

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

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49th Day: 4/26/04
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Staff: MV-LB
Staff Report: 4/22/04
Hearing Date: 5/12-14/04
Commission Action:

**Fr 15 a****STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-04-087

APPLICANT: California Department of Fish and Game (CDF&G)

AGENT: Robert Sleppy, Chief Environmental Services Section
Department of General Services

PROJECT LOCATION: Inland side of Pacific Coast Highway, south of Warner, within the Bolsa Chica Ecological Reserve, in unincorporated Orange County

PROJECT DESCRIPTION: Repairs to an existing public parking lot and public pedestrian bridge that serve the 1.5 mile walking trail around Inner Bolsa Bay, in the Bolsa Chica area of unincorporated Orange County.

SUMMARY OF STAFF RECOMMENDATION:

The primary issues addressed in the staff report involve wetland protection, environmentally sensitive habitat areas (ESHA), water quality, and public access. Staff is recommending **APPROVAL** of the proposed project subject to two special conditions which 1) requires that the proposed ESHA and water quality protection measures be carried out as proposed and; 2) implementation of other construction responsibilities that are necessary to protect habitat.

LOCAL APPROVALS: Not Applicable

SUBSTANTIVE FILE DOCUMENTS: Biological Assessment for the Bolsa Chica Footbridge Renovation, prepared by LSA, 11/13/03; H.T. Harvey & Associates Memorandum (re: vegetation protection and storm water runoff improvements), 11/13/03; ADA Compliance Survey Summary, surveyed by Paul L. Bishop, 5/11/01; Notice of Exemption (CEQA Categorical Exemption, Class 1, Section 15301), 8/8/03.

future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS:

1. Protection Measures to be Carried Out as Proposed

The applicant shall conform with the proposed coastal resource protection measures identified in the document(s) titled Section 4: Construction Specifications of the Coastal Development Permit Application Attachment, prepared by LSA and dated February 2004. Any proposed changes to the approved document(s) shall be reported to the Executive Director. No changes to the approved document(s) shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Construction Responsibilities

The applicant shall comply with the following additional construction responsibilities:

- A. All significantly damaged native vegetation and areas disturbed and/or denuded by the project shall be re-vegetated with native vegetation appropriate to the habitat type. Furthermore, any inadvertent impacts to habitat areas by the proposed development shall be reported to the Executive Director within 24 hours of occurrence and shall be mitigated. Such mitigation shall require an amendment to this permit or a new permit unless the Executive Director determines that no amendment or new permit is legally required.
- B. Debris and excess material shall be disposed or recycled at a legal disposal/recycling site. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required. No debris or excess material shall be placed on or within habitat areas.
- C. An appropriately trained biologist shall monitor construction activity for disturbance to sensitive species or habitat area. At minimum, monitoring shall occur once a week during any week in which construction occurs. Daily monitoring shall occur during construction activities, which could significantly impact biological resources such as construction within 100 feet of wetlands and construction that could result in disturbances to the California least tern, California brown pelican, light footed clapper rail, peregrine falcon, the western snowy plover, and the Belding's savannah sparrow. Based on field observations, the biologist shall advise the applicant regarding methods to minimize or avoid significant impacts, which could occur upon sensitive species or habitat areas. The applicant shall not undertake any activity, which would disturb sensitive species or habitat area unless specifically authorized and mitigated under this

bridge repair work will occur entirely within the limits of the existing bridge footprint, and no bottom disturbing development is proposed. No wetland fill is proposed.

More specifically, the proposed development includes:

Parking lot: Remove and replace failed areas of asphalt concrete pavement (AC) within existing parking lot; place pavement fabric and a two-inch AC overlay on the existing paved parking area; installation of approximately 200 feet of concrete subgrade bearer wall six inches wide and three to four feet deep at the edge of the AC to prevent animals from tunneling under the pavement; restripe parking lot and install new ADA parking stall signage; remove existing two-foot diameter wood bollards around the perimeter of the parking lot. The existing wood bollards were treated with creosote in the past in an effort to retard natural decay. These are proposed to be removed and replaced with bollards composed of black recycled plastic. The bollards are intended to discourage vehicular and pedestrian encroachment in the natural areas adjacent to the parking lot. The total number of bollards will be reduced because existing mature, dense vegetation has created a natural barrier in the areas of the parking lot closer to Pacific Coast Highway. Also proposed is the installation of a 12-inch wide gravel infiltration trench around the perimeter of the parking lot in order to filter parking lot runoff before it enters the wetlands. The infiltration trench will be incorporated into the dimensions of the existing extent of pavement, thereby reducing the overall square footage of asphalt paved area from approximately 23,170 to 22,550, a reduction of 620 square feet. There will be no change in the number of parking spaces available. (see Exhibit C).

Bridge: Demolish existing bridge guardrails and decking; replace the bridge sections with new footing where the bridge meets the parking lot; install new two inch by six inch redwood decking or alternative plastic lumber decking; install new rough redwood four inch by six inch posts and top rails, redwood two inch by six inch horizontal rails, and redwood four inch by six inch horizontal support outrigger and brace (the outrigger and brace are proposed as an added design feature); replace existing two inch by six inch cross bracing under the bridge; install new concrete footing at observatory transition location. (see Exhibit D).

Landscaping: The applicant is proposing a Parking Lot Planting Plan in order to enhance the existing native vegetation at the site. The parking lot perimeter is currently characterized by several native plant species, including well established mule fat, and some areas of heliotrope. Some areas of the site, particularly near the water's edge, have been trampled by pedestrians and are devoid of plant life and the soil is compacted. The proposed project includes planting four species of native wetland species: mule fat, California buckwheat, grindelia, and sea lavender. The new planting is proposed to supplement the existing vegetation to both enhance the visual quality of the site and create a natural barrier to pedestrian to discourage future trampling. In addition, patches of invasive species will be removed. (see Exhibit E).

Miscellaneous: Certain construction methods are proposed, which are described in greater detail below, to protect existing wetlands and vegetation. Within the existing

no new permanent fill of wetlands will occur. In addition, the proposed work will occur within the footprint of the existing bridge, so no new impacts will result. Section 30240 of the Coastal Act prohibits all uses within ESHA except those that are 'dependent on' the resources and requires the protection of ESHA from 'significant disruption of habitat values.' Accordingly, to the maximum extent possible, it is preferable to avoid crossing ESHA with trails. Nevertheless, some crossings are necessary to maintain trail connectivity and to maintain a nature-oriented trail experience. Where a nature experience is the purpose of the trail, that trail can be found to be a use that is dependent upon the resource. In this case, the pedestrian bridge that is proposed to be refurbished already passes through ESHA. The purpose of the bridge is to provide a nature-oriented experience and can be found to be 'dependent on' the resource. The proposed refurbishment will also avoid significant disruption to habitat values of the ESHA because the proposed refurbishment won't change the alignment or substantially change any dimensions of the existing pedestrian bridge. In addition, refurbishment of the public nature trail will continue to provide ESHA protection by confining human disturbance to existing, discrete areas and corridors, whereas if the trail were not maintained, human use would very likely create additional trails through habitat that currently is undisturbed. Therefore, the refurbishment won't necessitate any new fill of wetlands or removal of significant existing native vegetation and thus wouldn't disrupt the value of the habitat.

The proposed parking lot repair and replacement work will occur adjacent to ESHA. The proposed parking lot work will result in a reduction in hardscape area and the placement of an infiltration trench which will benefit the adjacent ESHA. In addition, the proposed project includes removal of invasive plants and planting of natives along the perimeter of the parking lot which will also be beneficial to the adjacent ESHA.

In addition, a Biological Assessment was prepared for the proposed development by LSA, dated 11/13/03. The Biological Assessment found:

"The dominant habitat in the proposed project area is Southern Coastal Salt Marsh (Preliminary Descriptions of the Terrestrial Natural Communities of California, Holland, 1986); however, the edges of the area are composed of a more upland-transitional suite of species. Southern Coastal Salt Marsh exists under and adjacent to the bridge in areas that are not open water. This type of salt marsh is characterized by a dominance of pickleweed (Salicornia spp.) and saltwort (Batis maritima). More minor components of this habitat are salt grass (Distichlis spicata), cordgrass (Spartina foliosa), salt heliotrope (Heliotropium curassavicum), and aldali-heath (Franseria salina). The upland-transitional areas are dominated by nonnative Spanish sunflower (Pulicaria paludosa), spiny rush (Juncus acutus), and mulefat (Baccharis salicifolia). At the inland edge of the bridge, two species of nonnative iceplant – crystalline ice plant (Mesembryanthemum crystallinum and hottentot fig (Carpobrotus edulus) – have established themselves on disturbed sandy bank areas of the wetland."

- A new infiltration trench is proposed to filter parking lot drainage prior to leaving the site.
- The new infiltration trench is proposed within the footprint of the existing parking lot, so no new hardscape will result from the proposed project and the area of hardscape will actually be reduced.
- The infiltration trench is proposed to be maintained by CDFG staff through twice yearly inspections.
- No construction activity is to occur during the period from February 28 to August 16, to avoid impacts during nesting season. If it is necessary to perform any construction activities between March 1 and August 15, a qualified biologist must first survey the area for active nests prior to the initiation of work and will also be present to monitor the construction process. In the event of discovery of active nests in the vicinity of construction activity, protective measures shall be taken to avoid any impacts to the nests until the nesting activity is completed. Such a survey shall be submitted to the Executive Director for review and approval. Work shall not continue without the authorization of the Executive Director.

Although the proposed protection measures address protection of the ESHA, some clarification of a few of the measures is necessary. For example, as proposed a biologist will be present to monitor all construction activity. However, the duties of the biological monitor are not described. An effective biological monitor should have the ability to stop and/or redirect work when appropriate. This requirement, although likely intended, has not been specifically included as part of the proposed project. In addition, the material to be excavated to accommodate the infiltration trench is proposed to be placed on the pavement and not downslope (i.e. not on existing vegetation or in wetlands). However, the ultimate location of the disposal site has not been identified. Again, the applicant's intent appears to be avoiding placement on the vegetation or in the wetlands, but that has not been specified. Also, the applicant's intent is to protect existing native vegetation. But the revegetation of any damaged areas has not been proposed. All of these measures must be included in the project to assure maximum protection of the surrounding ESHA. Therefore a special condition is imposed that clarifies the duties of the biological monitor; that if the location of the disposal site for the excavated material is in the coastal zone an amendment to this permit may be necessary; and that any areas damaged during construction be replanted with appropriate plants. Only as conditioned can the proposed development be found to be consistent with Section 30240 of the Coastal Act regarding protection of ESHA.

Because the project, as proposed and with the conditions described above, includes measures to protect and enhance the ESHA, it will not significantly disrupt the habitat values and it is consistent with the continuation of the habitat values. The habitat protection is assured only if the proposed protection measures are actually carried out. However, to ensure that the proposed protection measures are carried out, the Commission imposes a special condition which requires the ESHA protection measures

Section 30213 of the Coastal Act states, in pertinent part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

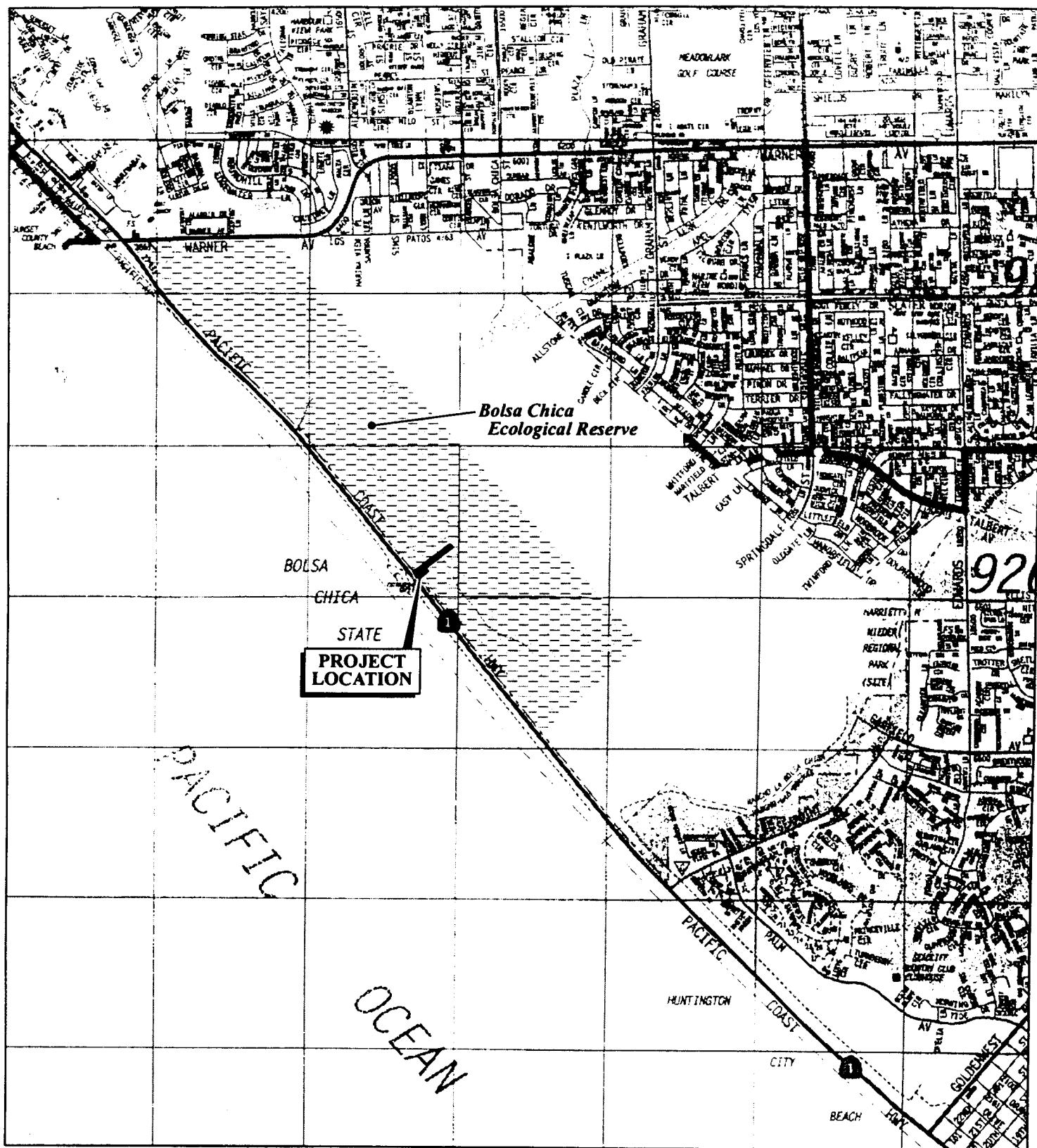
Section 30252 of the Coastal Act states, in pertinent part:

The location and amount of new development should maintain and enhance public access to the coast by...(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

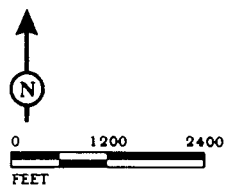
Section 30210 of the Coastal Act requires that public access and recreational opportunities be maximized. Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities be protected, encouraged and where feasible provided. Section 30252 of the Coastal Act requires that new development maintain and enhance public access to the coast by providing adequate parking or alternative means of transportation. The proposed project will allow the continued use of the public trail for public access, recreation, and education, at no cost. The parking lot and bridge enhance the public's ability to access the area, while at the same time educating the public on the sensitivity of the Ecological Reserve's resources. In addition, the applicant has proposed construction timing restrictions that prohibit construction activity during most of the peak summer use period. For these reasons, the Commission finds the proposed development is consistent with Sections 30210, 30213, and 30252 of the Coastal Act which require that public access be maximized.

E. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Bolsa Chica segment of the County of Orange has neither a certified LCP nor a certified Land Use Plan. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.



LSA



SOURCE: THE THOMAS GUIDE

VICINITY MAP

COASTAL COMMISSION
5-04-087

EXHIBIT # A
PAGE 1 OF 1

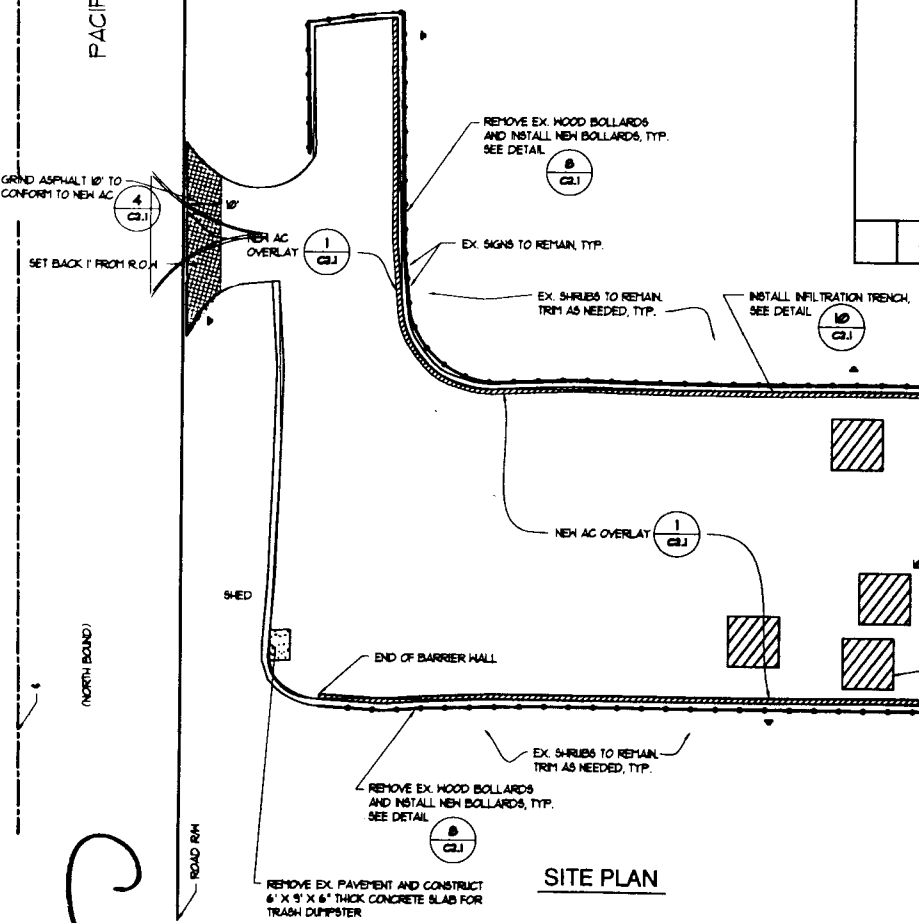
FIGURE 2

Bolsa Chica CDP
Project Location

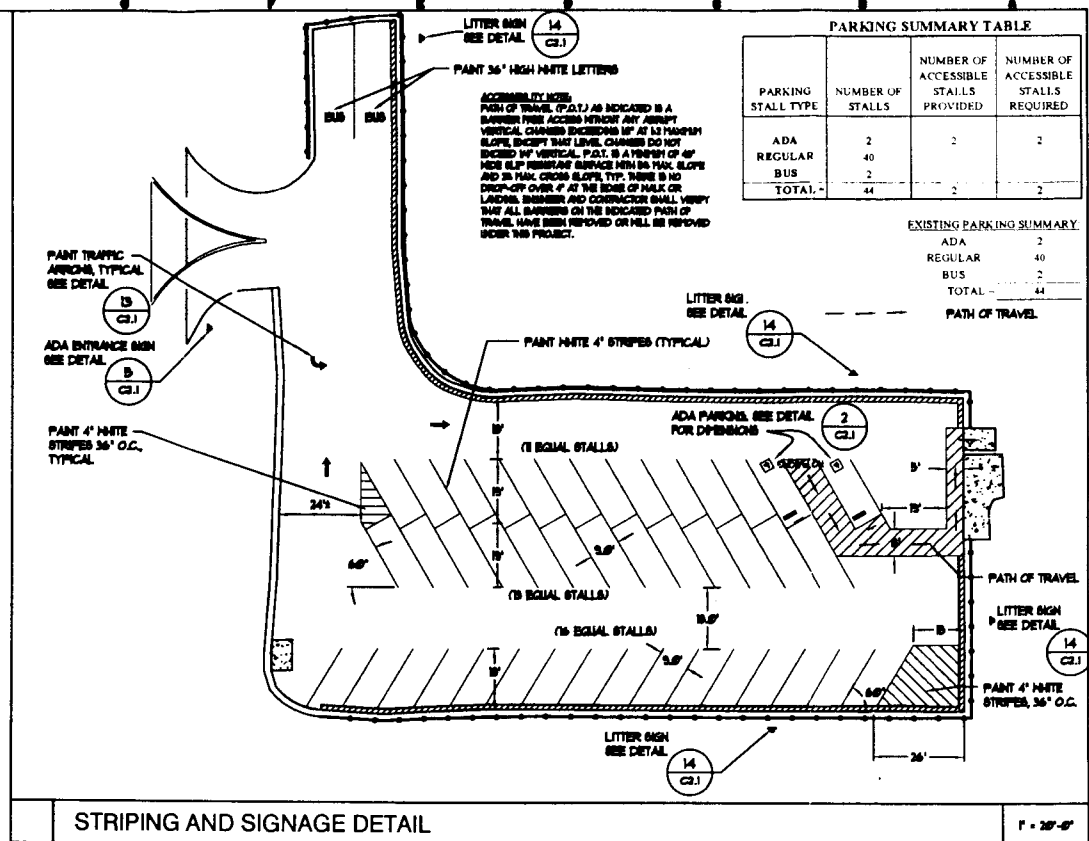
A

PARKING LOT PLAN COASTAL COMMISSION 5-04-087 EXHIBIT # C PAGE 1 OF 1

PACIFIC COAST HIGHWAY



SITE PLAN



PARKING SUMMARY TABLE

PARKING STALL TYPE	NUMBER OF STALLS	NUMBER OF ACCESSIBLE STALLS PROVIDED	NUMBER OF ACCESSIBLE STALLS REQUIRED
ADA	2	2	2
REGULAR	40		
BUS	2		
TOTAL	44	2	2

EXISTING PARKING SUMMARY

ADA	2
REGULAR	40
BUS	2
TOTAL	44



NOT FOR CONSTRUCTION

5-04-087

Department of Real Estate

Professional Seal Design Service

707 Third West Sacramento, 91

RE South

MA

CA COASTAL

Division of the ACCESS CL

App. No.: 03-1050

Reviewed by: _____

Date: _____

Identify Division of the Office of Regulatory Application No.: _____

A C: _____ F L S L

Date: _____

California State APPR

Approval of this plan is given only when the applicant has submitted a complete application. One set is available on the project. Reviewed by: _____

No.	Date	Descr
1	11/15/80	SEE PLAN
2	11/15/80	SEE PLAN
3	11/15/80	SEE PLAN

Project: BRIDGE AND REPAIRS - BO ECOLOGICAL

PCH BOLSA CHICA, CA

DEPARTMENT FISH AND G.

Supervising FP JF

File Date

Sheet Title: PARKING LOT SITE PLAN

DSA Building Number

Reference North

PLANTING PLAN

COASTAL COMMISSION

5-04-089

EXHIBIT # E

PAGE 1 OF 1

PACIFIC COAST HIGHWAY

PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
BAC SAL	BACCHARIS SALICIFOLIA	MULE FAT	1 GAL	55
ERI FAS	ERIOGONUM FASCICULATUM	CALIF. BUCKWHEAT	1 GAL	55
GRI STR	GRINDELIA STRICTA	GRINDELIA	1 GAL	18
LIM CAL	LIMONIUM CALIFORNICUM	SEA LAVENDER	1 GAL	36

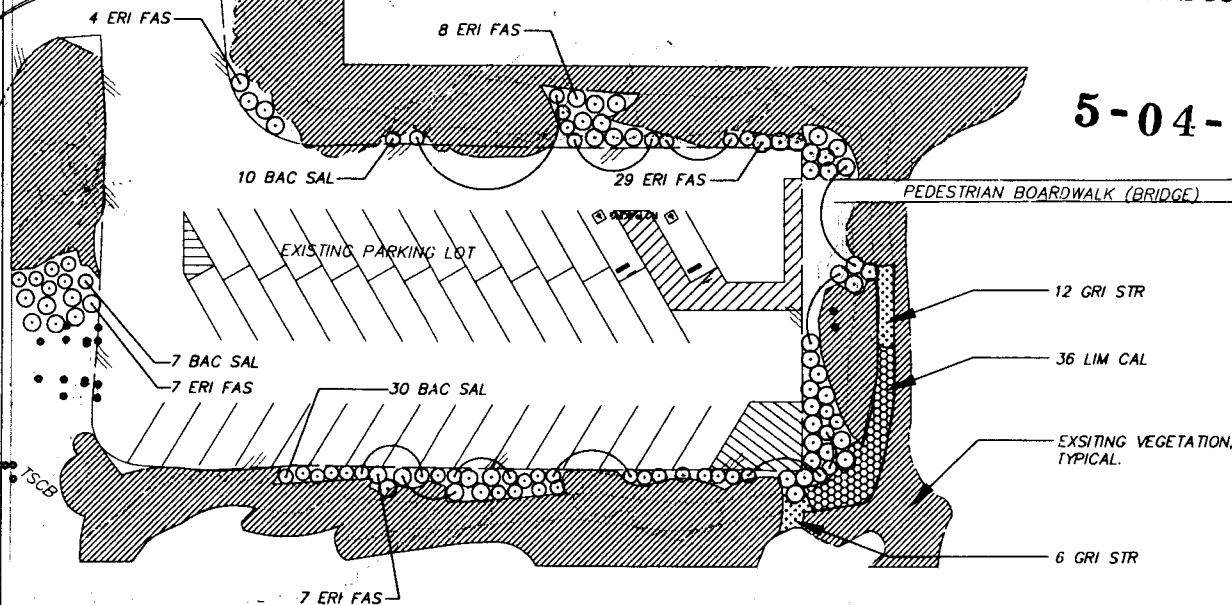
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South Coast Region

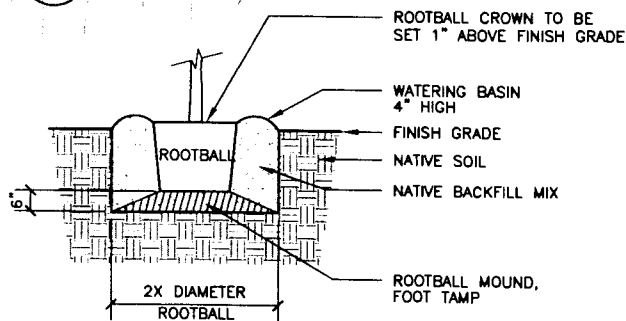
MAR 8 - 2004

CALIFORNIA
COASTAL COMMISSION

5-04-087



1 PLANTING PLAN



2 PLANTING DETAIL

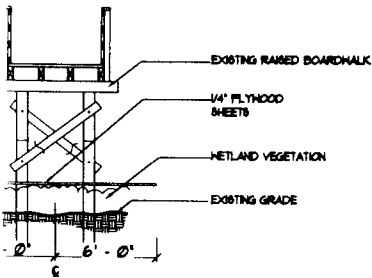
SECTION
1/2" = 1'-0"



H. T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

Boke Chien Ecological Reserve Parking Lot -
CONCEPTUAL PLANTING PLAN

File No. 2290-01 Date 12/05/03 Page 1



WORK ON PLANS ON TOP OF NETLAND VEGETATION UNDER
SHALL BE IN PLACE WHENEVER WORK IS CONDUCTED WITHIN 16'
IN AREAS SHOWN ON PLANS.
BE REMOVED FROM VEGETATION AT END OF WORK DAY OR WHEN
IN 16' OF NETLAND VEGETATION AREA FOR THE REMAINDER OF THE

AND VEGETATION PROTECTION PLAN

2290-01 plywood

Department
Real

Professional
Design 5
707
West Sac

Division
ACCE
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Date
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Application
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Date
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Approval of the
approved by or
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Project
BRIDGE
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