CALIFORNIA COASTAL COMMISSION
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Th6b

Filed:	7/18/12
180th Day:	1/14/13
Staff:	L. Roman-LB
Staff Report:	7/19/12
Hearing Date:	8/9/12

STAFF REPORT: CONSENT CALENDAR

Application No.:	**5-12-173**
Applicants:	**Mr. and Mrs. Paul Sackin** **Mr. and Mrs. Paul Pryor**
Agent:	Gregory Reid, P.E.
Location:	4011 Figaro Circle and 3341 Bounty Circle, Huntington Beach, Orange County
Project Description:	Repairs to an existing seawall/bulkhead at two separate locations consisting of installation of 7/16 inch thick carbon fiber reinforced vinyl ester resin sheetpile panel along the toe of the existing seawall footing for a total of 225.6 feet and injection of grout to fill the voids beneath the seawall; removal of existing concrete overpour along the toe of the bulkhead footing to allow for the installation of the sheetpile flush along the vertical face of the seawall footing thereby avoiding fill of open coastal waters.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The issues raised by the proposed project and addressed in this staff report relate to impacts upon the marine environment due to soft bottom habitat impacts and the use of plastic materials in the marine environment. The project will result in a net impact of 5.42 square feet of soft bottom habitat that will be mitigated through the restoration of 20.92 square feet of soft bottom habitat on-site, of which a minimum of 10.84 square feet (2:1 mitigation ratio) will be reserved for mitigation for the subject project. No rock/toe-stone is proposed. The project has been conditioned to monitor the plastic sheetpile panels and to amend this permit or apply for a new permit if new information identifies an environmentally superior alternative to plastic. Also as conditioned, the project will not result in significant adverse impacts on water quality or marine habitat. In addition, due to the absence of eelgrass in the project area, and as conditioned, adverse impacts upon eelgrass are not anticipated. A caluerpa taxifolia survey was conducted at the site and none was found.

Staff recommends APPROVAL of the proposed development with special conditions which require: 1) preparation of a Bulkhead Monitoring Plan providing for periodic inspections assessing the continued integrity of the bulkhead's sheetpile reinforcement; 2) applicant to consider the use of alternatives to plastic should such alternative become available in the future; 3) that the mitigation be carried out as proposed; 4) conformance with specific construction responsibilities and debris removal to avoid impacts upon water quality and marine resources; 5) preparation of a pre-construction eelgrass survey to confirm the absence of eelgrass; 6) calurpa taxifolia survey; 7) the applicant to carry out project as proposed including restoration of soft bottom habitat; 8) acknowledgement that permit approval is not a waiver of any public rights at the site.

The City of Huntington Beach has a certified Local Coastal Program ("LCP"). However, the proposed projects are located seaward of the mean high tide line and thus are within the Coastal Commission's original permit jurisdiction area. Therefore, pursuant to Section 30519 of the Coastal Act, the standard of review is the Chapter 3 policies of the Coastal Act. The certified LCP may be used for guidance in evaluating the proposed project for consistency with the Chapter 3 policies of the Coastal Act.

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APPENDICES

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the Coastal Development Permit Applications included in 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:

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

This permit is granted subject to the following 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 on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **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

This permit is granted subject to the following special conditions:

1. **Bulkhead Monitoring Plan.** The permittees shall maintain the bulkhead reinforcement in good condition throughout the life of the development. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval a Bulkhead Monitoring Plan. The permittees, and their successors in interest shall be responsible for carrying out all provisions of the approved Monitoring Plan for as long as the bulkhead reinforcement remains in place. The monitoring plan, at a minimum, shall provide for: (a) regular inspections by a licensed engineer. These inspections shall be performed at least every 2 years; (b) inspections shall examine the exposed portions of the bulkhead reinforcement (to the mud line) for signs of weakness or possible failure, including, but not limited to cracking, bending, splitting, splintering, or flaking. All weak or potential failure areas should be marked on an as-built plan of the bulkhead reinforcement, and there should be photographs and text to explain the nature and extent of each weakness.

   Inspection reports shall be prepared and conveyed to the Executive Director within 30 days of the inspection work. These reports shall provide information on and photographs from the date of the inspection, the name and qualifications of the person performing the inspection, and an overall assessment of the continued integrity of the bulkhead reinforcement. If the inspection identifies any areas where the bulkhead reinforcement has been damaged, the report shall identify alternatives to remedy the damage.

   In the event that any sections of the bulkhead reinforcement are damaged or flaking, the permittees shall notify the Commission within 10 days; and in such event, within 30 days of such notification, submit to the Commission a complete application for any coastal development permit amendment, or new permit, necessary for the repair or replacement of the bulkhead reinforcement.

2. **Alternatives to Plastic.** By acceptance of this permit, the applicant agrees to submit an application for an amendment to this permit or a new coastal development permit if new information becomes available that indicates that plastic has harmful effects on the marine environment, and that environmentally superior, feasible alternative(s) are available. The amendment or new coastal development shall include measures to eliminate or significantly reduce the adverse impacts of the plastic including, if necessary, the replacement of the bulkhead.

3 . **Soft Bottom Mitigation.** By acceptance of this permit, the applicant shall assure that the mitigation shall be carried out as proposed by the removal of concrete overpour at the existing

bulkhead toe at each of the subject sites and that a minimum of 5.74 square feet of mitigation area (2:1 mitigation ratio) at the 4011 Figaro Circle project site shall be reserved as mitigation specific to the project site at 3341 Bounty Circle and shall not be allowed to serve as mitigation for any other project.

4. **Construction Responsibilities and Debris Removal.** The permittee shall comply with the following construction related requirements:

A. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;

B. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;

C. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;

D. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;

E. If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity;

F. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day;

G. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;

H. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;

I. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a Coastal Development Permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;

J. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;

K. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material;

L. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;

M. The discharge of any hazardous materials into any receiving waters shall be prohibited;

N. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;

O. Best Management Practices (BMP's) and Good Housekeeping Practices (GHP's) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and

P. All BMP's shall be maintained in a functional condition throughout the duration of construction activity.

5. **Pre-Construction Eelgrass Survey.** A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. If any portion of the project commences in a previously undisturbed area after the last valid eelgrass survey expires, a new survey is required prior to commencement of work in that area. The survey shall be prepared in full compliance with the "*Southern California Eelgrass Mitigation Policy*" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the eelgrass survey for the review and approval by the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area, which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new Coastal Development Permit.

Post-Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required by this special condition, within one month after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was

adversely impacted. The survey shall be prepared in full compliance with the "*Southern California Eelgrass Mitigation Policy*" Revision 8 (SCEMP) (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the post-construction eelgrass survey for the review and approval by the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in accordance with the SCEMP. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new Coastal Development Permit unless the Executive Director determines that no amendment or new permit is legally required.

6. **Pre-Construction Caulerpa taxifolia Survey.** Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this Coastal Development Permit (the "*project*"), the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate. If any portion of the project commences in a previously undisturbed area after the last valid *Caulerpa taxifolia* survey expires, a new survey is required prior to commencement of work in that area.

   The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service. Within five (5) business days of completion of the survey, the applicant shall submit the survey:

   (1) for the review and approval by the Executive Director; and

   (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043), or their successors.

   If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *Calurpa taxifolia* discovered within the project and buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *Calurpa. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

7 . **Conformance with Proposed Plan.** The applicant shall conform to the plans dated 6/8/2012, received in the Commission's office on 6/20/12, including the restoration of 25.72 square feet of soft bottom habitat at 4011 Figaro Circle (to be used as mitigation for soft bottom impacts at both 4011 Figaro Circle and 3341 Bounty Circle) as described in the *Pre-Construction Marine Biological Assessment for a Seawall Repair Project at 4011 Figaro Circle, Huntington Beach, CA 92649,* prepared by Coastal Resources Management, Inc., dated 2/4/12. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

8 . **Public Rights.** The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION AND DESCRIPTION

The two proposed project sites are located at 4011 Figaro Circle and 3341 Bounty Circle in Huntington Harbor in the City of Huntington Beach, Orange County (Exhibit 1). The sites are not adjacent to one another but are both located within Huntington Harbor. Huntington Harbor was developed in the 1960s constructed using cast in place, reinforced concrete seawall/bulkheads with foundations supported on vertical and battered (i.e., angled) untreated timber piles. Single family residences are located behind the bulkhead and private boat docks associated with the residences are located seaward of the bulkhead.

The City has a certified Local Coastal Program. However, because the proposed development is located seaward of the mean high tide line (seaward of the existing bulkhead), the project falls within the Commission's retained permit jurisdiction. No public access currently exists at the project site. The nearest public access in the area is at a small pocket beach located at the Davenport Drive bridge (approximately two blocks to the south) and also at Sunset County Beach located approximately ¾ mile to the west.

The concrete bulkhead wall is supported by untreated timber piles below the bulkhead footing. In the past 40-50 years since the creation of the Harbor, sediments have settled or eroded away from the toe of the bulkhead and from beneath the bulkhead footing exposing the timber piles. The applicant's engineering consultant has indicated that undermining of the bulkhead footings does not affect the structural integrity of the wall. The exposure does, however, affect the wood piles supporting the bulkhead wall by allowing access by marine wood boring organisms. The wood boring organisms house themselves and feed on the wood piles, which decreases the cross section of the pile, and decreases the pile's ability to support the bulkhead. Damage to the supporting timber piles could lead to bulkhead collapse. If protective measures are not implemented, damage to the bulkhead could result, leading to failure of the bulkhead and damage to the residences landward of the bulkhead. The proposed bulkhead repair is designed to fill in the eroded sediment voids behind the concrete bulkhead footing with grout thereby sealing

the untreated timber piles and protecting them from marine boring organisms, ensuring the necessary support to the bulkhead.

The applicants propose to repair/reinforce the existing bulkhead/seawall foundations on two separate residential lots that front on Huntington Harbour. The bulkhead at the Sackin property is 101' 6" long. The bulkhead at the Sacking property is 124' long. The proposed bulkhead foundation repair includes installation of 7/16th inch thick, 7' 6" tall, marine grade carbon fiber reinforced vinyl ester resin sheetpile panels immediately adjacent to the existing foundation footing of the existing bulkhead. The sheetpile panels are connected by 2 inch by 2 inch carbon fiber reinforced vinyl ester resin interlocks at the toe of the existing bulkhead footing and the top of each panel of sheet pile is proposed to be anchored with bolts into the bulkhead footing to provide support; grout will then be injected behind the sheetpile to fill the voids beneath the bulkhead foundation footing and around the untreated timber piles. Due to the voids and varying mudline depth along the toe of the bulkhead, the actual depth that the panels will extend into the harbor bottom below the bottom of the concrete bulkhead footing will vary. The minimum amount of panel penetration into the harbor bottom for structural stability has been determined to be at least 2.5 feet, as proposed, a minimum embedment of 4' 2" will be achieved at both sites. Project Plans are included as Exhibit 2. No rock/toe-stone is proposed at this time.

The proposed sheetpile panels will be installed using a modified driving hammer from a waterside work platform. No spuds or anchors or other bottom disturbing activities are associated with the work platform. The hammer size and impact is less than that needed to drive steel or PVC sheetpiles due to the material properties of the carbon fiber reinforced vinyl ester resin sheetpiles. Each sheet pile has an interlocking mechanism that acts as a guide to keep the pile aligned while driving and provides for a mechanical attachment at each joint. The sheet piles will attach to the wall footing and extend the entire length of the properties. The piles will terminate at each end of the property. Due to the relatively thin nature of the piles (7/16th inch thick), no special termination or transition is required. Any future protection, repair, or replacement of the bulkheads at the adjacent properties can progress unimpeded by the protective measures proposed at the subject site.

Fill of Coastal Waters - Soft Bottom Impacts

The proposed development will occur in the waters of Huntington Harbour, in an area that is entirely submerged. The proposed placement of the sheetpile panels and interlocks would result in the permanent coverage of 5.42 square feet of soft bottom habitat at the Sackin property and 6.7 sq. ft. at the Pryor property and associated benthic (bottom-dwelling) organisms (a total of 12.12 sq. ft.).

The habitat to be impacted at the subject site consists of soft bottom, containing amphipods and hydroids. These species are common to soft bottom habitat throughout the harbor. No sensitive plant or wildlife species are known to occur within this habitat at the subject site.

To mitigate the loss of soft bottom habitat, the applicant proposes to remove the concrete overpour adjacent to the bulkhead which dates from the time of the bulkhead's original construction in approximately the 1960s. The area of concrete overpour existing and proposed to be removed at the Sackin site is 25.72 sq. ft. and 3.83 sq. ft. at the Pryor property. The area of

concrete overpour was determined through field measurements taken along the bulkhead footings (Exhibit 3). Since the area of concrete overpour being removed exceeds the area of sheetpile being installed at the Sackin property, there will be an increase in soft bottom of 20.3 sq. ft at this property. Conversely, the Pryor property has less area of concrete overpour being removed than sheetpile being installed which results in a net impact to soft bottom of 2.87 sq. ft.

In similar circumstances the Commission has found a mitigation ratio of 2:1 (mitigation to impact) to be acceptable and prefers that mitigation occur on-site and if not possible in the vicinity. The required soft bottom mitigation at the Pryor property (at a 2;1 mitigation ratio) requires creation of 5.74 sq. ft. of newly created soft bottom habitat. The applicants propose to obtain the required 5.74 sq. ft. mitigation from the increase of soft bottom habitat at the Sackin site. The proposed project and mitigation have been reviewed and accepted by the California Department of Fish & Game. After the removal of the previous overpour at both sites and accounting for the required mitigation, the end result of both projects is an overall 14.56 sq. ft. increase of soft bottom habitat in Huntington Harbor.

Thus, the proposed project as conditioned to carry out the proposed mitigation is consistent with the requirements of Section 30233 regarding fill of coastal waters in that the project be an allowable use, the least environmentally damaging feasible alternative, and provides adequate mitigation.

Shoreline Protection

The proposed project involves the fill of coastal waters in the form of the 225.6 linear feet of $7/16^{th}$ inch thick sheet piles and thirty-eight 2 inch by 2 inch interlocks for a total fill amount of 12.12 sq. ft. The purpose of the proposed fill is to protect the existing residences, which is not one of the seven allowable uses enumerated under section 30233 of the Coastal Act. However, Section 30235 of the Coastal Act requires the Commission to approve seawalls and other similar structures when such protection structures are necessary to protect existing primary structures and provided that the protection structures are designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Alternatives considered were: 1) installation of driven sheet piles with rip rap rock at the base; 2) concrete encasement of the existing wood piles in place; 3) the use of steel sheet piles rather than plastic (ester vinyl resin); 4) placement of filter fabric across the void to be held in place by new rock; and 5) repair of individual piles as they become damaged (do nothing alternative). All of the alternatives other than the proposed project would result in greater impacts to the marine environment. Thus, the proposed project is the least environmentally damaging feasible alternative.

The proposed bulkhead reinforcement is necessary to maintain the existing bulkhead and thus to protect the adjacent single family residences. Therefore, the Commission finds that the proposed project is consistent with Section 30235 of the Coastal Act.

Water Quality and Construction Impacts

Due to the proposed project's location in the water, the proposed work may have adverse impacts upon water quality and the marine environment. To address potential adverse impacts to water

quality the applicant has proposed a number of Best Management Practices including: monitoring for adherence to the Regional Water Quality Control Board specifications for discharges limiting the dispersion of any turbidity plume for the duration of construction; if regulatory levels are exceeded work shall stop until turbidity decreases and corrective actions (including reducing the rate of construction activities) are implemented; disposal of all debris and trash in suitable containers on land at the end of each construction day; and prohibition of the discharge of hazardous materials into the waters of Huntington Harbor. In addition, the project has been conditioned to prevent the improper storage of construction equipment and materials during construction and to conform with specific construction responsibilities and debris removal procedures. Thus, the proposed project is consistent with the requirements of Sections 30230 and 30231 regarding protection of coastal waters.

Plastics in the Marine Environment

The Commission has expressed concern about the use of plastic in the marine environment. In past actions, the Commission has accepted plastic for the proposed purpose when monitoring is included and when future alternatives are considered. Consequently the plastic sheet piles must be monitored to ensure that they are maintained in an environmentally safe operating condition and replaced when damage or degradation has occurred. To minimize the potential of the plastic sheet piles breaking apart and entering the water due to damage or deterioration, a special condition is imposed which requires that the project be carefully monitored at least once every two years for the life of the project. Further, the project has been conditioned to require the applicant to submit an application for an amendment to this permit or a new coastal development permit if new information becomes available that indicates that plastic has harmful effects on the marine environment, and that environmentally superior, feasible alternative(s) are available. The Commission has found such conditions necessary in past actions (5-10-106 (Hernandez); 5-03-078 & 5-03-078-A1 (Buchanan), 5-06-436 & 5-06-438 (Tetra Tech, et al).

Eelgrass

An eelgrass survey was conducted on October 25, 2011 for the Sackin property and on April 10, 2012 for the Pryor property as part of the Pre-Construction Biological Survey Assessments prepared by Coastal Resources Management and submitted with the CDP application. The survey found no eelgrass within the projects' vicinity. Due to the ephemeral nature of eelgrass, however, an eelgrass certification is only valid until the next period of active growth. More than a year may elapse before construction commences. Even though the eelgrass inspection indicates that no eelgrass is present, and therefore eelgrass is not expected to be impacted by the proposed project, eelgrass may have established within the project area between the time the survey was conducted and commencement of construction. If eelgrass is present in the project area, adverse impacts from the proposed project could result. Therefore, measures to avoid or minimize such potential impacts must be in place in order for the project to be found consistent with Section 30230 of the Coastal Act. Therefore, the Commission imposes a special condition which requires that a current pre-construction eelgrass survey be conducted within the boundaries of the proposed project during the period of active growth of eelgrass (typically March through October), and which identifies steps to be taken should eelgrass be found onsite via a future survey.

Caulerpa taxifolia
The Pre-Construction Marine Biological Survey Assessment prepared by Coastal Resources Management also surveyed the site for caulerpa taxifolia. None was found at the subject site. However, caulerpa taxifolia surveys are valid for a limited period of time (90 days for *Caulerpa taxilfolia*). Due to the potential that commencement of construction may not occur during the period the survey remains valid, a special condition is imposed which requires a *Caulerpa taxifolia* survey not more than 90 days prior to commencement of construction. If construction does not occur within the respective time periods, subsequent surveys will be required. A special condition is imposed that identifies the procedures necessary to be completed prior to beginning construction in case the survey expires prior to commencement of construction. In addition, the special condition identifies post-construction procedures.

Conclusion
The proposed bulkhead repair project is necessary to protect two existing residences. Section 30235 of the Coastal Act requires the Commission to approve such projects when necessary to protect existing structures and when designed to eliminate or mitigate adverse impacts. A number of alternatives were considered, and the proposed alternative has been found to be the least environmentally damaging alternative. The proposed project includes on-site mitigation that would result in the typically required 2:1 ratio. As proposed and conditioned, measures will be in place to protect water quality during and after construction. Also, as conditioned, surveys will be conducted pre- and post- construction to assure that any unanticipated impacts to eelgrass that may occur are addressed and to assure that the project will not result in the spread of the invasive algae caluerpa taxifolia. Therefore, as proposed and conditioned, the Commission finds that the proposed project is consistent with Sections 30210, 30231, and 30233 regarding protection of the marine environment.

B. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed the development, as conditioned, conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. 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 Land Use Plan for the Sunset Beach was effectively certified on in 1982 and updated in 1992, however, Sunset Beach was annexed into the City of Huntington Beach effective August 2011. The City of Huntington Beach has since submitted an LCP Amendment to incorporate the Sunset Beach area into the City of Huntington Beach LCP. In the interim, Chapter 3 of the Coastal Act is the standard of review and the previously certified Sunset Beach LCP may be used as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local

government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Huntington Beach is the lead agency responsible for CEQA review. As determined by the City, this project is categorically exempt from CEQA as a Class 1; Section 15301 exemption. As conditioned, there are no additional feasible alternatives or additional feasible mitigation measures available which will substantially lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified possible impacts, is consistent with CEQA and the policies of the Coastal Act.

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

1) City of Huntington Beach Local Coastal Program

2) City of Huntington Beach Approval in Concept dated 7/9/12

3) City of Huntington Beach CEQA Exemption dated 7/9/12

4) Coastal Resources Management, Inc., 4 February 2012, “Pre-Construction Marine Biological Assessment for a Seawall Repair Project at 4011 Figaro Circle, Huntington Beach, CA 92649”

5) Coastal Resources Management, Inc., 17 June 2012, “Pre-Construction Marine Biological Assessment for a Seawall Repair Project at 3341 Bounty Circle, Huntington Beach, CA 92649”

6) CDP 5-10-004(Hernandez), 5-12-006(Nielsen), 5-12-007(Wirtz), and 5-12-019(Nichols)

Figure 1a. Project Location. 3341 Bounty Circle, Huntington Beach, CA

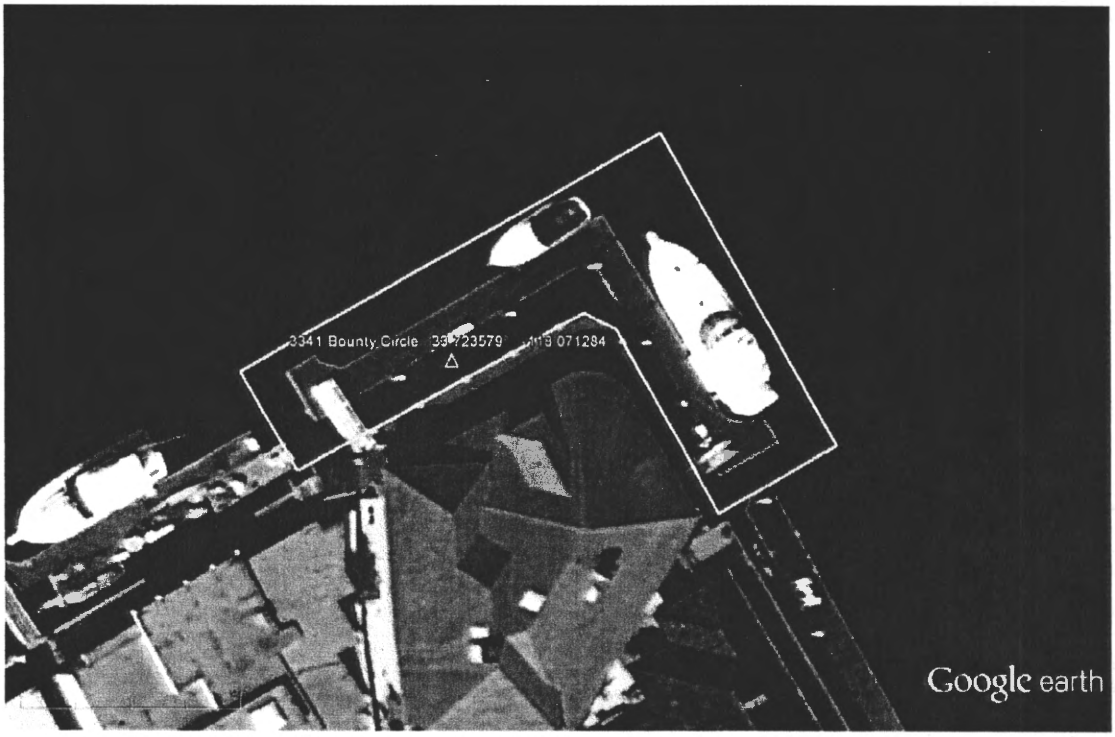


Figure 1b. Project Area, Existing Dock and Location

Coastal Resources Management, Inc. PMB 327, 3334 E. Coast Highway, Corona del Mar , CA 92625
(949) 412-9446 (949) 675-2970 (fax) email rware.crm@earthlink.net

Figure 1a. 4011 Figaro Circle Project Location

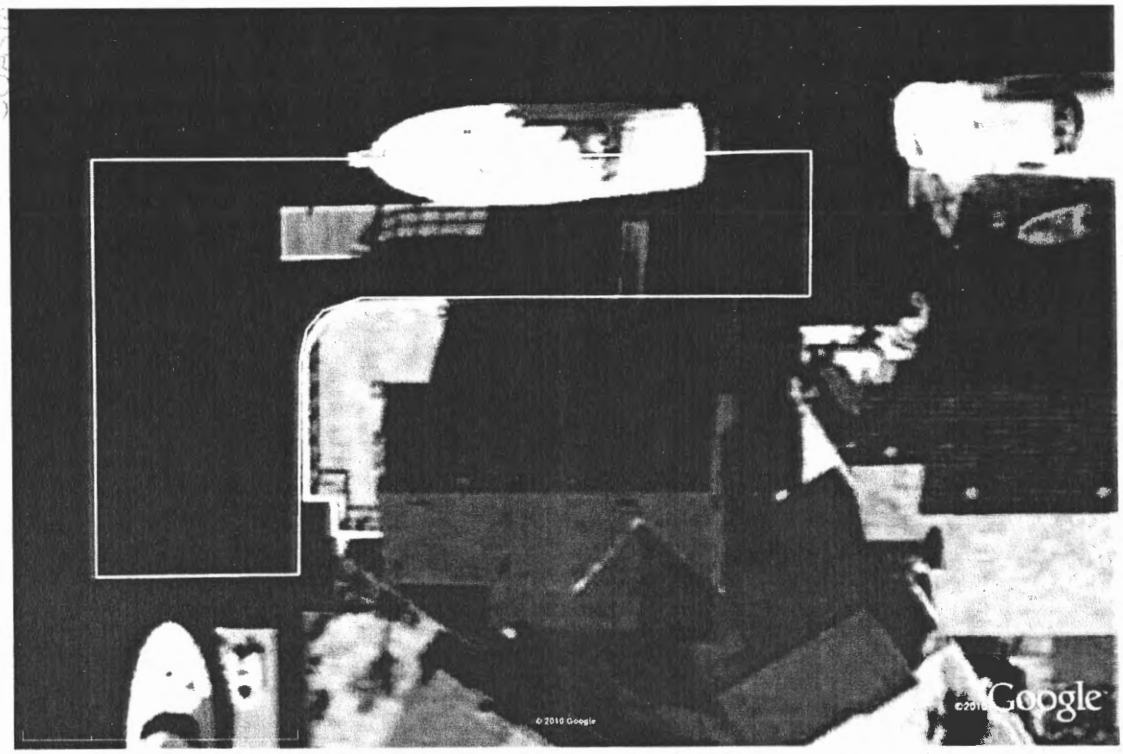
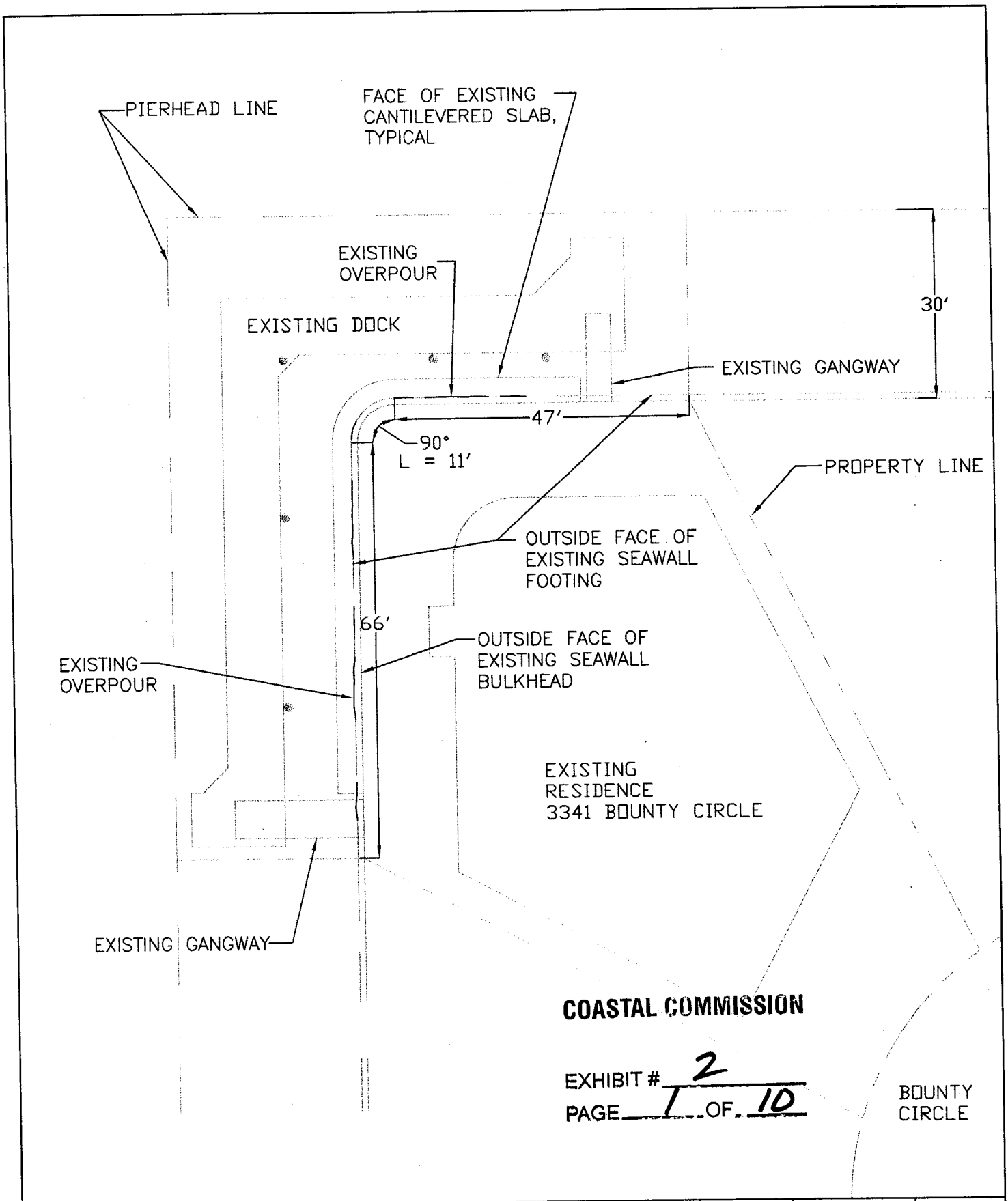


Figure 1b. 4011 Figaro Circle Project Survey Area



COASTAL COMMISSION

EXHIBIT # 2

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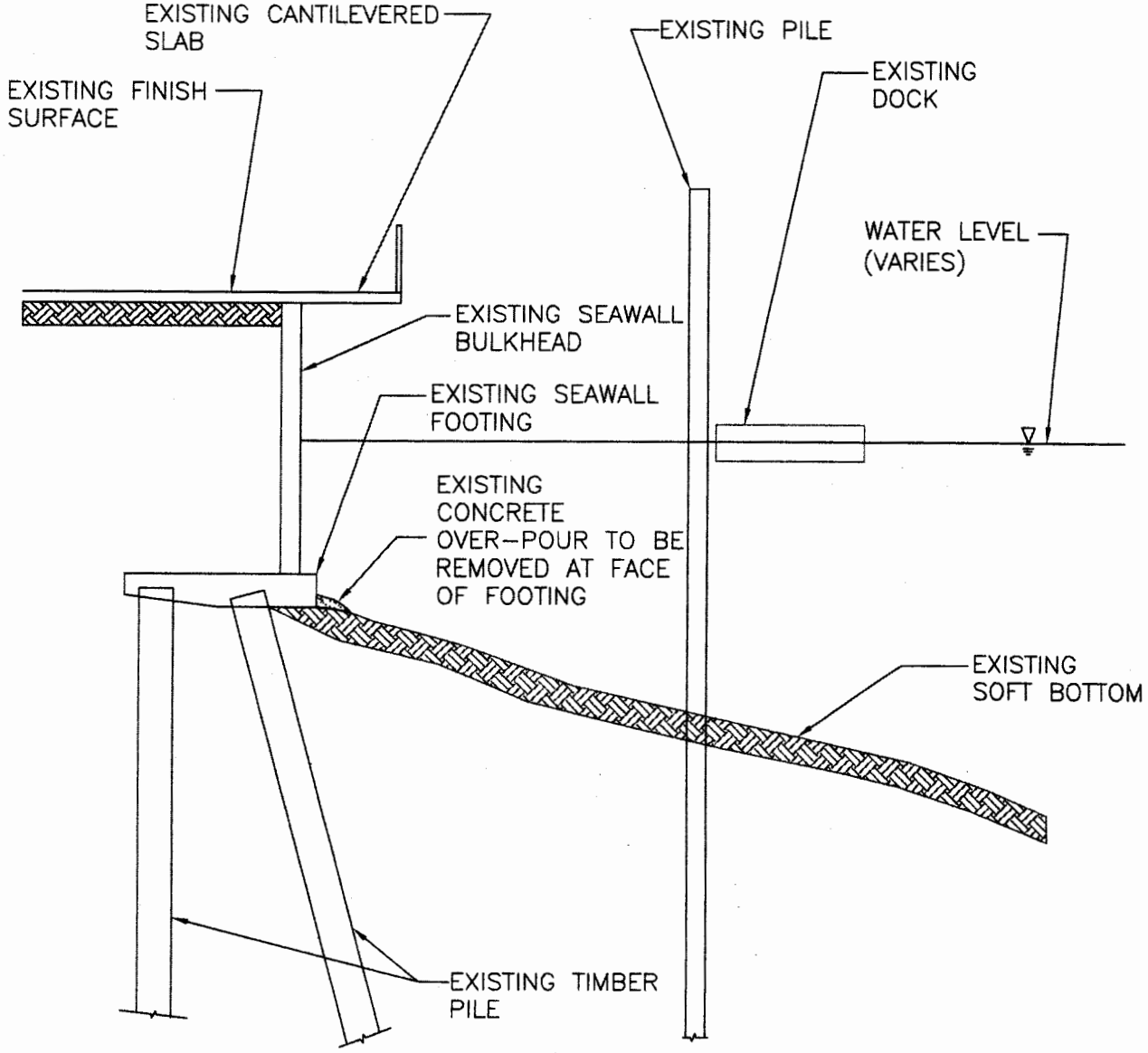
exeltech	PRYOR SEAWALL HUNTINGTON BEACH, CA.	Designed by: GSR	Date: 6/8/2012	Job No. 1135-4
	EXISTING SITE PLAN	Drawn by: GSR	Scale: 1"=20'	PAGE 1 OF 5
			Rev.	



COASTAL COMMISSION

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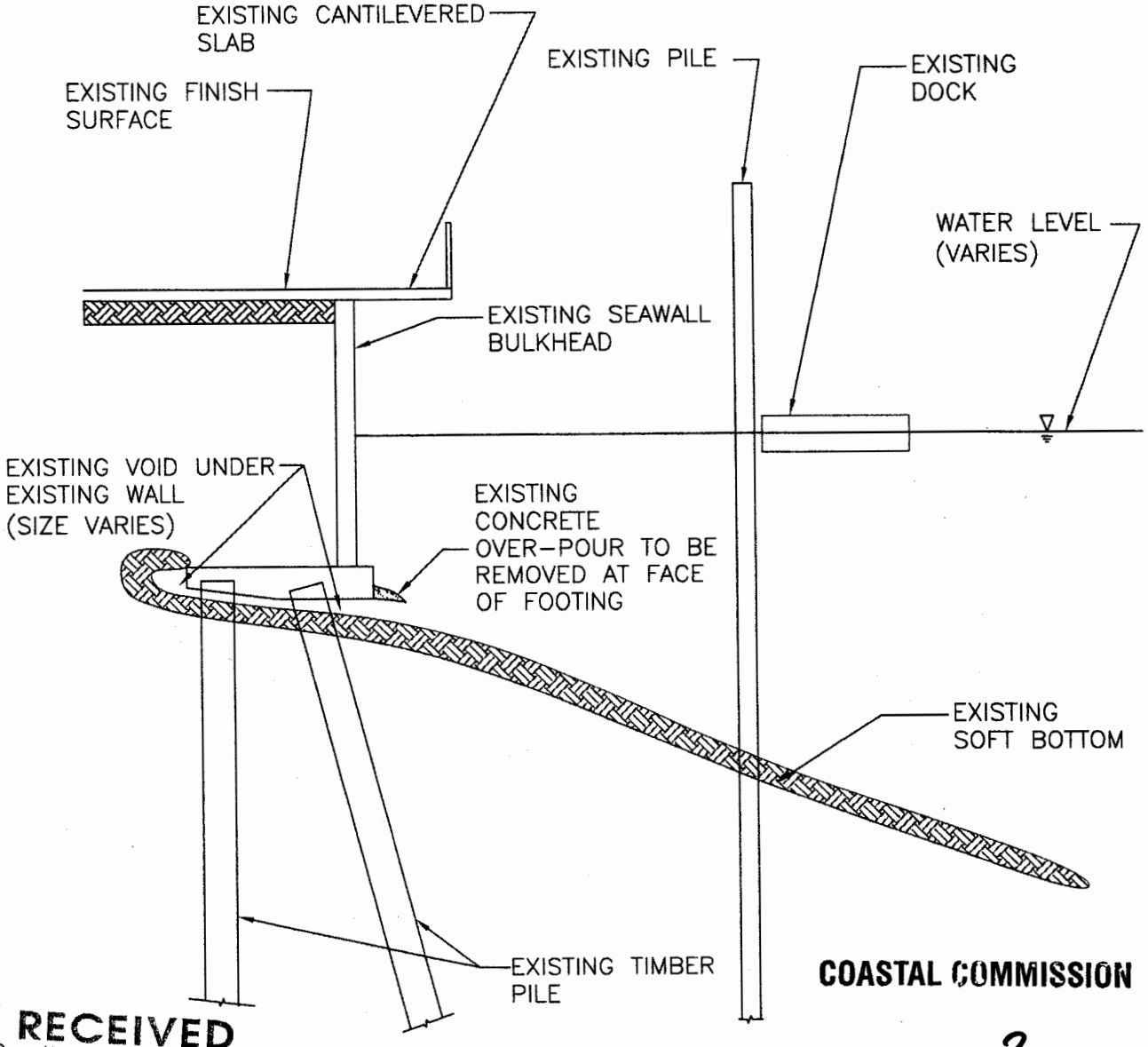
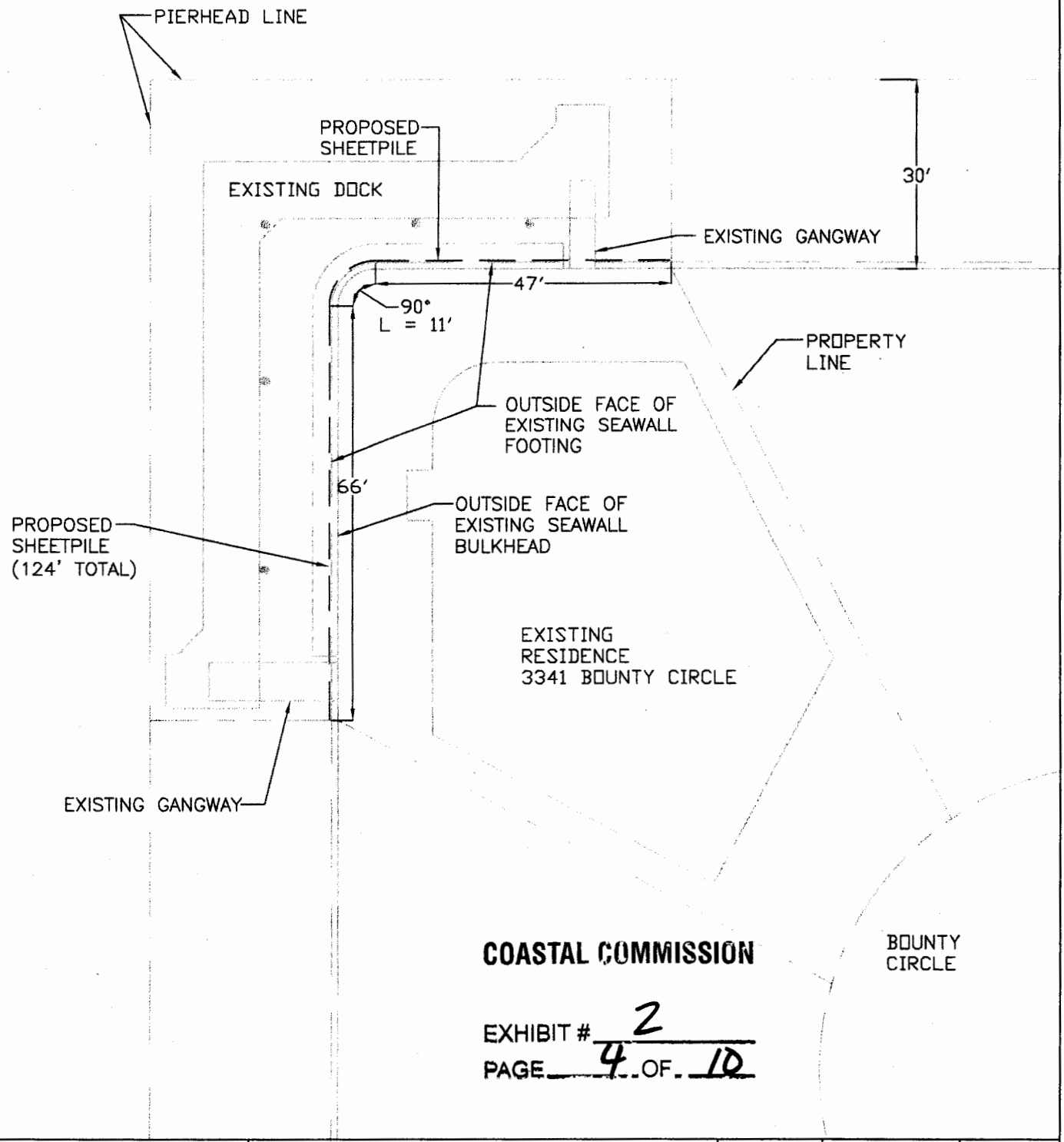
exeltech	PRYOR SEAWALL HUNTINGTON BEACH, CA.	Designed by: GSR	Date: 6/8/2012	Job No. 1135-4
	EXISTING ELEVATION 1	Drawn by: GSR	Scale: 1"=10' Rev.	PAGE 2 OF 5



exeltech

PRYOR SEAWALL HUNTINGTON BEACH, CA.	Designed by: GSR	Date: 6/8/2012	Job No. 1135-4
EXISTING ELEVATION 2	Drawn by: GSR	Scale: 1"=10'	PAGE 3 of 5
		Rev.	



COASTAL COMMISSION

EXHIBIT # 2

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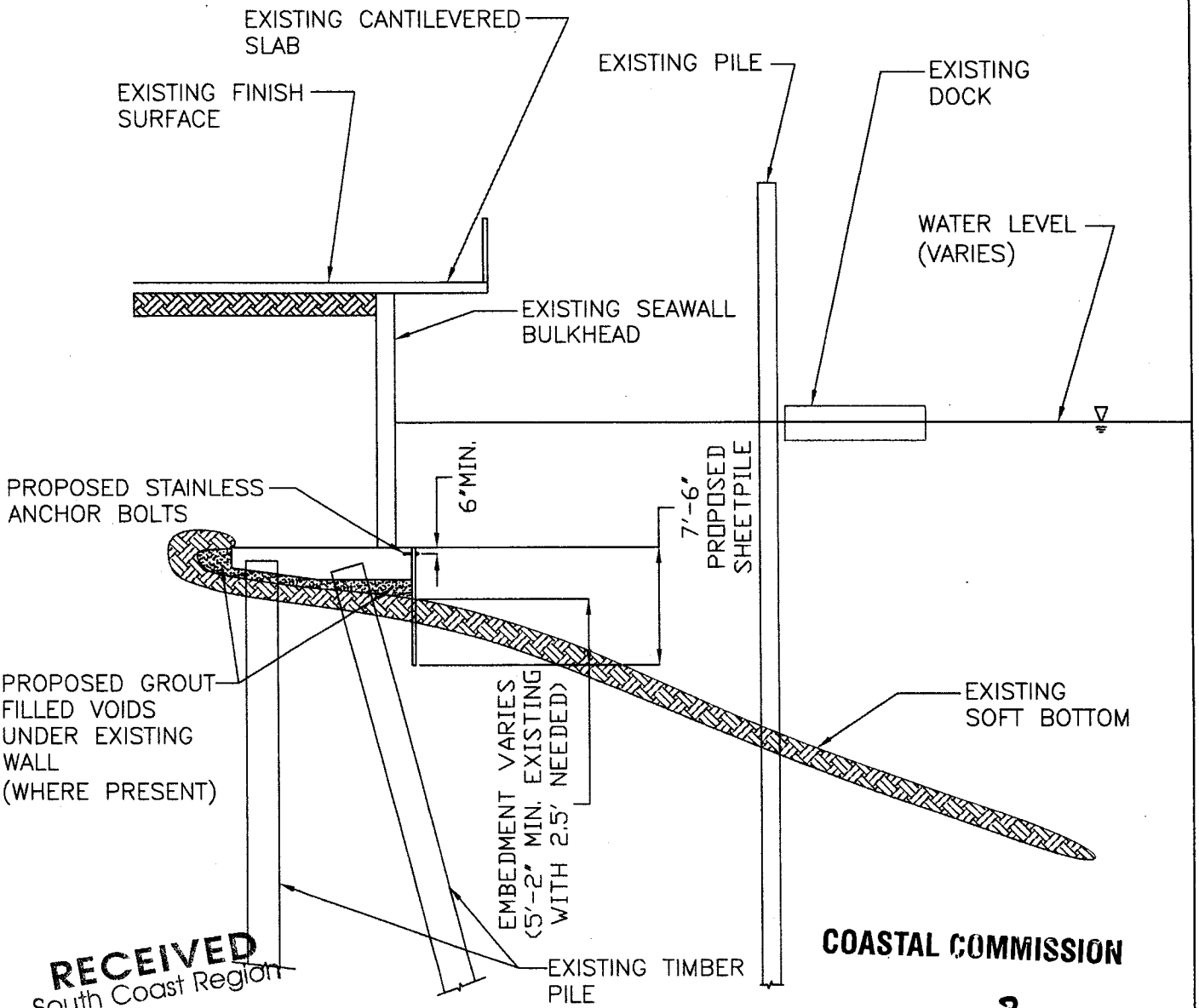
exeltech	PRYOR SEAWALL HUNTINGTON BEACH, CA.	Designed by: GSR	Date: 6/8/2012	Job No. 1135-4
	SITE PLAN	Drawn by: GSR	Scale: 1"=20' Rev.	PAGE 4 OF 5



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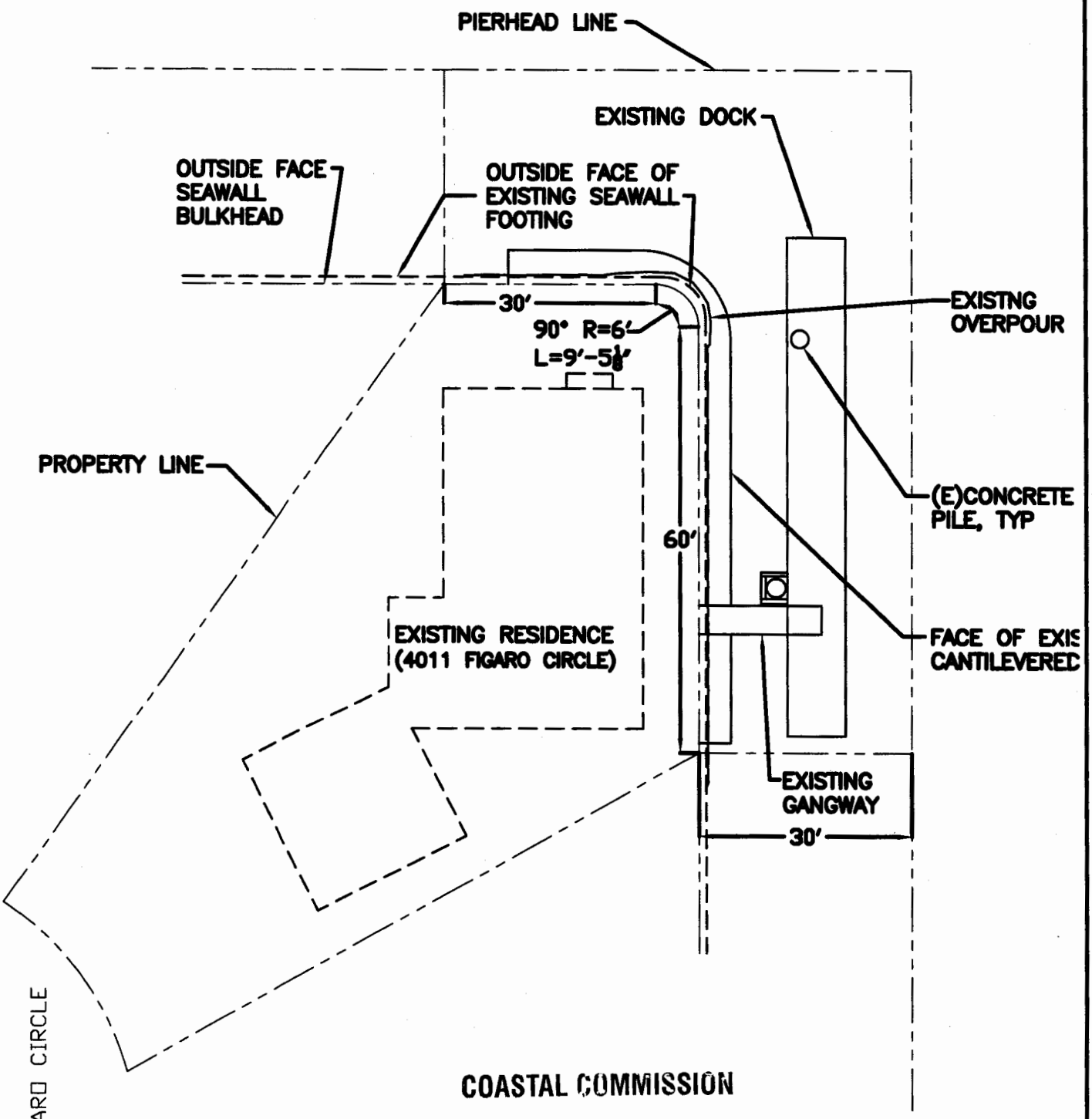
	PROPOSED ELEVATION	Drawn by: GSR	Scale: 1"=10' Rev.	PAGE 5 of 5



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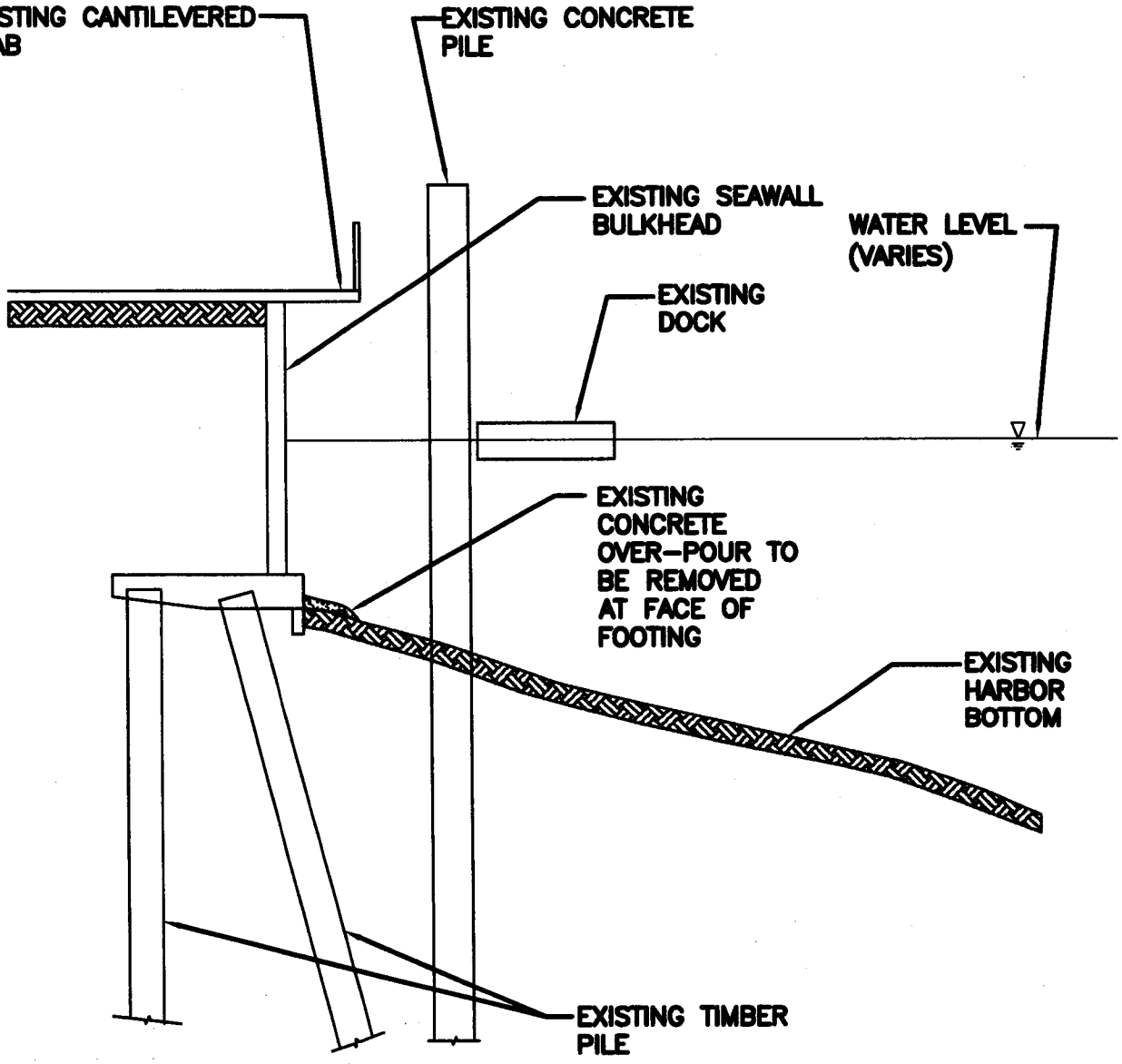
PHASE I ENVIRONMENTAL ENGINEERING 111 DELL AVENUE OREGON CITY, OREGON 97045 (503) 577-0493	SACKIN SEAWALL HUNTINGTON BEACH, CA.	Designed by: CSR	Date: 6/11/2012	Job No. 09-02
	EXISTING SITE PLAN	Drawn by: CSR	Scale: 1"=20' Rev.	PAGE 1 of 5



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PHASE I ENVIRONMENTAL ENGINEERING 111 DELL AVENUE OREGON CITY, OREGON 97045 (503) 577-0493	**SACKIN SEAWALL HUNTINGTON BEACH, CA.**	Designed by: OSR	Date: 6/11/2012	Job No. 09-02
			Scale: 1"=10'	PAGE 2 of 5
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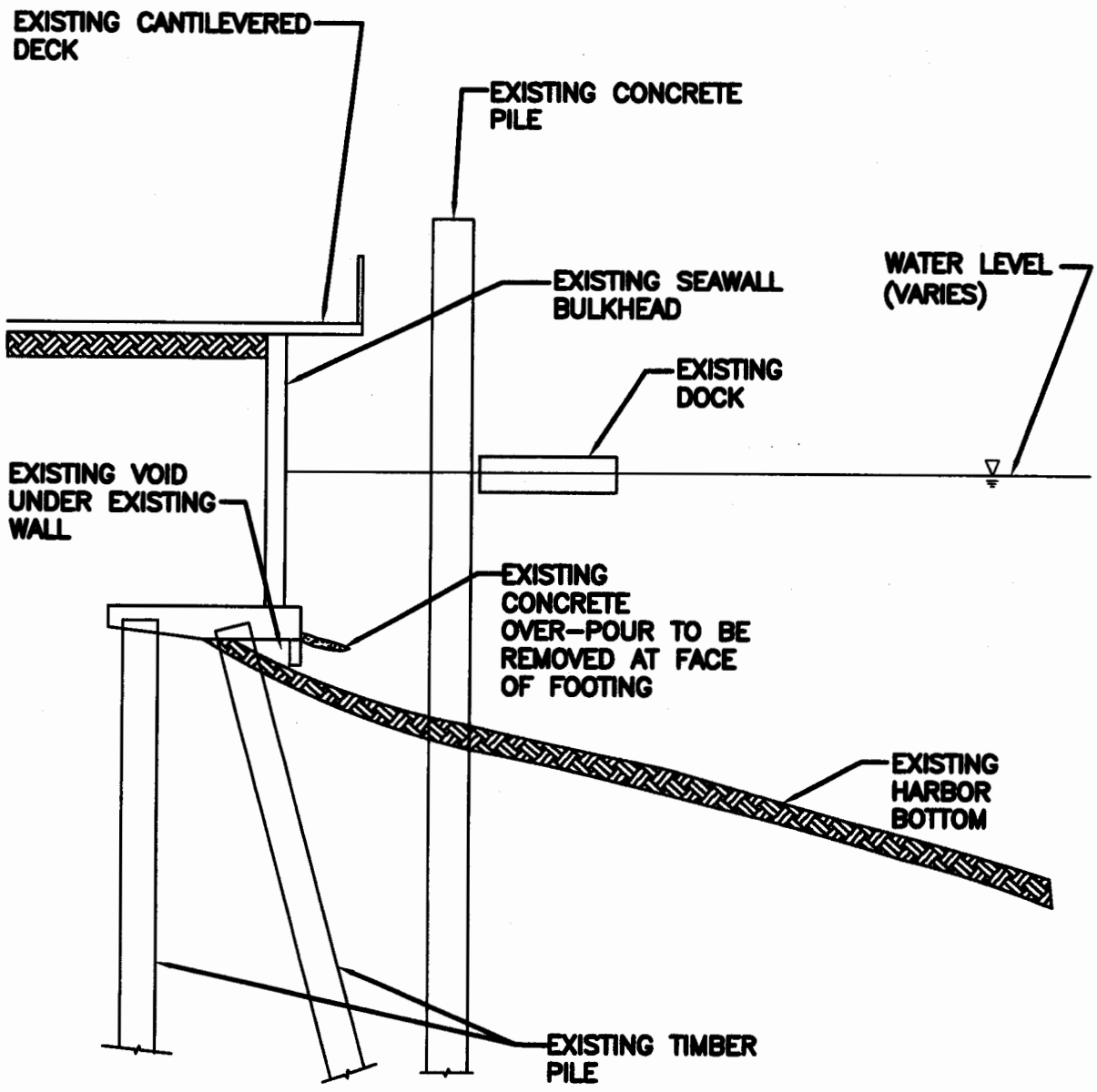

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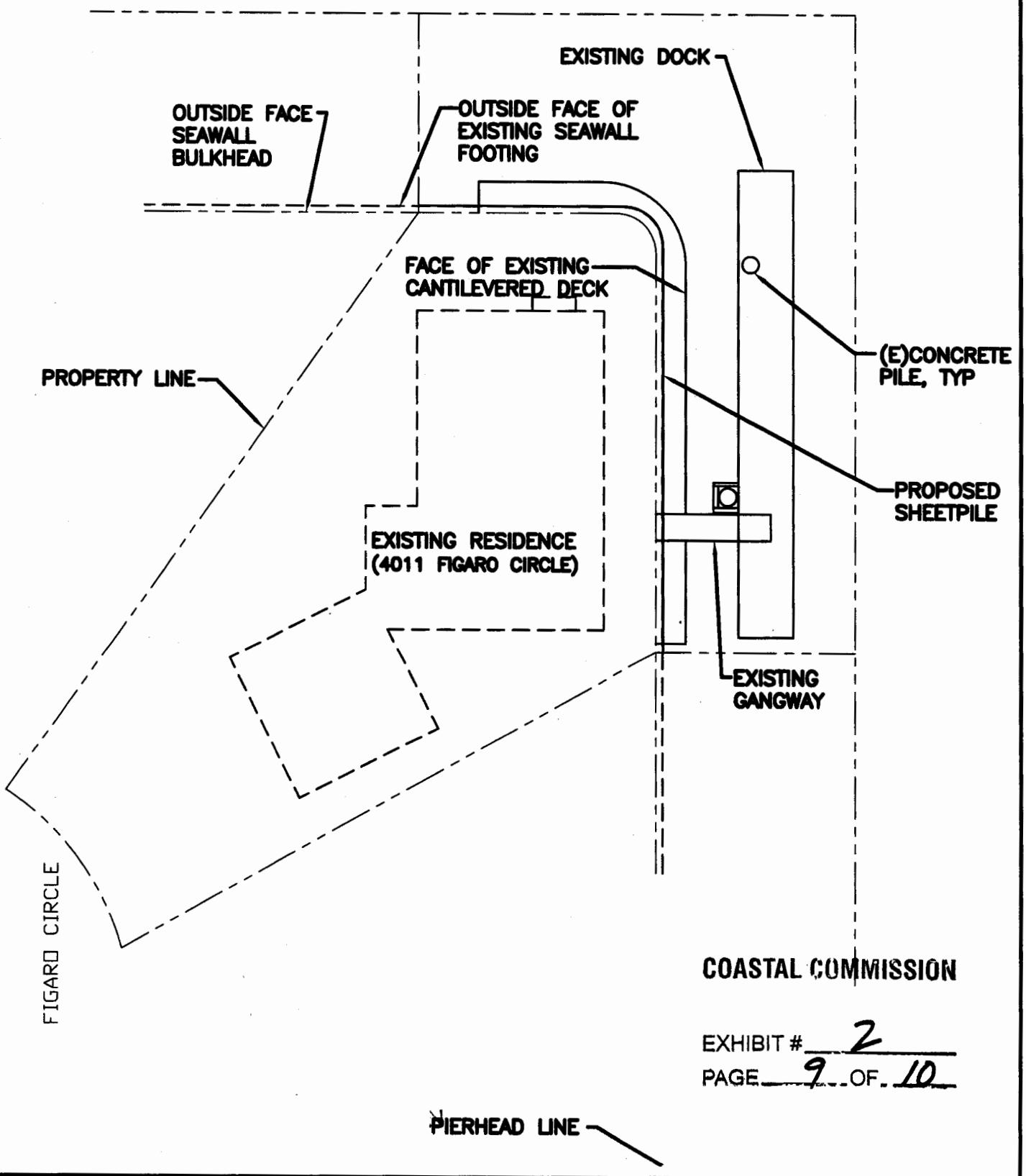
PHASE I ENVIRONMENTAL ENGINEERING 111 DELL AVENUE OREGON CITY, OREGON 97045 (503) 577-0493	SACKIN SEAWALL HUNTINGTON BEACH, CA.	Designed by: GSR	Date: 6/11/2012	Job No. 09-02
	EXISTING ELEVATION 2	Drawn by: GSR	Scale: 1"=10' Rev.	PAGE 3 of 5



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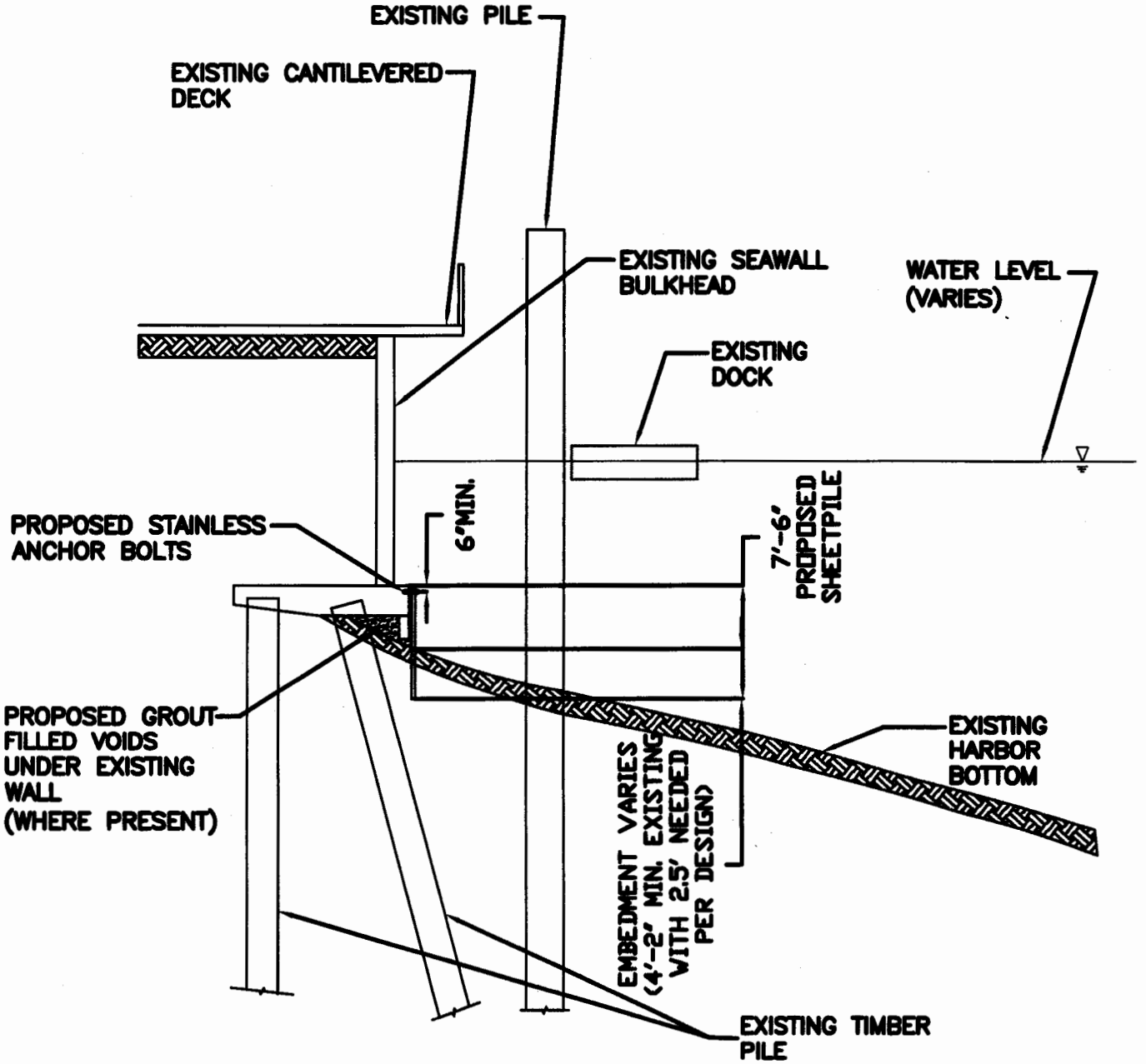
PHASE I ENVIRONMENTAL ENGINEERING 111 DELL AVENUE OREGON CITY, OREGON 97045 (503) 577-0493	SACKIN SEAWALL HUNTINGTON BEACH, CA.	Designed by: GSR	Date: 6/11/2012	Job No. 09-02
	PROPOSED SITE PLAN	Drawn by: GSR	Scale: 1"=20' Rev.	PAGE 4 of 5



COASTAL COMMISSION

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PHASE I ENVIRONMENTAL ENGINEERING 111 DELL AVENUE OREGON CITY, OREGON 97045 (503) 577-0493	SACKIN SEAWALL HUNTINGTON BEACH, CA.	Designed by: OSR	Date: 6/11/2012	Job No. 09-02
	PROPOSED ELEVATION	Drawn by: OSR	Scale: 1"=10' Rev.	PAGE 5 of 5

Project: Sackin and Pryor Seawall Void Repairs
Locations: 4011 Figaro Circle and 3341 Bounty Circle, Huntington Beach, CA

Sheetpile and Overpour Areas Summary

Revised 6-18-2012

Property	Proposed Sheetpile Areas (SF)	Overpour Removal Areas (SF)	Credit (+)/Impact (-) Area (SF)	Mitigation Area (SF) (2x for Impact)
Sackin	5.42	25.72	20.3	20.3
Pryor	6.70	3.83	-2.87	-5.74
			Excess Removal (Credit) Area =	**14.56**

Note: The overall project results in a decrease in the size of the structures.

Project: Sackin Seawall Void Repair
Location: 4011 Figaro Circle, Huntington Beach, CA

Overpour Measurements

Location (S to N then W)	Measure (in)	Area (SF)
0	3	1.000
4	3	1.000
8	3	0.479
10	2.75	0.479
12	3	1.000
16	3	2.000
24	3	1.000
28	3	0.479
30	2.75	0.396
32	2	0.792
36	2.75	0.958
40	3	2.000
48	3	1.000
52	3	0.750
56	1.5	0.625
58	6	2.083
62	6.5	1.083
64	6.5	1.042
66	6	1.833
70	5	1.333
74	3	1.500
80	3	1.667
88	2	0.875
94	1.5	0.341
99.5	0	0.000

Total: 25.72 Square Feet (SF)

Project:	Sackin Seawall Void Repair
Location:	4011 Figaro Circle, Huntington Beach, CA

Sheetpile Area

Length of Seawall at Footing (ft):		101.6		
Length of Sheepile along Footing (ft):		101.6		
Length of sheetpile (ft):		2.67		
# of Sheets:		38.1	Use:	38
Area per sheet:				
Sheet area (in^2)=	16.53	=	0.11	SF
Interlock area (SF):	0.028			
Area of impact (SF) =	**5.42**			

Project: Pryor Seawall Void Repair
Location: 3341 Bounty Circle, Huntington Beach, CA 92649

Overpour Measurements

Measurement Date: 4/5/2012

Location (Feet; W to E then SE)	Measure (in)	Area (SF)
0	0	0.00
2	0	0.00
4	0	0.00
6	0	0.00
8	3	0.25
10	0.5	0.29
12	0	0.04
14	0	0.00
16	0	0.00
18	0	0.00
20	0	0.00
22	0	0.00
24	3	0.25
26	3	0.50
28	2	0.42
30	3	0.42
32	0	0.25
34	0	0.00
36	0	0.00
38	0.5	0.04
40	0	0.04
42	0	0.00
44	0	0.00
46	0	0.00
48	0	0.00
50	2	0.17
52	0	0.17
54	1	0.08
56	0	0.08
58	0.5	0.04
60	0	0.04
62	0	0.00
64	0	0.00
66	0	0.00
68	1	0.08
70	0	0.08
72	0	0.00
74	0	0.00
76	0	0.00
78	0.5	0.04
80	0	0.04
82	0	0.00
84	0.5	0.04
86	1	0.13
88	0	0.08
90	1	0.08
92	0	0.08
94	0	0.00
96	0.5	0.04
98	0	0.04
100	0	0.00
102	0	0.00
104	0	0.00
106	0	0.00
108	0	0.00
110	0	0.00
112	0	0.00
114	0	0.00
116	0	0.00
118	0	0.00
120	0	0.00
122	0	0.00
124	0	0.00
	Total:	**3.83**

Square Feet (SF)

Note: Measurements run from west to east.

Project: Pryor Seawall Void Repair
Location: 3341 Bounty Circle, Huntington Beach, CA

Sheetpile Area Calculations

Length of Seawall at Footing (ft):	124		
Length of Sheepile along Footing (ft):	124		
Length of each sheetpile (ft):	2.67		
# of Sheets:	46.5	Use:	47

Area per sheet:			
Sheet area (in^2)=	16.53	=	0.11 ft^2
Interlock area (ft^2):	0.0278		
Area of impact (ft^2) =	**6.70**		