

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Th6b

Filed:	1/28/2015
180th Day:	7/27/2015
Staff:	S. Vaughn-LB
Staff Report:	5/21/2015
Hearing Date:	6/11/2015

STAFF REPORT: CONSENT CALENDAR

Application No.:	5-14-1668
Applicant:	City of Newport Beach
Agent:	Fong Tse & Chris Johnson
Location:	Park Avenue Bridge over Grand Canal and Balboa Avenue including the water that divides Balboa Avenue over Grand Canal, Balboa Island, City of Newport Beach, Orange County
Project Description:	Demolition of Park Avenue Bridge over Grand Canal, construction of a new Park Avenue Bridge in the same location, and installation of a temporary bridge that spans Grand Canal at Balboa Avenue that will serve traffic while Park Avenue Bridge is under construction.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION:

The applicant proposes to demolish and replace the existing Park Avenue Bridge that spans between Balboa and Little Balboa Islands over Grand Canal in the City of Newport Beach, Orange County. The applicant proposes to erect a temporary bridge at Balboa Avenue (one block north of Park Avenue) to be used for vehicular, bicycle, and pedestrian traffic between the two islands while Park Avenue Bridge is under construction. The proposed project will have both temporary and permanent impacts to eelgrass, which the applicant proposes to mitigate for. Additionally, the project will result in reduced fill within the canal leaving more soft bottom habitat exposed.

Staff is recommending **approval** of the proposed coastal development permit with **eight (8)** special conditions. The special conditions regarding: **1)** Pre-and Post-Construction Eelgrass Surveys and Eelgrass Mitigation; **2)** Pre-construction *Caulerpa Taxifolia* Survey; **3)** Construction Best

Management Practices **4)** Construction Access and Staging Plans; **5)** Conformance with the Proposed Plan; **6)** Resource Agencies; **7)** Avoidance of Sensitive Species; and **8)** Assumption of Risk, Waiver of Liability, and Indemnity Agreement.

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-14-1668 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 of 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. Pre-and Post-Construction Eelgrass Survey(s)

A. 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. 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 Wildlife. The applicant shall submit the eelgrass survey for the review and approval of 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.

B. Post Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, 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 (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 Wildlife. The applicant shall submit the post-construction eelgrass survey for the review and approval of 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 Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1. 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 required.

2. Pre-construction *Caulerpa Taxifolia* Survey

A. 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.

B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service.

C. Within five (5) business days of completion of the survey, the applicant shall submit the survey:

- (1) for the review and approval of 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 & Wildlife (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043).

D. 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 *C. 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 *C. 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.

3. Construction Best Management Practices

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

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

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 as far away from the receiving waters and storm drain inlets as possible;
- (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 sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a storm drain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

4. Construction Access and Staging Plans.

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit a plan for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s)/access will avoid impacts to public access or sensitive habitat areas, except as specifically authorized in this coastal development permit:

1. The plan shall demonstrate that:
 - a. Construction equipment or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition.
 - b. Staging or storage areas shall not be located in or result in impacts to habitat areas.
 - c. The construction staging/storage area shall not be located in public beach parking areas during the peak summer period (Memorial Day to Labor Day).
 - d. The size of the construction staging/storage area will be minimized and will be gradually be reduced as less materials and equipment are necessary.
 - e. The construction access corridor is the minimum width necessary, boundaries of the corridor have been flagged for avoidance of sensitive habitat and public access ways, and measures to protect the soil from disturbance such as temporary driving surfaces are utilized.
2. The plan shall include, at a minimum, the following components:
 - a. A site plan that depicts:
 - (1) limits of the staging area(s)
 - (2) construction corridor(s)
 - (3) construction site
 - (4) location of construction fencing and temporary job trailers
 - b. Written documentation from the owner of the staging area site that the permittee is authorized to use the site, as conditioned by the Coastal Commission, for the period the project is under construction or needed to complete post construction restoration work.

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.

5. Conform with Proposed Plan

The applicant shall conform to the proposed installation plan identified in the document submitted with their application and received in the Commission's office on September 26, 2014 titled Park Avenue Bridge Over Grand Canal Replacement Project. 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.

6. 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. Department of Fish and Wildlife Service, and the California Department of Transportation 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.

7. 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 United States Fish and Wildlife Service, California Department of Fish and Wildlife, the Migratory Bird Treaty Act and California species of special concern within 300' of the project site (500' for raptors and owls). If any occupied nests of any sensitive species are discovered, construction activities within 300' of the nest (500' for raptors and owls) shall be monitored to ensure that construction noise levels do not exceed 65 dB peak within 100' of the nest 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' of the project site, and whether sensitive plant species, including but not limited to wooly seablite, estuary seablite, Leopold's rush and/or southern tarplant are located within 25' of the project site. Any identified species shall be flagged for avoidance.

C. 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 to sensitive species or habitat areas.

- 8. Assumption of Risk, Waiver of Liability and Indemnity Agreement Applicable to Applicant.** By acceptance of this permit, the applicant, the City of Newport Beach, acknowledges and agrees (i) that the site may be subject to hazards from wave and tidal action, flooding, erosion, sea level rise, geologic instability, or liquefaction; (ii) to assume the risks to the applicant, the City of Newport 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.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION & DESCRIPTION

The Park Avenue Bridge is a right-of-way located over Grand Canal on the east side of Balboa Island and connects Balboa Island to Little Balboa Island in the City of Newport Beach, Orange County. The existing bridge is over 80 years old and does not meet current bridge design and seismic safety standards. The City has identified structural and functional deficiencies with the bridge, such as severely deteriorated concrete girders, pile caps, and piles. As such, through the Caltrans Sufficiency Rating process, Caltrans has identified the bridge as “functionally obsolete.” The proposed project will construct a new bridge that meets current engineering standards. The Park Avenue Bridge is the only vehicular, bicycle, and pedestrian access between Balboa and Little Balboa Islands. As such, a temporary bridge will be erected one block north of Park Avenue Bridge at Balboa Avenue before Park Avenue Bridge is demolished and will remain throughout the construction process at Park Avenue (**EXHIBITS 1, 2, & 4**). The project’s main elements include: erecting a temporary bridge at Balboa Street, demolishing the Park Avenue Bridge, constructing a new Park Avenue Bridge, and removing the temporary bridge.

The current Park Avenue Bridge has a vertical curve profile that provides variable clearance between the high water surface of the canal and allows for boat navigation beneath the bridge. The existing bridge structure consists of five 20-foot spans supported by precast concrete pile extensions at the piers and abutments. Each end of the bridge includes Americans with Disabilities Act (ADA)-accessible ramps extending from the adjacent at-grade sidewalks to the bridge-mounted sidewalks. The bridge is illuminated by pole-mounted lights at both sides of each bridge approach. Wet and dry utility conduits/pipelines extend across the Grand Canal and are attached to the underside of the bridge. Park Avenue Bridge acts as the only connection point between the east and west portions of Balboa Island, which is separated by the Grand Canal (**EXHIBITS 1 & 3**).

Prior to the demolition of the Park Avenue Bridge, a temporary bridge will be erected in order to maintain motorist, bicyclist, and pedestrian traffic between Balboa and Little Balboa Islands while the Park Avenue Bridge is under construction. Balboa Avenue is a local two-lane roadway (one vehicle lane and sidewalk in each direction) trending in an east-west direction across Balboa Island and Little Balboa Island. There is no bridge crossing over the Grand Canal along Balboa Avenue and the roadway currently terminates at each end of the canal (**EXHIBIT 4**). This area is surrounded by single-family residential uses on all sides. The temporary bridge will maintain access to Little Balboa Island with two 10-foot lanes for vehicular traffic and a five-foot wide walkway adjacent to the traffic lanes for bicycle and pedestrian traffic. No form of additional traffic control will be necessary once the temporary bridge is in place.

Construction of the temporary bridge requires no removal/replacement of existing improvements on Balboa Avenue. The temporary bridge would be constructed on either the east or west approach of Grand Canal and “launched” across Grand Canal to the opposite side with an overhead crane. Approximately eight temporary steel piles (four on each side of Grand Canal) will be vibrated into place about five feet from the existing seawalls from location on Balboa Island so that no equipment will be required within the canal. This method of construction will result in significantly fewer environmental impacts with regards to noise and turbidity within the Grand Canal compared to utilizing concrete piles. Temporary construction impacts associated with the temporary bridge

include fill from the steel pile supports at each end of the temporary bridge, approximately five feet from the existing seawall, impacting approximately 26 square feet of soft bottom within Grand Canal; and eel grass impacts to the areas within Grand Canal that will fall within the shadow of the temporary bridge. In this case, the City must replace Park Avenue Bridge as it poses considerable safety risks. The temporary impacts to eelgrass and soft bottom habitat are necessary to ensure that public access to Little Balboa Island is maintained throughout the construction process. Such temporary impacts are consistent with Sections 30233 and 30607.1 of the Coastal Act. Furthermore, **Special Condition 1, 2, 6, & 7** will address these impacts through biological surveys, mitigation, and sensitive species avoidance.

Three temporary construction easements will be required at residential driveway locations surrounding the temporary bridge site (two dwelling units nearest the temporary bridge site on Balboa Island and one dwelling unit nearest the temporary bridge site on Little Balboa Island)(**EXHIBIT 5**). No construction activities would occur on these residential properties, however, temporary construction easements would be required because access to the three driveways will be temporary restricted during a portion of the construction process. The residents have been informed of these restrictions and are aware that they will need to coordinate with the contractor to move into and out of their garages during construction/working hours. Access to the two nearest alleys parallel to the Grand Canal (one on Balboa Island and one on Little Balboa Island) may require a temporary detour during a portion of the construction process, however, the alleys will remain accessible at all times via alternative access points further north and south. After the new Park Avenue Bridge is constructed and opened to all vehicular, bicycle, and pedestrian traffic, the temporary bridge will be removed. All portions of the temporary bridge, including the temporary steel piles, will be removed immediately after the completion of Park Avenue Bridge.

The City has held numerous meetings with local residents regarding the details of the bridge replacement project. The residents have been engaged in the planning of the project and recognize that the Park Avenue Bridge must be replaced. The City is not currently aware of any opposition to the project.

The existing Park Avenue Bridge has 30 concrete piles that penetrate approximately 20 feet below the mud line that support the bridge (**EXHIBIT 3**). Once the bridge deck is removed, the concrete piles will be cut five feet below the mud line and removed. It is not practical to remove the concrete piles in their entirety because it is highly likely that they would break during extraction. Additionally, removal of the pile via vibration would introduce a significant increase in the amount of turbidity within the canal. Therefore, removal of the piles via vibration is not being proposed.

Construction of the proposed Park Avenue Bridge will implement a precast or cast-in-place post-tension bridge structure in place of the existing bridge. The proposed bridge will maintain a length of 100 feet and include 11-foot wide vehicle lanes and 6-foot raised sidewalks. The proposed bridge will be wider than the existing bridge, with a width of approximately 36 feet compared to the existing width of approximately 30 feet. The bridge will be supported by abutments at each bank of the canal and two bents comprised of 24-inch diameter piles within the canal. The number of spans associated with the bridge will be reduced from five with the existing bridge to three with the proposed bridge. There are 30 16-inch x 16-inch octagonal concrete bridge piles supporting the existing bridge that will be removed and replaced with a total of eight 24-inch diameter round

concrete piles and expanded abutments. The new concrete piles will be sited further outside of the canal centerline, thus decreasing potential impacts to eelgrass habitat while also allowing for natural recruitment in the location of the previous bridge piles. Additionally, the removal of the old piles and placement of the new piles will result in a decrease of fill of approximately 17 square feet (**EXHIBIT 7**).

Development of the proposed project takes place over and adjacent to a coastal waterway, Grand Canal. In an effort to avoid impacts to water quality, the Commission imposes **Special Conditions 3 & 6**, which require the applicant to comply with the requirements of other resource agencies and to take careful measure to avoid adverse impacts to water quality and adhere to best management practices during construction.

The entire project will take about 15 months to complete. The installation of the temporary bridge will take about two months. The Park Avenue Bridge will remain open during this time. Demolition and construction of the Park Avenue Bridge will take about 11 months. During this time, the temporary bridge will provide access to Little Balboa Island. Once the new Park Avenue Bridge is operational, the temporary bridge will be removed. Removal of the temporary bridge will take about two weeks.

A dense assemblage of eel grass is found throughout Grand Canal (**EXHIBIT 6**) except immediately under the existing Park Avenue Bridge. Construction activities could increase turbidity within the canal that could adversely affect eel grass; installation of the temporary bridge at Balboa Avenue will cast a shadow over the canal where eel grass currently exists, which could also adversely affect eel grass; and the proposed new bridge at Park Avenue is expected to be 6 feet wider than the existing bridge, which will cast a larger shadow over the canal blocking sunlight and preventing the perpetuation of eel grass where it currently exists. **Special Condition 1** requires pre and post eel grass surveys as well as mitigation measures to be taken for impacted eel grass. The applicant has identified eelgrass mitigation areas in Lower Newport Bay (**EXHIBIT 8**). After an inventory of pre-and post-construction eelgrass conditions has been evaluated, a site within Lower Newport Bay will be selected as the designated mitigation site for the proposed project. Furthermore, potential for eelgrass mitigation within the Grand Canal is possible and will take place where that potential is found. Additionally, sheet piles proposed within the canal for the temporary bridge will be placed in areas not inhabited by eel grass. **Special Condition 7** requires the avoidance of impacts to sensitive species that may be found in the area during construction activities.

In order to avoid impacts to visitor serving uses, construction for the proposed project is proposed to begin after Labor Day. Approximately eight parking spaces will be temporarily impacted due to construction of the new bridge. However, on-street parking is available along adjacent segments of Park Avenue and Balboa Avenue as well as along adjacent residential street. Furthermore, the installation of the temporary bridge will provide uninterrupted public access to Little Balboa Island.

Special Condition 4 requires the applicant to submit a construction staging plan prior to the commencement of construction. This will ensure that construction staging areas and corridors will avoid or mitigate impacts to public access and sensitive habitat areas throughout the project.

Special Condition 5 requires the applicant to conform to the proposed plan and to submit any changes to the proposed plan to the Executive Director for approval. This will ensure that any changes to the proposed plan are reviewed for consistency with the Coastal Act. Finally, **Special Condition 8** requires the applicant to acknowledge that the proposed project may be subject to hazards; to assume the risks associated with those hazards; to unconditionally waive any claim of damage of liability against the Commission, its officers, agents, and employees related with those hazards; and to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to approval of this project and any indemnities incurred due to such hazards. This condition is necessary so that the Commission, its officers, agents, and employees are not held responsible in any way for the City proposed project.

B. WATER QUALITY / MARINE RESOURCES

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

C. VISUAL RESOURCES

As proposed, the developments are located within existing developed areas and are compatible with the character and scale of the surrounding area. The project does not disrupt public coastal views. Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

D. PUBLIC ACCESS

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. PUBLIC RECREATION

The proposed development, as conditioned, does not interfere with public recreational use of coastal resources. The proposed development, as conditioned, protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development, as conditioned, is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

F. HAZARDS

Development adjacent to the ocean is inherently hazardous; therefore, the Commission imposes **Special Condition No. 8**, which requires the applicant to assume the risk of development. By this

means, the applicant is notified that the proposed development is built in an area that is potentially subject to sea level rise, flooding, and wave uprush or other tidal induced erosion 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. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

G. LOCAL COASTAL PROGRAM (LCP)

Coastal Act Section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development 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 City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated in October 2009. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity the provisions of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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.



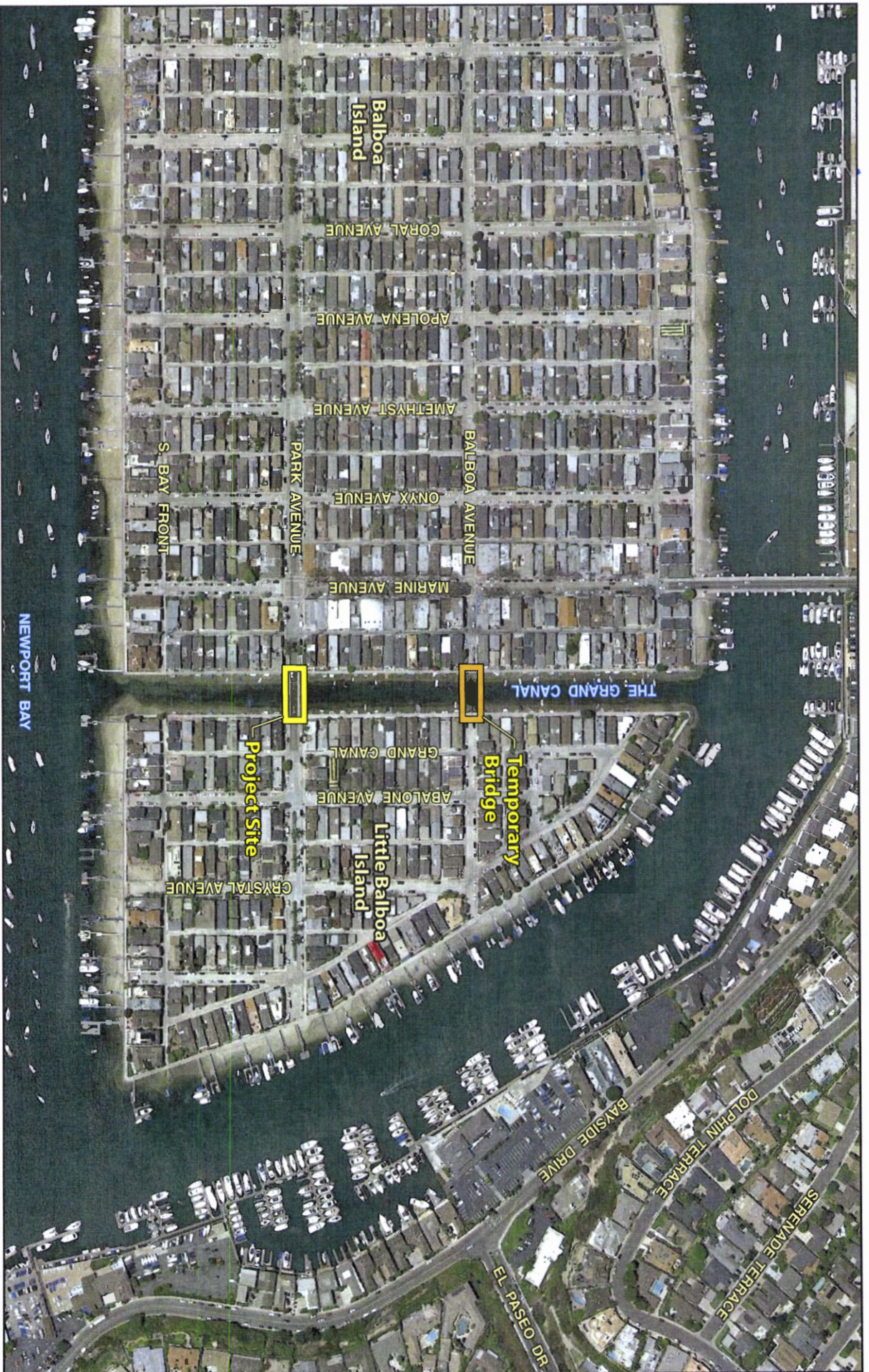
Source: USGS Topo Map, Newport Beach, CA Quadrangle, daed 1965, photo revised 1981.

EXHIBIT NO. 1
APPLICATION NO. 5-14-1668
1 OF 3
California Coastal Commission

PARK AVENUE BRIDGE REPLACEMENT PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Site Vicinity

Exhibit 2



Source: Google Earth Pro Aerial, 2013.

EXHIBIT NO. 1

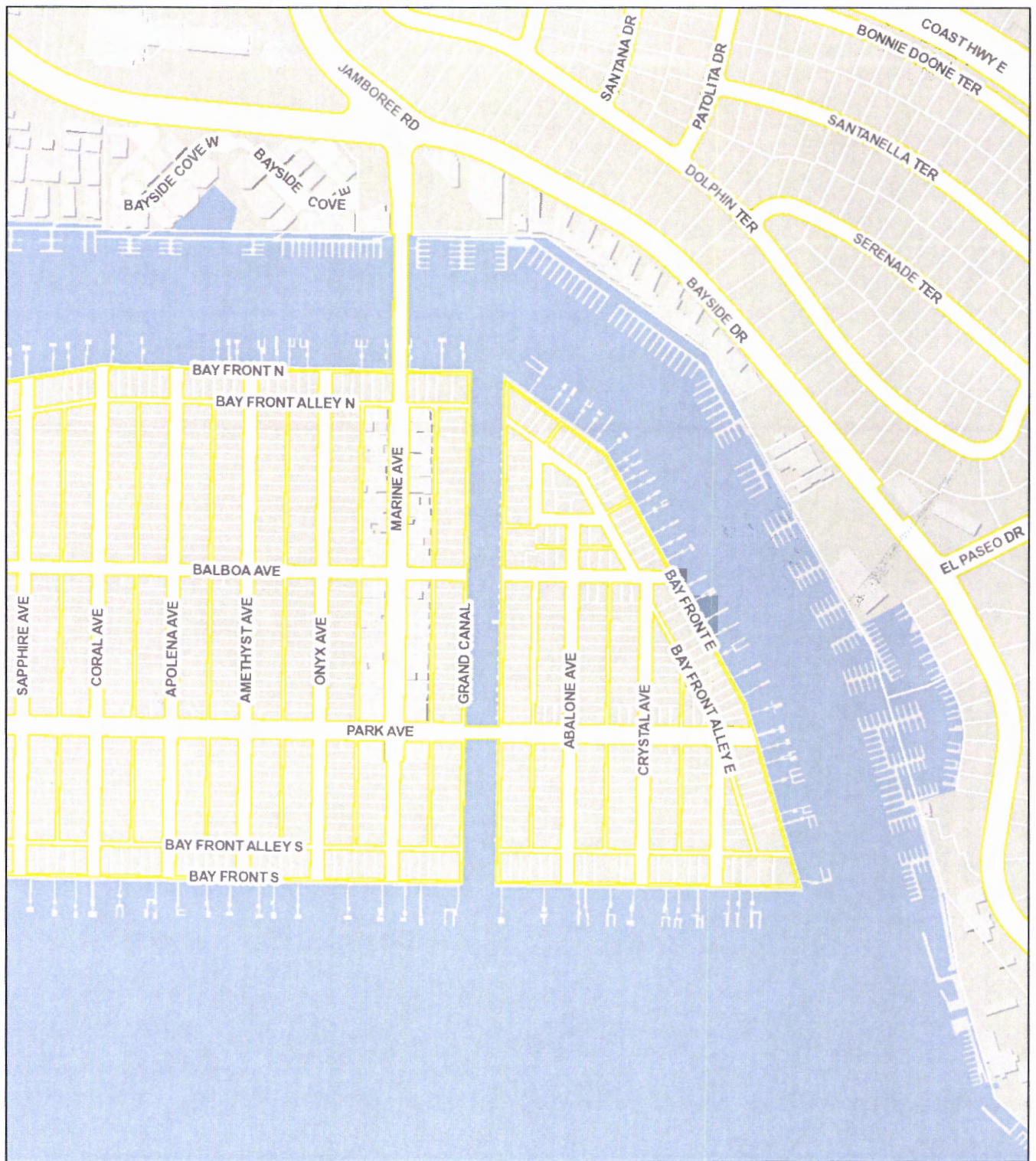
APPLICATION NO.

20F-3

California Coastal Commission

PARK AVENUE BRIDGE REPLACEMENT PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
Temporary Bridge Location

Exhibit 4



Newport
Beach
GIS



0 417 833
Feet

Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2013 photos provided by Eagle Imaging www.eagleaerial.com

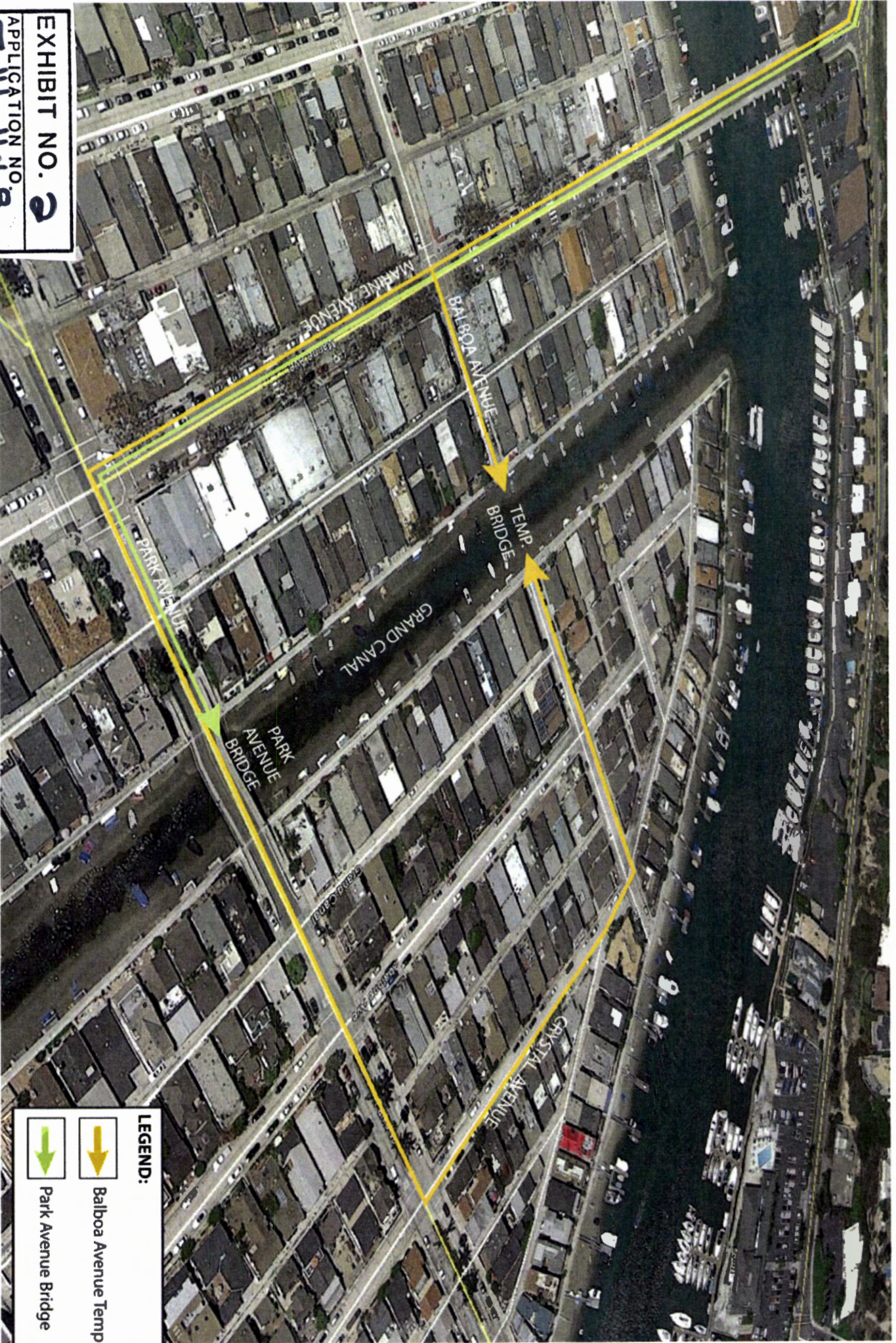
11/5/2014

EXHIBIT NO. 1



APPLICATION NO.

3 OF 3

EXHIBIT NO. 2
APPLICATION NO. 5-14-1668
1 of 1



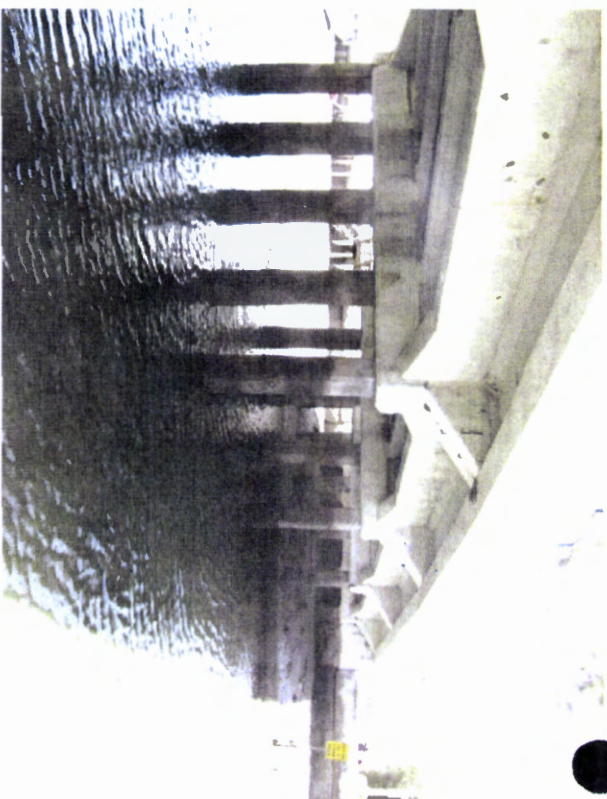
LEGEND:

-  Balboa Avenue Temp
-  Park Avenue Bridge

Park Avenue Bridge Replacement Over Grand Canal
PROPOSED CONSTRUCTION



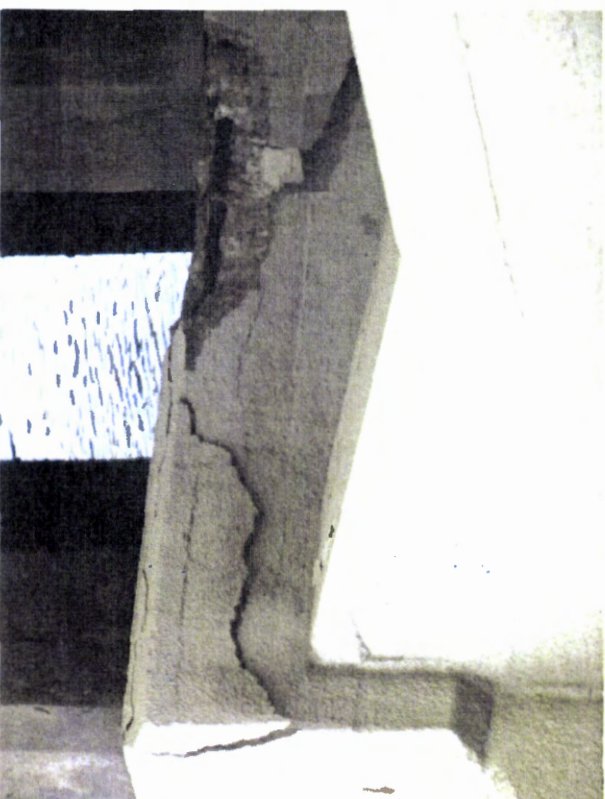
View looking south at existing Park Avenue Bridge abutments.



View looking southwest noting existing bridge pile supports at Park Avenue Bridge.



View looking south at existing Park Avenue Bridge abutments.



View of dilapidated bridge deck supports at Park Avenue Bridge.

EXHIBIT NO. 3
APPLICATION NO.
S-14-1668

1 DF 1



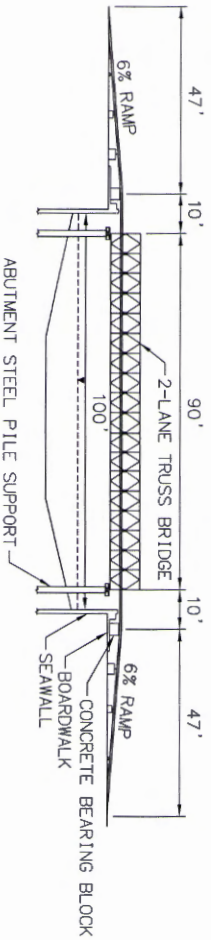
California Coastal Commission

PA 130307

PARK AVENUE BRIDGE • COASTAL DEVELOPMENT PERMIT

On-Site Photographs

Exhibit 4A



1075 ALTON PARKWAY
 RIVE, CALIFORNIA 92689-2027
 505 • FAX 949/4728123 • WWW.PDF.COM



TEMPORARY BRIDGE EXHIBIT

PDF PLANNING ■ DESIGN ■ CONSTRUCTION

EXHIBIT NO. 4

APPLICATION NO.
 5-14-1608

1 OF 2



Park Avenue Birdge

Federal Project Number: BRLO-5151(026)
 Caltrans District 12
 City of Newport Beach,
 Orange County, CA

[Signature] 9-2-14
 District Local Assistance Engineer Date

- - - Parcels
 [Red Outline] Direct APE
 [Green Outline] Indirect APE

0 50 100 Feet
 0 15 30 Meters
 1 inch = 100 feet



[Signature] 9-2-14
 Professionally Qualified Staff Date

EXHIBIT NO. 5
APPLICATION NO.
5-14-1668
1 DF1
California Coastal Commission

Map

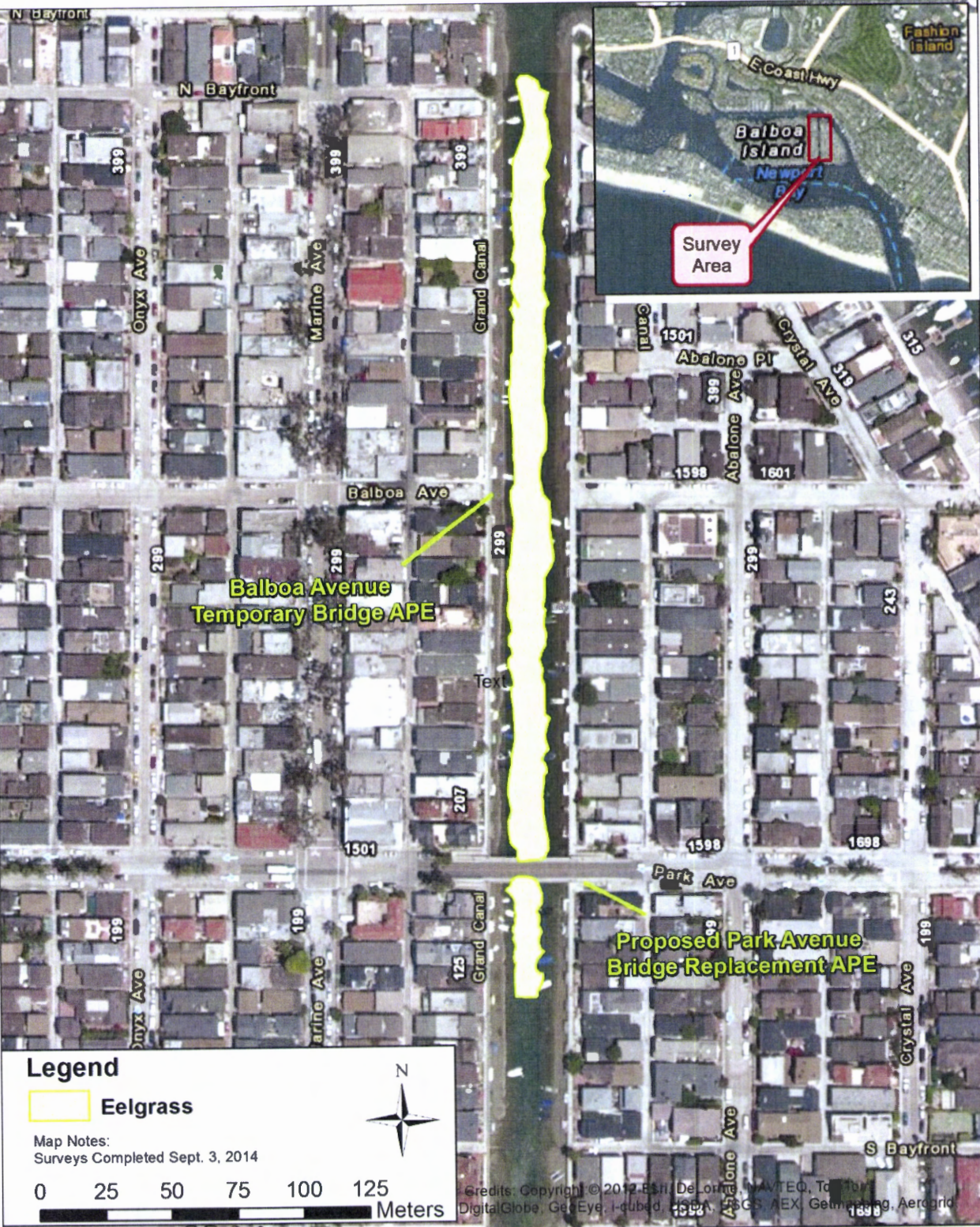


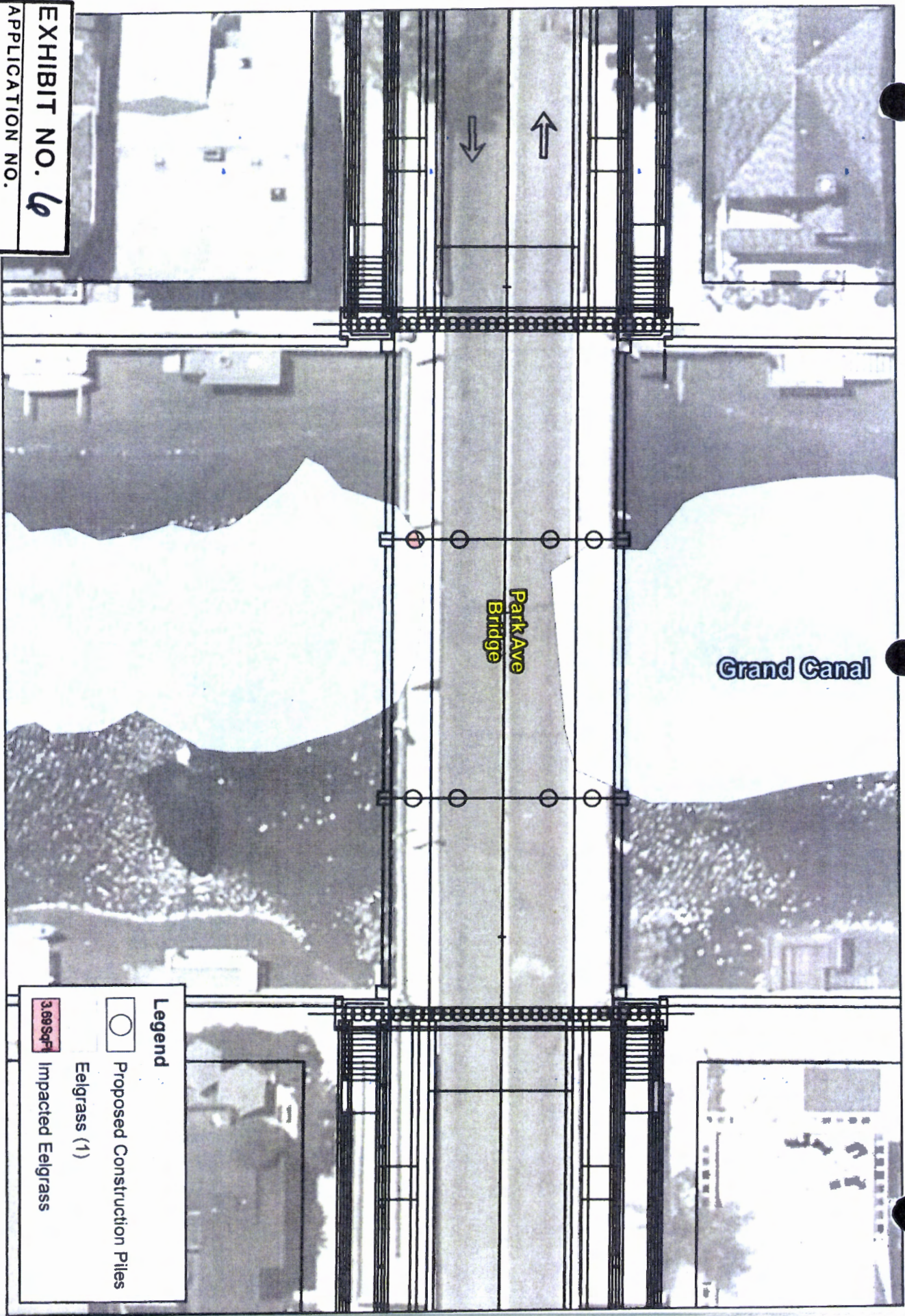


EXHIBIT NO. 4
APPLICATION NO. S-14-1668
1 OF 3

 California Coastal Commission


Approximate Eelgrass presence within Grand Canal adjacent to the APE


 California Coastal Commission	EXHIBIT NO. 6
	APPLICATION NO. 2 DF3



(1). Eelgrass locations per 9/3/14 survey by Terra Data


Legend

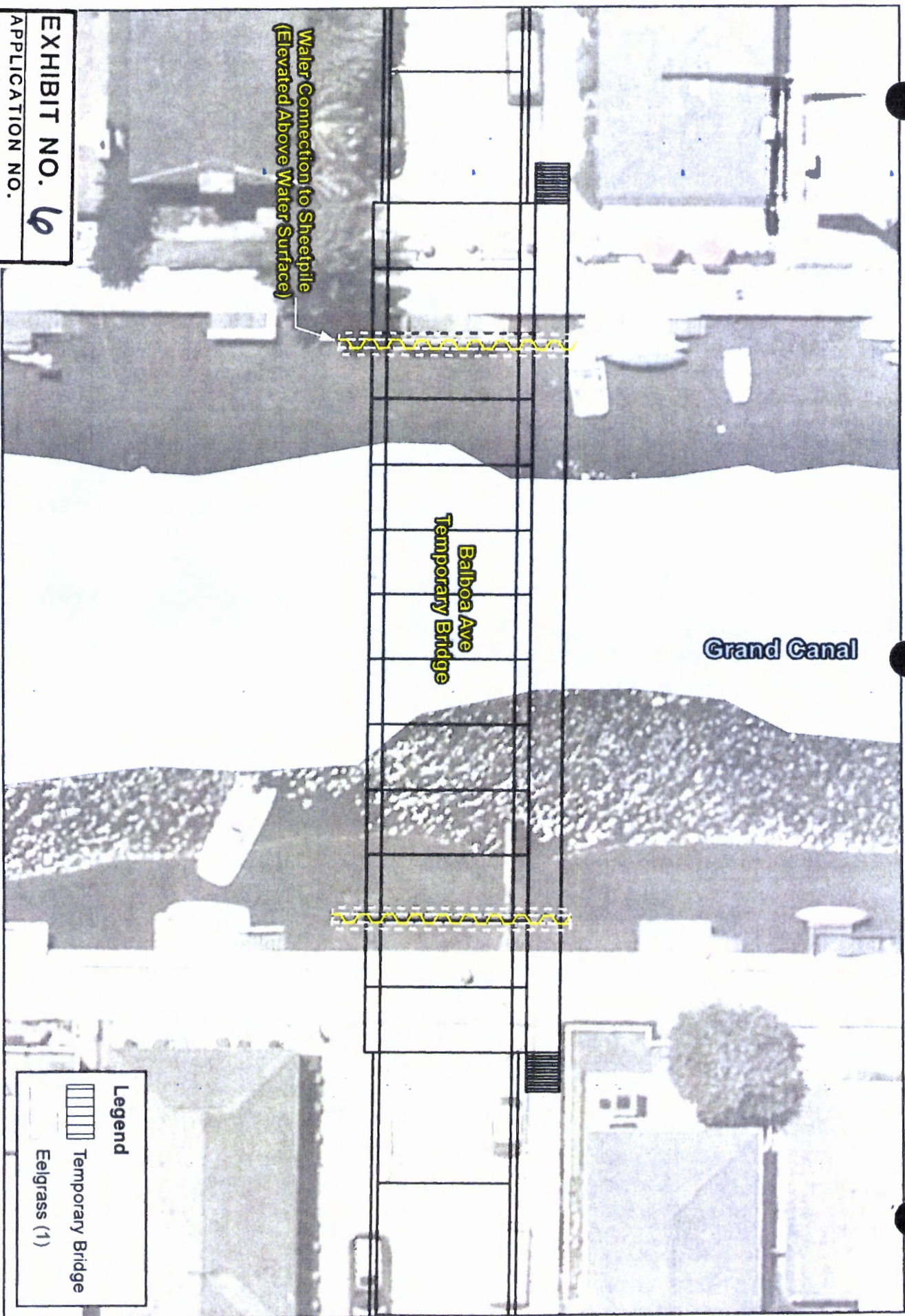

Proposed Construction Piles


3,663 Sqft
Impacted Eelgrass

Eelgrass (1)

PARK AVENUE BRIDGE Eelgrass Survey

EXHIBIT NO. 6
APPLICATION NO.
3 of 3
 California Coastal Commission

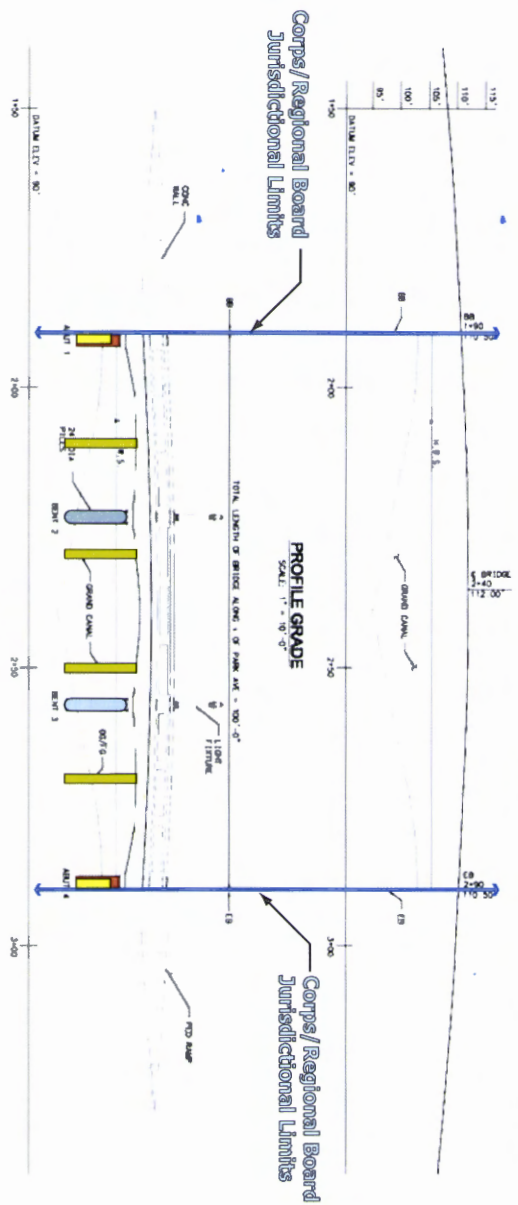


(1), Eelgrass locations per 9/3/14 survey by Terra Data

BALBOA AVENUE TEMPORARY BRIDGE

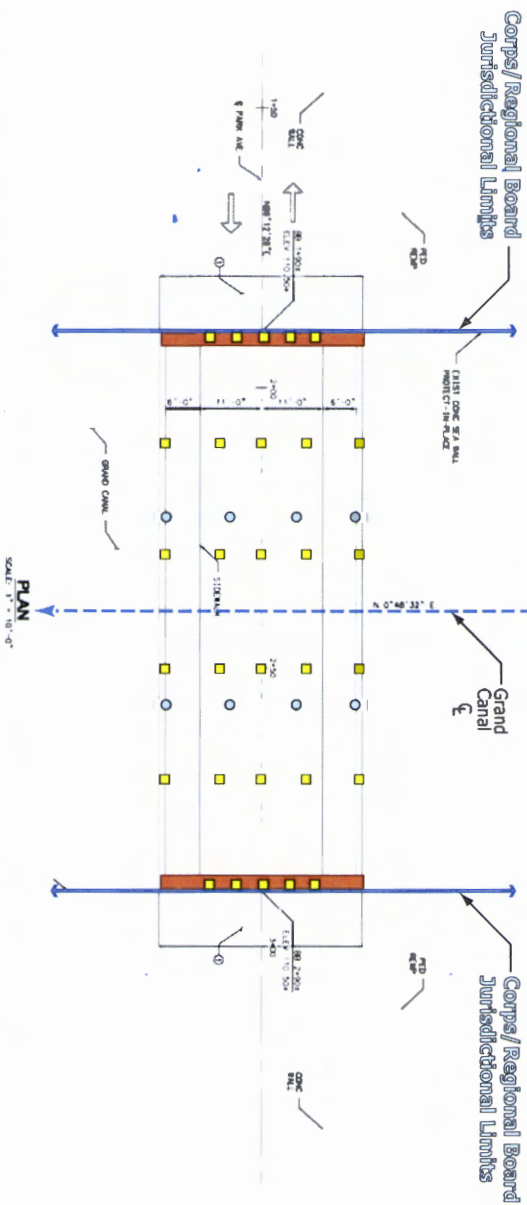
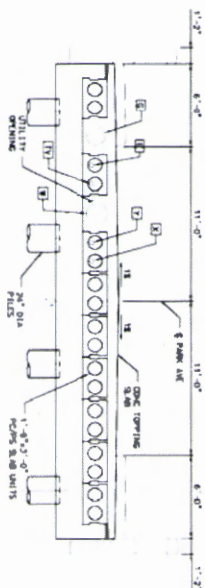
Eelgrass Survey

Exhibit B



ELEVATION
SCALE: 1" = 10'-0"

TYPICAL SECTION
SCALE: 1/4" = 1'-0"



PLAN
SCALE: 1" = 10'-0"

- UTILITIES:**
- (S) 6" WATER
 - (S) 6" GAS
 - (E) 12" ELECTRIC
 - (T) CABLE CABLE
 - (S) 6" 3000
 - (T) 6" 3000
- LEGEND:**
- CORPS/REGIONAL BOARD JURISDICTIONAL LIMITS
 - GRAND CANAL CENTERLINE
 - PROPOSED PERMANENT 24" DIAMETER PILE SUPPORTS
 - PROPOSED PERMANENT BRIDGE ABUTMENT
 - EXISTING BRIDGE PILE SUPPORTS (TO BE REMOVED)

EXHIBIT NO. 7

APPLICATION NO.

S-14-16668

1 OF 2



PARK AVENUE BRIDGE • JURISDICTIONAL DELINEATION
Jurisdictional Delineation-Park Avenue Bridge (Alternative 1: Staged Construction)

Exhibit 5A



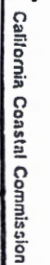
EXHIBIT NO. 7

APPLICATION NO.

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SCALE 1"=10'



APPLICATION NO.

1 OF 3





EXHIBIT NO. 8

APPLICATION NO.

2 OF 3



Figure 11. 2013-2014. Elgrass Habitat Map. West Balboa Peninsula

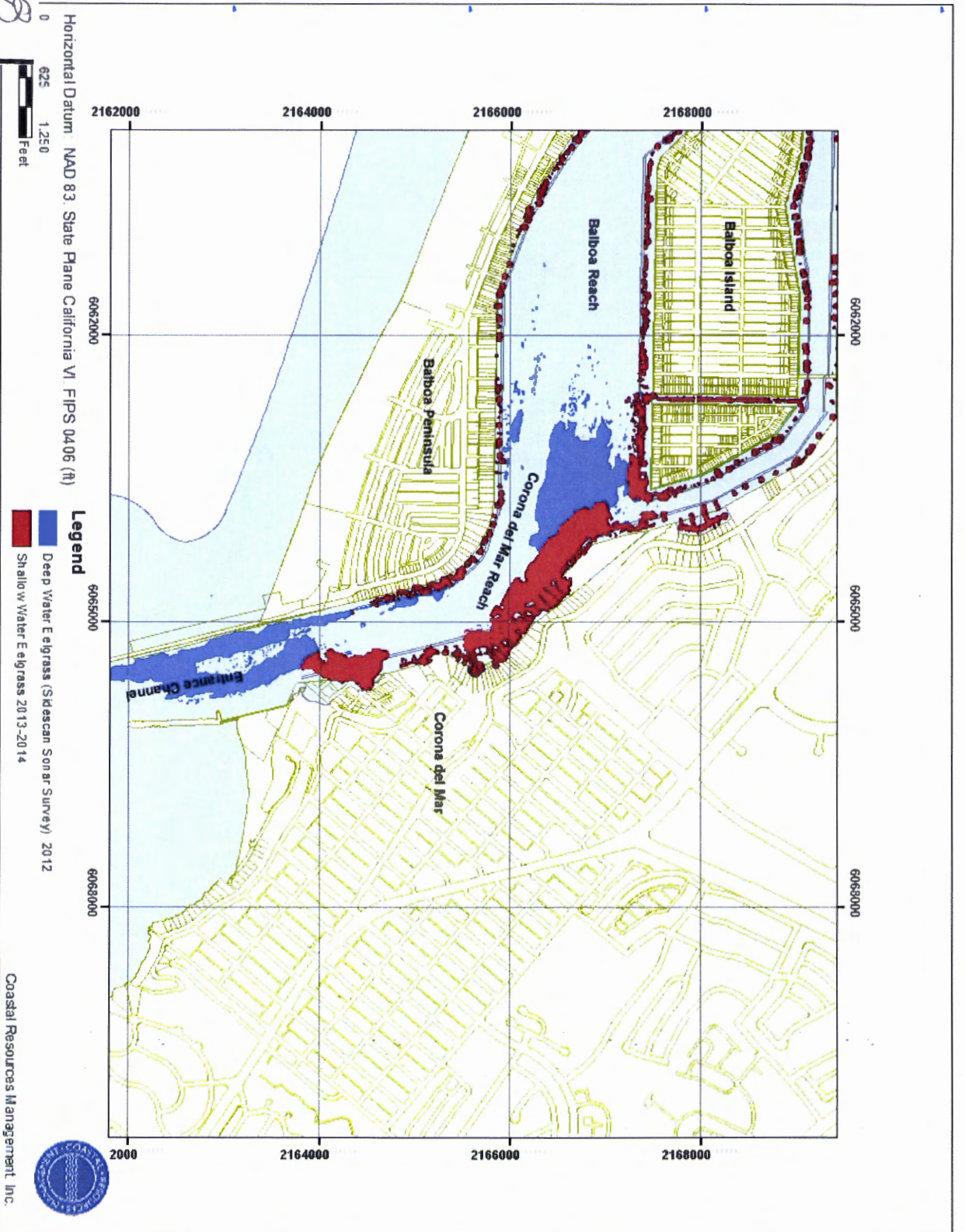


Figure 18. 2013-2014 Eelgrass Habitat Map. Deep Water (and) Shallow Water Eelgrass