

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

Application No.: 5-16-0809

Applicant: Coast Community College District

Location: 1700 West Coast Highway (State Route 1), Newport Beach (Orange County)

Project Description: Construction of a 12-ft. wide, 120-ft. long public pedestrian bridge over Coast Highway connecting Orange Coast College Maritime Training Center and the Orange Coast College School of Sailing and Seamanship. The proposed project involves ancillary improvements on both sides of the bridge, including work on the bridge footings, elevator shafts, stairways, and elevator and stairway landings.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to construct a pedestrian bridge over the West Coast Highway (State Route 1) connecting the proposed Orange Coast College Maritime Training Center and the Orange Coast College School of Sailing and Seamanship. The proposed project involves ancillary improvements on both sides of the bridge, including work on the bridge footings, elevator shafts, stairways, and elevator and stairway landings. The project will span the West Coast Highway Right of Way (ROW) and will create an additional coastal access point that will be open to the general public.

Staff is recommending **approval** of the proposed coastal development permit with five (5) special conditions regarding: 1) public access to and over the pedestrian bridge; 2) signage that denotes such public access; 3) submittal of the final, approved Caltrans' Traffic Management Plan and Encroachment Permit; 4) compliance with construction best management practices; and 5) Assumption of Risk, Waiver of Liability and Indemnity.

A Local Coastal Program (LCP) for the City of Newport Beach was effectively certified on January 13, 2017. The proposed project is partially within the Coastal Zone, with development seaward of the northern border of the West Coast Highway ROW in the Coastal Zone and development landward of the northern border of the West Coast Highway ROW not in the Coastal Zone. However, since the subject coastal development permit application was submitted to the Commission prior to effective certification of the City's LCP, the Commission continues to act as the permitting authority for the coastal development permit application. The standard of review for the proposed development is the City's certified LCP. In addition, since the proposed project is located between the sea and the first public road, the development must also conform to the public access and recreation policies of the Coastal Act.

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APPENDICES

[Appendix A](#) – Substantive File Documents

EXHIBITS

[Exhibit #1](#) – Location Map

[Exhibit #2](#) – Project Design and Elevations

[Exhibit #3](#) – Proposed Pedestrian Bridge General Plan

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. 5-16-0809 included on the Consent Calendar 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 permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the certified Local Coastal Program and the public access and recreation policies of Chapter 3 of the California Coastal Act. 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 alternative 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. Public Access.

The Permittee shall ensure that for the life of the approved development, public access to and usage of the pedestrian bridge and associative stairways shall be maintained. Public access and usage of the associative elevators shall be maintained during normal business hours (i.e., during daytime operational hours) for the life of the approved development. Signage regarding public access to and usage of the pedestrian bridge, stairways and elevators shall be provided pursuant to SPECIAL CONDITION NO. 2.

2. Public Access Signage Plan

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 Public Access Signage Plan, which indicates the availability of the on-site pedestrian bridge to the public. The Public Access Signage Plan shall include, at a minimum, a sign at least two square feet in area posted on the adjacent sidewalk and at the entrance to each stairway and elevator to inform the public that the pedestrian bridge is open and available for the general public to access and use to cross the highway. The Permittee shall undertake development in accordance with the approved final Public Access Signage Plan. Any proposed changes to the approved final Public Access Signage Plan shall be reported to the Executive Director. No changes to the approved final Public Access Signage Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Caltrans Encroachment Permit and Traffic Management Plan.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director a copy of the final, approved Traffic Management Plan and Encroachment Permit issued by Caltrans for the development of the proposed project within areas of Caltrans' right-of-way, or evidence that no permit is required. The applicant shall inform the Executive Director of any changes to the proposed project required by Caltrans. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

4. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.

The Permittees shall comply with the submitted construction and staging mitigation measures identified in the Initial Study / Mitigated Negative Declaration and the following construction-related requirements:

1. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
2. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.

3. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
4. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
5. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
6. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
7. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a Coastal Development Permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
8. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
9. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
10. The discharge of any hazardous materials into any receiving waters shall be prohibited.
11. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
12. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
13. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

5. Assumption of Risk, Waiver of Liability, and Indemnity.

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from seismic ground shaking, liquefaction, erosion, landslides, storm conditions, and sea level rise; (ii) to assume the risks to the applicant 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; and (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 DESCRIPTION

The applicant proposes to construct a pedestrian bridge over the West Coast Highway (State Route 1) in Newport Beach connecting the future Orange Coast College Maritime Training Center (MTC), located at 1700 West Coast Highway, and the existing Orange Coast College School of Sailing and Seamanship (SSS) located at 1801 West Coast Highway (see [Exhibit 1](#)). The bridge would connect to the MTC at the southwestern corner and will connect to the SSS between the existing library and classroom areas. The bridge structure would be approximately 12 feet wide, 120 feet long, and approximately 10 feet high from the bridge deck to the canopy. Elevator shaft towers on each side of the proposed bridge are the highest parts of the proposed structure, reaching 35 feet in height above the highway. Clearance from the bottom of the pedestrian bridge to the roadway surface will vary between 19 feet to 20.2 feet (see [Exhibit 2](#) and [Exhibit 3](#)). Construction of the proposed project involves ancillary improvements on both sides of the pedestrian bridge, including work on the bridge footings, elevator shafts, stairways, and elevator and stairway landings. Two large bridge columns, one on each side of highway, will be constructed with 4-foot diameter concrete drilled shafts.

The proposed project will create an additional coastal access point that will be open to the general public. Current pedestrian access across West Coast Highway is located at Tustin Avenue, approximately 0.3 miles to the west, and at the Balboa Bay Club, approximately 0.2 miles to the east. To the south of the project site are two public stairways leading to the boardwalk along the seawall of Newport Bay, providing access to the docks. Thus, as conditioned, the project will not adversely impact public access and will provide a new publically-accessible crossing on West Coast Highway approximately halfway between the existing crossings at Tustin Avenue and Balboa Bay Club. Stairway access to the pedestrian bridge will also be unobstructed and will remain open 24 hours a day, while elevator usage will be available for the public during normal day-time business hours. To ensure that public access remains open in perpetuity and that signage denotes such public access, [Special Condition No. 1](#) and [Special Condition No. 2](#) are imposed.

The proposed project is located within and adjacent to a public view road (West Coast Highway) and can be seen from a public view park (King's Road Park), as designated in the City's certified Land Use Plan (LUP). In addition, the project site is located within the certified LCP's Shoreline Height Limitation Zone, which has a 35-foot height limitation. The proposed project complies with the 35-foot height limit set forth in the certified LCP. The proposed project has been designed in accordance with the certified LCP and with architectural features and aesthetic enhancements that are intended to be compatible with surrounding uses. As such, to mitigate potential visual impacts, the bridge height would be similar to the surrounding buildings and the elevator tower will be consistent with the Shoreline Height Limitation Zone to reduce visual impacts. A column-less, lightweight steel truss structure with a curved, weathered copper roof will also be used to blend architecturally with the existing SSS buildings. Light fixtures on the pedestrian bridge will be designed such that no light rays will be directed onto West Coast Highway and bridge lighting will result in minimal nighttime glare. Further, to reduce instances of bird strikes caused by transparent glass, the proposed bridge cladding will be made from woven stainless steel wire mesh to provide visual transparency while maintaining safety.

The proposed project will traverse the West Coast Highway Right of Way (ROW) and will thereby require an Encroachment Permit and a Traffic Management Plan (TMP) from the California Department of Transportation (Caltrans). As part of the Caltrans review and approval process, final design plans, which are currently being prepared, will include a detour plan for maintenance of traffic during construction of the proposed bridge. Since the proposed development crosses a State highway, temporary traffic impacts from construction are expected. Accordingly, as proposed by the applicant and subject to Caltrans' approval of a Traffic Management Plan, construction is anticipated to occur in two stages that allow for existing travel lanes to be maintained, with one lane to be closed during Stage 2. Stage 1 entails the construction of the northern column and footing, with construction materials to be staged on the future MTC site. The north sidewalk will be reduced to a 5-foot width with a K-rail placed between pedestrians and the construction area for safety. Construction of the north elevator and stair tower would be completed at this time or following completion of the columns and erection of the steel truss. Upon completion of the north column and foundation, traffic will be shifted north during the Stage 2 process, which entails construction of the south columns and footing. Two 12-foot lanes, a 2-foot right shoulder, and a 5-foot sidewalk will be maintained in the northbound direction, with two 12-foot lanes, a 2-foot right shoulder, and a 5-foot right sidewalk provided in the southbound direction. This effectively results in the closure of one northbound lane to accommodate the placement of the drill rig within the existing travel way, which is needed for the construction of the south column and footings. For the on-site assembly of the truss and staging of the crane, construction equipment will be accommodated on the future MTC site. Further, a night-time closure of West Coast Highway to allow placement of the truss on the completed columns will also be required. The applicant has noted that an application has been submitted to Caltrans but final authorization has not yet been issued.

Accordingly, [Special Condition No. 3](#) requires the applicant to submit a copy of the final approved Traffic Management Plan and Encroachment Permit issued by Caltrans, or evidence that no permit is required, prior to issuance of the Coastal Development Permit.

The proposed development also has the potential for water quality impacts through the discharge of polluted runoff from the project site into coastal waters. However, short-term impacts to water resources from construction activities are anticipated to be minimal, as the proposed project has been designed to minimize construction-related erosion impacts and to comply with the City's Excavation and Grading Code. The applicant will also prepare a Water Quality Management Plan to identify structural and/or non-structural Best Management Practices for minimizing water quality impacts. As such, [Special Condition No. 4](#) requires compliance with the submitted construction and staging mitigation measures identified in the Initial Study / Mitigated Negative Declaration and compliance with Best Management Practices for construction-related activities in the Coastal Zone.

The proposed project is also located in area subject to the effects of seismic activity due to active faults in the area. The proposed project is therefore subject to seismic activity, landslides, liquefaction, and other geologic events that are inherently hazardous. To minimize risks to life and property, the development has been designed to minimize significant impacts associated with geologic events, including meeting seismic design parameters and reducing construction-related erosion impacts. As such, [Special Condition No. 5](#) requires the Permittee to acknowledge and agree that the proposed development may be subject to geologic hazards; to assume the risks associated

with development on the subject site associated with these geologic hazards; to waive any claims of damage or liability against the Commission; and to indemnify and hold harmless the Commission.

B. PUBLIC ACCESS AND RECREATION

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 to the City’s Certified LCP and Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. VISUAL RESOURCES

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area. Therefore, the Commission finds that the development, as conditioned, conforms to the City’s Certified LCP and Section 30251 of the Coastal Act.

D. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. 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, reducing runoff through the use of permeable surfaces, and the use of post-construction best management practices to minimize the project’s adverse impact on coastal waters. As conditioned, the Commission finds that the development conforms to the water quality control policies and requirements of the City of Newport Beach certified LCP regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. HAZARDS

Development in areas subject to seismic activity, landslides, liquefaction, and other geologic events are inherently hazardous. To minimize risks to life and property, the development has been designed to minimize significant impacts associated with geologic events, including meeting seismic design parameters and reducing construction-related erosion impacts. As conditioned, the Commission finds that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in hazardous locations.

F. LOCAL COASTAL PROGRAM (LCP)

A Local Coastal Program (LCP) for the City of Newport Beach was effectively certified on January 13, 2017. The proposed project is partially within the Coastal Zone, with development seaward of the northern border of the West Coast Highway ROW in the Coastal Zone and development landward of the northern border of the West Coast Highway ROW not in the Coastal Zone. However, since the subject coastal development permit application was submitted to the Commission prior to effective certification of the City’s LCP, the Commission continues to act as the permitting authority for the coastal development permit application. The standard of review for the proposed development is the City’s certified LCP. In addition, since the proposed project is located between the sea and the first public road, the development must also conform to the public access and recreation policies of the Coastal Act. As conditioned, the proposed development is consistent with the Certified Local Coastal Program, and the public access and recreation policies of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

In this case, 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 Newport Beach LCP

Initial Study / Mitigated Negative Declaration – Orange Coast College Maritime Training Center
prepared by RBF Consulting. Dated September 2010

*Structure Preliminary Geotechnical Report – Pedestrian Bridge – Orange Coast College Campus,
Newport Beach, California* prepared by Ninyo & Moore, Geotechnical and Environmental Sciences
Consultants. Dated June 25, 2010 – Project No. 208019001