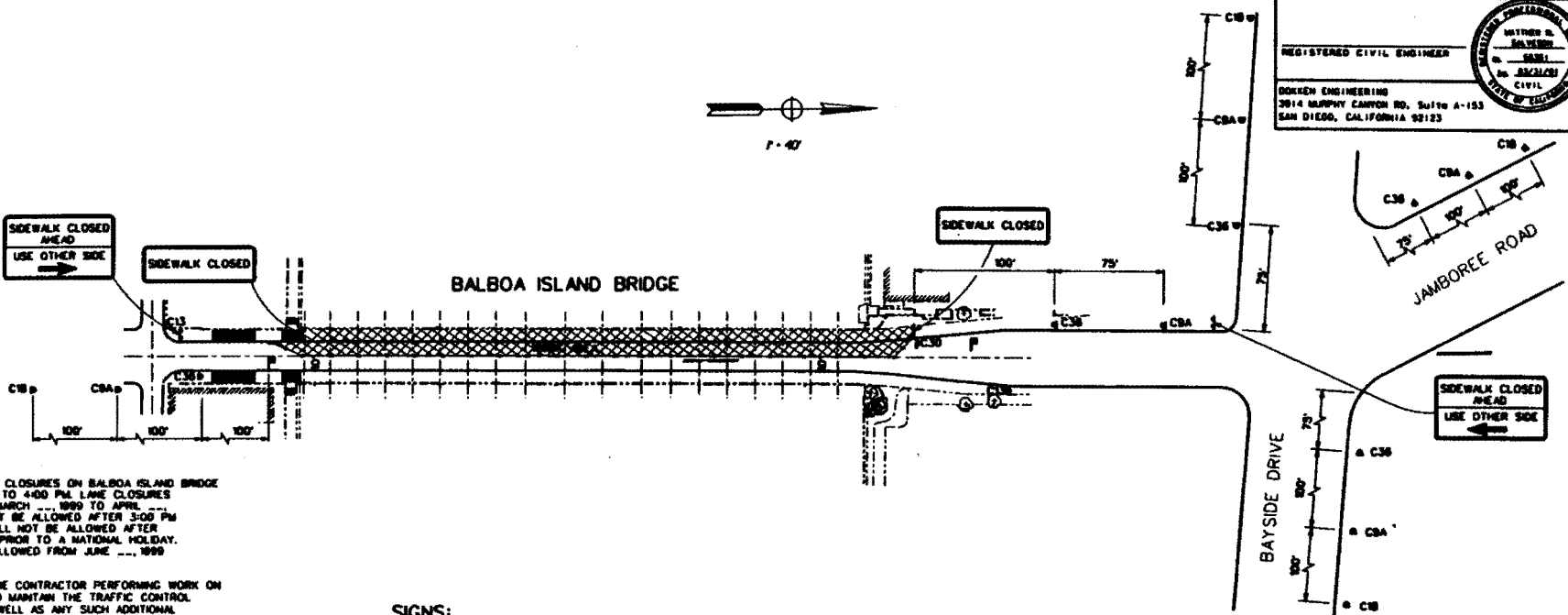
SIDEWALK CLOSED AHEAD
 USE OTHER SIDE

SIDEWALK CLOSED

SIDEWALK CLOSED

SIDEWALK CLOSED AHEAD
 USE OTHER SIDE

BALBOA ISLAND BRIDGE



GENERAL NOTES:

1. THIS DETOUR PLAN IS FOR LANE CLOSURES ON BALBOA ISLAND BRIDGE DURING THE HOURS OF 3:00 AM TO 4:00 PM. LANE CLOSURES SHALL NOT BE ALLOWED FROM MARCH ... 1999 TO APRIL ... 1999. LANE CLOSURES SHALL NOT BE ALLOWED AFTER 3:00 PM ON FRIDAYS. LANE CLOSURE SHALL NOT BE ALLOWED AFTER 3:00 PM ON DAYS IMMEDIATELY PRIOR TO A NATIONAL HOLIDAY. NO LANE CLOSURES SHALL BE ALLOWED FROM JUNE ... 1999 TO SEPTEMBER ... 1999.
2. IT IS THE RESPONSIBILITY OF THE CONTRACTOR PERFORMING WORK ON A CITY STREET TO INSTALL AND MAINTAIN THE TRAFFIC CONTROL DEVICES AS SHOWN HEREIN, AS WELL AS ANY SUCH ADDITIONAL TRAFFIC CONTROL DEVICES AS MAY BE REQUIRED TO INSURE THE SAFE MOVEMENT OF TRAFFIC AND PEDESTRIANS THROUGH OR AROUND THE WORK AREA AND PROVIDE MAXIMUM PROTECTION AND SAFETY TO CONSTRUCTION WORKERS.
3. ALL TRAFFIC CONTROL DEVICES SHALL BE KEPT IN THEIR PROPER POSITION AT ALL TIMES, AND SHALL BE REPAIRED, REPLACED, OR CLEANED AS NECESSARY TO PRESERVE THEIR APPEARANCE AND CONTINUITY.
4. THE CONTRACTOR SHALL NOTIFY THE ENGINEER AT LEAST FIVE (5) WORKING DAYS IN ADVANCE OF IMPLEMENTING ANY CONSTRUCTION DETOUR.
5. ALL SIGNS, DELINEATORS, BARRICADES, ETC., SHALL CONFORM TO THE STATE OF CALIFORNIA STANDARD SPECIFICATIONS DATED 1988 AND CALIFORNIA DEPARTMENT OF TRANSPORTATION "MANUAL OF TRAFFIC CONTROL, FOR CONSTRUCTION AND MAINTENANCE WORK ZONES" (1990 EDITION), AND THE WORK AREA TRAFFIC CONTROL HANDBOOK (WATCH, 1996 EDITION).
6. THE CITY OF NEWPORT BEACH DEPARTMENT OF PUBLIC WORKS RESERVES THE RIGHT TO OBSERVE THESE TRAFFIC CONTROL PLANS IN USE AND TO MAKE ANY NECESSARY CHANGES AS FIELD CONDITIONS MAY WARRANT.
7. DRIVEWAY ACCESS WILL BE MAINTAINED AT ALL TIMES UNLESS A DRIVEWAY ACCESS PLAN HAS BEEN APPROVED BY CITY OF NEWPORT BEACH DEPARTMENT OF PUBLIC WORKS AND AFFECTED PARTIES NOTIFIED.
8. PRIOR TO THE REMOVAL OF ANY DETOUR, THE WORK AREA WILL BE CLEARED OF ALL MATERIAL AND DEBRIS.
9. FLAGMEN SHALL COORDINATE TRAFFIC OPERATION USING PORTABLE RADIOS OPERATING ON A PRIVATE FREQUENCY (CITIZENS BAND FREQUENCIES ARE NOT ACCEPTABLE).
10. FLAGMEN SHALL BE PROPERLY DRESSED AND PRECEDED BY PROPER ADVANCE WARNING SIGNS.
11. SEE CITY OF NEWPORT BEACH PLANS H-485-S H-500-S AND ... FOR EXISTING BRIDGE DETAILS.
12. CONTRACTOR'S WORK AREA ON THE BRIDGE DECK SHALL NOT EXTEND BEYOND THE LIMITS SHOWN.

SIGNS:

- C1B - ROAD CONSTRUCTION AHEAD
- C3A - FLAGGER (SYMBOL)
- C3B - PREPARE TO STOP
- C3C - LANE CLOSED
- C13 - END CONSTRUCTION
- WS7(LT) - LEFT ARROW SYMBOL

LEGEND:

1. [Symbol] - PROPOSED STRIPING & MARKINGS.
2. [Symbol] - EXISTING STRIPING & MARKINGS TO REMAIN.
3. [Symbol] - REMOVE STRIPING & MARKINGS.
4. [Symbol] - PROPOSED SIGN AND POST.
5. [Symbol] - EXISTING SIGN AND POST.
6. [Symbol] - REMOVE SIGN AND POST.
7. [Symbol] - TYPE II BARRICADE WITH FLASHER
8. [Symbol] - TYPE III BARRICADE WITH FLASHER
9. [Symbol] - DELINEATOR
10. [Symbol] - FLAGGER
11. [Symbol] - SIGNALIZED INTERSECTION
12. [Symbol] - WORK AREA
13. [Symbol] - K-RAL

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 CALIFORNIA
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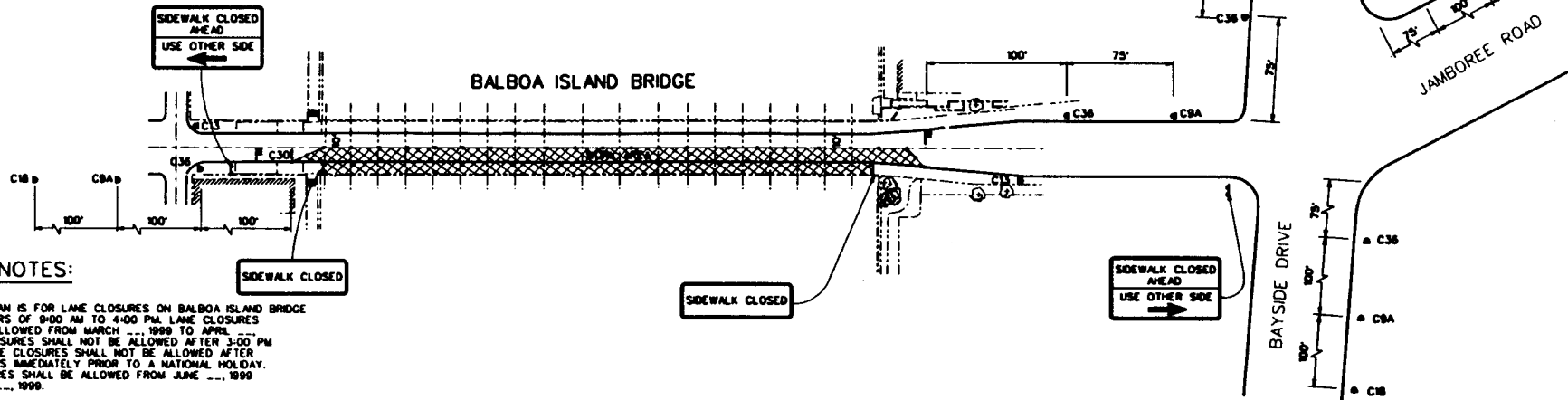
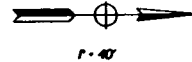
DATE		DESCRIPTION		APP'D.	REVISED	DATE	BY	BALBOA ISLAND PEDESTRIAN BRIDGES STAGE I TRAFFIC CONTROL CITY OF NEWPORT BEACH PUBLIC WORKS DEPARTMENT	
									Sheet 12 of

COASTAL COMMISSION
 EXHIBIT 3
 PAGE 1 OF 2
 -A1



REGISTERED CIVIL ENGINEER

DOKKEN ENGINEERING
3814 MURPHY CANYON RD., Suite A-153
SAN DIEGO, CALIFORNIA 92123



GENERAL NOTES:

1. THIS DETOUR PLAN IS FOR LANE CLOSURES ON BALBOA ISLAND BRIDGE DURING THE HOURS OF 9:00 AM TO 4:00 PM. LANE CLOSURES SHALL NOT BE ALLOWED FROM MARCH ---, 1999 TO APRIL ---, 1999. LANE CLOSURES SHALL NOT BE ALLOWED AFTER 3:00 PM ON FRIDAYS. LANE CLOSURES SHALL NOT BE ALLOWED AFTER 3:00 PM ON DAYS IMMEDIATELY PRIOR TO A NATIONAL HOLIDAY. NO LANE CLOSURES SHALL BE ALLOWED FROM JUNE ---, 1999 TO SEPTEMBER ---, 1999.
2. IT IS THE RESPONSIBILITY OF THE CONTRACTOR PERFORMING WORK ON A CITY STREET TO INSTALL AND MAINTAIN THE TRAFFIC CONTROL DEVICES AS SHOWN HEREIN, AS WELL AS ANY SUCH ADDITIONAL TRAFFIC CONTROL DEVICES AS MAY BE REQUIRED TO INSURE THE SAFE MOVEMENT OF TRAFFIC AND PEDESTRIANS THROUGH OR AROUND THE WORK AREA AND PROVIDE MAXIMUM PROTECTION AND SAFETY TO CONSTRUCTION WORKERS.
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10. FLAGMEN SHALL BE PROPERLY DRESSED AND PRECEDED BY PROPER ADVANCE WARNING SIGNS.
11. SEE CITY OF NEWPORT BEACH PLANS H-4951-S H-5090-S AND --- FOR EXISTING BRIDGE DETAILS.
12. CONTRACTOR'S WORK AREA ON THE BRIDGE DECK SHALL NOT EXTEND BEYOND THE LIMITS SHOWN.

SIGNS:

- C18 - ROAD CONSTRUCTION AHEAD
- C36 - FLAGGER (SYMBOL)
- C30 - PREPARE TO STOP
- C30 - LANE CLOSED
- C13 - END CONSTRUCTION
- W57(LT) - LEFT ARROW SYMBOL

LEGEND:

1. [Symbol] - PROPOSED STRIPING & MARKINGS.
2. [Symbol] - EXISTING STRIPING & MARKINGS TO REMAIN.
3. [Symbol] - REMOVE STRIPING & MARKINGS.
4. [Symbol] - PROPOSED SIGN AND POST.
5. [Symbol] - EXISTING SIGN AND POST.
6. [Symbol] - REMOVE SIGN AND POST.
7. [Symbol] - TYPE II BARRICADE WITH FLASHER
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9. [Symbol] - DELINEATOR
10. [Symbol] - FLAGGER
11. [Symbol] - SIGNALIZED INTERSECTION
12. [Symbol] - WORK AREA
13. [Symbol] - K-RAL

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EXHIBIT # 3
PAGE 2 OF 2
-A1

DATE BY		DESCRIPTION	APP'D	REVISIONS	CHECKED	DATE	PUBLIC WORKS STREET	BALBOA ISLAND PEDESTRIAN BRIDGES STAGE 2 TRAFFIC CONTROL
							CITY OF NEWPORT BEACH PUBLIC WORKS DEPARTMENT	SHEET 11 OF

CALIFORNIA COASTAL COMMISSION

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

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NOV 30 1999
CALIFORNIA
COASTAL COMMISSION

Page: 1 of 5
Date: November 20, 1997
Permit No: 5-97-230



COASTAL DEVELOPMENT PERMIT

On 5 November 1997, the California Coastal Commission granted to City of Newport Beach Coastal Development Permit 5-97-230, subject to the attached Standard and Special Conditions, for development consisting of: 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 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. More specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County at Balboa Island Bridge (Marine Avenue) over the Beach Bay reach of Newport Bay between Balboa Island and the intersection of Jamboree Road and Bayside Drive, Newport Beach.

Issued on behalf of the California Coastal Commission on November 20, 1997.

PETER DOUGLAS
Executive Director

By: 
Title: Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance . . . of any permit . . ." applies to the issuance of this permit.

COASTAL COMMISSION

-A1

EXHIBIT # 5
PAGE 1 OF 5

COASTAL DEVELOPMENT PERMIT

No. 5-97-230

Page 2 of 5

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 CAL. ADMIN. CODE SECTION 13158(a).

Date

Signature of Permittee

Please sign and return one copy of this form to the Commission office at the above address.

COASTAL COMMISSION
-A1

STANDARD CONDITIONS

EXHIBIT # 5
PAGE 2 OF 5

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. **Compliance.** All development must occur in strict compliance with the proposal 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 or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, 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.

COASTAL DEVELOPMENT PERMIT

No. 5-97-230

Page 3 of 5

SPECIAL CONDITIONS:

1. Time Limit on Construction

No pile driving activities, shall occur between April 1 and September 1. The bridge shall remain open to traffic during that period.

2. Disposal Site

This permit does not authorize disposal of the excavated soil resulting from this project within the coastal zone. An amendment to this permit or a new coastal development permit shall be required prior to disposal of any excavated soil in the coastal zone.

3. Implementation of Best Management Practices

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

- a) Prior to the Contractor starting work, the Resident Engineer is to review specifications and permits with the Contractor to assure complete understanding of the environmental concerns relating to constructing seismic retrofit.
- b) Eelgrass is to be located, and its area buoyed and protected for the duration of the contract.
- c) Material removed from the inside of the steel shell driven piles shall be disposed of outside of the project limits.
- d) Debris screens are to be placed on the underside of the bridge to collect falling construction material and prevent it from falling into the water.
- e) During concrete placing operations, care shall be taken to prevent concrete from dropping into the water.
- f) All construction debris is to be removed from the channel bottom prior to the acceptance of the completed construction work.

COASTAL COMMISSION

-A1

EXHIBIT # 5
PAGE 3 OF 5

COASTAL DEVELOPMENT PERMIT

No. 5-97-230

Page 4 of 5

4. Implementation of Least Environmentally Damaging Techniques

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 sea following the completion of construction.

COASTAL COMMISSION

-A1

5. Biological Monitor

EXHIBIT # 5

- a) The contractor shall retain a qualified marine biologist who shall 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 weekly, 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.

PAGE 4 OF 5

COASTAL DEVELOPMENT PERMIT

No. 5-97-230

Page 5 of 5

6. Post-Construction Survey

- a) Within two weeks of completion of construction, the monitor shall perform a second mapping survey of eelgrass. The results of pre-construction and post-construction surveys shall be submitted to the U. S. Army Corps of Engineers (Regulatory Branch), California Department of Fish and Game, and California Coastal Commission.
- b) If surveys indicate that eelgrass has been adversely impacted, eelgrass losses shall be mitigated. The mitigation plan and schedule shall be forwarded to the agencies identified above within 30 days of completion of construction. The mitigation plan shall also be subject to the review and approval of the Executive Director.
- c) Revegetation shall occur consistent with the National Marine Fisheries Service "Southern California Eelgrass Mitigation Policy (adopted July 31, 1992, revised 1996).

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EXHIBIT # 5
PAGE 5 OF 5

CALIFORNIA COASTAL COMMISSION

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



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.

COASTAL COMMISSION

-A1

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with special conditions requiring that the mitigation measures are implemented as proposed. The area of concern is staff's recommendations for special conditions which require the presence of a monitor during waterside construction and which limits the time period for when waterside construction can be undertaken.

In a letter dated October 13, 1997 (attached as Exhibit I); the applicant proposes a biological monitor who will be available, but not necessarily present during waterside construction. The applicant, does not believe that all waterside construction should be limited during the foraging period of the California brown pelican and the California least tern, but only when pile driving activities occur. The applicant, because the bridge is in an urban environment, believes that the birds are used to human activity. Commission staff believes that the monitor must be present during waterside construction to assure that adverse impacts to wildlife and habitat are avoided to the maximum extent feasible, and that all waterside construction activities be limited to minimize potential disruption to foraging California brown pelican and the California least tern.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and construction shall not commence until a copy of the permit, signed by

COASTAL COMMISSION

EXHIBIT # 6

PAGE 2 OF 28

-A1

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

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 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.

COASTAL COMMISSION

EXHIBIT # 6
PAGE 3 OF 28

III. Special Conditions.

1. Time Limit on Construction

No waterside construction, including pile driving activities, shall occur between April 1 and September 1. The bridge shall remain open to traffic during that period.

2. Disposal Site

This permit does not authorize disposal of the excavated soil resulting from this project within the coastal zone. An amendment to this permit or a new coastal development permit shall be required prior to disposal of any excavated soil in the coastal zone.

3. Implementation of Best Management Practices

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

- a) Prior to the Contractor starting work, the Resident Engineer is to review specifications and permits with the Contractor to assure complete understanding of the environmental concerns relating to constructing the seismic retrofit.
- b) Eelgrass is to be located, and its area buoyed and protected for the duration of the contract.
- c) Material removed from the inside of the steel shell driven piles shall be disposed of outside of the project limits.
- d) Debris screens are to be placed on the underside of the bridge to collect falling construction material and prevent it from falling into the water.
- e) During concrete placing operations, care shall be taken to prevent concrete from dropping into the water.
- f) All construction debris is to be removed from the channel bottom prior to the acceptance of the completed construction work.

4. Implementation of Least Environmentally Damaging Techniques

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

COASTAL COMMISSION

-A1

how to avoid further impacts to eelgrass if field observations indicate that eelgrass is being impacted.

6. Post-Construction Survey

- a) Within two weeks of completion of construction, the monitor shall perform a second mapping survey of eelgrass. The results of pre-construction and post-construction surveys shall be submitted to the U.S. Army Corps of Engineers (Regulatory Branch), California Department of Fish and Game, and California Coastal Commission.
- b) If surveys indicate that eelgrass has been adversely impacted, eelgrass losses shall be mitigated. The mitigation plan and schedule shall be forwarded to the agencies identified above within 30 days of completion of construction. The mitigation plan shall also be subject to the review and approval of the Executive Director.
- c) Revegetation shall occur consistent with the National Marine Fisheries Service "Southern California Eelgrass Mitigation Policy (adopted July 31, 1992, revised 1996).

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description

The applicant proposes to construct seismic retrofit improvements to 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 proposed to be 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,

COASTAL COMMISSION

EXHIBIT # 6
PAGE 6 OF 28

6, 8 and 9, 12, and 13, 15, 17 and 19. No public parking will be lost due to the proposed project.

Aside from the ferry from the Balboa Peninsula, the Balboa Island bridge provides the only access onto Balboa Island. The City has indicated that it is extremely important to keep the bridge functional at all times, and especially 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 shoreline and of public beach.

Traffic Impacts due to Construction

EXHIBIT # 6
PAGE 7 OF 28

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

COASTAL COMMISSION

-A1

Balboa Island Bridge Retrofit
City of Newport Beach
5-97-230
Page: 8

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.

Pile placement at the central column bents will require one channel to be closed while the other two remain open (e.g. while constructing piling at Bent 10, the navigation channel between Bents 11 and 12 will remain open). Navigation channel closures may be required for a short period of time (approximately one week). Because no waterside work will occur on the project between April 1 and September 1, no adverse impacts to navigation will occur during the peak use summer months. Navigation will remain open during the majority of the 7 month construction period. Closure for one week out of a seven month construction period during the slower recreational season will not result in significant adverse impacts to navigation. In addition, the new piles will not constrict the width of the existing channels, because the outside width of the existing piles at the bridge bents, 1.5 meters (5 feet), is the same as the width between the proposed piles. As proposed, the project will not have adverse impacts on navigation.

Therefore, the Commission finds that the proposed project, as conditioned to require that no pile driving work occur between April 1 and September 1 and that the bridge shall remain open to traffic during that time, is consistent with Section 30210 of the Coastal Act regarding the provision of maximum public access.

C. Marine Resources

Section 30230 and 30231 of the Coastal Act require that marine resources be maintained and that biological productivity be protected. In addition, Section 30233 of the Coastal Act prohibits fill of open coastal waters unless the fill is for one of the eight identified uses. Fill for one of these uses must be the least environmentally damaging feasible alternative, and its impacts must be mitigated.

COASTAL COMMISSION

-A1

EXHIBIT # 6
PAGE 9 OF 28

Balboa Island Bridge Retrofit
City of Newport Beach
5-97-230
Page: 9

The proposed project includes fill of open coastal waters in the form of up to 20 new bridge piles. The proposed piles are 1.5 meters (5 feet) in diameter. The piles consist of open ended steel shells. The soil inside each driven shell is excavated and removed from the site on the barge. A rebar steel cage will be placed inside the steel shell, which will then be filled with concrete. The new piles will extend as high above water as do the existing piles. The proposed project is a seismic retrofit project, necessary to make the bridge (which provides the only roadway access to Balboa Island) earthquake safe.

The location of the disposal site for the soil which will be removed from the interior of the steel shells was not identified in the project application. The applicant has indicated that the disposal site will be identified when the project contract is issued. Development in the coastal zone, including the disposal of debris, requires a coastal development permit. Since the disposal site has not 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

COASTAL COMMISSION

-A1

EXHIBIT # 6
PAGE 9 OF 28

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 movement. This impact is likely to have a short-term and less than significant impact upon water quality or marine life.

The Marine Resources Report also makes the following conclusions:

The turbidity plume caused by any project activity could temporarily affect the breathing and filtering apparatus of invertebrates, and result in short term irritations to the gills of fishes. These impacts are expected to be minor and short-term impacts on invertebrates and fishes.

No long-term losses of plants, invertebrates, fishes, are anticipated as a result of the seismic retrofitting project.

No impacts to endangered species (California least terns and California brown pelicans) are anticipated. However, all construction activities should be completed prior to April 1, or after September 1, which will preclude any potential impacts to California least terns that may arrive and forage in the project waters.

The report recommends that environmentally sensitive construction methods and best management practices be employed as part of the project to effectively reduce the potential for short-term and long-term impacts to

CITY OF NEWPORT BEACH
COUNCIL COMMISSION

2A1

EXHIBIT #

6

PAGE 10 OF 28

Balboa Island Bridge Retrofit
City of Newport Beach
5-97-230
Page: 11

nearby eelgrass and marine communities. The applicant has incorporated the recommended environmentally sensitive construction methods and best management practices into the scope of the proposed project.

The proposed project includes the following best management practices:

Prior to the Contractor starting work, the Resident Engineer is to review specifications and permits with the Contractor to assure complete understanding of the environmental concerns relating to constructing the seismic retrofit.

Eelgrass is to be located, and its area buoyed and protected for the duration of the contract.

Material removed from the inside of the steel shell driven piles shall be disposed of outside of the project limits.

Debris screens are to be placed on the underside of the bridge to collect falling construction material and prevent it from falling into the water.

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.

COASTAL COMMISSION

AI

EXHIBIT # 6 OF 28
PAGE ...

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.

A pre-construction eelgrass survey has been conducted (see exhibit D). The project is not expected to adversely effect the nearby eelgrass. However, the applicant is proposing preparation of a post-construction eelgrass reconnaissance survey to verify that no eelgrass habitat has been affected or removed as a result of the project. The reconnaissance survey is proposed to be completed within two weeks after construction is completed. If it is determined, based on the results of the survey, that the area cover of eelgrass has been reduced as a result of the project, an eelgrass mitigation program will be implemented following the guidelines of the National Marine Fisheries Service "Southern California Eelgrass Mitigation Policy" (adopted July 31, 1992, revised 1996).

The incorporation of best management practices and least environmentally damaging techniques as part of the project, the presence of a biological monitor during waterside construction, the provision that no waterside work will occur between April 1 and September 1, completion of a post-construction eelgrass survey and revegetation of eelgrass if disturbed during construction, all provide adequate mitigation to offset any adverse impacts on marine resources and water quality.

COASTAL COMMISSION

-A1

Alternatives to the retrofit project as proposed were considered. Replacement of the existing bridge with a bridge that meets the current seismic design standards was considered. This alternative was rejected due to extensive staging and property impacts. In addition, a new bridge in the same location and maintaining the same vertical clearance between the water and the bridge would require the construction of six bents (foundation locations) within the channel. Foundation construction would require temporary coffer dams, dewatering the work area, and excavating.

Another alternative considered was retrofitting the existing bridge by adding shear walls that surround the piles of consecutive bents at several locations. This alternative was rejected because the shear wall construction would require building temporary coffer dams, dewatering the work area, excavating, and constructing substantial foundations at each of the wall locations. Also, the shear walls would eliminate the existing openings beneath some spans.

Retrofitting the bridge by adding additional columns at every other bent was considered and rejected because the foundation construction would require coffer dams, dewatering, excavating and substantial foundation construction.

The foundation construction for the selected alternative is the least environmentally damaging, since disruption to the natural environment is 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 Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

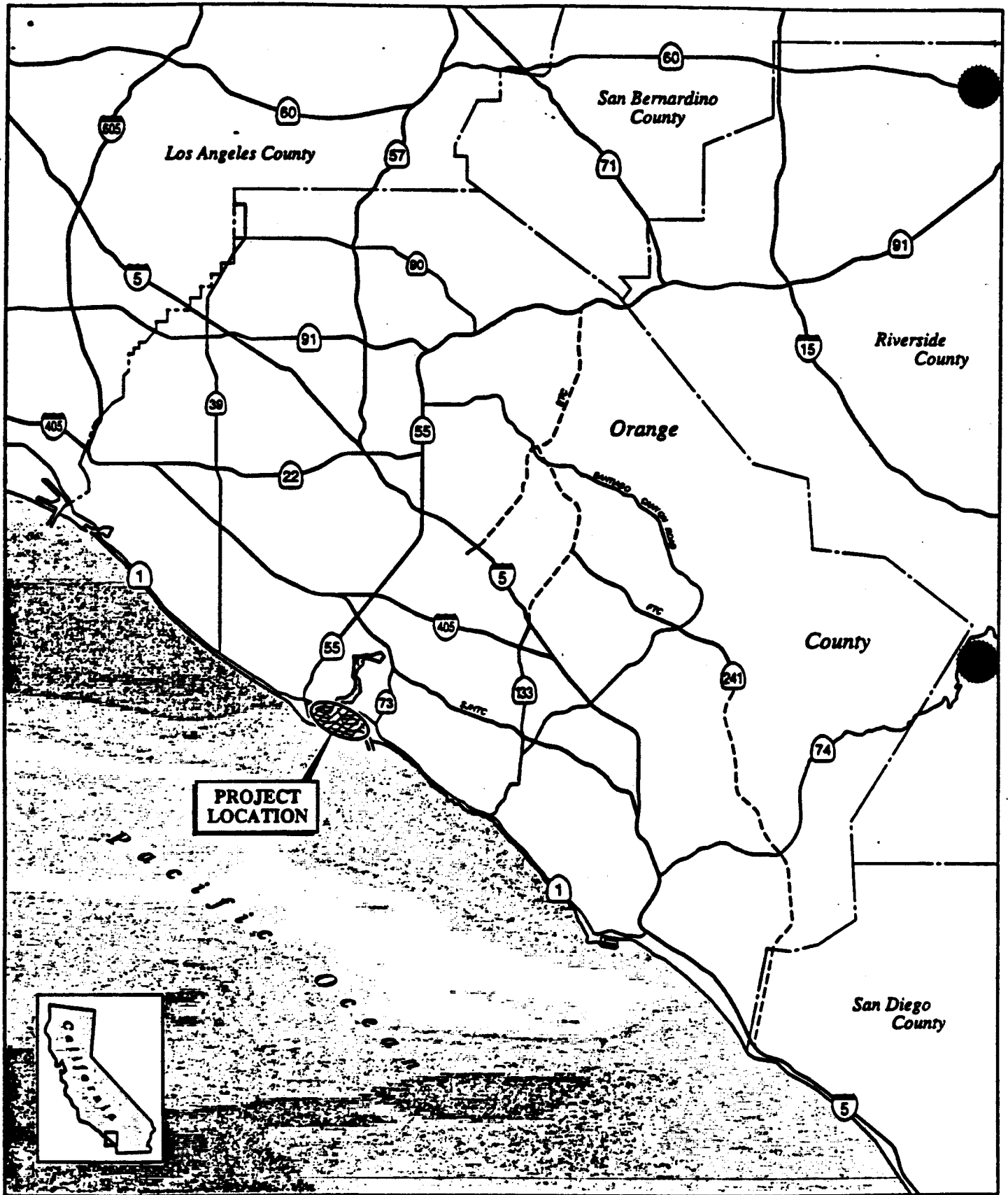
The project is located between the sea and the first public road. the project is proposed in an existing urbanized area. the proposed development has been conditioned to assure that mitigation measures will be implemented so that the project will not have a significant adverse impact on the environment. As conditioned, this development will not result in adverse impacts to coastal access or resources. The proposed development is consistent with the Chapter 3 policies of the Coastal Act. The project as proposed is the least environmentally damaging alternative. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

COASTAL COMMISSION

-A1

EXHIBIT # 6

PAGE 14 OF 28



5/20/97 (DEC 632)



LSA

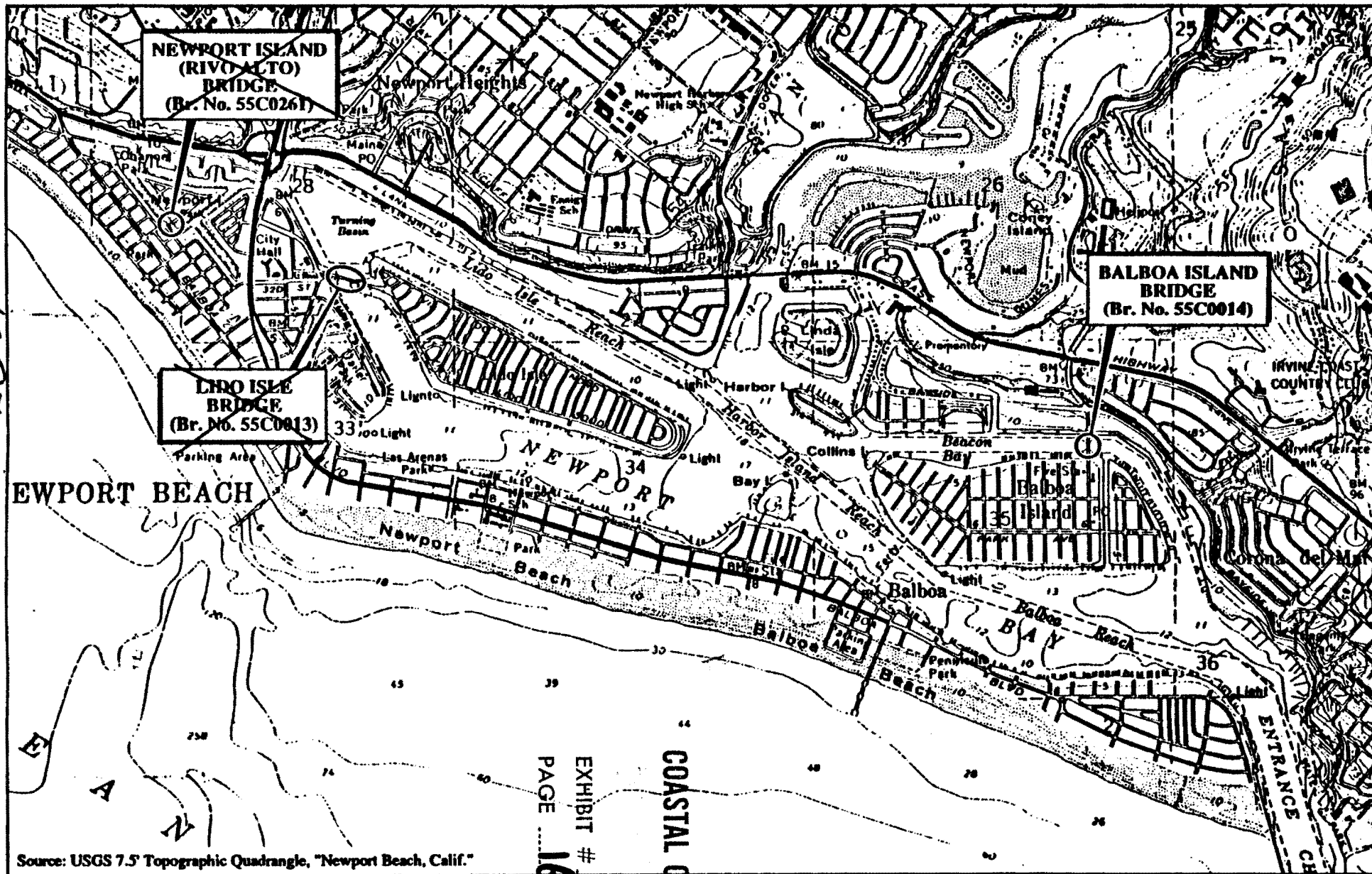
0 8 Scale in Kilometers
0 5 Scale in Miles

5-97-230
COASTAL COMMISSION

EXHIBIT # 6
PAGE 15 OF 28

Figure 1

Exhibit A
City of Newport Beach
Seismic Retrofit Projects
Regional Location



Source: USGS 7.5 Topographic Quadrangle, "Newport Beach, Calif."

5/20/97(DEC632)



LSA

0 305 610 Scale in Meters
0 1000 2000 Scale in Feet

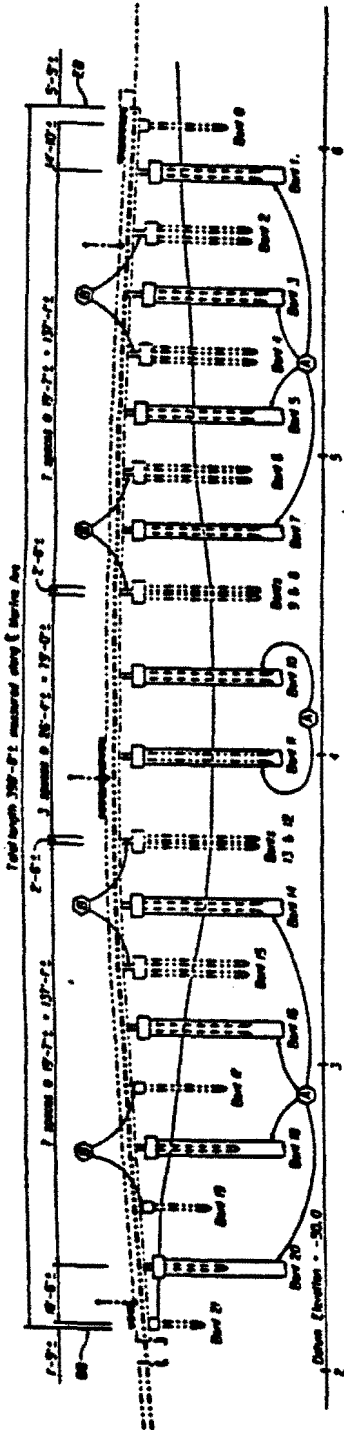
COASTAL COMMISSION
EXHIBIT # 6
PAGE 16 OF 28
-A1

Figure 2

City of Newport Beach
Seismic Retrofit Projects
Vicinity Map

INDEX TO PLANS

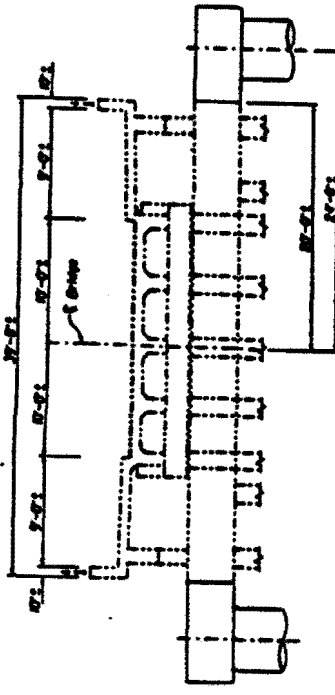
Sheet No.	Title
1	General Plan
2	Construction Schedule
3	Bar Details No. 1
4	Bar Details No. 2
5	Bar Details No. 3
6	Bar Details No. 4
7	Shear Key Details No. 1
8	Shear Key Details No. 2
9	Shear Key Details No. 3



ELEVATION
P-20

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

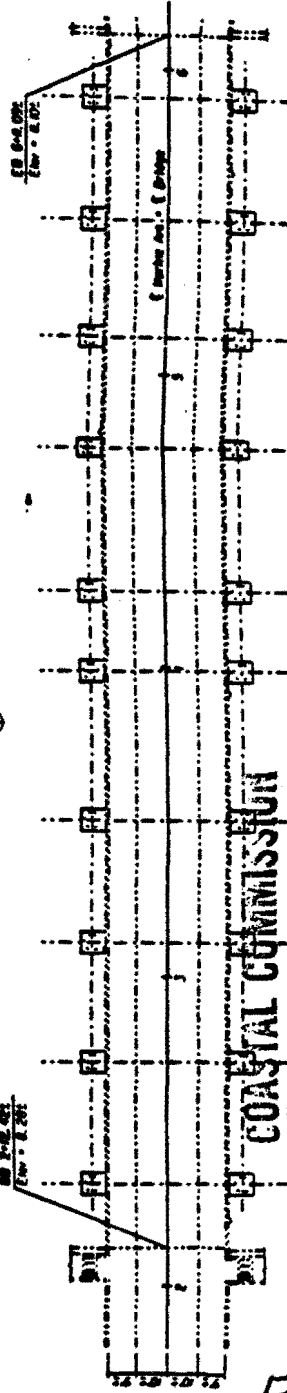
Pile	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Depth (feet)	2.64	4.08	6.45	7.4	6.83	6.78	7.37	5.74	3.54	1.24										
Sampling depth (feet)	-32.0	-32.0	-34.0	-42.0	-42.0	-42.0	-42.0	-42.0	-42.0	-42.0	-42.0	-42.0	-42.0	-42.0	-42.0	-42.0	-42.0	-42.0	-42.0	-42.0



TYPICAL SECTION
P-23

Retrofit Legend

- ⊕ Bar concrete
- ⊙ Shear key



COASTAL COMMISSION

-A1

PLAN
P-20

EXHIBIT # **6**
PAGE **17** OF **28**

BALBOA ISLAND BRIDGE
GENERAL PLAN

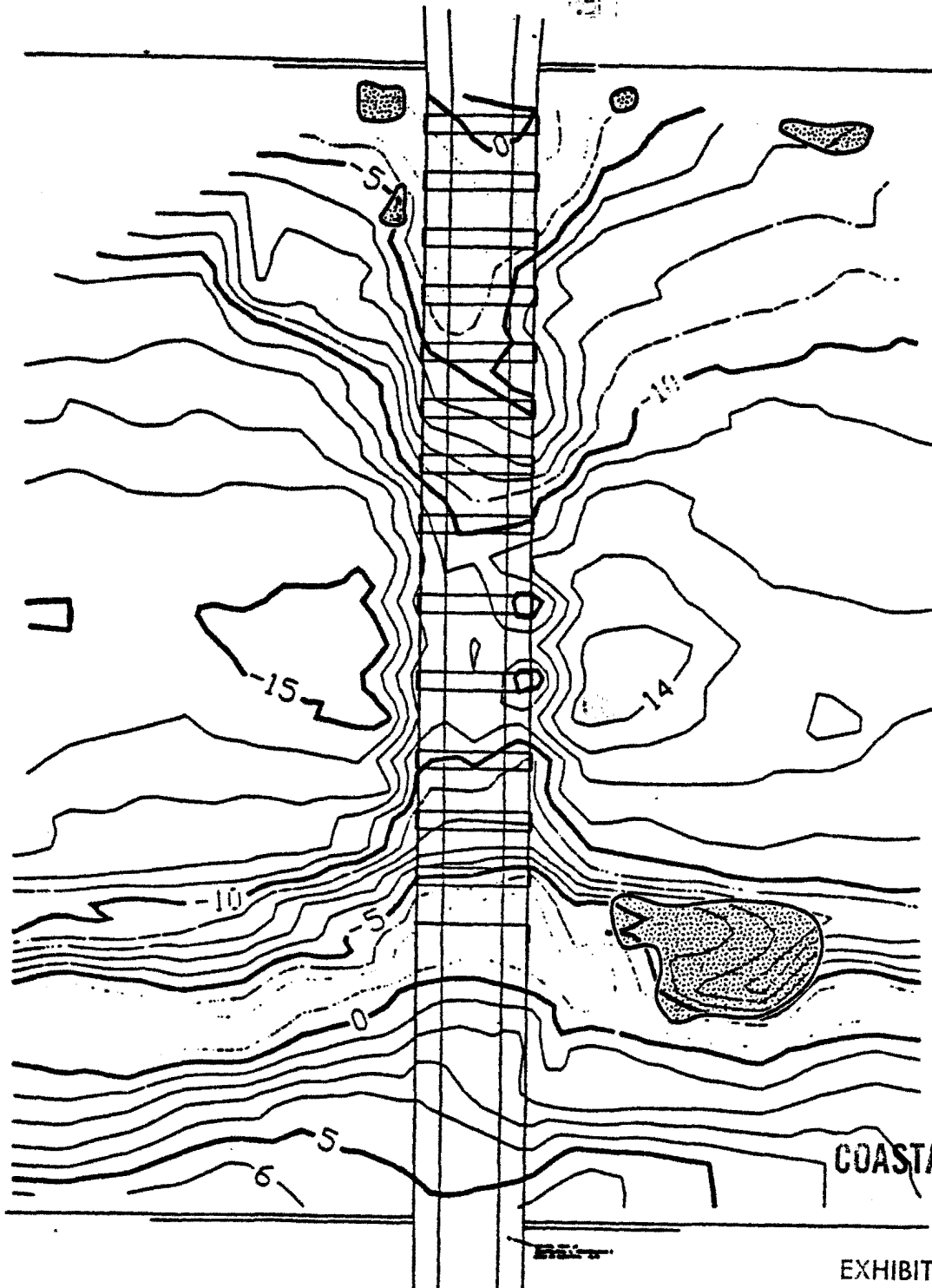
CITY OF BALBOA
1954

5-97-230

Exhibit C

LEGEND:

Eelgrass Beds



COASTAL COMMISSION
-A

EXHIBIT # 6
PAGE 18 OF 28

Base Map Source: Pelagos Corp. (Survey Date 11/27/96).
Eelgrass Mapping: Coastal Resources Management (Survey Date 12/6/96).

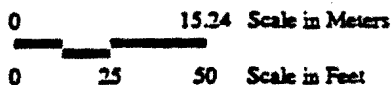
1/20/97(DEC632)

5-97-230

Figure 3

EXHIBIT D

LSA



City of Newport Beach
Seismic Retrofits Projects
Balboa Island Bridge - Eelgrass Beds

DEPARTMENT OF FISH AND GAME

1416 NINTH STREET
P.O. BOX 944209
SACRAMENTO, CA 94244-2090
(916) 653-4875



September 11, 1997

RECEIVED
SEP 16 1997

CALIFORNIA
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.

COASTAL COMMISSION

-A1

EXHIBIT # 6
PAGE 19 OF 28

5-97-230

EXHIBIT E

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SANTA ANA REGION

3737 MAIN STREET, SUITE 500

RIVERSIDE, CA 92501-3339

PHONE: (909) 782-4130

FAX: (909) 781-6288

May 30, 1997

RECEIVED
BY I S A INC.
JUN 01 1997

Mr. Lloyd Dalton, P.E.
Design Engineer
City of Newport Beach
Public Works Dept.
3300 Newport Blvd.
Newport Beach, CA 92658-8915

REQUEST FOR 401 CERTIFICATION FOR THE PROPOSED SEISMIC RETROFIT OF THREE BRIDGES, NEWPORT BEACH, ORANGE COUNTY (NO ACOE REFERENCE NUMBER)

Dear Mr. Dalton:

On May 21, 1997, we received a transmittal dated May 20, 1997 from your agent, LSA Associates, Inc., requesting a water quality standards certification under Section 401 of the Clean Water Act for the above-referenced project. We subsequently requested and received on May 27, 1997 a copy of the permit application to the Army Corps of Engineers. We received all requested materials for a complete application as of May 27, 1997. Because this is a seismic retrofit project, we are issuing this waiver in advance of our 21-day public response period.

The City of Newport Beach (City) is proposing to perform seismic retrofit of three bridges within Newport Harbor: the West Lido Channel, Newport Island, and Balboa Island Channel. Only the Balboa Island Channel bridge will require construction activity in waters subject to U.S. Army Corps of Engineers (ACOE) jurisdiction, while structural improvements planned for the other two bridges will not require any work within the channels nor will they result in any discharge into the harbor.

Mitigation measures have been proposed to protect the water quality of Lower Newport Bay, including implementing dredging Best Management Practices to limit the dispersion of the turbidity plume and floatable debris and to reduce the potential for leakage of petroleum and other contaminants into Newport Bay. For the West Lido Channel and Newport Island bridges, runoff will be prevented from entering the channels.

There are stands of eelgrass near the project area. The City will take appropriate steps to minimize damage to the eelgrass beds and has proposed a 1.2:1 revegetation ratio for any damaged habitat. Approximately 0.009 acres of channel will be permanently impacted by the project.

COASTAL COMMISSION

-A1

EXHIBIT # 6

PAGE 20 OF 28

EXHIBIT F

5-97-230

Mr. Lloyd Dalton, P.E.
City of Newport Beach
May 30, 1997

Page 2

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

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COASTAL COMMISSION

EXHIBIT # 6
PAGE 21 OF 28

EXHIBIT F₂

U.S. Department of Transportation

United States Coast Guard



Commander (Pow-2)
Eleventh Coast Guard District

Coast Guard Island
Alameda, CA 94501-5100
Staff Symbol (Pow-2)
Phone: (510) 437-3514
FAX: (510) 437 5838

OPTIONAL FORM NO (7-83)

FAX TRANSMITTAL

of pages

From Scott Holbrook	To Susan Worden
Dept./Agency Newport City	Phone USCG
Fax (714) 553-8076	Fax (510) 437-2961

16591
Newport Bay (1.4)
(3.1)(3.8)
Ser: 301-97
Date: June 4, 1997

RECEIVED
JUL 23 1997

CALIFORNIA
COASTAL COMMISSION

5-97-230

1911. LLOYD R. JONSON, P.E.
City of Newport Beach, Public Works
P O BOX 1768
Newport Beach, CA 92658-8915

Dear Mr. Dalton:

I have reviewed your application to repair three bridge structures in Newport Bay and retrofit them to meet seismic standards under the State Seismic Safety Retrofit Bridge Program. It is our determination that the work you propose to do meets the definition of "Bridge Repairs", and as such, is approved under 33 CFR 115.40. Section 115.40 reads: "Repairs to a bridge which do not alter the clearances, type of structure, or any integral part of the substructure or superstructure or navigation conditions, but which consist only in the replacement of worn or obsolete parts, may, if the bridge is a legally approved structure, be made as routine maintenance without formal approval of the U.S. Coast Guard." Please submit as-built drawings for our records upon completion of this work.

The Coast Guard does have an interest in the work evolution which will affect navigation. The placement of any floating equipment should be coordinated with this office at least three weeks prior to the start of work or in conjunction with your contractors pre-construction meeting. This office and the Marine Safety Office, Los Angeles/Long Beach will review and approve the mooring plans for any marine equipment. We will also publish information concerning the work in the Local Notice to Mariners. Work equipment should be moved out of the main navigation span at night or other non-work periods. Please advise me of any pre-construction conferences for this project.

Thank you for the opportunity to review this project. If you have any questions about these Coast Guard requirements, please contact my Project Officer, Susan Worden at (510) 437-3514.

Sincerely,

W. R. HILL
Chief, Bridge Section
U.S. Coast Guard
By direction of the District Commander

COASTAL COMMISSION

-A1

EXHIBIT # 6
PAGE 22 OF 28

Copy to: (1) Marine Safety Office LA/LB 165 N. Pico Ave. Long Beach, CA w/ City of Newport Beach original ltr

(2) ATTN Mark Sudol USACE, LA Dist Reg Br. P O BOX 532711 LA 90055-2325
FAX

5-97-230

EXHIBIT G



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

RECEIVED
P.V.I.C.A. INC.
JUN 26 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

RECEIVED
JUL 23 1997

CALIFORNIA
COASTAL COMMISSION

5-97-230

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.

COASTAL COMMISSION
-A1

EXHIBIT # 6
PAGE 23 OF 28

5-97-230

EXHIBIT H

1/2

If you have any questions, please contact Spencer D. MacNeil of my staff at
(213) 452-3417.

Sincerely,



Mark Durham
Chief, South Coast Section
Regulatory Branch

Enclosure

COASTAL COMMISSION

-A1

EXHIBIT # 6
PAGE 24 OF 28

EXHIBIT H₂

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.

COASTAL COMMISSION

-A1

EXHIBIT # 6
PAGE 25 OF 28

EXHIBIT H₃



CITY OF NEWPORT BEACH

PUBLIC WORKS DEPARTMENT
P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915
(714) 644-3311

Stephen Rynas
California Coastal Commission, South Coast District Office
245 West Broadway, Suite 380
Long Beach, CA 90801-1450

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OCT 14 1997

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Subject: Request to Amend Special Conditions on the Coastal
Development Permit for Balboa Bridge Seismic Retrofit Project
CDP Application No. 5-97-230

Exhibit I

Dear Mr. Rynas:

The City of Newport Beach and LSA Associates, Inc. (LSA) have reviewed Special Conditions 1-6 contained in Section III of the California Coastal Commission staff report dated September 18, 1997, regarding the CDP for the Balboa Bridge seismic retrofit project. The City of Newport Beach is requesting your consideration of the amendments to the specific conditions referenced below. It is our opinion that these changes will not compromise the protection of important marine resources, while allowing the City to award a public works contract to construct the project in an efficient and cost-effective manner.

Condition No. 1 - Time Limit on Construction

As written, this condition disallows any construction activity after April 1. The rationale for limiting construction activity for this project is based on the consideration that the relatively loud noise associated with pile driving activities would cause some birds, particularly California brown pelicans and California least terns, to avoid the area. This could be construed as a temporary loss of available foraging area for at least two species that are protected under the Federal Endangered Species Act. Therefore, if possible, such construction noise should occur outside the breeding season for these animals.

Construction is planned to commence in January, 1998, with pile driving and associated activities intended to be completed before the end of March. The contract's specifications and provisions will clearly establish this time limit so that the contractor will be required to meet the April 1 deadline as it applies to pile driving. However, it is likely that the contractor will not have sufficient time to complete all retrofit work on the bridge by April 1. As described in the CDP application, several other construction elements will be required to complete the retrofit process, including concrete work under the deck to construct transverse shear keys at bents 2, 4, 6, 8 and 9, 12, and 13, 15, 17, and 19.

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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. -A1

- The monitor shall survey and map eelgrass prior to commencing construction, and shall set marker buoys to indicate the perimeters of patches of eelgrass for the contractor to avoid.
- The monitor shall meet with the contractor, inspect the work area at least monthly, and report indications of observed or expected eelgrass impacts to the City.
- Within two weeks of completion of construction, the monitor shall perform a second mapping survey of eelgrass patches. The results of preconstruction and post-construction surveys shall be submitted to the U.S. Army Corps of Engineers - Regulatory Branch, California Department of Fish and Game, and California Coastal Commission staff.
- If surveys indicate that eelgrass is impacted, eelgrass area losses shall be identified and quantified. If mitigation is required, the monitor shall coordinate with the City regarding the specific plans and schedule for eelgrass transplanting activities. A letter report outlining the mitigation effort and schedule shall be forwarded to the agencies named above within 30 days of completion of construction.

We appreciate your attention to our request for incorporation of these amendments into the special provisions for the CDP. Also, thank you for rescheduling the public hearing date to the week of November 4-7, 1997, to meet the needs of City staff, our residents, and our business community. Please contact Mr. Scott Holbrook at LSA at (714) 553-0666 or me at (714) 644-3328 if you have further questions regarding this request.

Sincerely,



Lloyd Dalton, P.E.
Design Engineer

cc: Rick Liptak, Dokken Engineering
Scott Holbrook, LSA
Rick Ware, Coastal Resources Management

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EXHIBIT # 6
PAGE 28 OF 28



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South Coast Region

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LSA Associates, Inc.

Environmental Analysis
Transportation Engineering
Biology and Wetlands
Habitat Restoration
Resource Management
Community and Land Planning
Landscape Architecture
Archaeology and Paleontology

November 29, 1999

Principals

- Rob Balen
- Sheila Brady
- Les Card
- David Clore
- Ross Dobberteen
- Steve Granholm
- Richard Harlacher
- Roger Harris
- Art Homrighausen
- Larry Kennings
- Laura Lafler
- Carolyn Lobell
- Bill Mayer
- Rob McCann
- Jill O'Connor
- Anthony Petros
- Deborah Pracilio
- Rob Schonholtz
- Malcolm J. Sproul
- Lloyd B. Zola

Associates

- Linda Aberbom
- James Baum
- Connie Calica
- Tung-chen Chung, Ph.D.
- Steven W. Conkling
- Gary Dow
- Jack Easton
- Richard Erickson
- Kevin Fincher
- Frank Haselton
- Clint Kellner
- Benson Lee
- Judith H. Malamut
- Sabrina Nicholls
- M. W. "Bill" O'Connell
- Amy Skewes-Cox
- Lynette Stanchina

Ms. Sue Worden
U.S. Coast Guard Bridge Section
Coast Guard Island, Building 50-6
Alameda, CA 94501-5100

Subject: Additional Construction on the Balboa Bridge Seismic Retrofit Project

Dear Ms. Worden:

On behalf of the City of Newport Beach, LSA Associates, Inc. (LSA) hereby wishes to inform you of additional construction that is proposed on the Balboa Island Bridge. This is a follow up to the letter previously sent to you, dated May 20, 1997, which describes the seismic retrofit of three bridges in Newport Harbor, request for verification of exemption for Section 9 Permit. The additional construction that is proposed involves the placement of pedestrian walkways on both sides of the bridge, outboard of the existing superstructure. The walkway sections may be installed from a crane mounted on a barge, which would result in temporary closures of at least one navigable lane for boat traffic under the bridge during the installation of the walkways.

We understand that the Coast Guard does have an interest in work that affects navigation of this waterway; therefore, we have noted that the following actions will be taken by the contractor:

- Plans for floating equipment to be placed in the waterway will be coordinated with the Coast Guard office at least three weeks prior to the start of construction, or in conjunction with the pre-construction meeting.
- Mooring plans for any marine equipment will be sent to the Coast Guard office and the Marine Safety Office (MSO), Los Angeles/Long Beach, for review, approval, and publication in the Local Notice to Mariners.
- Work equipment will be moved out of the main navigation span at night and during other non-work periods.
- You will be advised of any pre-construction conferences for this project.

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11/29/99<P:\DEC930\USCG-MSO.LTR.wpd>

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EXHIBIT # 7
PAGE 1 OF 3
Other offices located in Berkeley
Pt. Richmond, Alameda and Sacramento

If you have any questions or comments regarding this request or the project information, please call Micaele Maddison or me at (949) 553-0666. Thank you for your assistance. We look forward to hearing from you at your earliest convenience.

Sincerely,

LSA ASSOCIATES, INC.



Art Homrighausen
Principal

cc: Mark Durham, U.S. Army Corps of Engineers, Los Angeles District -
Regulatory Branch
Karl Schwing, California Coastal Commission
Lloyd Dalton, Design Engineer, City of Newport Beach Public Works
Matt Salveson, Dokken Engineering

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EXHIBIT # 7
PAGE 2 OF 2

1950

