

CALIFORNIA COASTAL COMMISSION

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Tu13c

Filed: December 9, 2005
49th Day: January 27, 2006
180th Day: June 7, 2006
Staff: ALB-LB
Staff Report: February 16, 2006
Hearing Date: March 7-10, 2006
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-05-428

APPLICANT: County of Orange Dept. of Public Works
Attn: Hualin Hsu-Wingard

PROJECT LOCATION: Edinger Avenue Bridge, Huntington Beach, Orange County

PROJECT DESCRIPTION: Bridge repairs consisting of removal and replacement of 30 ft. wide x 300 ft. long area of existing asphalt-topped corrugated metal decking and pile cap reinforcement with intermittent bridge closure.

LOCAL APPROVAL RECEIVED: County of Orange Planning Department approval received November 22, 2005 and City of Huntington Beach Planning Department approval received November 17, 2005.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing to repair and re-deck the Edinger Avenue Bridge leading to the Sunset Aquatic Park. The major issues addressed in the staff report involve protection of marine resources and impacts to public access and recreation.

Staff is recommending **APPROVAL** of the proposed project with three (3) special conditions regarding: 1) construction best management practices; 2) proper staging and storage of equipment and materials; 3) maintenance of public access on weekends and peak use season.

The subject site is located within the City of Huntington Beach, which has a certified Local Coastal Program. However, due to the project location over coastal waters, the project is within an area of the Commission's retained permit jurisdiction. Nonetheless, the City's certified Local Coastal Program may be used as guidance.

SUBSTANTIVE FILE DOCUMENTS: City of Huntington Beach certified Local Coastal Program (used as guidance in this area of original permit jurisdiction).

LIST OF EXHIBITS

1. Location Map
 2. Assessor's Parcel Map
 3. Project Plans
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STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Construction Responsibilities and Debris Removal

The permittee shall comply with the following construction-related requirements:

- a. Netting, tarps and/or other forms of barriers shall be installed between the water and the work areas to prevent any unpermitted material from entering the Bolsa Chica Channel.
- b. In order to ensure the capture of any materials not successfully captured as a result of the requirements of Subsection A of this condition, floating booms shall be placed across the Bolsa Chica Channel (upstream and downstream of the bridge) in order to capture floating debris during construction.
- c. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of the Bolsa Chica Channel. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- d. Any material not captured by the debris catching devices(s) described above shall be retrieved and properly disposed of immediately.

2. Staging Area For Construction

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit a plan for the review and approval of the Executive Director, which indicates that the construction staging area(s) and construction corridor(s) will avoid impacts to nearby wetlands.

(1) The plan shall demonstrate that:

- (a) Construction equipment, materials or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition; and
- (b) Construction equipment, materials, or activity shall not be staged or stored within any habitat area or within 100 feet of any drainages or wetlands; and

(2) The plan shall include, at a minimum, the following components:

- (a) A site plan that depicts:
 - 1. limits of the staging area(s);
 - 2. construction corridor(s);
 - 3. construction site;
 - 4. location of construction fencing and temporary job trailer(s) with respect to the Edinger Bridge and the Sunset Aquatic Park.

- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Timing of Construction and Public Access

By acceptance of this permit, the applicant agrees to minimize adverse impacts to public use of the Sunset Aquatic Park resulting from construction activities as required below:

- A. No construction shall occur during the “peak” coastal recreation season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year. The applicant shall schedule the project and make allowances for project suspension such that complete restoration of public access to the facilities at Sunset Aquatic Park occurs during the “peak” coastal recreation season.

- B. Construction shall be limited to the hours of 7:00 am to 5:00 pm Monday through Friday, excluding holidays. No work shall occur on weekends or holidays. The bridge shall be opened for public use before 7:00 am and after 5:00 pm each weekday, and remain open on weekends.

- C. Signage shall be displayed informing the public of the closure hours and alternative waterway access and provide contact information for urgent/emergency access to Sunset Aquatic Park during closure periods.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The project site is the Edinger Avenue Bridge, which spans the Bolsa Chica Channel between the Cities of Huntington Beach and Seal Beach (Exhibits 1 & 2). The wooden timber bridge was originally constructed in 1968 and provides the only public access (both vehicular and pedestrian) to the Sunset Aquatic Park/Sunset Harbor Marina.¹ The Sunset Aquatic Park includes a 276-slip marina, a public boat launch ramp with multiple lanes, boat and trailer parking, car parking areas, a boat repair yard and public picnic areas. If the existing bridge were to fail, there would be no public roadway access to the aquatic park.

The bridge is located within the City of Huntington Beach, which has a certified Local Coastal Program. However, due to the project location over coastal waters, the project is within an area of the Commission's retained permit jurisdiction. Nonetheless, the City's certified Local Coastal Program may be used as guidance. The bridge is located within a County right-of-way that traverses the Bolsa Chica Channel. The land use designation of the channel is Open Space – Water (OS – W). The City of Huntington Beach Planning Department finds the County maintenance project exempt from a CDP pursuant to Section 245.08F of the LCP. The work is not exempt from Coastal Commission permit requirements because the repair and maintenance activities proposed will occur within 20 feet of coastal waters, thereby involving a risk of substantial adverse environmental impact pursuant to California Code of Regulations Section 13252.

The project involves bridge repairs consisting of removal and replacement of a 30 ft. wide x 300 ft. long area (9,000 sq. ft.) of existing asphalt-topped corrugated metal decking and pile cap reinforcement on one of the supporting bridge bents (Exhibit 3). No work is proposed within the channel bed. The proposed bridge repairs are necessary to address the significant degradation that has occurred since its construction and make the bridge safe for vehicular use. According to the County, the metal deck has developed holes due to corrosion. At several locations, the asphalt has fallen through the metal deck, making it possible to see the channel water below while standing on the bridge deck.

During construction, the project will require intermittent closure of the bridge because the corrugated deck panels to be replaced span the entire width of the bridge deck. Work will occur along the entire width of the bridge and proceed down the length of the bridge. The proposed work will require closure of the bridge from 7:00 am to 5:00 pm on weekdays. The bridge will be open before and after those hours. The bridge will also be open on weekends and holidays. Work is anticipated to commence in April 2006 and take approximately 6 weeks to complete. Construction staging will occur in a vacant County-owned parcel located at the northwest corner of the bridge.

¹ There is a 15-foot wide maintenance road on top of a levee along the western edge of the Bolsa Chica Channel that provides inland access approximately 3 miles north of the Edinger Bridge. The County determined that alternate land based access via the levee road would be unsafe for public use.

B. WATER QUALITY/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.

Section 30233 (a) of the Coastal Act states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*
- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*

- (5) *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (6) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (7) *Restoration purposes.*
- (8) *Nature study, aquaculture, or similar resource dependent activities.*

Section 30240 (b) of the Coastal Act states:

- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

As described previously, the project involves the repair and reinforcement of an existing bridge. Construction will occur directly over coastal waters. As such, there is a possibility that construction phase activities could result in adverse water quality impacts. In addition, there is a possibility that improper staging and storage of equipment could have impacts on both water quality and nearby wetland habitat. Wetlands and other sensitive habitat are known to exist in the project vicinity.

Potential construction phase impacts include improper storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or in a manner which allows such materials to be discharged into the Bolsa Chica Channel and coastal waters via rain or urban runoff. These actions would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering the channel or coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged to the channel or coastal waters may cause turbidity which can shade and reduce the productivity of marine vegetation and foraging avian and marine species' ability to see food in the water column.

As noted on the project plans, the applicant is proposing the following measure to address the water quality impacts of the project: *"Provide a debris catching device to keep debris and material out of Bolsa Chica Channel."* Detail drawings show a flotation device and fiber fabric placed beneath the bridge.

In order to assure that the proposed project does not result in any accidental or unanticipated discharges, spills or other activities that could harm marine resources and water quality, and to assure the applicant is aware of their responsibility to provide a debris catching device under this coastal development permit, the Commission imposes Special Condition No. 1. Special Condition No. 1 requires the applicant to implement the proposed water quality measures. In addition, Special Condition 1 clarifies the applicant's construction responsibilities regarding the use of netting, tarps or other barriers to prevent unpermitted material from entering the Bolsa Chica Channel.

The project site is located east of the entrance to the Sunset Aquatic Park, which is known to support some sensitive habitat and species. A formal wetlands delineation of jurisdictional waters

was prepared for the Sunset Harbor Marina EIR (April 2004) that identified several areas within the Sunset Aquatic Park/Sunset Harbor Marina that exhibited wetland characteristics. Vegetated desilting basins have been identified immediately west of the bridge. Wetlands are also known to be present in the vicinity of an existing gravel boat storage area and around a dredge spoil stockpile near the bridge. The Seal Beach National Wildlife Refuge, located north of the site, also supports sensitive habitat and species, including salt marsh. According to the applicant, construction activities (including staging and storage) will not impact nearby wetlands or sensitive habitat. Nonetheless, the Commission has imposed Special Condition No. 2, which requires the applicant to submit a more detailed staging and storage plan for review. The condition requires the construction staging area(s) and construction corridor(s) to avoid impacts to nearby wetland areas. It ensures that construction equipment, materials, or activity shall not be placed within 100 feet of any wetland areas or sensitive habitat.

The Commission finds that, as conditioned, the proposed project will ensure that marine resources and water quality be protected as required by Sections 30230, 30231, 30233 and 30240(b) of the Coastal Act.

C. PUBLIC ACCESS

The project site lies above the water seaward of the first public road. Therefore, a finding must be made that the development is consistent with the public access and recreation policies of Chapter 3 of the Coastal Act.

Section 30210 of the Coastal Act states, in pertinent part:

...maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs...

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.

As discussed previously, the proposed project involves the repair of an existing bridge leading to the Sunset Aquatic Park. The park includes a 276-slip marina, a public boat launch ramp with multiple lanes, boat and trailer parking, car parking areas, a boat repair yard and public picnic areas. If the existing bridge were to fail, there would be no vehicular access to the aquatic park. As such, the proposed project will allow continued access to a public boating facility, thereby maintaining public access and recreation at the subject site.

As stated earlier, construction is anticipated to take approximately 6 weeks to complete and would require complete closure of the bridge from 7:00 am to 5:00 pm Monday through Friday. Closure is required because the corrugated deck panels span the entire width of the bridge deck and can only be feasibly replaced in whole sections.

Construction is scheduled to take place during the spring months and not during the “peak ” coastal recreation season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year.

While developing the repair project, County Harbors, Beaches and Parks (HBP) staff informed the shipyard operator, day use boat owners, and live-aboard boat owners. County staff also

conducted a public meeting for the condominium owners and HOA at the Seabridge complex. Many Seabridge residents dock boats at the Sunset Aquatic Park. No objections were received. To further notify interested parties and potential users, the project contractor is required to install warning signs of bridge closure and detour information two weeks prior to beginning of work.

Several options were evaluated for alternative vehicular access during the repair project but were determined to be infeasible. The County determined that alternate access across the channel maintenance road on top of the levee would be too narrow (15 feet) for safe use by the general public. Access from the Wildlife Refuge would result in unacceptable habitat impacts.

A boat dock at Peters Landing will provide alternate waterway access to the aquatic park during periods of bridge closure. Emergency services will be provided by the Orange County Sheriff's Department Harbor Patrol, which has a 24hr/day manned presence at the Sunset Aquatic Park.

In order to mitigate the temporary impacts to public access, the Commission has imposed Special Condition No. 3, which requires that construction take place during the winter months and not during the "peak" coastal recreation season and that access to the Sunset Aquatic Park be made available in the morning and evening on a daily basis, and on weekends and holidays.

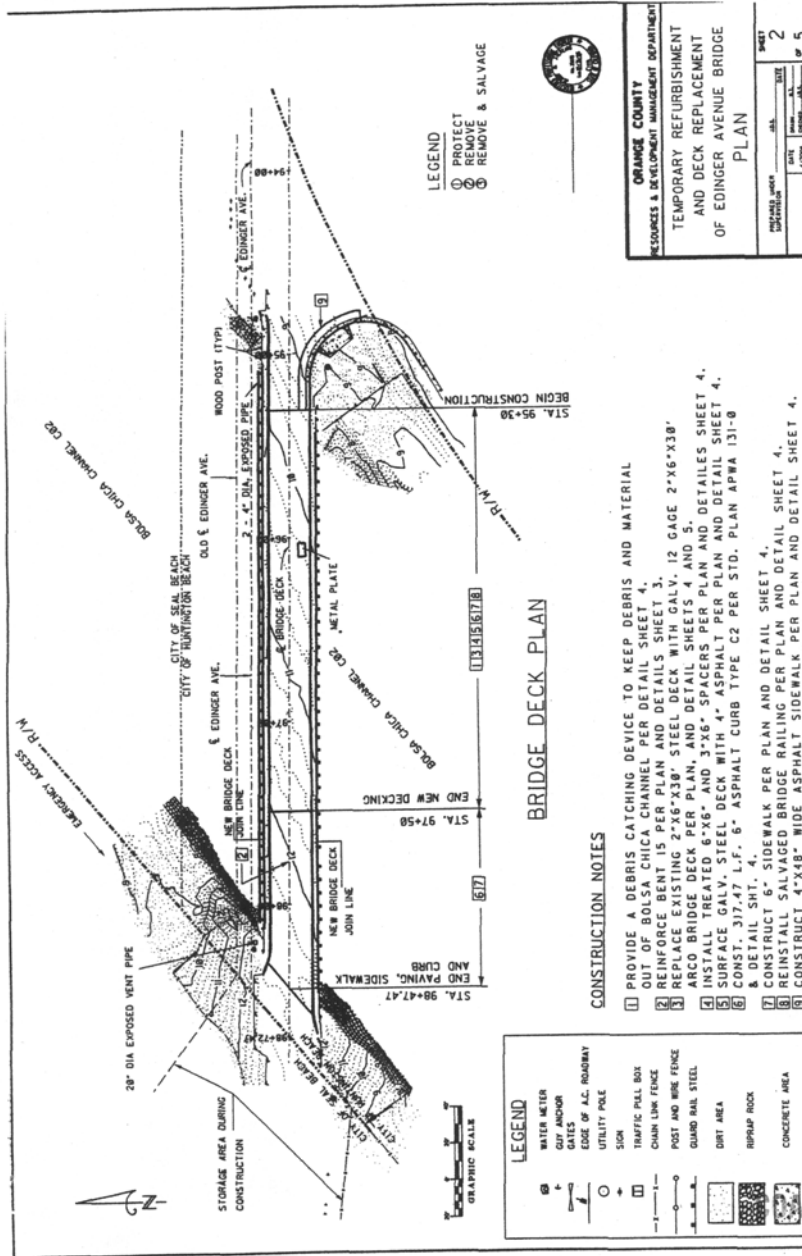
As conditioned by this permit the bridge repair and reinforcement will not have a significant adverse impact to public access. In fact, the repair work will allow for continued safe access to the Sunset Aquatic Park. Therefore, for the reasons stated above, the proposed project, as conditioned, is consistent with Sections 30210 and 30213 of the Coastal Act.

D. 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. An LCP for the City of Huntington Beach was effectively certified in March 1985. However, the proposed development is occurring within an area of the Commission's original permit jurisdiction, due to the project location seaward of the mean high tide line. Consequently, the standard of review is the Coastal Act and the City's LCP is used only as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



LEGEND

⊗	WATER METER
⊕	GUY ANCHOR
—	EDGE OF A.C. ROADWAY
○	UTILITY POLE
□	SIGN
—	TRAFFIC PALL BOX
—	CHAIN LINK FENCE
—	POST AND WIRE FENCE
—	GUARD RAIL STEEL
—	DIRT AREA
—	RIPPRAP ROCK
—	CONCRETE AREA

- CONSTRUCTION NOTES**
- 1 PROVIDE A DEBRIS CATCHING DEVICE TO KEEP DEBRIS AND MATERIAL OUT OF BOLSA CHICA CHANNEL PER DETAIL SHEET 4.
 - 2 REINFORCE BENT 15 PER PLAN AND DETAILS SHEET 3.
 - 3 REPLACE EXISTING 2"x6"x38" STEEL DECK WITH GALV. 12 GAGE 2"x6"x38" ARCO BRIDGE DECK PER PLAN, AND DETAIL SHEETS 4 AND 5.
 - 4 INSTALL TREATED 6"x6" AND 3"x6" SPACERS PER PLAN AND DETAILS SHEET 4.
 - 5 SURFACE GALV. STEEL DECK WITH 4" ASPHALT PER PLAN AND DETAIL SHEET 4.
 - 6 CONST. 317.47 L.F. 6" ASPHALT CURB TYPE C2 PER STD. PLAN APWA 131-B & DETAIL SHT. 4.
 - 7 CONSTRUCT 6" SIDEWALK PER PLAN AND DETAIL SHEET 4.
 - 8 REINSTALL SALVAGED BRIDGE RAILING PER PLAN AND DETAIL SHEET 4.
 - 9 CONSTRUCT 4"x18" WIDE ASPHALT SIDEWALK PER PLAN AND DETAIL SHEET 4.

BRIDGE DECK PLAN

ORANGE COUNTY
 RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT

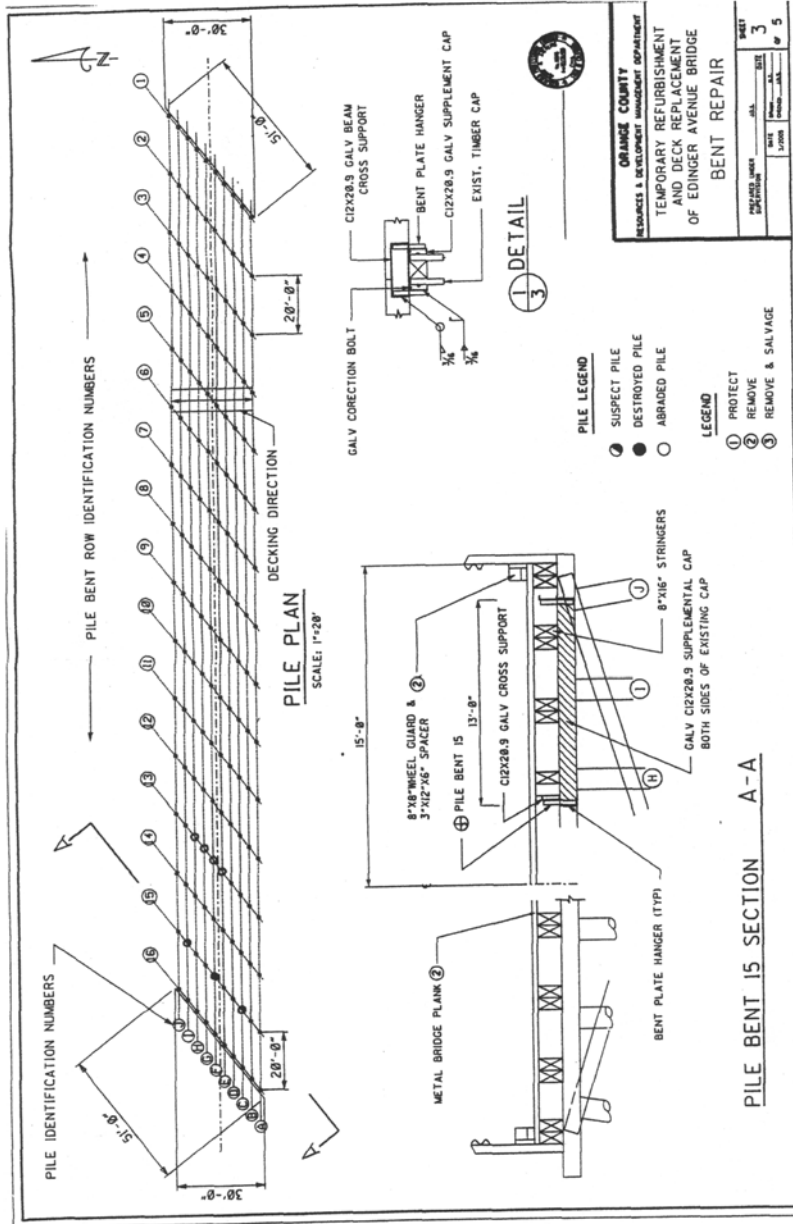
TEMPORARY REFURBISHMENT
 AND DECK REPLACEMENT
 OF EDINGER AVENUE BRIDGE

PLAN

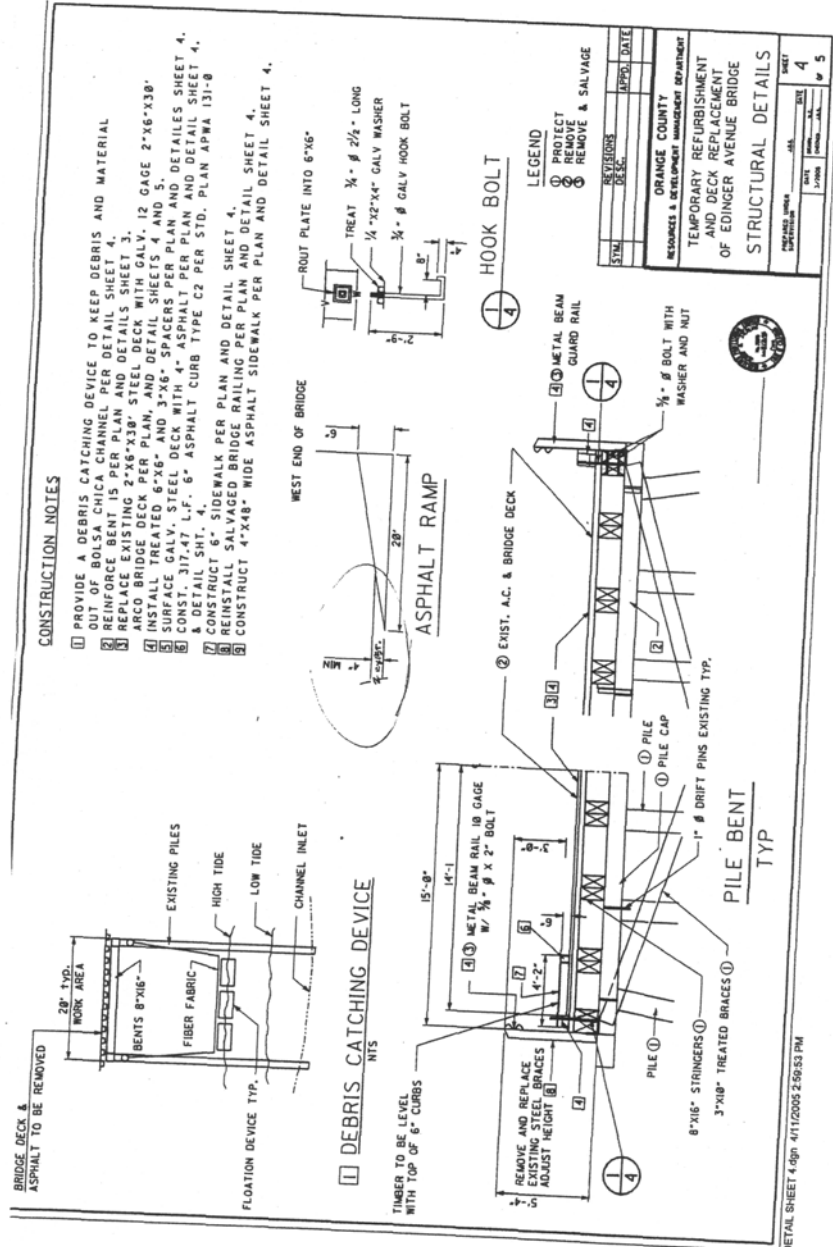
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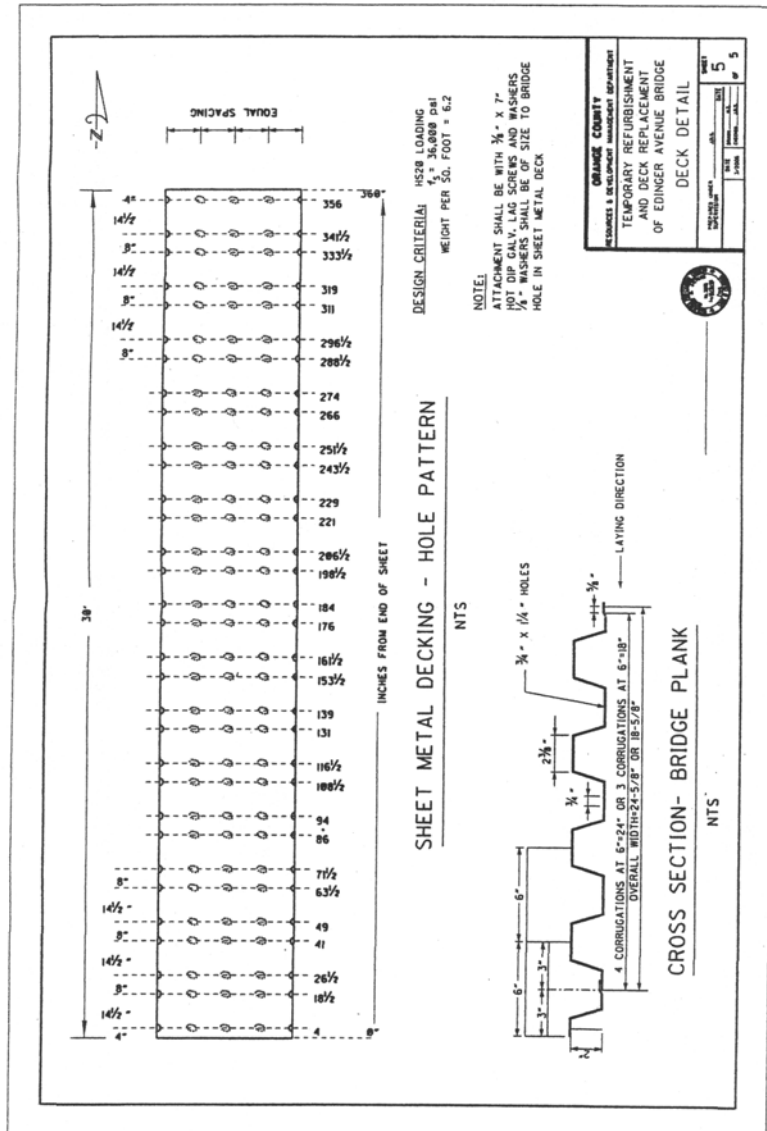
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