

CALIFORNIA COASTAL COMMISSION

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**W8b**

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STAFF REPORT: CONSENT CALENDAR

Application No.: 5-21-0797

Applicant: Orange County Public Works

Agent: Giles Mathews, OCPW
Senior Environmental Resources Specialist

Location: Hamilton Avenue/Victoria Street Bridge across the Santa Ana River located approximately 1½ miles upstream/inland of Pacific Coast Highway, Costa Mesa, Orange County.

Project Description: Bridge maintenance repair including: repair of bridge pier walls by replacing corroded steel reinforcing bar and spalled concrete and installation of galvanic cathodic protection; and repairs to the bridge deck including removing and replacing traffic striping and pavement markings; removing and replacing sidewalk, curb & gutter; replacing joint seals; and installation of sidewalk joint armor; removing unsound concrete and repair of spalled concrete from the barrier face.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The Hamilton Avenue/Victoria Street bridge crosses the Santa Ana River in the City of Costa Mesa, approximately 1½ miles inland of the coast, at the inland coastal zone boundary. The land under and along the Santa Ana River at the subject location is owned by the County of Orange and managed by Orange County Public Works (OCPW). The proposed project involves bridge maintenance repair work on the bridge piers below the water and the roadway deck above the water. Work on the bridge piers will require

installation of a water-filled cofferdam and dewatering within the work area. Construction duration for the road and bridge deck work is expected to last approximately 45 working days. Construction duration for the bridge structure maintenance below deck is expected to last approximately 70 working days.

Staff is recommending approval of the proposed project with five special conditions: 1) measures to protect nesting birds; 2) measures to protect aquatic species; 3) water quality best management practices during construction; 4) measures to protect public access on the Santa Ana River Trail during construction; and 5) conformance with other Resource Agency requirements and, depending on the requirements of the other agencies, acknowledgment that an amendment to this permit may be required.

The subject site is located within the City of Costa Mesa, which has no certified Local Coastal Program. Because there is no certified LCP for the area, the standard of review for this project is the Chapter 3 policies of the Coastal Act. As proposed and as conditioned, the project will be consistent with the Chapter 3 policies of the Coastal Act. The motion to adopt the staff recommendation is found on page 4.

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APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Project Plans
- Exhibit 3 – Bridge Photos
- Exhibit 4 - Cofferdam Location
- Exhibit 5 – Construction Staging
- Exhibit 6 – Vegetation Communities/Land Cover Types Map
- Exhibit 7 – Locations of Talbert Regional Park and Talbert Nature Preserve
- Exhibit 8 – Photo of Bridge Deck

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 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 Coastal Development Permit Application No. 5-21-0797 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. Bird Nesting Survey & Noise and Lighting Restrictions.

A. BY ACCEPTANCE OF THIS PERMIT, the permittee agrees to retain the services of a qualified biologist or environmental resources specialist acceptable to the Executive Director, to conduct a biological survey of the area within 300 feet of the project site, including, but not limited to areas located within the Santa Ana River and within the open space and habitat areas to the east of the Santa Ana River (Talbert Regional Park). The survey shall be conducted within five days prior to commencement of the development approved by this permit. The survey shall be sufficient to determine the presence of sensitive or endangered bird species nesting or roosting within 300 feet of the work site. The findings of the survey shall be reported immediately to the Executive Director. In the event the required survey reveals sensitive or endangered bird species nesting or roosting within 300 feet of the work site, the following restrictions shall apply:

- 1) noise reduction measures such as sound shields and other measures shall be implemented to minimize loud noise generation to the maximum feasible extent during construction.
- 2) Noise generated by construction (including, but not limited to, jackhammering) shall not exceed the greater of 70 dB or ambient noise level at any active roosting or nesting site within 300 feet of the project site. If construction noise exceeds the greater of 70 dB or ambient noise level, then alternative construction methods or other sound mitigation measures (including, but not limited to, sound shielding and noise attenuation devices) shall be used as necessary to achieve the required dB threshold levels. If these sound mitigation measures do not reduce noise levels, construction within 300 feet of the roosting and/or nesting sensitive bird species shall cease and shall not recommence until either adequate sound mitigation measures are employed or nesting is complete and any juveniles have fledged.

B. The permittee shall undertake development in conformance with this condition and required biological survey unless the Commission amends this permit or the Executive Director issues a written determination that no amendment is legally required for any proposed minor deviations.

2. Sensitive Aquatic Species.

A. BY ACCEPTANCE OF THIS PERMIT, and as proposed by the applicant, the permittee agrees to retain the services of a qualified biologist or environmental resources specialist acceptable to the Executive Director, to implement the following:

Before the cofferdam is installed, the qualified biologist/environmental resources specialist shall survey the area for sensitive aquatic species. If sensitive aquatic species are found to be present onsite, the project biologist/environmental resources specialist shall use appropriate measures to flush the species away from the area of impact; or, if unsuccessful, construction activities will be suspended until the sensitive species have left the area on their own.

- B. The permittee shall undertake development in conformance with this condition and required aquatic species survey unless the Commission amends this permit or the Executive Director issues a written determination that no amendment is legally required for any proposed minor deviations.

3. 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 shall 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.

- 4. Public Access.** BY ACCEPTANCE OF THIS PERMIT, and as proposed by the applicant, the permittee agrees to implement the use of flag-persons to minimize project impacts on public use of the Santa Ana River Trail. Any stoppage of bicycle or pedestrian travel shall be limited to the time necessary for construction vehicles and equipment to transit across the path. No stopping of construction vehicles or storage of construction materials or equipment shall occur on the Santa Ana River Trail, which could block the trail traffic.

The permittee shall include the requirements of this condition on all plans and contracts issued for the project. The permittee shall implement and carry out these trail and bicycle path public access requirements for the duration of the project, including, but not limited to, all project staging and construction activities.

- 5. Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures, if any, from the California Department of Fish and Wildlife, Regional Water Quality Control Board, U.S. Army Corps of Engineers, the U.S. Fish

and Wildlife Service, and the National Marine Fisheries Service with respect to preservation and protection of water quality, marine environment, and sensitive species. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director 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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The proposed project involves bridge maintenance repairs to the existing Hamilton Avenue/Victoria Street bridge over the Santa Ana River. Hamilton Avenue is in the City of Huntington Beach and Victoria Street is located in the City of Costa Mesa ([Exhibit 1](#)). The Hamilton/Victoria bridge crosses the Santa Ana River approximately 1½ miles upstream/inland of Pacific Coast Highway and the ocean. The bridge is located at the inland extent of the coastal zone boundary. The bridge roadway is owned by the City of Costa Mesa. The Orange County Flood Control District (OCFCD) is the fee owner of the land under and along this segment of the Santa Ana River. The duties of the OCFCD are carried out by OCPW, the project applicant. All work will occur within the OCFCD right of way. The City of Costa Mesa and the County of Orange have entered into an agreement that allows the County to perform maintenance work on the Hamilton Victoria bridge.¹ In addition, the City of Costa Mesa was invited to join in this CDP as a co-applicant but has declined the invitation. The City of Costa Mesa does not have a certified Local Coastal Program (LCP). Because there is no certified LCP for the project area, the standard of review is the Chapter 3 policies of the Coastal Act. The City of Huntington Beach is located immediately west of the bridge, outside the project area.

Proposed Project:

The proposed project includes repair of the seven bridge pier walls by replacing corroded steel reinforcing bar and spalled concrete and installation of galvanic cathodic protection. The proposed work will require installation of a cofferdam/water pumping dewatering system during construction. In addition, the proposed bridge maintenance repair project includes removing and replacing traffic striping and pavement markings; removing and replacing sidewalk, curb & gutter; replacing joint seals and installation of sidewalk joint armor; removing unsound concrete, and repairing concrete spalls. There will be no change to the bridge piers' size, footprints, or locations, or to the traffic capacity of the bridge. Existing utilities on the bridge will be protected in place during construction.

More specifically, the bridge pier wall repairs include excavating the soil around the base of each pier wall in order to inspect the condition of the concrete below the elevation of the soil. The trench to be excavated along the base of the concrete would be approximately 2-ft to 3-ft wide and approximately 2-ft deep but could be deeper if unsound concrete is discovered below ground. The trench along the base of the pier walls will be dug with a

¹ Orange County and City of Costa Mesa Cooperative Agreement (MA-080-2210220)

mini excavator. Excavated dirt would be stockpiled within the de-watered work area and would be used to backfill the trench once the repair is completed.

A qualified bridge inspector will determine the location of unsound concrete areas, typically by tapping with a hammer. Larger areas of deteriorated concrete would first be sawcut, and then the unsound concrete would be chipped and removed using jack hammers. Smaller areas of unsound concrete would be removed via use of a jack hammer only. Plywood or plastic sheets would be placed on the dewatered ground to collect the concrete debris, and then the debris would be transferred to a dump truck and hauled offsite. Any heavily corroded steel reinforcing bars would be cut and replaced. Smaller concrete repairs would be accomplished using special concrete patching material. Larger concrete repairs would require construction of forms and pouring of concrete in the area of the removed concrete. For larger concrete repairs, a concrete truck would be parked on the bridge deck, a concrete hose (4-inch diameter) would be suspended down to the repair areas below. If needed, a concrete pump would also be placed on the bridge deck. The applicant estimates that the total amount of unsound concrete that will be removed would be approximately 13 cubic yards. BMPs to prevent all material, equipment, and debris from falling into the channel would be implemented during all construction activities as proposed by the applicant and required by **Special Condition No. 3**.

Galvanic cathodic protection will be installed in the bridge pier walls to prevent future corrosion of the bridge. The galvanic cathodic protection system includes vertical zinc anode rods attached to both faces of the pier walls. The anode rods are electrically connected to the existing rebar within the pier walls through electrical wire. The system is embedded in a 3-inch thick concrete encasement. The cathodic protection will be designed to last for 20 years without any special continuous maintenance. However, in any case, the bridge is inspected every two years by OCPW and Caltrans.

Prior to any work on the bridge pier walls, which support the bridge from below and are located in the Santa Ana River, a cofferdam and water pumping dewatering system will be installed. A water-filled cofferdam will be utilized. A water-filled cofferdam consists of water filled tubes placed on the river bottom. Santa Ana River water will be used to fill the tubes, and then released back into the river once the work on the bridge pier walls is complete. The water-filled cofferdam would be installed on one side of the river at a time, allowing the river to continue to flow and continued passage of any aquatic species during construction ([Exhibit 4](#)). After installation of the cofferdam, shallow water will be pumped out to sediment/weir tanks before being discharged to the Santa Ana River downstream of the cofferdam. Once the water levels are lowered, the proposed repair work will commence. Upon completion of the repair work in the riverbed, water from the cofferdam tubes will be returned to the river.

A water-filled cofferdam is preferred over other cofferdam alternatives because it would have fewer adverse impacts on the project area below the bridge. A conventional sheet pile cofferdam was considered but dismissed for a number of reasons, including the potential impact the noise and vibration resulting from installation may have on habitat in the Talbert Regional Park and the Talbert Nature Preserve. In addition, installation of sheet piles would require the use of additional heavy equipment in the river. The heavy

equipment needed uses hydraulic fluids, which have the potential to leak into the river. Further, driving the sheet piles within the limited clearance under the bridge would be difficult to impossible. Also, there is a possibility of the presence of underground obstructions. If present, additional excavation would be required to remove any obstructions in order to drive in the sheet piles. Another cofferdam alternative that was considered, but dismissed, was a Portadam, consisting of flexible plastic tarps supported by a wood framing system. This would require construction of the framing system in the river water, and so is considered less environmentally desirable. All alternatives would encompass a dry area of approximately 66,000 square feet (1.51 acres). As discussed below, no vegetation is present within this area.

Construction Access & Staging:

Construction access and staging will occur along the river levees on either side of the Santa Ana River ([Exhibit 5](#)). Only limited, temporary crossing of construction vehicles across the Santa Ana River Trail will occur, lasting only long enough for the construction equipment to transit to the storage area or from the storage area to the river. Flag persons will be present during all hours that construction is underway, to temporarily halt pedestrians and bicycles for only that limited crossing time. Crossing of the trail is only expected to occur a few times a day, typically at the start and end of each work day. The flag persons are intended to assure safe passage to the users of the trail. No construction crossings will occur on the Banning Channel Bikeway. No construction storage will occur on either trail. If necessary, a temporary construction access ramp will be constructed over the existing river rip rap by placing imported clean fill material on top of the rip rap. Imported fill material will be removed from the top of the rip rap at completion of construction. Construction duration for the road and bridge deck work is expected to last approximately 45 working days. Construction duration for the bridge structure maintenance below deck is expected to last approximately 70 working days. Subject to avoidance and minimization measures in the event any sensitive nesting birds species are present, the work would ideally commence in mid-to-late Summer to avoid the winter storm season. Because repairs will need to take place in an active flood channel, and hasty demobilization would be difficult, work below the bridge deck is not expected to commence in the Fall-Winter seasons.

Resource Agencies:

The proposed project is under review by the Santa Ana Regional Water Quality Control Board. The California Department of Fish and Wildlife has reviewed the project and found that it conforms with the approved Countywide Long-term Routine Maintenance Program Streambed Alteration Agreement (LSAA # 1600-2013-0019-R5). In addition, **Special Condition No. 4** requires the applicant to conform with the requirements of the resource agencies and that if any changes are required, an amendment to this permit may be required.

B. WATER QUALITY / MARINE RESOURCES

The proposed work will occur 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 could 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 30231 of the Coastal Act.

C. BIOLOGICAL RESOURCES

A Biological Technical Report (BTR) was prepared for the proposed project (OCPW,² December 2021). The BTR surveyed the area within the river upstream and downstream and under the bridge, as well as on either side of the river. Lands generally west of the channel primarily consist of commercial facilities and residential tracts as well as the adjacent paved Santa Ana River Trail, and to the east is the Greenville-Banning Channel (OCFCD Facility No. D03) as well as habitat associated with Talbert Regional Park and the Talbert Nature Preserve. Directly north and south of the project area include the open water area associated with the wide channel comprising the Santa Ana River in this area, which eventually flows beneath Pacific Coast Highway and into the Pacific Ocean approximately 1½ miles downstream. The proposed project's Limits of Disturbance (LOD) include the maintenance roads (to be used for construction access and staging) on both sides of the Santa Ana River and additionally include the areas immediately upstream and downstream of the bridge, as well as underneath the bridge. On the Vegetation Communities/Land Cover Types survey map, the BTR mapped the river as Open Water. The only sensitive vegetation present in the project vicinity are three patches of pickleweed on the river banks located near, but outside the project's LOD. No other vegetation was found to be present in the river or on its banks. A small patch of mixed ornamental vegetation was mapped between the SAR Trail and the maintenance road to the north of the river. The remainder of the LOD is mapped as developed ([Exhibit 6](#)).

Outside of, but near the project site are Talbert Regional Park and the Talbert Nature Preserve, northeast and southeast of the project site respectively ([Exhibit 7](#)). The BTR states that Talbert Regional Park features riparian and coastal sage scrub habitat where least Bell's vireo and coastal California gnatcatcher have been noted to be present, with the closest record of a vireo being approximately a half mile east of the project site (CNDDDB 2021). Because no work will occur within the Talbert Regional Park or the Talbert Nature Preserve, and because there is no suitable foraging or breeding habitat within the project LOD, no direct impacts to these special status species are anticipated. However, construction noise may have adverse impacts.

As recognized in the BTR, National Marine Fisheries Service (NMFS) has designated this portion of the Santa Ana River as critical habitat for steelhead (southern California DPS). The BTR surveyed the project area for any sensitive species, including steelhead, and found none to be present. The subject site is outside of the currently known range and distribution of steelhead, which historically inhabited the mainstem and many tributaries of

² The Report was prepared by Vincent Baker, a wildlife biologist employed by ICF, an environmental consulting firm which has been working with the OCPW Regulatory Permitting Team for the last six months to provide biological and regulatory support.

the river up until the 1950s when most of the Santa Ana River watershed was heavily channelized and modified with various fish passage barriers. For these reasons, this federally listed species is not expected to be present and no impacts are anticipated from the proposed repair and maintenance project.

As proposed, the project includes the following mitigation measures:

- A biological monitor will be present onsite during any clearing/grubbing or work along the pier walls to ensure that proper avoidance and minimization measures are being followed accordingly. The biological monitor will monitor construction as it pertains to any biological resources in the vicinity (i.e., potential nesting birds) and will report any non-compliance to the Resident Engineer within 24 hours.
- The biological monitor will flush any wildlife species present within the project Limits of Disturbance to outside of the work area prior to commencement of project activities.
- If work must be conducted during the nesting bird season, then a qualified biologist will conduct a pre-construction nesting bird survey within 3 days prior to commencement of work. Based on their findings, any identified nests will be flagged and the construction crew will be made aware of the nests so they can avoid disturbing or flushing the birds during the nesting process. The biologist will design a no-work buffer zone specific to that species (i.e. 50-foot, 100-foot, etc.) and will monitor for disturbances to breeding behaviors or nesting activities throughout the project's duration until completion and/or successful fledge of the nest.

Based on the most recent surveys, no nesting or foraging habitat is located within the project's LOD. In case sensitive or endangered bird species are observed nesting or roosting within 300 feet of the work site, **Special Condition No. 1** imposes construction noise restrictions to protect nesting birds. **Special Condition No. 2** requires the project area to be surveyed for sensitive aquatic species prior to commencement of construction. If present, a qualified biologist/environmental resources specialist will flush them from the site; or if flushing is unsuccessful, construction activities will cease until the species have left the area on their own. As conditioned, 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.

D. PUBLIC ACCESS

The Santa Ana River Trail is a bicycle and pedestrian path located along the north river levee. It extends from the beach at Huntington Beach approximately 50 miles inland to San Bernadino and Riverside Counties. The Banning Channel Bikeway is also located along the Santa Ana River, but is separated from the project site by the Banning Channel. The Santa Ana River Trail is not proposed to be closed at any time for the entire duration of the project. Flag persons will be available at all times during construction to ensure safe passage whenever construction equipment must cross the SAR Trail for access to the

work area in the river. Because the bike trail is expected to remain open with only limited, minor delays to allow construction vehicles access to the work area within the river, public access along the Santa Ana River Trail will be maintained for the duration of the project. No impacts to the Banning Channel Bikeway will occur due to the proposed project. In addition, **Special Condition No. 4** requires, as proposed, the use of flag persons as necessary to minimize interruptions to public use of the SAR Trail. In addition, **Special Condition No. 4** prohibits any storage of construction materials or equipment on the Santa Ana River Trail, which reinforces the project as proposed.

Vehicular, bicycle, and pedestrian traffic across the bridge will be maintained throughout the construction period. One lane of the four-lane bridge and the sidewalk on one side will be closed during construction. Two-way traffic will be maintained during construction, though reduced by one lane. Pedestrian access will remain available on the side of the bridge with the open sidewalk.

There currently is no dedicated bicycle lane on the Hamilton Victoria bridge and none is proposed as part of this maintenance project. However, the proposed project does not preclude development of a dedicated bicycle lane in the future. The applicant notes that there is an approximately 8 - 10 feet wide paved verge on the bridge roadway that currently provides area on both sides of the bridge roadway to safely accommodate bicycles. No changes to the width and location of the paved verge will result from the proposed project ([Exhibit 8](#)). 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. LOCAL COASTAL PROGRAM (LCP)

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit for development in an area with no certified Local Coastal Program ("LCP") only if the project will not prejudice the ability of the local government having jurisdiction to prepare an LCP that conforms with Chapter 3 policies of the Coastal Act. An LCP for the City of Costa Mesa has not been certified.

As conditioned, the proposed development is consistent with the habitat protection, water quality, and public access policies in Chapter 3 of the Coastal Act. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for the City of Costa Mesa that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096(a) of the Commission's administrative 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 that would substantially lessen any significant adverse effect which the activity may have on the environment.

The County of Orange is the lead agency responsible for certifying that the proposed project is in conformance with CEQA. The County certified a Mitigated Negative Declaration (County-Wide Long-Term Routine Maintenance Permitting Program, February 2013) and determined that the proposed development is covered under that MND, stating:

“The inception of the CEQA document was to serve as a comprehensive document for the Countywide Long-term Routine Maintenance Permitting Program. The program would allow routine maintenance to occur within multiple existing flood control facilities, and beneath existing bridges crossing over waterways, located throughout the County. The proposed project does not widen the bridge or expand upon its existing uses; therefore, it is strictly maintenance of a structure and since the environmental document’s purpose was to support the long-term program, it is still applicable to the proposed project in question.”

The proposed project has been conditioned to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, in the form of special conditions, require: 1) measures for the protection of nesting birds; 2) measures for the protection of aquatic species; 3) water quality best management practices during construction; 4) measures to protect public access; and 5) compliance with resource agencies requirements. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect which 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 complies with the applicable requirements of the Coastal Act to conform to CEQA.