

CALIFORNIA COASTAL COMMISSION

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**Th16c**

Filed: December 8, 2006
49th Day: January 26, 2007
180th Day: June 6, 2007
Staff: Karl Schwing-LB
Staff Report: April 19, 2007
Hearing Date: May 9-11, 2007
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-06-300

APPLICANT: Crystal Cove State Park, Resource Management
Attn: David Pryor

PROJECT LOCATION: Crystal Cove State Park, 8471 Pacific Coast Highway,
Laguna Beach, Orange County

PROJECT DESCRIPTION: Construction of an approximately 204 foot long, 5 foot wide pedestrian boardwalk that will provide a connection from the Pelican Point park entry at Pacific Coast Highway to the existing trail network. Approximately 573 square feet of native vegetation will be removed to install the boardwalk which will be offset by planting approximately 9,100 square feet of coastal sage scrub habitat adjacent to the boardwalk.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing to install a new pedestrian boardwalk within Crystal Cove State Park at one of the Parks' primary entryways, Pelican Point. The boardwalk would connect sidewalks along Pacific Coast Highway with the internal trail network. The primary purpose of the trail is to improve public safety by encouraging pedestrians to enter the park via this new boardwalk, rather than by walking within the existing vehicle travel lane that vehicles use to enter the park. The project will result in impacts to some existing coastal sage scrub habitat that is not occupied by California gnatcatcher. These impacts will be offset with a significant coastal sage scrub creation and enhancement project in an area adjacent to the trail where non-native plants have previously been removed.

Staff recommends the Commission **APPROVE** the proposed development with special conditions requiring 1) an agreement that future development be reviewed by the Commission; 2) use of construction best management practices (BMPs); 3) preparation and implementation of a final coastal sage scrub restoration and monitoring program; and 4) submission of final revised plans incorporating all the requirements of the special conditions.

SUBSTANTIVE FILE DOCUMENTS: Crystal Cove Public Works Plan (1982); Coastal Development Permit Application 5-01-269 (Crystal Cove Historic District Interim Plan); 5-04-060 (California Department of Parks and Recreation); PWP 4-82-14 Crystal Cove Public Works Specific Project.

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP No. 5-06-300 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 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 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. **Future Improvements**

This coastal development permit (5-06-300) is only for the proposed development, as expressly described and conditioned herein. Any non-exempt future improvements or development shall be submitted for Commission review or review by the appropriate delegated local authority and shall not commence unless Commission approval or the approval of the appropriate delegated local authority is granted. New development, unless exempt, shall require an amendment to this permit, a new coastal development permit from the Coastal Commission or its successor agency, or may be processed as a Public Works Plan Specific Project pursuant to Section 30606 of the Coastal Act.

2. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris**

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

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter sensitive upland habitat or streams/wetlands, storm drain, receiving waters, or be subject to wind erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction related materials, sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project.
- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed at a debris disposal site outside the coastal zone.
- (e) All sensitive habitat areas shall be identified with temporary fencing by a qualified biologist prior to the commencement of construction activities.
- (f) 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 50 feet of coastal sage scrub that could result in disturbances to California gnatcatcher (*Poliophtila californica*). 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 coastal development permit or

unless an amendment to this coastal development permit for such disturbance has been obtained from the Coastal Commission.

- (g) Except for habitat restoration pursuant to the Final Coastal Sage Scrub Restoration and Monitoring Program approved by the Executive Director pursuant to Special Condition No. 3, no development, including but not limited to removal of coastal sage scrub and installation of the boardwalk, may occur during the gnatcatcher breeding season (considered to be from February 15 through August 31).
- (h) During the non-breeding season (September 1 through February 14), ESHA defined by historical gnatcatcher use shall be shielded from the sight and sound of construction activities taking place within 50 feet of the ESHA.
- (i) Staging/stockpile areas shall be confined to designated fenced areas located outside of designated ESHA and buffers to prevent damage to ESHA.

3. Final Coastal Sage Scrub Restoration and Monitoring Program

- A. PRIOR TO COMMENCEMENT OF THE CONSTRUCTION AUTHORIZED BY THIS COASTAL DEVELOPMENT PERMIT, the applicant shall develop, in consultation with the California Department of Fish and Game and U.S. Fish and Wildlife Service as appropriate, and submit for review and written approval of the Executive Director, a final detailed habitat restoration and monitoring program to offset proposed coastal sage scrub impacts. Required restoration shall be at a minimum ratio of 2:1 (restoration to impact). Supplementary restoration may be identified in the restoration and monitoring program, but would not be treated as a required component of the mitigation. A qualified biologist for restoration and monitoring of the coastal sage scrub restoration site shall design the restoration and monitoring program. The restoration and monitoring program shall at a minimum include the following:
 - 1. Plans for site preparation and preservation of native seed bank;
 - 2. Restoration plan including reference site identification and description (see #4 below), planting design, plant palette, source of plant material, plant installation schedule, watering, erosion control, soil fertilization and weed abatement;
 - 3. Use of native plant species appropriate to the habitat type and use of locally native plant stock;
 - 4. Final Success Criteria. The restoration will be considered successful if the overall species composition and the vegetative cover of the dominant perennial species are similar to relatively undisturbed vegetation of the same type in a nearby reference area(s). The Army Corps of Engineers “50/20” rule shall be used to determine dominance. Species composition shall be considered similar if all the dominant species and at least 80% of the non-dominant species at the reference site are present at the restored site. The vegetative cover of dominant species at the restoration and reference sites will be compared with an appropriate statistical test. Random sampling of the restoration and reference sites will be done with sufficient replication to detect a 10% absolute difference in cover with 90% power with $\alpha=0.10$. The cover of dominant species will be considered similar if there is no statistical difference ($P>0.10$) in the average cover of each dominant species between the two sites; or, if there is a statistically significant difference, it is no greater than 10% absolute cover;

5. The sampling design to be employed, an estimate of the sample variance, and a statistical power analysis to estimate the necessary number of samples to meet the requirements specified above. Power analysis software is available commercially and on the world wide web (e.g, <http://www.stat.uiowa.edu/~rlenth/Power/index.html>).
 6. Provisions assessing the initial biological and ecological status of the “as built” restoration site within 30 days of establishment of the restoration site in accordance with the approved restoration program. The assessment shall include an analysis of the attributes that will be monitored pursuant to the program, with a description of the methods for making that evaluation.
 7. Provisions for monitoring and remediation of the restoration site in accordance with the approved final restoration program for a period of five years or until it has been determined that success criteria have been met or have failed to be met, whichever comes first.
 8. Provisions for submission of annual reports of monitoring results to the Executive Director for the duration of the required monitoring period, beginning the first year after submission of the “as-built” assessment. Each report shall include copies of all previous reports as appendices. Each report shall be a cumulative report that summarizes all previous reports. Each report shall document the condition of the restoration with photographs taken from the same fixed points in the same directions. Each report shall also include a “Performance Evaluation” section where information and results from the monitoring program are used to evaluate the status of the restoration project in relation to the performance standards.
 9. Provisions for submission of a final monitoring report to the Executive Director at the end of the reporting period. Final performance monitoring shall take place after at least three years without remediation or maintenance other than weeding. The performance monitoring period shall either be five years or three years without maintenance or remediation, whichever is longer. The final report must be prepared in conjunction with a qualified biologist. The report must evaluate whether the restoration site conforms to the goals, objectives, and performance standards set forth in the approved final restoration program. The report must address all of the monitoring data collected during the period until the final success criteria are met or over the five-year period, whichever comes first.
- B. If the final report indicates that the restoration project has been unsuccessful, in part, or in whole, based on the approved performance standards, the applicant shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program that were necessary to offset project impacts which did not meet the approved performance standards. The revised restoration program, if necessary, shall be processed as an amendment to this coastal development permit.
- C. The permittee shall monitor and remediate the Coastal Sage Scrub restoration site in accordance with the approved monitoring program, including any revised restoration program approved by the Commission or its staff. Any proposed changes to the approved monitoring program shall be reported to the Executive Director. No changes to the approved monitoring program shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Final Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and approval of the Executive Director, final plans that substantially conform to the preliminary plans submitted by the applicant on March 28, 2007 and indicate the final layout of all development including but not limited to grading, structures and foundations, signs, interpretive amenities, and habitat restoration. 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. PROJECT LOCATION, BACKGROUND AND DESCRIPTION

1. Project Location

Crystal Cove State Park is located in Orange County between the communities of Corona del Mar in Newport Beach to the north and Laguna Beach to the south (Exhibit 1). The 2,791-acre State Park includes a 3.25-mile long coastal section west of Pacific Coast Highway (PCH) and several inland areas. The proposed project site is located seaward of the intersection of Pacific Coast Highway and Newport Coast Drive at one of the parks main entryways at Pelican Point. Vertical public access to the beach is available using the trail network seaward of PCH. Lateral public access is available along the public beach that is part of the State Park.

2. Project Description

The applicant is proposing to construct an approximately 204 foot long, 5 foot wide pedestrian boardwalk that will provide a connection from the Pelican Point park entry to the existing trail network. A minor amount of grading will be necessary to make the area level for the boardwalk. The boardwalk will be constructed of pressure treated wood. A post and cable fence will be installed along the length of the boardwalk to confine users to the walkway. The applicant is also proposing to install several interpretive and directional signs.

About 573 square feet of coastal sage scrub habitat that the applicant identifies as 'medium quality' will be removed in order to install the boardwalk. The trail will also pass through an area that was previously cleared of non-native stands of Acacia and black mustard and left with a mulch cover. The applicant proposes to offset the impact to coastal sage scrub by planting approximately 9,100 square feet of coastal sage scrub habitat adjacent to the boardwalk within the previously cleared area.

B. STANDARD OF REVIEW AND CONSISTENCY WITH THE CRYSTAL COVE PUBLIC WORKS PLAN

Section 30605 of the Coastal Act provides, in pertinent part, that:

Where a plan for a public works or state university or college or private university development project has been certified by the commission, any subsequent review by the commission of a specific project contained in the certified plan shall be limited to imposing conditions consistent with Sections 30607 and 30607.1.

Section 30606 of the Coastal Act states:

Prior to the commencement of any development pursuant to Section 30605, the public agency proposing the public works project, or state university or college or private university shall notify the Commission and other interested persons, organizations, and governmental agencies of the impending development and provide data to show that it is consistent with the certified Public Works Plan or Long Range Development Plan. No development shall take place within 60 working days after the notice.

Section 13359 of the Commission's Administrative Regulations states:

(b) The Commission shall...determine whether the proposed development is consistent with the certified public works plan...

The Crystal Cove Public Works Plan (PWP) was approved by the Commission with conditions on May 20, 1982. Conditions were met on August 26, 1982. A few amendments to the PWP have occurred since its initial approval. The most recent PWP amendment was authorized in June 2003 (PWP-4-82-A2) and involved an update that replaced the Crystal Cove Historic District Development and Public Use Plan and On-Site Maintenance Program with the Crystal Cove Historic District Preservation and Public Use Plan. The PWP includes the Crystal Cove State Park General Plan, the On-Site Maintenance Plan and the Crystal Cove State Park Historic District Development and Public Use Plan. Section 30605 of the Coastal Act, cited above, establishes the standard of review. The first threshold question is whether the specific project is contained in the PWP. If it is, then the Commission's review is limited to the imposition of conditions. The Commission cannot deny a project that it previously certified as part of the PWP; however, the Commission can regulate the manner in which the project is carried out to bring it into conformance with the PWP. Once it is determined that a project is contained in the PWP, the second question is whether or not the project is consistent with the PWP.

The applicant determined that the proposed project is not contained in the PWP. The applicant chose to submit the project for a coastal development permit. The Commission finds that the proposed project was not previously contemplated and is therefore not contained in the PWP. The Coastal Act will serve as the standard of review for the proposed project, with the Crystal Cove Certified PWP serving as guidance.

C. BIOLOGICAL RESOURCES

Section 30240 of the Coastal Act states:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (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.*

Section 30107.5 of the Coastal Act defines Environmentally sensitive areas (a.k.a. Environmentally Sensitive Habitat Areas) as follows:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30250 (a) of the Coastal Act states in relevant part:

(a) New...development...shall be located...where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

1. Existing Biological Conditions

Crystal Cove State Park (CCSP) contains some of the last remaining undeveloped coastal property in Southern California and has three miles of coastline, wooded canyons, brush-covered bluffs, several creeks and offshore waters designated as an underwater park. The bluffs and terraces seaward of the subject site support southern coastal bluff scrub and coastal sage scrub. Additionally, two rare plant species are known to occur on the coastal terrace, including many-stemmed dudleya and Turkish rugging. However, these species aren't known to be present within the footprint of the proposed boardwalk.

The biological assessment conducted by State Park biologists identifies coastal sage scrub habitat within the footprint of the proposed boardwalk and in the immediate vicinity. Within the 5 foot wide, 204 foot long corridor of the proposed boardwalk, the applicant has documented native plant species coverage, as follows: *Artemesia californica* (10% to 40% cover), *Eriogonum fasciculatus* (0% to 20% cover), *Encelia californica* (0% to 10% cover), *Isocoma menziesii* (0% to 2% cover), *Hemizonia fasciculata* (0% to 20% cover), *Brassica nigra* (0 to 15% cover), *Meliolotus indica* (0 – 60% cover), *Centaurea melitensis* (0 – 10% cover).

While the Commission has generally found that coastal sage scrub should not always be identified as sensitive habitat, the Commission usually identifies areas that are utilized by or necessary for the survival of California gnatcatcher as environmentally sensitive habitat areas (ESHAs). Coastal sage scrub near the site is occupied by California gnatcatcher. This nearby habitat does meet the definition of ESHA because it is a large, unfragmented area where the plant composition and height meet documented gnatcatcher preferences and is occupied by gnatcatcher. However, the CSS located within and adjacent to the proposed pedestrian boardwalk is not. The applicant recognizes that the area may be used for foraging by gnatcatcher. The applicant identifies the approximately 1 acre piece of land where the proposed project is occurring as an isolated segment of CSS that hasn't been attractive to

gnatcatchers as a nesting area due to the presence of automobile traffic on three sides and foot traffic on the fourth side. The applicant describes the vegetation on the site as having low plant height and density likely due to high nitrogen levels in the soil and soil compaction caused by the presence of stabled horses at the site prior to its inclusion in the State Park. The applicant reports that California gnatcatcher has a biological preference for a certain density of foliage (usually California sage), at about one meter high and that little of the vegetation where the proposed trail would be installed contains CSS of this type. Based on the factors listed above, the Commission finds that this area where the trail is proposed wouldn't be considered ESHA under the Coastal Act.

2. Effects Upon Coastal Sage Scrub

Development that would result in removal of CSS is limited to the 204 foot long, 5 foot wide corridor. Of the 204 linear feet, only 115 linear feet is occupied by native plant species; the remaining 89 linear feet is bare ground with a mulch cover. Construction of the boardwalk would require removal of all of the native vegetation within the corridor (approximately 573 square feet of native vegetation removal). However, the applicant is proposing to offset the impact by restoring approximately 9,100 square feet of coastal sage scrub habitat within the remaining bare ground areas adjacent to the proposed trail. Existing native plants in the trail corridor are proposed to be salvaged and re-planted in the restoration area wherever feasible. In addition, the applicant is proposing to collect and use locally native seed. Additional details of the proposed restoration are outlined in a letter from the applicant dated December 4, 2006.

3. Consistency with the Coastal Act and the PWP

Although the Commission has concluded that the stand of CSS that is subject to impacts in this proposal is not ESHA, it remains that this habitat is a sensitive coastal resource and that impacts to that resource must be mitigated pursuant to Section 30250(a) of the Coastal Act. In the Commission's approval of Crystal Cove Public Works Specific Project PWP 4-82-14 for work at the Historic District, the Commission identified the following standard for such impacts: ... *Development affecting CSS habitat that is not being historically utilized for gnatcatcher habitat shall be mitigated at a replacement ration of 2:1 (2 acres replaced for every acre impacted) within the coastal portion (seaward side of PCH) of Crystal Cove State Park.* Based on that standard, the applicant would be required to establish 1146 square feet, to offset the loss of 573 square feet of coastal sage scrub. The applicant is proposing to establish 9,100 square feet of coastal sage scrub, well in excess of the 1146 square feet the PWP would require to offset the impact. The Commission finds the proposed mitigation to be adequate to address Coastal Act requirements.

The proposed restoration is a key element in the Commission's finding that the proposed project is consistent with the Coastal Act. The applicant has submitted a preliminary restoration plan for the proposal, but has not prepared a final habitat restoration plan. The applicant must submit a final restoration plan for the review and approval of the Executive Director. Thus, the Commission imposes Special Condition 3.

In addition, Section 30240(b) of the Coastal Act requires that development adjacent to ESHA be sited and designed to prevent impacts that would significantly degrade those areas, and shall be compatible with the continuance of those habitat areas. Certain measures must be implemented in order to avoid impacts on California gnatcatcher, including biological monitoring and avoiding construction during the breeding season. Therefore, the Commission imposes Special Condition 2 which outlines the construction phase habitat impact avoidance requirements.

Finally, changes to the proposed project and future development associated with the boardwalk could have different impacts upon coastal resources. In order to assure such changes are

presented to the Executive Director for review, the Commission imposes Special Conditions 1 and 4.

As conditioned, the Commission finds the proposed development consistent with Sections 30240 (b) and 30250 of the Coastal Act.

D. COASTAL ACCESS

Section 30604(C) of the Coastal Act requires that the findings for approval of permit applications for development between the nearest public road and the shoreline of any body of water within the coastal zone shall include a public access and recreation finding. The proposed project includes development that is located between the first public road and the sea at Crystal Cove State Park.

The Coastal Act provides that development should maintain and enhance public access to the coast and encourages the provision of lower cost visitor and recreational facilities. The following policies are applicable to the proposal:

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.

Section 30212 of the Coastal Act states, in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities be protected, encouraged and where feasible, provided. It states:

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

Public access and recreation is discussed in the Land Use and Facilities Element of the Certified PWP General Plan as follows:

The emphasis for recreation use at Crystal Cove State Park will be placed on providing a variety of appropriate recreation opportunities to enhance visitor enjoyment of the park.

General Plan objectives #3 and #5 state the following:

- 3. To provide opportunities for a variety of recreational uses of low to high intensity that will be compatible with the surroundings, and consistent with the park purpose.*
- 5. To protect and interpret the significant natural and cultural resources of the park.*

Section 30210 of the Coastal Act encourages the provision of maximum access and recreational opportunities for all the people. In addition, Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities be protected, encouraged and where feasible, provided. The primary purpose of the trail is to improve public safety by encouraging

pedestrians to enter the park via this new boardwalk, rather than by walking within the existing vehicle travel lane that vehicles use to enter the park. The proposed pedestrian boardwalk will maximize public access and recreational opportunities and augment the park, a lower cost visitor and recreational facility. Thus, the proposed project advances Coastal Act goals relative to the preference for and provision of low cost visitor and recreational facilities in the coastal zone. The Commission finds the development consistent with the public access and recreation policies of the Coastal Act.

E. WATER QUALITY

Section 30230 of the Coastal Act states, in pertinent part:

Marine resources shall be maintained, enhanced, and where feasible, restored.

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.

Sections 30230 and 30231 of the Coastal Act require maintenance and restoration of marine resources and ensure that the biological productivity of coastal waters is upheld and restored where feasible. Specially, Section 30231 requires the quality of coastal waters to be maintained though the minimization of adverse effects of, among other things, wastewater discharges. Storm water flows from the project site discharge into coastal waters via direct runoff or via other streams. The coastal waters located directly offshore are within a designated Area of Special Biological Significance (ASBS). As such, special attention must be paid to discharges entering the ocean.

Storage or placement of construction materials, debris, or waste in a location subject to entry into the ocean or streams would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged to coastal waters may cause turbidity that can shade and reduce the productivity of aquatic vegetation and foraging avian and marine species ability to see food in the water column. In order to avoid such impacts, the Commission imposes Special Condition 2, which outlines the applicants construction responsibilities relative to water quality protection.

Only as conditioned does the Commission find that the proposed development is consistent with Sections 30230 and 30231 of the Coastal Act.

F. 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)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives

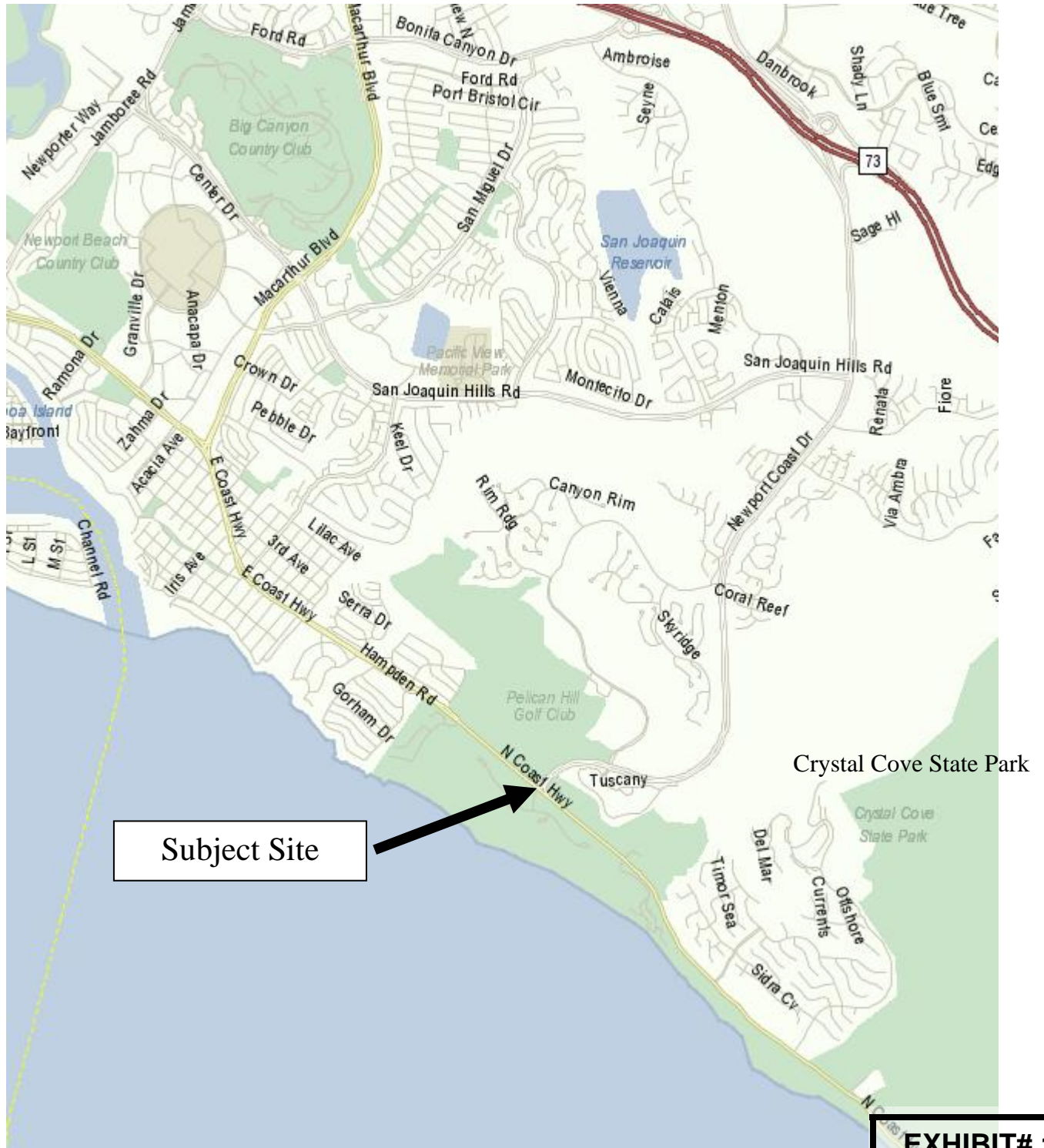
or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The lead agency for CEQA purposes is the California Department of Parks and Recreation (CDPR). CDPR issued a Notice of Exemption on February 28, 2005 citing a number of reasons the project meets requirements for a Categorical Exemption, including that the project will not result in the taking of endangered, rare, or threatened plant or animal species and that it will result in an improvement of habitat for fish and wildlife resources. The Coastal Commission adopts additional mitigation measures in the form of special conditions to address Coastal Act consistency requirements.

The project is located within a State Park. The proposed development has been conditioned as follows to assure the proposed project is consistent with the water quality and sensitive biological resource protection policies of the Coastal Act: 1) an agreement that future development be reviewed by the Commission; 2) use of construction best management practices (BMPs); 3) preparation and implementation of a final coastal sage scrub restoration and monitoring program; and 4) submission of final revised plans incorporating all the requirements of the special conditions. As conditioned, no feasible alternatives or feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with CEQA and the Chapter Three policies of the Coastal Act.

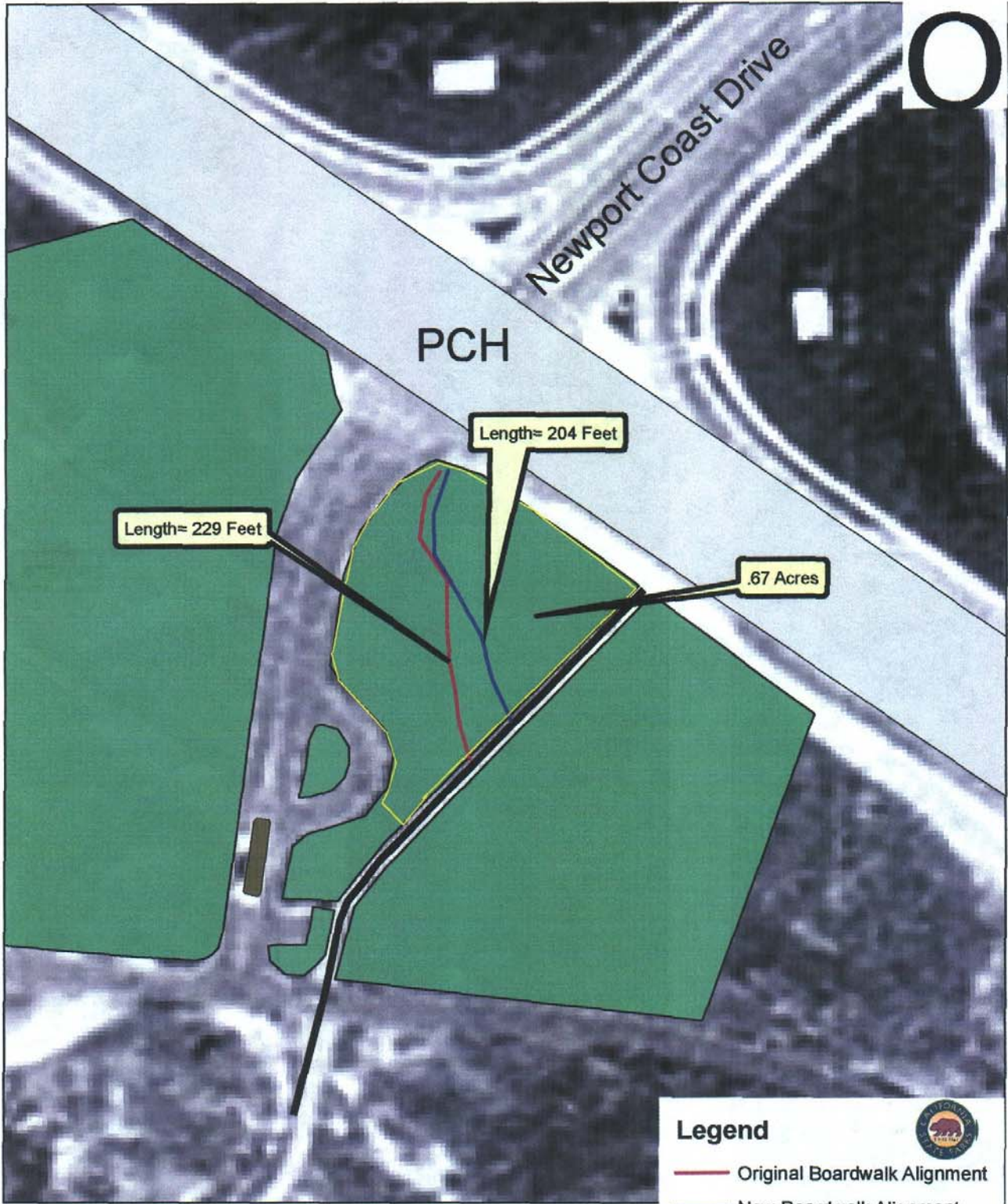
Vicinity Map

Pacific Coast Highway and Newport Coast Drive, Orange County



Subject Site

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 California Coastal Commission



O

Newport Coast Drive

PCH

Length= 229 Feet

Length= 204 Feet

67 Acres

Legend

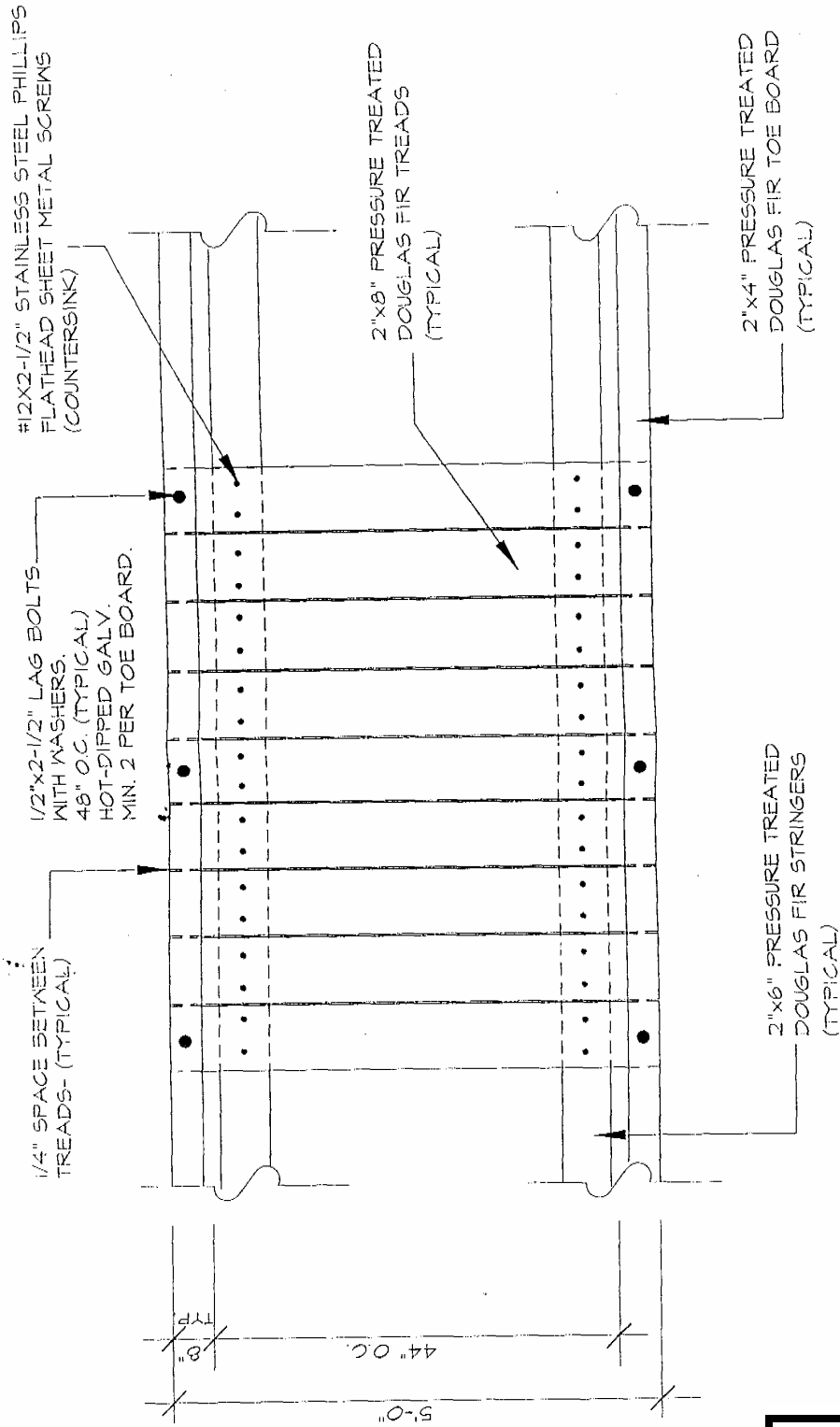
- Original Boardwalk Alignment
- New Boardwalk Alignment
- Old Horse Stables Road
- Pelican Point Kiosk



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California Coastal
 Commission



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BOARDWALK

NTS

Division of Parks and Recreation

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	California Coastal Commission

1/2"X2-1/2" LAG BOLTS WITH WASHERS;
HOT-DIPPED GALV.
48" O.C.(TYPICAL)
MIN. 2 PER BOARD.

4"X6" POST- SEE SECTION DETAIL

2"X6" STRINGER-PTDF
ADJUST LENGTHS TO FIT
CURVES AS FIELD STAKED.
(TYPICAL)

2"X6" DECKBOARD-PTDF
(TYPICAL)

#12X2-1/2" STAINLESS STEEL PHILLIPS FLATHEAD
SHEET METAL SCREWS (COUNTERSINK)

2"X4" TOEBOARD-PTDF (TYPICAL)
ADJUST LENGTHS TO FIT CURVES.

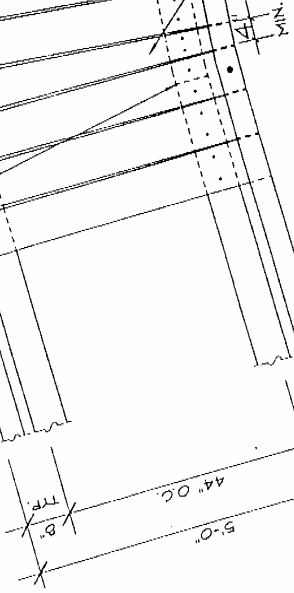
USE ANGLED DECKBOARDS ONLY IF
NECESSARY TO MAKE CURVE; SPACE ANGLED
BOARDS EQUAL DISTANCE AND INTERMITTENTLY.

1/4" SPACING BETWEEN DECK BOARDS AT
INSIDE CURVE EDGE. (TYPICAL)
SEE NOTE (A)

ADJUST SPACING BETWEEN DECKBOARDS
ON OUTSIDE CURVE EDGE ONLY.
SEE NOTE (A)

STAGGER STRINGER
JOINTS.

NOMINAL
1/8"



- NOTES:
- (A) DECK SPACING SHALL BE 1/4" UNLESS VARIABLE SPACING IS CALLED FOR, IN WHICH CASE THE SPACING SHALL BE GREATER THAN OR EQUAL TO 1/4" AND LESS THAN OR EQUAL TO 3/4". KEEP SPACING EQUAL WITHIN EACH CURVE SECTION BY USING PLYWOOD SPACERS (1/4", 3/8", 1/2", 5/8" OR 3/4" PLYWOOD CUT INTO 4"X4" PIECES.)
 - (B) BOARDWALK TO BE CONSTRUCTED WITH PRESSURE TREATED DOUGLAS FIR (PTDF).

OFFICE OF THE STATE ARCHITECT
ACCESS COMPLIANCE SECTION
7 56 9 4 JUN 0 5 1997
APPROVAL of this plan for ACCESS COMPLIANCE
DATE: 6/5/97 BY: [Signature]

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BOARDWALK-CURVE

NTS

Department of Parks and Recreation

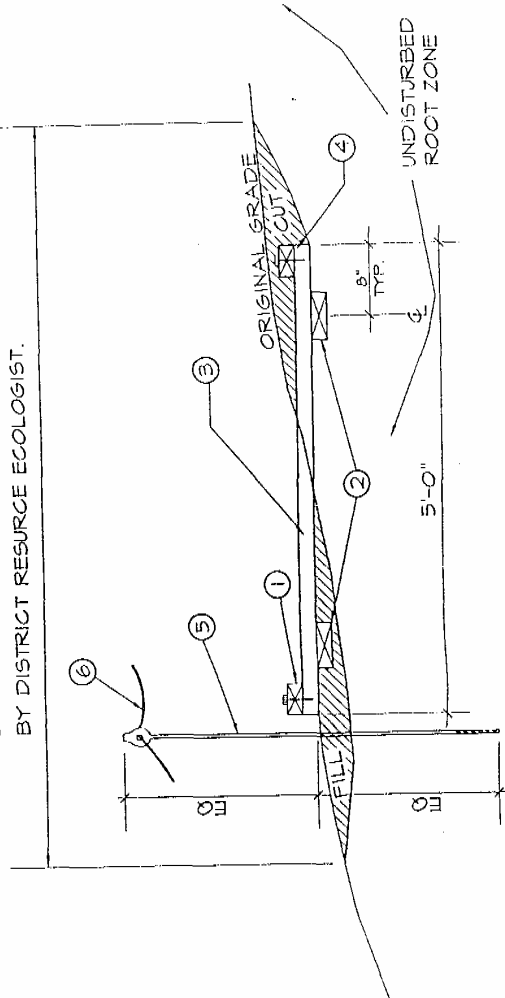
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	California Coastal Commission

- ① 2"X4" TOE BOARD, EACH SIDE -PTDF
- ② 2"X6" STRINGER, EACH SIDE -PTDF
- ③ 2"X8" DECKING -PTDF
- ④ 1/2"X2-1/2" LAG BOLT WITH WASHERS, 48" O.C., SEE PLAN DETAILS
- ⑤ 5/8"X5' GALVANIZED ANCHOR ROD; ABCHANCE 5915 THIMBLEYE. INSTALL BOTH SIDES OF TRAIL (TYPICAL).
- ⑥ 3/8", 7 STRAND GALVANIZED GUY WIRE, UTILITY GRADE.

NOTE:

ALL HARDWARE IS HOT-DIPPED GALV. UNLESS OTHERWISE SPECIFIED.
 ALL WOOD IS PRESSURE-TREATED DOUGLAS FIR (PTDF) UNLESS OTHERWISE SPECIFIED.
 ORIGINAL GRADES VARY ALONG TRAIL ROUTE; CUT AND FILL AS SHOWN ON SECTION IS TYPICAL FOR MOST CROSS-SLOPE
 POST-TO-POST SPACING IS 10'-0" TYP. OR AS NECESSARY TO MAKE TURNS AND CURVES.

LIMIT-OF-WORK IS 8'-0" OR AS APPROVED BY DISTRICT RESOURCE ECOLOGIST.



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OFFICE OF DISTRICT RESOURCE ECOLOGIST
 ACCESS CONSULTING SECTION

7 5 6 9 4 JUN 0 5 1987

APPROVAL: [Signature]

BOARDWALK SECTION

△ NOTE ADDED 4-1-97.

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California Coastal Commission