CALIFORNIA COASTAL COMMISSION

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 Staff:
 AI Padilla-LB

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 Hearing Date:
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 Commission Action:
 10

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-10-30

APPLICANT: California Department of Transportation

AGENT: Mr. Lucien Hersh

PROJECT LOCATION: State Route 47, Wilmington, City of Los Angeles

PROJECT DESCRIPTION: Construct new, approximately 96 foot wide, 4-12 foot wide bridge approach road with 4 12-foot wide lanes and shoulders varying from 2 feet to 10 feet, bridge approach road by realigning the existing approximately 80 foot wide road (Route 47) to the east. The realigned road will overlap portions of the existing roadway and the new roadway will be partly elevated and extend approximately 1,800 feet in length from the City of Los Angeles boundary line, located approximately 240 feet north of the Cerritos Channel to approximately the Pier A West crossing. The new road is part of the proposed Schuyler Heim bridge replacement project which is in the Port of Long Beach's permit jurisdiction.

SUBSTANTIVE FILE DOCUMENTS: Schuyler Heim Bridge Replacement and SR-47 Expressway Project EIS/EIR, May 2009

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **APPROVAL** with special conditions on the basis that the project, as conditioned, conforms with the public access and resource protection policies of the Coastal Act. The Special Condition requires the applicant to submit a landscape plan for the review and approval of the Executive Director.



STAFF RECOMMENDATION:

MOTION: I move that the Commission approve Coastal Development Permit No. 5-10-030 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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. <u>Notice of Receipt and Acknowledgment.</u> 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. <u>Expiration.</u> 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. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

- 4. <u>Assignment.</u> 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. <u>Terms and Conditions Run with the Land.</u> 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. Landscape Plan

A. Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, a landscaping plan. The plan shall be prepared by a licensed landscape architect. To minimize the need for irrigation and to minimize encroachment of non-native plant species into adjacent areas, all landscaping shall consist of native and/or drought tolerant non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council (formerly known as the California Exotic Pest Plant Council), or as may be identified from time to time by the State of California shall be utilized on the property. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. All plants employed on the site shall be drought tolerant (low water use) plants identified by U. C Davis and the State Water Resources Control Board.

B. The permittee shall undertake development in accordance with the final plans approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. <u>Project Description and Location</u>

The applicant proposes to construct a new, approximately 96 foot wide bridge approach road with 4 12-foot wide lanes and shoulders varying from 2 feet to 10 feet. The new bridge approach road will replace the existing approximately 80 foot wide road (Route 47). The realigned roadway will generally follow the existing alignment and will overlap portions of the footprint of the existing roadway. The roadway along the northern section will be at approximately 22 feet at grade and will rise to a maximum height of 62 feet above existing

grade as it approaches the bridge. The approach road will be constructed on 10 foot to 12 foot in diameter piles. The elevated portion of the road way will be partially elevated over an adjacent storage yard of an existing marine cargo terminal.

The proposed roadway realignment is part of the Schuyler Heim bridge replacement and SR-47 Expressway project. The realigned roadway will connect to the Schuyler Heim Bridge replacement bridge once the new bridge has been constructed. The planned 700 foot long, 120 foot wide fixed bridge will span the Cerritos Channel within the Port of Long Beach and will be located immediately to the east of the existing bridge and within a portion of the existing bridge's footprint. The replacement bridge, southern bridge approach road, and approximately 250 feet of the northern approach road, are located in the Port of Long Beach's permit jurisdiction, and the Port is currently processing a Harbor Development Permit (HDP) for that portion of the project (Under Section 30715 of the Coastal Act, the HDP is appealable to the Coastal Commission because it involves a highway which is not principally for internal port circulation). This permit application is only for that portion of the approach road that is outside of the Ports' permit jurisdiction and within the City of Los Angeles. The portion of the proposed road that is within the City of Los Angeles is approximately 1,800 linear feet, and extends from the Citv of Los Angeles/Port of Long Beach boundary line, located approximately 250 feet north of the Cerritos Channel to approximately the Pier A West road crossing, which is the northern end of the proposed project (see Exhibit No. 1).

The construction and demolition of the proposed approach road, as well as the rest of the bridge project will be sequenced to maintain traffic flows during project construction and demolition activities. Construction will begin on the eastern half of the new roadway and bridge and once completed demolition of the existing roadway and bridge will begin. The entire bridge/approach road replacement project is expected to take approximately 2 to 3 years.

The portion of the roadway that is subject to this permit is located in the Wilmington planning area of the City of Los Angeles. The area surrounding the roadway approach is developed with a marine cargo facility and utility facility to the east, and a train railway and oil production field to the west. The area is also developed with a network of roadways (South Henry Ford Avenue, Pier A Way, and Pier A Plaza) that serve the uses in the Port and public marina, located to the west.

The existing Commodore Schuyler F. Heim Bridge (Schuyler Heim Bridge) is a vertical lift structure with a 73-meter (m) (240-foot [ft]) span. It has an 820-ton movable (lift) span that is supported by two crossbraced steel towers suspended by cables, and a pair of 400+-ton counterweights. After the 1994 Northridge earthquake, the Schuyler Heim Bridge was determined to be in need of seismic retrofit improvements. A Project Scope Summary Report (PSSR) was completed in 1998 to program the retrofit project and included the plans, specifications, and engineering estimate (PS&E) for the retrofit. During the PS&E phase, it was determined that replacement of the bridge would be more cost-effective and practical than retrofitting the existing bridge to meet seismic requirements for a major earthquake. Therefore, the retrofit design was halted. Subsequently, in consultation with

the U.S. Coast Guard, Caltrans developed several fixed span bridge alternatives. These alternatives met the project purpose of complying with the 1994 state mandate for Caltrans to strengthen its bridges, and met the need to comply with seismic requirements, reduce potential safety hazards to vehicular and marine traffic, and provide a cost-effective solution to the ongoing deterioration of the bridge.

B. Coastal Access

Section 30210 of the Coastal Act states that:

In carrying out the requirement of <u>Section 4 of Article X of the California Constitution</u>, 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 30211 of the Coastal Act states that:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The propose project is located immediately north of the Port of Long Beach and the Port of Los Angeles, in the Wilmington planning area of the City of Los Angeles. The bridge/Route 47 is vehicle access only and serves as a truck route into and out of the Ports. The bridge/Route 47 does not provide pedestrian or bicycle access and is not planned for such use.

The surrounding area is developed with heavy industrial type uses and Port related uses. The existing bridge/ Route 47 is one of three bridge routes that connect Terminal Island to the mainland. The EIR/EIS states that during the construction period it is not anticipated that the project will have an adverse effect on traffic operations on nearby streets and highways. It is estimated that during the mid-day peak hour, an estimated 2,350 vehicles would use the I-710 and I-110 freeways in times of bridge closure during project construction. The increase in traffic to these freeways is considered low compared to the existing traffic volumes. Levels of service to these alternate routes is not expected to change. A Transportation Management Plan will be prepared and will include:

- Public awareness campaign
- Alternate/detour routes with recommended signing
- Enhancements to existing signing and striping
- Safety and enforcement considerations
- Contingency plans

Furthermore, as stated, construction will be sequenced so that vehicle access along Route 47 will continue uninterrupted through timing of construction and demolition. Once the eastern side of the new roadway is constructed, traffic from the existing roadway will be routed onto the recently constructed portion of the roadway, allowing the demolition of the existing roadway. After demolition, the final western portion of the new roadway will be constructed.

During construction there will be traffic impacts with short-term delays and reduced traffic lanes. However, these impacts will be temporary and will not have a significant impact on coastal access. Public access to existing marinas and other recreational areas within the Ports will continue to be available and uninterrupted through the existing network of surface routes and along the I-710 and I-110 freeways. Furthermore, although it is desirable to provide for public access, such as pedestrian and bicycle paths, along new bridges to enhance access to coastal areas, this bridge and roadway, as with other areas of the Ports, is heavily used by Port trucks and raises a significant public safety issue if pedestrian and/or bicycle access is included. Moreover, there is very limited public coastal access and recreational opportunities found within the Ports of Los Angeles and Long Beach due to their heavy industrial uses, and providing such access in this case will not significantly increase access or recreational opportunities. The Commission, therefore, finds that as proposed the project will not adversely impact coastal access and will be consistent with Section 30211 of the Coastal Act.

C. <u>Development</u>

Water Quality

Coastal Act Section 30231 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.

The proposed project poses a potential source of pollution due to contaminated runoff from the construction and operation of the proposed roadway. According to the EIR/EIS:

The proposed project will comply with NPDES Permit and Statewide Stormwater Permit and Waste Discharge Requirements, which reference and incorporate by reference the current NPDES General Permit for discharges of stormwater runoff associated with construction activities. These permits directly regulate construction and stormwater discharges from facilities owned and operate by Caltrans. The Statewide Construction General Permit is issued by the State Water Resources Control Board...The provision of the Construction General Permit are implemented by each of the Regional Water Boards. The Permit requires a Storm Water Pollution Prevention Plan (SWPPP) that includes Best Management Practices (BMPs) to control erosion and discharge of wastes at the construction site.

According to the EIS/EIR, operational effects to water quality as a result of the project are not expected to be significantly different from existing conditions, since the existing project area is largely covered by impervious surfaces, including the existing roadway. Stormwater runoff from the project will be collected and treated prior to release to remove oil and grease and other hazardous materials. Stormwater runoff will be conveyed through a series of new and existing drainage facilities into the Cerritos Channel. Best Management Practices (BMPs) that

will be incorporated into the project will include biofiltration swales and detention devices. The development, as proposed incorporates design features to minimize site runoff and the effect of construction and post-construction activities on the marine environment, consistent with Federal, State and Local requirements. BMPs will also be implemented during the construction phase to minimize discharge of materials that could degrade water quality.

The applicant has identified three possible equipment and material staging areas. One is located north of the Cerritos Channel and west of Route 47. This location is within an existing oil field. The two other sites are located south of the channel and on either side of Route 47. The one east of Route 47 is located at Pier S, which is currently vacant, but is planned for a marine cargo terminal. The site to the west is also a vacant site and adjacent to an existing marine cargo terminal. The applicant will implement BMPs at the staging areas to ensure that runoff and sedimentation is controlled. With implementation of the above described water quality protection measures and BMPs, the Commission finds that the proposed project is consistent with Sections 30230 and 30231 of the Coastal Act.

Landscaping

Section 30250 of the Coastal Act states in part that:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The surrounding project area is built out with heavy industrial uses with scattered non-native landscaping, such as ice plant, and other non-native vegetation. There are no known native plants in the project area. The section of the roadway that is subject to this permit is over 250 feet from Cerritos Channel and any existing wetland plants that are found along the channel. Potential wetland impacts due to the bridge construction and proposed mitigation measures are addressed in the EIS/EIR and will also be addressed by the Port in their Harbor Development Permit.

The proposed project will include landscaping within the roadway right-of-way. The landscape plan includes the use of native and non-native drought tolerant, non-invasive plants. However, as an alternative, the applicant is considering using rock in place of landscaping to minimize maintenance and provide erosion control for the bare dirt areas. If landscaping is selected as the alternative, to ensure that landscaping consists of native or non-native drought tolerant, non-invasive plants, Special Condition No. 1 requires a final landscape plan, limiting landscaping to native or non-native drought tolerant, non-invasive plants. As conditioned, the proposed project will be consistent with Section 30250 of the Coastal Act.

Sensitive Species

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.

There are no known sensitive species within the project area of this permit. However, the bridge structure, which is within the Port of Long Beach permit jurisdiction and is not part of this permit application, does provide nesting habitat for the American Peregrine Falcon on the north tower of the existing bridge. The American Peregrine Falcon is State listed as an endangered species under the California Endangered Species Act.

The proposed project reviewed under this permit application is over 600 feet from the nesting site of the American Peregrine Falcon. Although the construction of the roadway under this permit is far enough away from the nesting area and will not significantly disrupt nesting activities, the road work will occur at the same time as the proposed bridge construction and demolition, which will impact the nesting site. This impact which is associated with the bridge construction/demolition is addressed in the EIS/EIR and includes avoidance and minimization mitigation measures, such as preconstruction surveys, exclusion or removal of nests from the bridge prior to nesting, and relocating the nest or constructing nesting box in another known nesting site within the Port. Potential Impacts and mitigation measures will be addressed by the Port in their Harbor Development Permit. The proposed development is therefore consistent with Coastal Act Section 30240.

Visual Resources

Section 30251 of the Coastal Act states in part that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The proposed roadway will replace an existing roadway within a developed industrial area of the City of Los Angeles and adjacent to the Ports of Long Beach and Los Angeles. The surrounding area is industrially developed with marine terminals, public utility facilities, oil production fields, transportation routes, and railroad tracks. The terrain is relatively flat and views are generally of the existing industrial facilities and roadways. Because of the projects' location, there will not be any significant impact to any coastal visual resources. Because of the project's location, the project will be compatible with the surrounding uses, and given the scale and bulk of the surrounding development and location of the development, the proposed development will not have any adverse impacts on public coastal views or coastal resources.

Conclusion

The Commission finds that the proposed development, as conditioned by this permit, conforms with Sections 30230, 30231, 30240, 30250 and 30251 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health, and protection of visual resources.

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. The City of Los Angeles has neither a certified LCP nor a certified Land Use Plan for the Wilmington planning area. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project 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.

E. <u>CEQA</u>

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 impact which the activity may have on the environment.

The proposed project is a joint project by the California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) and is subject to State and Federal environmental review requirements. Project documentation, therefore, has been prepared in compliance with both CEQA and NEPA. Caltrans is the lead agency under CEQA. In addition, FHWA's responsibility for environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being, or has been, carried out by Caltrans under its assumption of responsibility pursuant to 23 U.S.C. 327. A Final EIS/EIR (Schuyler Heim Bridge Replacement and SR-47 Expressway Project, May 2009) has been prepared and certified for the project. The EIS/EIR identified impacts regarding water quality, access/traffic, biological resources, air

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quality, and noise impacts. The EIS/EIR identifies measures that would avoid, minimize, or mitigate potential impacts, which will be incorporated into the project.

Alternatives considered in the EIS/EIR included:

- Alternative 1: Bridge Replacement and SR-47 Expressway
- Alternative 2: SR-103 Extension to Alameda Street
- Alternative 3: Bridge Demolition Avoidance
- Alternative 4: Bridge Replacement Only
- Alternative 5: Transportation System Management
- Alternative 6: No Build

According to the EIS/EIR the identification of a preferred alternative was made after careful consideration of all agency and public comments. After comparing and weighing the benefits and impacts of the alternatives, funding availability, and community acceptance, Alternative 1 was identified as the preferred alternative.

There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.









