

**CALIFORNIA COASTAL COMMISSION**

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# Th14a

## ADDENDUM

DATE: August 8, 2022

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM TH14A, CDP APPLICATION NO. 5-21-0907 FOR THE COMMISSION MEETING ON THURSDAY, AUGUST 11, 2022.**

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The purpose of this addendum is to achieve the following objectives: Section I provides responses to concerns raised in recent correspondence, responses which Commission staff propose the Commission incorporate into its findings, and Section II provides minor clarifications to the staff report dated July 28, 2022.

### **I. CORRESPONDENCE FROM APPLICANT**

Since publication of the staff report on July 28, 2022, the Commission received correspondence from the applicant (Orange County Public Works.) The applicant supports staff's recommendation, but indicates that brief, temporary closure of the public accessway within a portion of the project area may be necessary to ensure public safety during import and export of concrete and rip-rap. The applicant proposes the use of flagmen to direct visitors to a public accessway near the opposite marsh slope during the period when partial path closure is necessary, and to only close the entire path for brief, temporary periods to ensure public safety (e.g. during the periods when trucks are driving on the path to drop off rip-rap). The applicant also requested minor modifications to the construction best management practices (BMPs). The modifications would be consistent with construction BMPs that the Commission imposed in past actions in the area, such as Coastal Development Permit (CDP) Nos. 5-21-0797 and 5-20-0348. The applicant proposed alternatives to preserve water quality in a feasible manner.

### **II. REVISIONS TO THE STAFF REPORT**

The minor modifications requested by the applicant will not result in adverse environmental impacts and remain consistent with the Chapter 3 findings of the Coastal Act discussed in the report. The Commission hereby revises its recommended findings in the staff report dated July 28, 2022 to incorporate these responses under the 'Development' and 'Public Access' subsections of the staff report and to incorporate the following revisions to

recommended special conditions, so that adoption of the staff recommendation will include adoption of these findings. Language to be added is shown in underlined text, and language to be deleted is identified by ~~strikethrough~~.

- a) Correct the first sentence of the first complete paragraph on Page 3 as follows:

Special Conditions 2 and 3 require the applicant to retain a qualified biologist for pre-construction nesting surveys and daily habitat monitoring ~~during work below the slope during development which could significantly impact biological resources, including placement of rip-rap.~~

- b) Modify the last sentence of the second complete paragraph on Page 3 as follows:

The construction staging plan must include a statement that construction shall not obstruct access to the Multi-Use Path unless temporary closure is necessary for public safety. Flagmen will be used for safety where 10 ft. pedestrian access cannot be maintained such as anywhere there is excessive erosion that may make the upper slope unstable for maintaining a minimum of 13 ft. needed to perform the work, during import/export of riprap or other construction materials that may temporarily require use of the entire paved bike path, and in the limited width area near the north exit and message board. In the event of brief, temporary full closure of the path as may be needed for public safety, flagmen shall direct pedestrians and bicyclists to the pathway on Pacific Coast Highway. The path shall be re-opened for public access at the conclusion of each workday.

- c) Modify Special Condition 4 on Page 7 as follows:

4. Construction Best Management Practices.

A. The permittee shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:

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

stored as far from a storm drain inlet and any receiving waters as possible.

- B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:
1. The permittee shall ensure the proper handling, storage, and application of construction materials. These 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. It shall be located as far away from any receiving waters and storm drain inlets as possible;
  2. The permittee shall develop and implement spill prevention and control measures;
  3. The permittee shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water;
  4. The permittee shall provide adequate disposal facilities for solid waste produced during construction;
  5. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting shall be prohibited, to minimize wildlife entanglement and plastic debris pollution. Only 100% biodegradable (not photodegradable) natural fiber netting shall be allowed;
  6. The permittee shall not spray landscaping chemicals in or within 25 feet of any drainage swale, and will minimize the use of landscaping chemicals within the project to the extent feasible;
  7. The permittee shall implement Integrated Pest Management (IPM) for the project to the extent feasible, to minimize the use of landscaping chemicals and to prevent the degradation of coastal water quality;
  8. Containment products, including, but not limited to, tarps or debris booms, shall be used to capture and prevent the discharge of construction pollutants into the adjacent waterway;
  9. ~~All construction equipment shall use vegetable oil-based hydraulic fluids and/or biodiesel.~~ Drip pans shall be placed below any stationary construction vehicles equipment;

10. All materials temporarily installed in the marsh shall be constituted of wood or another biodegradable source. If plastic must be used, its use shall be minimized; and

11. All temporary materials placed in the marsh and/or slope shall be installed to minimize the risk of detachment to the maximum extent feasible and shall be removed immediately upon completion of work in the subject area.

d) Modify Special Condition 7 on Page 11 as follows:

1. Construction Staging Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two full-size sets of construction staging plans including, at minimum:

A. A site plan depicting the following components:

1. The location of the parking lot where construction vehicles and equipment will be stored overnight;
2. The location of any temporary construction fencing and/or trailer structures onsite; and
3. The location of the construction corridor(s) used to provide access between Brookhurst Street, the western marsh slope, and the parking lot where construction vehicles and equipment will be stored.

B. A narrative plan sheet demonstrating the following:

1. Construction shall not obstruct public access to the Talbert Marsh Multi-Use Path, which will remain open during typical access hours, unless temporary closure is necessary for public safety. Flagmen will be used for safety where 10 ft. pedestrian access cannot be maintained such as anywhere there is excessive erosion that may make the upper slope unstable for maintaining a minimum of 13 ft. needed to perform the work, during import/export of riprap or other construction materials that may temporarily require use of the entire paved bike path, and in the limited width area near the north exit and message board. In the event of brief, temporary full closure of the path as may be needed for public safety, flagmen shall direct pedestrians and bicyclists to the pathway on Pacific Coast Highway. The path shall be re-opened for public access at the conclusion of each workday.
2. No portion of the marsh, including on and seaward of the northeastern slope, shall be used for staging or storage of construction equipment and/or vehicles.