

CALIFORNIA COASTAL COMMISSION

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W9c

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STAFF REPORT: CONSENT CALENDAR

Application No.: 5-17-0250

Applicant: City of Huntington Beach
Jonathan Claudio, P.E., Senior Civil Engineer

Agent: Erinn Silva, Senior Environmental Planner, GPA Consulting

Location: Magnolia Street Bridge over Huntington Beach Channel,
Bridge No. 55C-0388, City of Huntington Beach

Project Description: Bridge repairs including replacing concrete barriers on the bridge deck; replacing chain link fencing with open tubular railing atop the concrete barriers; repair of unsound concrete on bridge pier walls; restoration of rock slope protection on both banks of the channel; and, replacing existing retaining walls in kind.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project will allow necessary safety repairs to the existing Magnolia Street bridge where it crosses the Huntington Beach Channel, approximately one block inland of Pacific Coast Highway and Huntington State Beach. The bridge is adjacent to Magnolia and Brookhurst Marshes, which are part of the Huntington Beach wetlands system. The project has been designed to minimize impacts to sensitive habitat, public access, and public views. However, seven special conditions are necessary to assure that these impacts are reduced to the least impacts feasible to assure the proposed development will be consistent with the Chapter 3 policies of the Coastal Act. The recommended special conditions are: **1) Fencing Atop Retaining walls; 2) Avoidance of Sensitive Species; 3) Eelgrass Surveys; 4) Caulerpa Surveys; 5) Construction Responsibilities and Debris Removal; 6) Construction access and staging plan; and 7) Assumption of Risk.**

5-17-0250 (City of Huntington Beach)

Because the subject site is located partially within the City of Huntington Beach CDP jurisdiction and partially within the Coastal Commission's CDP jurisdiction, the applicant (the City of Huntington Beach) has requested that the Commission process a consolidated coastal development permit for the proposed project.

Staff is recommending **APPROVAL** of the proposed coastal development permit as conditioned.

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. 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. Fencing Atop Replaced Retaining Walls

As proposed by the applicant, the fencing atop each of the proposed retaining walls (as shown in Exhibit 4, plan sheets 5 and 8) may be replaced in kind and shall not include slats, fabric or other material that further impairs public views.

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 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 85 dB peak within 300' 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 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. 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.

D. If, prior to construction, the biologist identifies impacts to southern tarplant which cannot be avoided, a final seeding and salvage plan shall be submitted for the review and approval of the Executive Director. The seeding and salvage plan shall include a plan identifying the location of southern tarplant, the required width necessary for construction access and measures for reseeded or salvage.

3. Eelgrass Survey(s).

A. Pre-Construction Eelgrass Survey. 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 within 60 days before the start of construction. The survey shall be prepared in full compliance with the “California Eelgrass Mitigation Policy” dated October 2014 (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 30 days of completion of construction if completion of construction occurs within the active growth period, or within the first 30 days of the next active growth period following completion of construction that occurs outside of the active growth period, 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 “California Eelgrass Mitigation Policy” dated October 2014 (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 by project construction, the applicant shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another appropriate location subject to the approval of the Executive Director, in accordance with the California Eelgrass Mitigation Policy. Any exceptions to the required 1.38:1 mitigation ratio found within CEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is legally required.

4. 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 California Department of Fish & Wildlife (858/467-4218) 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, subject to concurrence by 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.

5. Construction Responsibilities and Debris Removal.

The permittee shall comply with the following construction related requirements:

- A. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion.
- B. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project.
- C. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- D. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone
- E. If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity.
- F. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- G. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.
- H. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- I. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- J. 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.

- K. 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.
- L. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- M. The discharge of any hazardous materials into any receiving waters shall be prohibited.
- N. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- O. Best Management Practices (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.
- P. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

6. 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:

- A. The plan shall demonstrate that:
 - 1. Construction equipment or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition.
 - 2. Staging or storage areas shall not be located in or result in impacts to habitat areas.
 - 3. The construction staging/storage area shall not be located in public beach parking areas during the peak summer period (Memorial Day to Labor Day).
 - 4. The size of the construction staging/storage area will be minimized and will be gradually reduced as less materials and equipment are necessary.
 - 5. 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.
- B. The plan shall include, at a minimum, the following components:
 - 1. 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
 - e. traffic control plan, including maintenance of public pedestrian and bicycle access across the bridge.
2. 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.
- C. 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. Assumption of Risk, Waiver of Liability and Indemnity Agreement Applicable to Applicant.

- A. By acceptance of this permit, the applicant, the City of Huntington 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 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.
- B. Prior to any conveyance of the property interest(s) that is/are the subject of this Coastal Development Permit, the landowner shall execute and record an easement restriction or other restriction depending on the property interest involved in the conveyance, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (A) of this condition. The restriction shall include a legal description of the applicant's entire parcel. The easement restriction or other restriction depending on the property interest involved in the conveyance shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This easement restriction or other restriction depending on the property interest involved in the conveyance shall not be removed or changed without a Commission amendment to this Coastal Development Permit.
- C. 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

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION

The applicant, the City of Huntington Beach, is proposing repairs to the existing Magnolia Street bridge (Bridge No. 55C-0388). Magnolia Street Bridge is located in the City of Huntington Beach, between Pacific Coast Highway (PCH) and Banning Avenue, approximately one block inland of Huntington State Beach. The bridge spans approximately 89 feet across the Huntington Beach Channel, and provides direct public access to Huntington State Beach. Huntington Beach Channel provides flood control and is the inland boundary of tidally influenced Brookhurst, Magnolia, and Talbert Marshes. These marshes connect, via Talbert Ocean Channel to the Pacific Ocean. The Magnolia Marsh lies directly west and southwest of the bridge. The Brookhurst Marsh lies directly southeast of the bridge. The Talbert marsh lies east of the Brookhurst Marsh. The marshes provide valuable habitat and open space. Seven-foot wide public sidewalks exist on both sides of the bridge, as well as on-road, striped bicycle lanes. No changes are proposed to the existing bridge deck, sidewalks, or bicycle lanes (see **Exhibits 1, 2 and 3** for project location).

The proposed development includes: 1) removal and replacement of the existing 2.25-foot high concrete barriers on the north and south sides of the bridge deck, and removal of the 5-foot high chain link fencing on top of the barriers; the chain link fencing is proposed to be replaced with new 16-inch high open, tubular railing; 2) removal and patching of areas of unsound concrete on the bridge pier walls located beneath the bridge deck, in the channel; 3) restoration of rock slope protection on the channel banks back to original design limits; and, 4) removal and replacement in kind of four retaining walls with chain link fencing above, located at the top of the rock slope protection on both sides of the bridge, on both sides of the channel (see **Exhibit 4** for project plans). Work is to occur on the bridge deck and from the maintenance roads adjacent to the channel.

Restoration of the rock slope protection involves installation of 252 cubic yards of one-quarter-ton rocks, placed over new rock slope protection fabric. The area of rock slope protection to be replaced includes approximately 120 feet by 5 feet along the west slope and 120 feet by 5 feet along the east slope of the channel (see **Exhibit 4**, plan sheets 5, 7, 8 for rock slope protection location). Placement of the rock slope protection is proposed to be conducted from the land side of the channel and from barges in the channel, anchored to the bridge. Measures including placement of floating booms in the channel to contain debris accidentally discharged into the channel are proposed to protect the coastal waters. The proposed rock slope protection placement will occur along the banks of the channel. No other work will occur within the channel. Although work is proposed on the banks of the channel, no channel bottom disturbing activities will occur.

The bridge pier walls provide support for the bridge and are located beneath the bridge deck roadway, within the channel. Proposed repair of the bridge pier walls includes removal of unsound concrete and patching with new concrete. Exposed and corroded reinforcing steel in the pier walls is also proposed to be replaced and sand blasted clean where necessary. Repair of the bridge pier walls will be conducted from the underside of the bridge, either from working platforms suspended from the existing bridge soffit and/or pier walls or from barges in the channel anchored to the bridge. The use of protective covers, made of water-tight tarp-type material, is proposed to ensure that all debris produced during bridge repair operations is contained to prevent construction debris from falling into the water. The protective covers would

be installed during low tide around all work areas and would be removed before high tide. These measures are proposed to be in place for the duration of the project. Because the barges will be anchored to the bridge and not within the channel, no channel bottom disturbing activities are proposed.

The proposed project also includes removal of the existing 2.25-foot high concrete barriers and the 5-foot high chain link fencing atop the barriers. The barriers are located along the outer edges of both the north and south sides of the bridge deck. The concrete barriers will be replaced with new 27-inch high concrete barriers, topped by new 16-inch high open tubular railing in lieu of the chain link fencing. Replacing the existing chain link fence with the shorter, open tubular railings will enhance public views from the bridge both for vehicular traffic and for pedestrians and bicyclists on the bridge sidewalks and bike lanes. Public views from the bridge are to and across the wetlands (Magnolia, Brookhurst, Talbert Marshes) and to the Pacific Ocean beyond.

Existing retaining walls located at the top of the rock slope protection are proposed to be replaced in kind in the same location. All work to replace the retaining walls will occur from the adjacent maintenance roads, at the land side of the channel. Chain link fencing currently exists atop the existing retaining walls. The proposed project includes replacing the existing chain link fencing atop the retaining walls in kind. The Commission imposes **Special Condition 1**, which requires that the fence replacement in kind atop the proposed retaining walls (plan sheets 5 and 8) be carried out as proposed with no slats, fabric or other material that further impairs public views.

In 1974, through a judgment of condemnation, the City of Huntington Beach acquired the 100-foot wide strip of land known as Magnolia Street, including the Magnolia Street Bridge, from the Orange County Flood Control District. Magnolia Street, from Hamilton Avenue to Pacific Coast Highway, was constructed pursuant to Coastal Development Permit No. P-73-844, which was approved by the Coastal Commission on June 25, 1973. Since the bridge's construction in 1973, portions of the existing bridge have deteriorated due to wear from vehicular traffic and from tidal action of the Huntington Beach Channel. Specifically, portions of the concrete barriers along the bridge's roadway are cracked and spalled (pieces of concrete have broken off) and exposed internal reinforcing steel shows signs of corrosion; the bridge pier walls have unsound concrete areas that require repair; and the chain-link fence that lines the walkways along the bridge shows signs of corrosion. Additionally, the rock revetment placed at the existing bridge supports and along the banks of the channel has degraded, resulting in erosion at the top of the channel banks and undermining of the bridge abutments and weakening of the bridge substructure. The proposed project is intended to address these conditions. The subject bridge repair project was previously approved by the Commission under Coastal Development Permit No. 5-14-0283. However, that permit expired on May 14, 2016, prior to being vested.

The proposed project is adjacent to the Magnolia and Brookhurst Marshes (of which the Huntington Beach Channel is a part) which are part of the Huntington Beach wetlands system. In an effort to avoid impacts to sensitive species, the Commission imposes **Special Condition 2**, which requires the applicant to implement protective measures to avoid adversely affecting sensitive species.

The proposed rock slope protection restoration would occur on the banks of the Huntington Beach Channel and work barges will be placed within the channel. The barges will be anchored to the bridge, not to the channel bottom. In order to protect biological resources within the channel, the

Commission imposes **Special Conditions 3, 4, & 5** which require the applicant to conduct Eelgrass and *Caulerpa taxifolia* surveys, Eelgrass mitigation if appropriate, and to implement construction Best Management Practices. In addition, at the end of each workday, all construction equipment, materials and other possessions will be properly secured and stored within non-sensitive areas. The Commission imposes **Special Condition 6**, which requires submittal of a construction access and staging plan.

The estimated construction time for the project is 6 months: 2.5 months for construction on the north side of the bridge including removal and replacement of the concrete barrier and removal of chain link fencing and replacing it with open tubular railing, removal and replacement of unsound concrete underneath the bridge and replacement of missing rock slope protection; 2.5 months for construction on the south side of the bridge including removal and replacement of the concrete barrier and chain link fence; 0.5 months for removal of existing traffic control and installation of detours to funnel traffic into the open lanes on the bridge; and 0.5 months for roadway restriping. The bridge would remain open for public use through the construction period, but would require temporary closure of some traffic lanes to perform the required repairs. Traffic control plans will maintain two-way vehicular traffic on Magnolia Street throughout construction. **Special Condition 6** requires that the applicant submit a construction access and staging plan for approval by the Executive Director, which incorporates plans to accommodate continued public vehicular, pedestrian, and bicycle access during construction.

Special Condition 7 imposes an assumption of risk, waiver of liability and indemnity agreement on the applicant. By accepting a Coastal Development Permit, the applicant agrees to this and all associated conditions.

B. STANDARD OF REVIEW (CONSOLIDATED PERMIT)

Section 30601.3 of the Coastal Act provides that where a project is located in both the Coastal Commission's and a local government's coastal development permit jurisdiction, a single, consolidated coastal development permit for the entire project may be processed by the Coastal Commission if the applicant and local government agree to that process. Because the subject site is located partially within the City of Huntington Beach's LCP jurisdiction and partially within the Coastal Commission's CDP jurisdiction, the applicant (who, in this case, is the local government) has requested that the Commission process a consolidated coastal development permit for the proposed project. The standard of review for a consolidated coastal development permit is Chapter 3 policies of the Coastal Act.

C. 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.

D. Biological Resources

For the same reasons that the project as proposed has the potential to impact water quality and marine resources (*e.g.*, discharge of polluted construction runoff), the proposed project also has the potential to impact adjacent upland biological resources. Therefore, to reduce the potential for construction and post-construction related impacts to biological resources, as conditioned (Special Conditions 5 and 6), the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

E. VISUAL RESOURCES

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, to reduce potential adverse visual impacts associated with the use of chain link fencing, Commission staff recommends Special Condition 1 which recognizes that the proposed chain link fencing to be replaced atop each of the proposed retaining walls (plan sheets 5 and 8) will be replaced in kind with no slats, fabric or other material that further impairs public views. As conditioned, the project will not disrupt public coastal views. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

F. HAZARDS

The proposed project involves installation of slope protection and repairs to an existing bridge consisting of repairs to the bridge deck, railings, abutments, and pilings. The existing bridge is subject to tidal action. Development at such a location is inherently risky. Therefore, the Commission imposes **Special Condition 7**, 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 wave and tidal action, flooding, erosion, sea level rise, geologic instability, or 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 30235 and 30253 of the Coastal Act

G. PUBLIC ACCESS

Though construction of the project may temporarily affect public access (by reducing lanes of travel over the bridge), the ultimate purpose of this project facilitates public access by ensuring long-term integrity of the bridge. 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.

H. LOCAL COASTAL PROGRAM (LCP)

An LCP for the City of Huntington Beach was effectively certified in March 1985. The proposed development is located in both the City's LCP permit jurisdiction (upland on both sides of the bridge) and within the Commission's original permit jurisdiction (the channel).

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 Chapter 3 of 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.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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. The City of Huntington Beach issued a Mitigated Negative Declaration for the project on September 6, 2012, pursuant to the provisions of CEQA. Mitigation measures included education of construction personnel on sensitive species in the area, biological monitoring during vegetation clearance, implementation of a Habitat Mitigation and Monitoring Plan, archaeological resources, and reduction of noise.

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, marine resources, water quality, public views and public access policies of the Coastal Act. Mitigation measures to minimize adverse effects include: 1) replacing chain link fencing with more visually open railing; 2) avoidance of sensitive species; 3) pre and post-construction eelgrass surveys and eelgrass mitigation, if appropriate; 4) pre- construction *Caulerpa taxifolia* surveys; 5) adherence to construction responsibilities and debris removal measures to protect water quality; 6) submittal of a construction staging and access plan; and 7) 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.