

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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W18d

April 5, 2013

**ADDENDUM**

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: SOUTH COAST DISTRICT STAFF

SUBJECT: ADDENDUM TO ITEM W18d, COASTAL COMMISSION PERMIT APPLICATION NO. 5-12-268 (CITY OF HUNTINGTON BEACH) FOR THE COMMISSION MEETING OF WEDNESDAY, APRIL 10, 2013.

I. CHANGES TO STAFF REPORT

Commission staff recommends modifications to Special Condition 3, Special Condition 6, and Section B - Biological Resources. Deleted language is in ~~strike through~~ and new language is in ***bold underlined italicized text***, as shown below:

A. Page 5 – Correct an error in Special Condition 3 as follows:

3. Avoidance Of Wetlands

A. The permittee shall comply with the following wetlands avoidance requirements:

(1) The ~~on-site~~ ***adjacent*** wetlands shall not be impacted by the project. All plans and specifications for the project shall indicate that impacts to the wetlands shall be avoided and that no impact to the wetlands is authorized by the California Coastal Commission;...

B. Page 8 – The City states that the construction staging area will require repaving prior to public usage. The City has requested that Special Condition 6 be modified to ensure that reduction in the size of the staging area occurs as it is feasible to do so to avoid delays to the project. Revise Special Condition 6 as follows:

6. Staging Area for Construction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a plan for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s) will avoid impacts to public access, to beach areas or to sensitive habitat areas.

(1) The plan shall demonstrate that:

- (a) Construction equipment or activity shall not occur outside the staging or storage area
- (b) Habitat areas shall not be used as staging or storage areas
- (c) The construction staging area will gradually be reduced as feasible as less materials and equipment are necessary....

C. Page 13 – Special Condition 3 requires avoidance of wetland habitat, but does not include a requirement for a plan. Correct the findings on the second full paragraph of page 13 of the staff report, as follows:

The applicant is proposing to remove below-ground equipment associated with the manholes and sewer lift stations, fill the lower portions of the structures with cement slurry, and to fill the top five feet of the structures with soil and install native plants. As proposed, the project will result in temporary disturbance to areas within the right of way in order to remove existing sewer infrastructure. To ensure that the proposed construction adjacent to wetlands does not result in impacts to the adjacent wetlands, the Commission imposes Special Condition 3, requiring ~~a wetland avoidance plan which includes requirements~~ the applicant to mark and avoid adjacent wetland habitat.

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W18d

Filed:	10/1/12
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Staff:	J. Del Arroz-LB
Staff Report:	3/21/13
Hearing Date:	4/10/13

STAFF REPORT: REGULAR CALENDAR

Application No.:	5-12-268
Applicant:	City of Huntington Beach
Project Location:	Pacific Coast Highway and Warner Avenue Right of Way between North Pacific Ave & Edgewater Lane, Huntington Beach, Orange County.
Project Description:	Demolish 4 lift stations and 12 manholes, construct 1 new lift station, and install 12 in. and 15 in. gravity sewer pipe.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending APPROVAL of CDP application 5-12-268 with NINE (9) SPECIAL CONDITIONS, as described below.

The project is located in the City of Huntington Beach, to the south of Huntington Harbor and to the north of the Bolsa Chica Ecological Reserve. The applicant is proposing to demolish existing sewer lines, manholes, and lift stations, and install new sewer lines and one new sewer lift station.

The proposed project would occur within the right of way of Warner Avenue and Pacific Coast Highway and a City owned public parking lot located on the north side of Warner Avenue. Although the proposed project would not occur within wetlands, sensitive habitat or archaeological resource areas, it is located immediately adjacent to such areas. Development adjacent to wetlands and sensitive habitat areas has the potential to impact those areas, thus raising a potential conflict with Coastal Act Section 30231, regarding maintenance of biological productivity of wetlands, and

Coastal Act Section 30240, regarding siting and design of development adjacent to Environmentally Sensitive Habitat Areas. Therefore, to ensure that the proposed project is consistent with the resource protection policies of the Coastal Act, the Commission imposes **Special Condition 1** regarding compliance with requirements of resource agencies, **Special Condition 2** regarding surveys for and avoidance of sensitive species, **Special Condition 3** for avoidance of impacts to wetlands and construction best management practices, **Special Condition 4** for plans to ensure lighting is directed away from habitat, **Special Condition 5** for final plans for revegetation of disturbed areas, and **Special Condition 6** for final plans for construction staging and access.

The City proposes to use a public parking lot for staging of equipment during construction. To ensure that such usage does not impact public access, the Commission imposes **Special Condition 6**, requiring reduction in size of the staging area over time and installation of signage to identify other parking locations.

The applicant conducted an assessment of archeological resources in the area, and found that there is the potential that archeological/cultural resources could be encountered during construction. Coastal Act Section 30244 requires that, where development would adversely impact archaeological resources, reasonable mitigation measures should be required. Therefore, the Commission imposes **Special Condition 7**, ensuring that archaeological and Native American monitors are present during all grading operations.

Finally, the project would result in development that involves potential geotechnical issues including high groundwater and potential for liquefaction. To ensure that the project is consistent with Coastal Act Section 30253, the Commission imposes **Special Conditions 8**, regarding conformance with geotechnical recommendations, and **Special Condition 9**, regarding an assumption of risk for the development.

The City of Huntington Beach has a certified Local Coastal Program. However, they have exercised the provisions in Coastal Act Section 30601.3 regarding consolidated permit processing. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Huntington Beach Local Coastal Program may be used for guidance.

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APPENDICES

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EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Site Plans

I. MOTION AND RESOLUTION

*I move that the Commission **approve** Coastal Development Permit Application No. 5-12-268 pursuant to the staff recommendation.*

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:

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. **Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the marine and terrestrial environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted 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.

2. **Avoidance of Sensitive Species**

A. **Nesting Birds.** Prior to commencement of any construction activities between February 15 through August 31, a qualified biologist shall conduct a breeding behavior and nesting survey for birds protected by the Fish and Game Code and the Migratory Bird Treaty Act, and species of special concern within 300 feet of the project site (500 feet for raptors and owls); if any occupied nests of any sensitive species are discovered, construction activities within, at minimum, 300 feet of the nest or 500 feet for raptors and owls, shall not exceed noise levels of 65 dB peak until the nest is vacated and juveniles have fledged and there is no longer evidence of a second attempt at nesting. The applicant shall implement a larger buffer if the biologist recommends a larger buffer from the nest area.

B. **Sensitive Species Monitoring.** Prior to undertaking any development including, but not limited to, construction, grading, or excavation, a qualified biologist shall survey the project site to determine whether sensitive bird species, including but not limited to Belding's savannah sparrow, western snowy plover, brown pelican, light-footed clapper rail, black skimmer, and/or California least tern, are present within 100 feet of the project site, and whether sensitive plant species, including but not limited to woolly seablite, estuary seablite, Leopold's rush, and/or southern tarplant are located within 25 feet of the project site.

An appropriately trained biologist shall monitor the proposed development 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 development which could significantly impact biological resources such as construction that could result in disturbances to sensitive species. Based on field observations, the biologist shall advise the applicant regarding methods to 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 an amendment to this coastal development permit for such disturbance has been obtained from the Coastal Commission.

3. **Avoidance Of Wetlands**

- A. The permittee shall comply with the following wetlands avoidance requirements:
- (1) The on-site wetlands shall not be impacted by the project. All plans and specifications for the project shall indicate that impacts to the wetlands shall be avoided and that no impact to the wetlands is authorized by the California Coastal Commission;

(2) Prior to commencement of any work approved by this permit, a temporary barrier or work area demarcation (such as but not limited to plastic mesh, solid wood or chain link fencing) shall be placed between the construction areas and the adjacent wetland habitat. Barriers and other work area demarcations shall be inspected and approved by a qualified biologist as adequately protecting the wetlands from any impacts. All temporary barriers, staking, fencing and related materials shall be removed upon completion of the proposed development;

(3) Any inadvertent impacts to the wetlands by the proposed development shall be reported to the Executive Director within 24 hours of occurrence and shall be mitigated. Such mitigation shall require an amendment to this permit or a new permit unless the Executive Director determines that no amendment or new permit is legally required;

(4) No construction materials, debris, or waste shall be placed or stored where it may enter areas containing wetlands;

(5) Any and all debris resulting from construction activities shall be removed from the project site following completion of the project;

(6) 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 the wetlands; and

(7) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and located more than 100-feet away from the wetlands.

B. 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. Such measures shall be used during construction:

(1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These 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. It shall be located more than 100-feet away from the wetlands;

(2) The applicant shall develop and implement spill prevention and control measures;

(3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into the wetlands. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 100-feet away from the wetlands; and

(4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

(5) In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

4. Final Landscaping / Revegetation Plan.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit for the review and approval of the Executive Director, two (2) full size sets of a final Landscape Plan which includes the following:

(1) The plan shall demonstrate that:

- (a) All landscaping shall consist of native species appropriate to the adjacent habitat type. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.calipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. 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 shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>). Any existing landscaping that doesn’t meet the above requirements shall be removed;
- (b) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage; and
- (c) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;

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

- (a) Two (2) full size copies of a map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and
- (b) A schedule for installation of plants.

B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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 legally required.

5. Lighting Plan.

- A. All lighting within the proposed development shall be directed and shielded so that light is directed away from wetlands and other habitat areas. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate for safety purposes. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and approval of the Executive Director, a lighting plan to protect the wetlands and other habitat areas from light generated by the project. The lighting plan to be submitted to the Executive Director shall be accompanied by an analysis of the lighting plan prepared by a qualified biologist, which documents that the lighting plan is effective at preventing lighting impacts upon adjacent wetlands and other sensitive habitat.

- B.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- 6. Staging Area for Construction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a plan for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s) will avoid impacts to public access, to beach areas or to sensitive habitat areas.
- (1) The plan shall demonstrate that:
 - (a) Construction equipment or activity shall not occur outside the staging or storage area
 - (b) Habitat areas shall not be used as staging or storage areas
 - (c) The construction staging area will gradually be reduced as less materials and equipment are necessary
 - (d) The applicant shall provide temporary signage, placed in a conspicuous location, which identifies alternative public parking locations within the area.
 - (2) The plan shall include, at a minimum, a site plan that depicts:
 - (a) Limits of the staging area(s)
 - (b) Construction corridor(s)
 - (c) Construction site
 - (d) Location of construction fencing and temporary job trailers, if any

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 legally required.

- 7. Archaeological Resources.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director an archeological monitoring plan prepared by a qualified professional, that shall incorporate the following measures and procedures:

- (1) The monitoring plan shall ensure that any prehistoric or historic archaeological / cultural resources that are present on the site and could be impacted by the approved development will be identified so that a plan for their protection can be developed. To this end, the cultural resources monitoring plan shall require that archaeological and Native American monitors be present during all grading operations.

There shall be at least one pre-grading conference with the project manager and grading contractor at the project site in order to discuss the potential for the discovery of archaeological resources.

Because archaeological resources are known to exist in the project vicinity, the applicant may choose to prepare a subsurface cultural resources testing plan, subject to the review and written approval of the Executive Director, prior to proceeding with the approved development. If the subsurface cultural resources testing plan results in the discovery of cultural resources, the applicant shall prepare a mitigation plan, which shall be peer reviewed and reviewed by designated representatives of the appropriate Native American tribe, and shall apply for an amendment to this permit in order to carry out the mitigation plan.

(2) Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading.

(3) The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;

(4) If any archaeological or cultural resources are discovered, including but not limited to skeletal remains and grave-related artifacts, artifacts of traditional cultural, religious or spiritual sites, or any other artifacts, all construction shall cease within at least 50 feet of the discovery, and the permittee shall carry out significance testing of said deposits in accordance with the attached "Cultural Resources Significance Testing Plan Procedures" (Appendix B). The permittee shall report all significance testing results and analysis to the Executive Director for a determination of whether the findings are significant.

(5) If the Executive Director determines that the findings are significant, the permittee shall seek an amendment from the Commission to determine how to respond to the findings and to protect both those and any further, cultural deposits that are encountered. Development within at least 50 feet of the discovery shall not recommence until an amendment is approved, and then only in compliance with the provisions of such amendment.

8. Conformance with Geotechnical Report

- A.** All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the geologic engineering investigation: *Geotechnical Report Sewer Lift Station Replacement Project Warner Avenue Gravity Sewer Lift Station C Warner Avenue At Pacific Coast Highway Huntington Beach, California AESCO Project No. 20112385-B8192* prepared by AESCO dated January 23, 2012.
- B.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and approval, final design and construction plans, along with evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of

those final plans is consistent with all the recommendations specified in the above-referenced geologic engineering reports.

- C. The permittees 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 unless the Executive Director determines that no amendment is legally required.

9. Assumption of Risk, Waiver of Liability and Indemnity Agreement Applicable to Applicant

A. By acceptance of this permit, the applicant, City of Huntington Beach, acknowledges and agrees (i) that the site may be subject to hazards from wave and tidal action; (ii) to assume the risks to the applicant, City of Huntington Beach, and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) to include a provision in any subsequent lease of such property requiring the lessee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the terms of subsection A of this condition.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the City of Huntington Beach, as applicant, shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION & DESCRIPTION

The project site is located in the City of Huntington Beach, on and immediately adjacent to segments of Warner Avenue and Pacific Coast Highway, between North Pacific Ave & Edgewater Lane. Restaurants and general commercial development are located along Pacific Coast Highway, and residential development is located to the north of Warner Avenue. The public beach lies to the west and south of the project site and is accessible via Warner Avenue. A public beach parking lot is located about 200 feet to the south. The Bolsa Chica Ecological Reserve is adjacent to the project site, on the south side of Warner Avenue, and provides public parking and nature paths. See Exhibit 1 for a vicinity map and an overview of the project footprint.

The applicant proposes to demolish four sewer lift stations: Existing Lift Station B, Existing Lift Station C, Sunset Beach Sanitary District Lift Station and the formerly used Lift Station D. One new lift station would be constructed, New Lift Station C. The project also includes the installation of 2100 linear feet of 15" diameter gravity sewers, to connect the sewer lines near Sunset Beach Lift

Station and Existing Lift Stations B and C to the New Lift Station C, and to connect the sewer system from Warner Avenue Bridge to the existing sewer system near Edgewater Lane. Installation of 750 linear feet of 12" diameter forcemain is proposed across Warner Avenue Bridge. Twelve manholes would also be demolished and partly removed.

Demolition of the lift stations includes the removal of the concrete pad and the equipment located within the underground vault, filling the lower portions of the vault with slurry concrete, and filling the top 5 feet of the vault with soil. Following demolition, the areas will be planted with native seed or native container plants. Abandoned sewer pipe sections would be filled with concrete and left in place. Manhole demolition includes excavating the vertical section of the pipe, filling the horizontal sewer main with concrete, and then paving over the surface (for the 6 located within the street), or backfilling and planting with native seed or native container plants (for the 6 located in unpaved areas adjacent to the road bed).

A City-owned parking lot is located approximately 300 feet east of Coast Highway. This parking lot provides public parking and parking for the Huntington Harbor Yacht Club. New Lift Station C is proposed to be installed into the landscaped area between Warner Avenue and the parking lot. The lift station includes a 12'x30'x22' deep wet well, two submersible pumps, a generator, a 125 gallon natural gas emergency backup tank, an outdoor electrical service and motor control center, and two 18' high 100 watt light poles. The landscaped area is currently vegetated with ornamental shrubs and groundcover, which would be removed, and 8 palm trees, 5 of which are expected to be impacted by the project. The City proposes to temporarily move the 5 palm trees to the adjacent construction staging area in the yacht club parking lot during construction, and to reinstall the trees in the area after construction.

The City proposes to locate the construction staging area within the City-owned Yacht Club parking lot during construction, which is expected to last 220 days. Of the total 60 spaces in the parking lot, 36 are reserved for public use, and 24 of the spaces are reserved for use of the Huntington Beach Yacht Club. The staging area will occupy 25 of the public parking spaces, resulting in 11 available public parking spaces during construction.

Dewatering of soils is necessary to construct the new sewer lift station and portions of the new proposed sewer line. The majority of the proposed new sewer lines will be located above the groundwater level and will not require dewatering. During each segment of the project the need for dewatering will be assessed, and any dewatering activities will be staged to occur only in the required segment. Dewatering would occur by drilling 8 inch diameter 40 foot deep holes around the perimeter of the trench, and lowering of groundwater to a minimum of 3 feet below the depth of excavation. Extracted water will be subject to the requirements of the general National Pollutant Discharge Elimination System permit, and will be treated prior to discharge into Huntington harbor.

B. BIOLOGICAL RESOURCES

Coastal Act Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Coastal Act Section 30233 states (in relevant part):

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

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (6) Restoration purposes.*
- (7) Nature study, aquaculture, or similar resource dependent activities.*

Coastal Act Section 30240 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.*

The project would result in the demolition of six sewer manholes and two sewer lift stations located within the right of way on the south side of Warner Avenue in an unpaved area. The proposed project would occur outside of wetlands and sensitive habitat areas; however, portions of the project

would be located adjacent to wetlands and environmentally sensitive habitat located within the Bolsa Chica Ecological Reserve.

The project includes the construction of two 18 foot high light poles on the north side of Warner Avenue in the Yacht Club parking lot to ensure the security of the new Sewer Lift Station C. To ensure that the proposed lighting does not result in impacts to habitat areas in the vicinity of the Sewer Lift Station, the Commission imposes **Special Condition 5**, requiring the applicant to submit a lighting plan which demonstrates that lighting will be directed away from habitat areas.

The applicant is proposing to remove below-ground equipment associated with the manholes and sewer lift stations, fill the lower portions of the structures with cement slurry, and to fill the top five feet of the structures with soil and install native plants. As proposed, the project will result in temporary disturbance to areas within the right of way in order to remove existing sewer infrastructure. To ensure that the proposed construction adjacent to wetlands does not result in impacts to the adjacent wetlands, the Commission imposes **Special Condition 3**, requiring a wetland avoidance plan which includes requirements to mark and avoid adjacent wetland habitat.

Although the project will result in temporary disturbance to the right of way, the removal of sewer infrastructure and revegetation of the disturbed areas with native species will improve the habitat potential of the right of way and prevent the introduction of non-native weeds or invasive species to adjacent wetlands and environmentally sensitive habitat areas. However, no final landscaping/revegetation plan has yet been submitted. Therefore, to ensure that the proposed landscaping/revegetation plan, including the proposed plant palette, mix of species, and location of planting, is consistent with the protection of adjacent habitat, the Commission imposes **Special Condition 4**, requiring the applicant to submit a final landscaping/revegetation plan for review and approval of the Executive Director prior to issuance of the permit. As conditioned, the proposed project would ensure the installation of plant species which are consistent with the continuance of adjacent habitat, as required in Coastal Act Section 30240, and would maintain and enhance the biological productivity of wetlands, as required by Coastal Act Section 30231 through the removal of existing development and installation of new native plants.

As noted above, the project includes dewatering in certain segments of the project. However, the proposed dewatering activities are not anticipated to cause impacts to adjacent wetland habitat. The proposed dewatering is designed to result in only a temporary, localized reduction to the groundwater table, it would be staged to result in dewatering to only the required area, and it includes the usage of groundwater monitoring wells, to ensure that dewatering activities are not resulting in changes to groundwater to a wider area. The potential for impacts to adjacent wetlands is further diminished because the proposed volume of dewatering (50 gallons per minute) is small compared to the virtually unlimited supply of water which enters the wetland daily through tidal inundation. Water extracted from dewatering wells will be treated pursuant to the requirements of the general NPDES permit prior to discharge into Huntington Bay. To ensure the project does not result in impacts to water quality, the Commission imposes **Special Condition 3**, requiring the applicant to comply with best management practices to protect water quality of Huntington Bay, and to ensure that polluted runoff does not impact adjacent wetland habitat.

The applicant has submitted biological information including an Environmental Checklist form prepared for the Mitigated Negative Declaration for the project, technical memorandums regarding

plants proposed for revegetation by AECOM, and supplemental information from Dudek Environmental Consulting. The mitigated negative declaration states that sensitive plant and bird species have the potential to occur in the vicinity of the project. The project would also result in the temporary removal and relocation of five existing palm trees, which could be used by nesting birds. Therefore, the Commission imposes **Special Condition 1**, requiring the applicant to conform with the requirements of other resource agencies, and **Special Condition 2**, requiring a) pre-construction surveys for nesting birds and avoidance of nesting sites during nesting; b) pre-construction surveys for sensitive species; and c) a requirement for monitoring of the site during construction to ensure that no impacts to sensitive species would occur due to the project.

The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, use of post construction best management practices to minimize the project's adverse impact on coastal waters, installation of native plants to maintain and enhance productivity of wetland habitat, and monitoring for sensitive species. The proposed project would not result in the fill of wetlands, and would be consistent with the continuance of adjacent environmentally sensitive habitat areas. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Sections 30230, 30231, 30233, and 30240 of the Coastal Act.

C. PUBLIC ACCESS

Coastal Act Section 30210 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.

Coastal Act Section 30211 states:

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.

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

The location and amount of new development should maintain and enhance public access to the coast by

- (1) facilitating the provision or extension of transit service,*
- (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads,*
- (3) providing nonautomobile circulation within the development;*
- (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.*

The project will result in temporary closure of bike paths and temporary reductions in widths of sidewalks adjacent to the project site. The applicant proposes usage of traffic control measures, including a flag person, during construction to ensure safe pedestrian and bicycle access is maintained during construction.

The proposed project would result in a temporary loss of public parking, due to the usage of a public parking lot as a construction staging area. However, as conditioned, the project would not result in a significant impact to public access. The applicant has submitted annual revenue data which indicates that the existing parking lot is underutilized, with only 2% of the potential capacity of the lot utilized in the 2009-2010 period. There are also other areas of parking available to the public, including the Bolsa Chica Conservancy parking lot located on the south side of Warner Avenue, and the beach parking lot located approximately 500 feet to the west. To ensure that maximum public access is provided throughout the construction period, the Commission imposes **Special Condition 6**, requiring the submittal of a final construction and staging plan. The final plan shall include a provision to shrink the area for construction staging over time, as less area is necessary for the project, and to erect signs visible to vehicles in the public parking lot, identifying other locations of available public parking in the area.

As conditioned the development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as conditioned, the Commission finds that the proposed project is consistent with Sections 30210, 30211, and 30252 of the Coastal Act.

D. HAZARDS

Coastal Act Section 30253 states:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
- (d) Minimize energy consumption and vehicle miles traveled.*
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

To assess the feasibility of the project, the applicant has submitted a geotechnical report by AESCO, dated January 23, 2012, which evaluated the geotechnical conditions on the site and includes recommendations for design and construction of the sewer lines and sewer lift station. The geotechnical reports anticipated geotechnical issues that could affect the proposed project including high groundwater, and potential liquefaction. In order to assure that risks are minimized, the geotechnical consultant's recommendations must be incorporated into the design of the project. Thus, the Commission imposes **Special Condition 8**, which requires the applicant to submit evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the geotechnical reports.

Although the proposed project will be constructed with geotechnical approval, risk from development on these liquefiable soils is not eliminated entirely. Therefore, the Commission imposes **Special Condition 9**, requiring the applicant to assume the risk for the development. As conditioned, the applicant is notified that the project is being built in an area that is potentially subject to geologic instability and liquefaction that can damage the applicant's property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development and is required to indemnify the Commission in the event of a lawsuit against it. Finally, the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity from liability.

Therefore, as conditioned, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act

E. CULTURAL RESOURCES

Coastal Act Section 30244 states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The City's certified Land Use Plan policy C 5.1.1 states:

Coordinate with the State of California Historic Preservation Office to ensure that archeologic, paleontologic and historically significant resources within the Coastal Zone are identified.

The City's certified Land Use Plan policy C 5.1.2 states:

Where new development would adversely impact archeological or paleontological resources within the Coastal Zone, reasonable mitigation measures to minimize impacts shall be required.

The City's certified Land Use Plan policy C 5.1.3 states:

In the event that any Native American human remains are uncovered. the County Coroner, the Native American Heritage Commission, and the Most Likely Descendants, as designated by the California Native American Heritage Commission, shall be notified. The recommendation of the Most Likely Descendants shall be obtained prior to the disposition of any prehistoric Native American human remains.

The City's certified Land Use Plan policy C 5.1.4 states:

A completed archeological research design shall be submitted along with any application for a coastal development permit for development within any area containing archaeological or paleontological resources. The research design shall determine the significance of any artifacts uncovered and make recommendations for preservation. Significance will be based on the requirements of the California Register of Historical Resources criteria. and prepared based on the following criteria:

- a) Contain a discussion of important research topics that can be addressed; and*
- b) Be reviewed by at least three (3) County-certified archeologists (peer review committee).*
- c) The State Office of Historic Preservation and the Native American Heritage Commission shall review the research design.*
- d) The research design shall be developed in conjunction with affected Native American groups.*
- e) The permittee shall comply with the requirement of the peer review committee to assure compliance with the mitigation measures required by the archeological research design.*

The City's certified Land Use Plan policy C 5.1.5 states:

A County-certified paleontologist/archeologist, shall monitor all grading operations where there is a potential to affect cultural or paleontological resources based on the required research design. A Native American monitor shall also monitor grading operations. If grading operations uncover paleontological/archeological resources, the paleontologist/archeologist or Native American monitor shall suspend all development activity to avoid destruction of resources until a determination can be made as to the significance of the paleontological/ archeological resources. If found to be significant the site(s) shall be tested and preserved until a recovery plan is completed to assure the protection of the paleontological/archeological resources.

Although the project site has been previously disturbed in association with the construction of Warner Avenue and existing sewer infrastructure, a Phase I cultural resources assessment conducted by the City determined the project has the potential to encounter cultural/archaeological resources during construction. In past projects, the Commission has required applicants proposing large or deep grading activities to monitor all grading and construction activities within areas of potential archaeological or paleontological resources and has also required appropriate mitigation measures regarding excavation, reporting and curation (e.g. CDP 5-11-137). To ensure that the project is consistent with Section 30244 of the Coastal Act and policies C5.1.1 through C5.1.5 of the City's certified Land Use Plan, the Commission imposes **Special Condition 7**, which requires submittal of a monitoring plan for the review and approval of the Executive Director. The monitoring plan shall require that archaeological and Native American monitors be present during all grading operations. If a site is determined to contain significant cultural resources, a Supplemental Archaeological Plan (SAP) shall be prepared and reviewed by peer reviewers, affected Native American tribal groups and the appropriate State reviewing agencies (see Appendix B, Cultural Resources Significance Testing Plan Procedures). The SAP will outline actions to be implemented to mitigate impacts to the cultural resources found at the site(s). To determine whether the SAP is consistent with the proposed permit or if an amendment to this permit is required, the applicant shall submit the Plan to the Executive Director. The Commission will require an amendment if there a significant change to the approved project.

In the event that human remains are found the Orange County Coroner's Office must be notified in compliance with state law, and they in turn will notify the Native American Heritage Commission to determine the Most Likely Descendant (MLD).

Therefore the Commission finds that, as conditioned, the proposed project is consistent with Section 30244 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

An LCP for the City of Huntington Beach was effectively certified in March 1985. However, the proposed development is occurring within an area that crosses jurisdiction with that of the Commission's original permit jurisdiction.

Section 30601.3 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission when the applicant, the local government and the Commission through its executive director consent to consolidate the permit action, provided that public participation is not substantially impaired by that review consolidation. In this case, the project site crosses jurisdictional boundaries, the applicant is the City, and the City submitted the coastal development permit application directly to the Commission, requesting a consolidated permit action by the Commission. Consequently, the standard of review is the Coastal Act and the City's LCP is used only as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application 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 that the activity may have on the environment.

The City of Huntington Beach is the lead agency for purposes of CEQA compliance. A Final Mitigated Negative Declaration was prepared for this project on September 5, 2012 pursuant to the provisions of CEQA. Mitigation measures included measures to address potential impacts to seismic ground shaking, potentially contaminated soils and groundwater, traffic flow, nesting habitat for bird species, avoidance of special status plants, light and glare, and the potential discovery of archaeological resources during ground disturbing activities.

The proposed project has been conditioned in order to be found consistent with the resource protection policies of the Coastal Act. As conditioned, the project has been found consistent with the hazard minimization, archaeological resources, marine resources, water quality, and public access policies of the Coastal Act. Mitigation measures to minimize adverse effects include: 1) compliance with the requirements of other agencies; 2) surveys to avoid sensitive species; 3) avoidance of impacts to wetlands; 4) submittal of a final landscaping / revegetation plan; 5) a lighting plan to avoid lighting impacts on adjacent habitat; 6) submittal of a construction staging

and access plan; 7) archaeological monitoring during construction; 8) requiring conformance with the submitted geotechnical report; and 9) assumption of risk for the development.

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

APPENDIX A SUBSTANTIVE FILE DOCUMENTS

City of Huntington Beach Certified Local Coastal Program
City of Huntington Beach Approval In Concept dated September 12, 2012
Geotechnical report by AESCO, dated January 23, 2012

APPENDIX B CULTURAL RESOURCES SIGNIFICANCE TESTING PLAN PROCEDURES

A. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved and implementation may proceed.

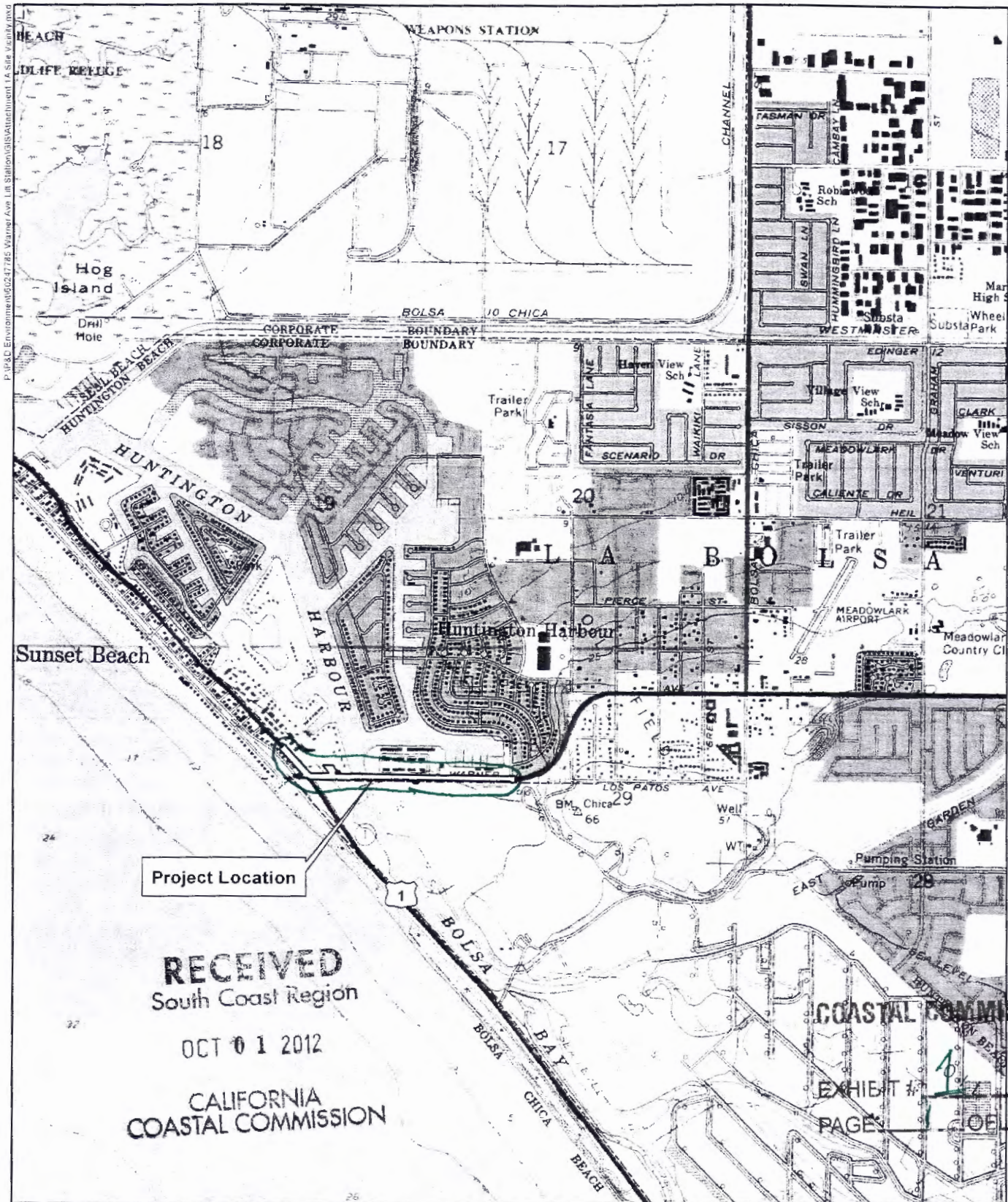
1. If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures are de minimis in nature and scope, the significance testing may commence after the Executive Director informs the permittee of that determination.
2. If the Executive Director approves the Significance Testing Plan but determines that the changes therein are not de minimis, significance testing may not recommence until after an amendment to this permit is approved by the Commission.
3. Once the measures identified in the significance testing plan are undertaken, the permittee shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archeologist's recommendation as to whether the findings are significant. The project archeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. The Executive Director shall make the determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the permittee shall prepare and submit to the Executive Director a supplementary Archeological Plan in accordance with subsection D of this condition and all other relevant subsections. If the deposits are found to be not significant, then the permittee may recommence grading in accordance with any measures outlined in the significance testing program.

B. An applicant seeking to recommence construction following a determination by the Executive Director that the cultural deposits discovered are significant shall submit a supplementary Archaeological Plan for the review and approval of the Executive Director. The supplementary

Archeological Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well as others identified in subsection E of this condition. The supplementary Archeological Plan shall identify proposed investigation and mitigation measures. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the Supplementary Archaeological Plan.

1. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director informs the permittee of that determination.
2. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

C. Prior to submittal to the Executive Director, all plans required to be submitted pursuant to this special condition, except the Significance Testing Plan, shall have received review and written comment by a peer review committee convened in accordance with current professional practice that shall include qualified archeologists and representatives of Native American groups with documented ancestral ties to the area. Names and qualifications of selected peer reviewers shall be submitted for review and approval by the Executive Director. The plans submitted to the Executive Director shall incorporate the recommendations of the peer review committee. Furthermore, upon completion of the peer review process, all plans shall be submitted to the California Office of Historic Preservation (OHP) and the NAHC for their review and an opportunity to comment. The plans submitted to the Executive Director shall incorporate the recommendations of the OHP and NAHC. If the OHP and/or NAHC do not respond within 30 days of their receipt of the plan, the requirement under this permit for that entities' review and comment shall expire, unless the Executive Director extends said deadline for good cause. All plans shall be submitted for the review and approval of the Executive Director.



Project Location

RECEIVED
South Coast Region
OCT 01 2012
CALIFORNIA
COASTAL COMMISSION

COASTAL COMMISSION
EXHIBIT # 1
PAGE 1 OF 2

Source: Seal Beach, CA USGS 7.5' Topographic Quadrangle (1977) and AECOM (2012).

Scale 1 : 24000 0 1,000 2,000 4,000
1" = 2000 feet Feet

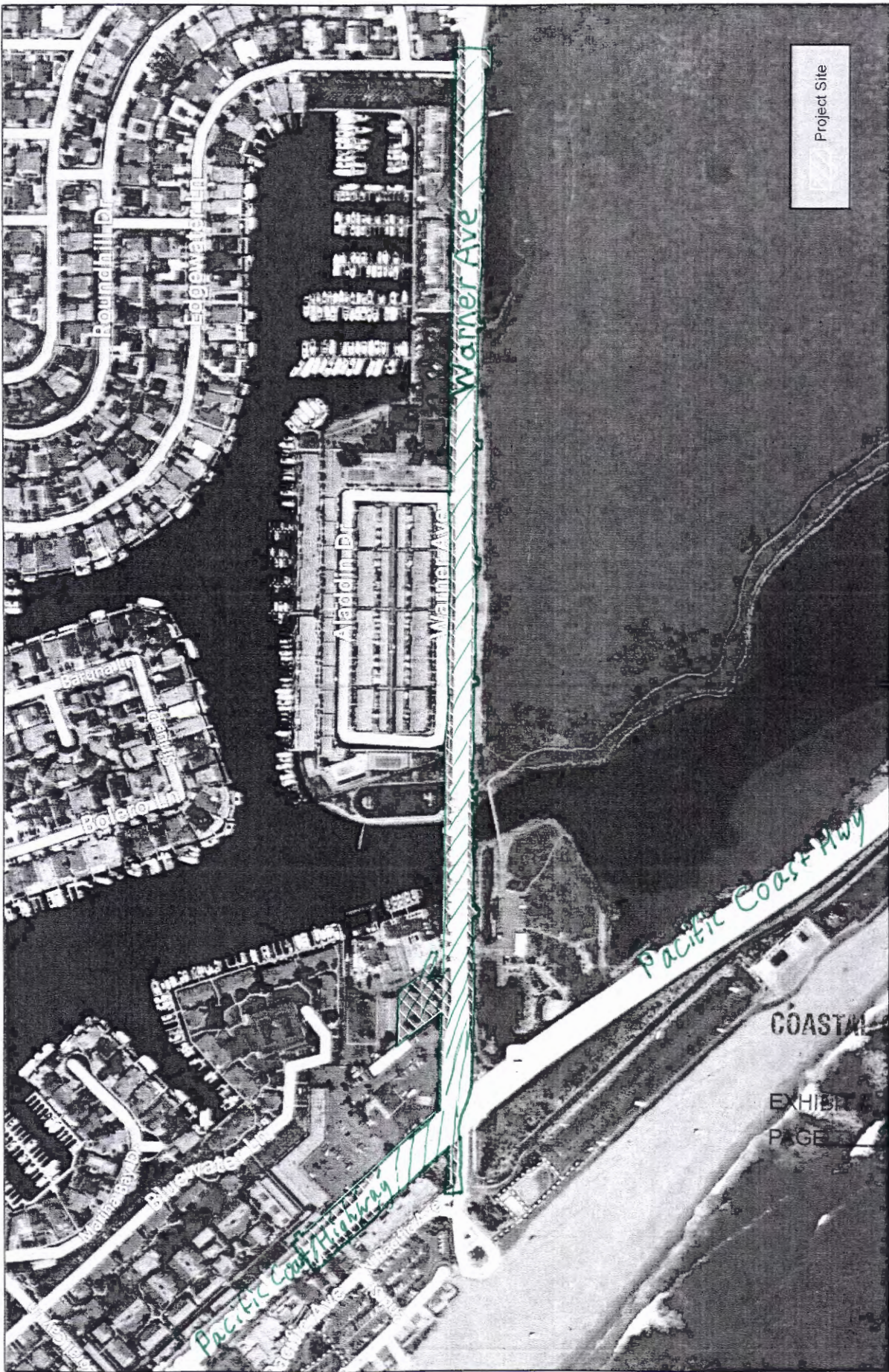
RECEIVED
South Coast Region

Attachment 1A
Site Vicinity

OCT 1 2012

Warner Avenue Sewer Lift Station Project

CALIFORNIA
COASTAL COMMISSION



Project Site

Attachment 1B Site Aerial

1 200 400 800 1,200 Feet

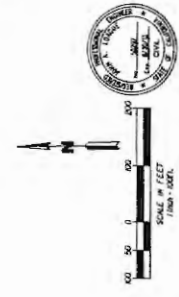
Scale 1" = 400 feet



COASTAL COMMISSION

EXHIBIT 1
PAGE 2 OF 2

Warner Avenue Sewer Lift Station Project

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0080 Mustang Breakdown WASH & Linn Station CNR D.D. done, site den 5/24/2017

