

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE  
725 FRONT STREET, STE. 300  
SANTA CRUZ, CA 95060  
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HEARING IMPAIRED: (415) 904-5200



F79

Filed: 01/12/96  
49th day: 03/01/96  
180th day: 07/10/96  
Staff: SG-SC  
Staff Report: 01/23/96  
Hearing Date: 02/09/96  
Commission Action:

### STAFF REPORT AMENDMENT

APPLICATION NUMBER: 4-91-11-A  
APPLICANT: CITY OF MORRO BAY  
PROJECT LOCATION: Morro bay Harbor adjacent ot Tidelands Park  
PROJECT DESCRIPTION: Construct 250 foot side-tie dock, a concrete stairway to the Morro Bay estuary, and replacement boarding floats for the existing launch ramp  
LOCAL APPROVALS RECEIVED: Conditional Use Permit 24-95, Mitigated Negative Declaration  
SUBSTANTIVE FILE DOCUMENTS: Permit 4-91-11, Morro Bay LCP

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### SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission determine that the proposed development, subject to the conditions below, is consistent with the requirements of the Coastal Act, for the following reasons:

- The proposed development consists of additional public access to the waters of the Morro Bay estuary and,
- As conditioned, the project will not have any significant adverse effects on the estuarine environment of Morro Bay.

**Exhibits**

- A. Location Map
  - B. Site Plans
  - C. Corps of Engineers' letter
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**STAFF RECOMMENDATION**

The staff recommends that the Commission adopt the following resolution:

**I. APPROVAL WITH CONDITIONS**

The Commission hereby **approves** the proposed amendment on the grounds that the proposed development conforms with the City's certified Local Coastal Program, will be consistent with Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to maintain a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

**II. 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 this permit is reported to the Commission. 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. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.

6. 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.

7. 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

#### 1. Regional Water Quality Control Board Water Quality Certification/Waiver

Prior to Transmittal of the Coastal Development Permit, permittee shall submit to the Executive Director for review a copy of water quality certification or waiver therefrom from the RWQCB.

#### 2. US Army Corps of Engineers Permit

Prior to Commencement of Construction, permittee shall submit to the Executive Director for review a copy of the US Army Corps of Engineers' approval.

#### 3. Construction Phasing Plan.

Prior to Commencement of Construction, permittee shall provide, for review and approval by the Executive Director, a written plan and supporting graphics outlining construction sequence; seasonal considerations; and location of equipment staging areas, employee restrooms, employee parking, temporary security fencing, concrete washdown facility, and any similar elements which would affect estuary water quality or public access to the shoreline. To the maximum extent feasible, the construction sequence and timing shall maintain opportunities for public parking and for shoreline access during construction.

#### 4. Containment Requirements

No pilings, or other portions of the proposed work that will be in contact with the waters of the estuary, shall be treated with creosote. Where additional wood preservatives must be applied to cut wood surfaces, the materials shall wherever feasible be treated at an onshore location to preclude the possibility of spills into estuary waters. Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, wood preservatives, other chemicals, etc.) from entering the water.. **Unless an alternative containment plan is approved by the Executive Director,** a floating containment boom shall be placed around all active portions of the construction site where wood scraps or other floatable debris could enter the water. The floating boom shall be cleared daily or as often as necessary to prevent accumulation of debris.

## **5. Procedures for Concrete Work**

If piling or stairway installation or any other portion of the project requires pouring of concrete in, adjacent to or over the water, the following methods shall be employed to prevent uncured concrete from entering the waters of the estuary:

- a. Complete dewatering of the pour site, within a caisson or other barrier; the site to remain dewatered until the concrete is sufficiently cured to prevent any significant increase in the pH of adjacent waters; or
- b. The tremie method, which involves placement of the form in water, inserting a plastic pipe down to the bottom of the form, and pumping concrete into the form so that the water is displaced towards the top of the form. If this method is selected, the displaced waters shall be pumped off and collected in a holding tank. The collected waters shall then be tested for pH, in accordance with the following California Dept. of Fish and Game recommendations. If the pH is greater than 8.5, the water will be neutralized with sulfuric acid until the pH is between 8.5 and 6.5. This pH-balanced water can then be returned to the estuary. However, any solids that settle out during the pH balancing process shall not be discharged to the estuarine environment; or
- c. An alternative method, subject to review and approval by the Executive Director (in consultation with the Calif. Dept. Of Fish and Game) prior to commencement of work.

In each case involving such concrete pours in or near the waters of the estuary, permittee shall ensure that a separate wash out area is provided for the concrete trucks and for tools. The wash out area(s) shall be designed and located so that there will be no chance of concrete slurry or contaminated water runoff to the adjacent waters of the estuary.

## **6.. Eelgrass Mitigation and Monitoring.**

Permittee shall adhere to all recommended mitigation and monitoring measures listed in the Eelgrass (*Zostera marina*) Habitat Survey and Impact Analysis and Mitigation Plan to Compensate for Eelgrass Habitat Loss, City of Morro Bay Tidelands Park Phase II Side Tie Dock Facility Project. by Coastal Resources Management, dated September 25, 1995. Reports shall be submitted to the Executive Director for review according to the reporting schedule in that document.

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#### IV. RECOMMENDED FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

##### **A. Project Description**

This proposal is the third phase of the development of Tidelands Park, located at the south end of the Embarcadero, a waterfront street which is the center of commercial fishing, recreational boating and tourism for the City of Morro Bay. Tidelands Park is currently developed with a boat launch ramp, fish cleaning area, restrooms, playground, landscaping, interpretive panels, an observation deck, and parking areas for automobiles and boat trailers. The park is located on fill placed on tidal mudflats before Proposition 20 and lies in the area of Commission coastal development permit jurisdiction.

The City proposes construction of one 250 foot long side-tie dock for recreational boats, concrete stairs from the top of the revetment to its base for pedestrian access to the water of the estuary, and the replacement of boarding floats on the existing launch ramp. The side-tie dock will be positioned between the existing play area and the north parking lot will be accessible by a 60 foot long gangway, and will have lighting and a vessel pump-out station. The concrete stairs to the estuary will be located immediately south of the side-tie dock to provide access for hand launching of small vessels and for bay exploration. The replacement boarding floats of the launch ramp will consist of four articulation floats attached to a 50 foot boarding float (see Exhibit B). The proposal received a negative declaration and conditional use permit from the City. Special conditions of the City permit dealt with the major coastal resource issue of impacts to eelgrass and grading and drainage.

##### **B. Public Access and Recreation**

Applicable Coastal Act sections:

Coastal Act section 30210 *In carrying out the requirement of Section 4 of Article X of the California constitution, maximum access . . . and recreational opportunities for all the people . . .*

Coastal Act section 30210(a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development . . . .*

Coastal Act section 30221 *Ocean front land suitable for recreational use shall be protected from recreational use and development . . . .*

Coastal Act section 30224 *Increased recreational boating use of coastal waters shall be encourages, in accordance with this division . . . by . . . increasing public launching facilities,*

*providing additional berthing space in existing harbors . . . and by providing for new boating facilities in natural harbors . . . .*

This proposal would provide an additional 250 feet of berthing space for recreational boaters; would provide for access to the estuary waters for launching of small hand-carried watercraft and for public access to the mudflats at low tide; and would enhance the existing launch ramp facility by replacing the existing boarding floats. The site has already been set aside and developed as a public recreation area in accordance with previous permits issued by the City and the Commission. This proposed development continues the development of the recreational uses contemplated in the master plan for Tidelands Park and, as such, the proposal is consistent with the above referenced Coastal Act sections.

### **C. Marine Environment**

Applicable Coastal Act sections:

Section 30230. *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy population of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30233(a) *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: . . . (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities . . . .*

Coastal Act section 30234 . . . *Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

The primary marine resource in the project area is eelgrass. Eelgrass provides food and shelter for numerous smaller estuarine species. The side-tie dock portion of the proposed amendment will impact the biological productivity of eel grass habitat, since currently unshaded, undisturbed areas of eel grass will be shaded and/or disturbed by the proposed development. The proposed dock plans indicate that it will require eight guide poles/pilings to secure the dock in place, six of which will affect eelgrass by destroying habitat where they are placed. The dock itself will shade portions of the eelgrass bed, thus leading to the eventual death of the eelgrass which is permanently shaded. The original design location of the dock would have affected a total of 1,927 square feet of eelgrass. The currently proposed design location, which has been moved farther out from shore to limit the impact to the eelgrass beds, would affect approximately 644 square feet of eelgrass, a 66 percent reduction. The proposed dock cannot be moved any farther from shore because then boats tying up alongside it would encroach into the federally maintained channel, which must be kept free and clear for passing vessel traffic.

The National Marine Fisheries Service has developed the Southern California Eelgrass Mitigation Policy which provides guidelines for mitigation for impacts to eelgrass beds, including a transplanting ratio of 1.2 to 1. For each square foot of eelgrass adversely affected, 1.2 square feet of new suitable habitat, vegetated with eelgrass, must be created. The City has contracted with Coastal Resources Management to develop an eelgrass mitigation and monitoring plan, which conforms to the requirements of the Southern California Eelgrass Mitigation Policy (see Exhibit C). Since the proposal would affect approximately 644 square feet of eelgrass, the mitigation must equal at least 773 square feet.

A transplanting area has been selected at the Launch Ramp West floating docks located about 1000 feet south of the project site. The estuary bottom and water properties there are similar there to those at the project site. In February of 1995, the Commission approved the removal and replacement of those docks with conditions requiring mitigation and monitoring for impacts to the eelgrass beds there. At that site the City will be moving the replacement docks farther out from shore to avoid, as much as possible, any adverse impacts to eelgrass. Moving the docks there will open up over 1000 square feet of suitable habitat for eelgrass. That is the area proposed to be utilized for transplanting eelgrass from the proposed side-tie dock discussed in this staff report (see Exhibit B).

The proposed transplanting, following the procedures set forth in the Southern California Eelgrass Mitigation Policy, will ensure that the biological productivity and health of the marine resources of the Morro Bay estuary will be protected. By following the procedures in that document and the conditions of this permit, the City will be applying feasible mitigation measures to allow the development of a project that will offer expanded boating facilities. Locating the side-tie dock as close to the federally maintained channel as possible, but not encroaching into it will allow for this recreational development while not interfering with commercial fishing vessels that may utilize the channel to get to fueling facilities beyond the project site. Given the foregoing, the proposal is consistent with Coastal Act sections 30230, 30233(a), and 30234.

#### **D. Land Resources**

Applicable Coastal Act section:

Coastal Act section 30240 (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

As discussed earlier, the site has already been developed with park and recreation uses. The proposed boating facilities and the stairway to the water will enhance the existing facilities. Special Condition number 5 is required to ensure that the concrete work for the stairway and any other concrete work not adversely affect the estuarine environment. Given that the proposal is to enhance an existing park and recreation development and that conditions have been created to ensure no adverse effects will occur to the existing uses and the estuarine environment, the proposal is consistent with Coastal Act section 30240(b).

**E. California Environmental Quality Act (CEQA)**

The California environmental Quality Act requires the review of projects for a determination of their impacts on the environment and the consideration of alternatives to proposed projects to ensure that the approved project will be the least environmentally damaging. The original proposal considered the proposed dock much closer to the shore, with accompanying greater impacts to eelgrass; the current proposal has relocated the dock farther from shore to lessen impacts to eelgrass. The City of Morro Bay prepared a mitigated negative declaration for this proposal finding that, with proposed mitigation measures, the project would not have an adverse impact on the environment. The Commission's permit process has been designated by the Secretary for Resources as the functional equivalent of CEQA.

As discussed in the findings above, the project has been conditioned to avoid to the greatest extent possible, and to mitigate for any adverse impacts to the environment, such that it will not have a significant impact on the environment, within the meaning of CEQA. The proposal, as conditioned, is therefore consistent with the provisions of the California Environmental Quality Act and the California Coastal Act of 1976.

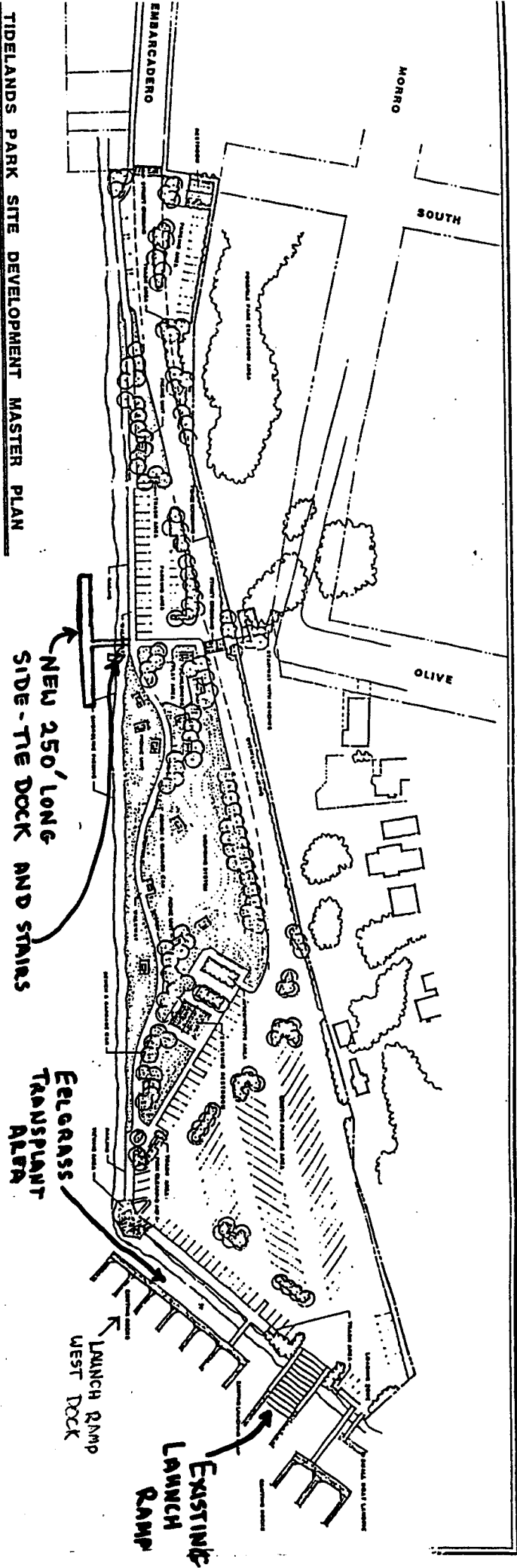






TIDELANDS PARK SITE DEVELOPMENT MASTER PLAN

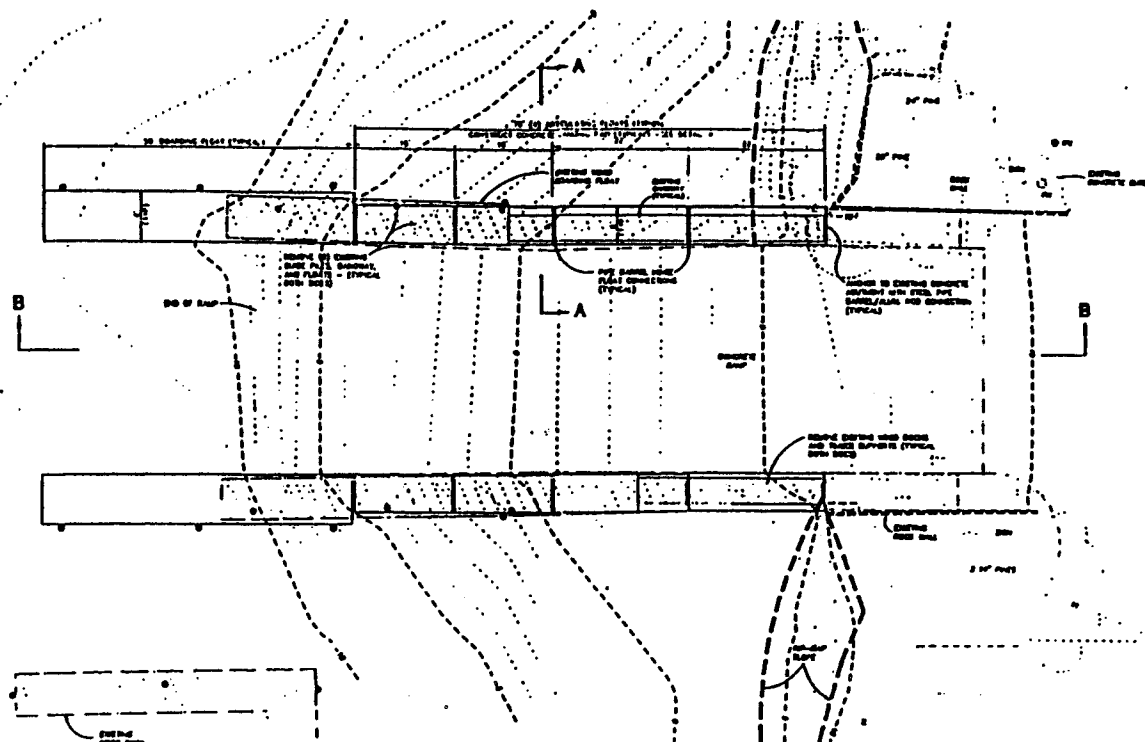
← MORRO BAY ESTUARY →



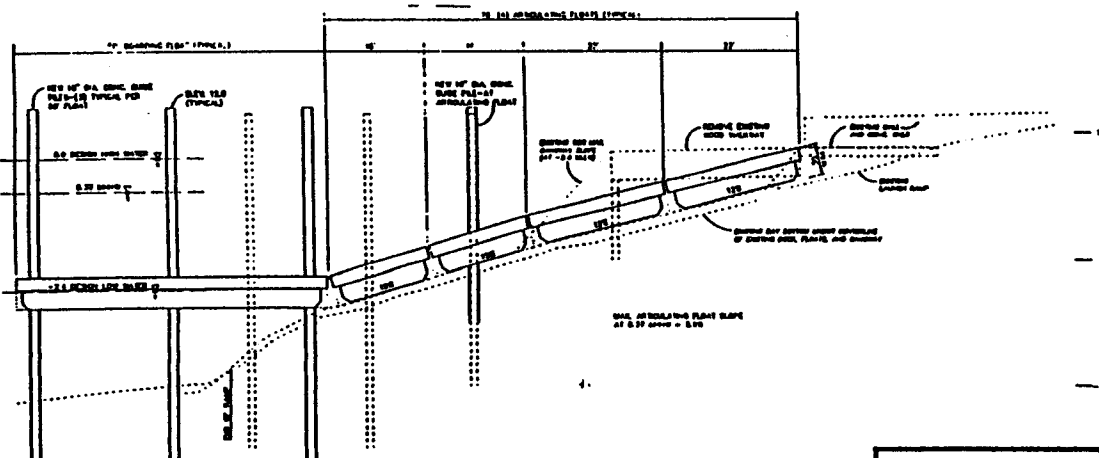
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4-11-A



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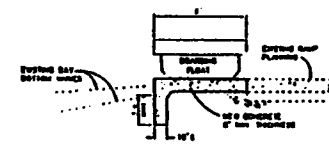


**PLAN VIEW**  
SCALE 1" = 10'



**WEST LAUNCH RAMP  
REPLACEMENT BOARDING FLOATS  
SECTION B-B**

VERTICAL 1" = 2'  
HORIZONTAL 1" = 5'  
GLASS PLATE MOUNT



**CONCRETE LANDING PAD  
SECTION A-A**

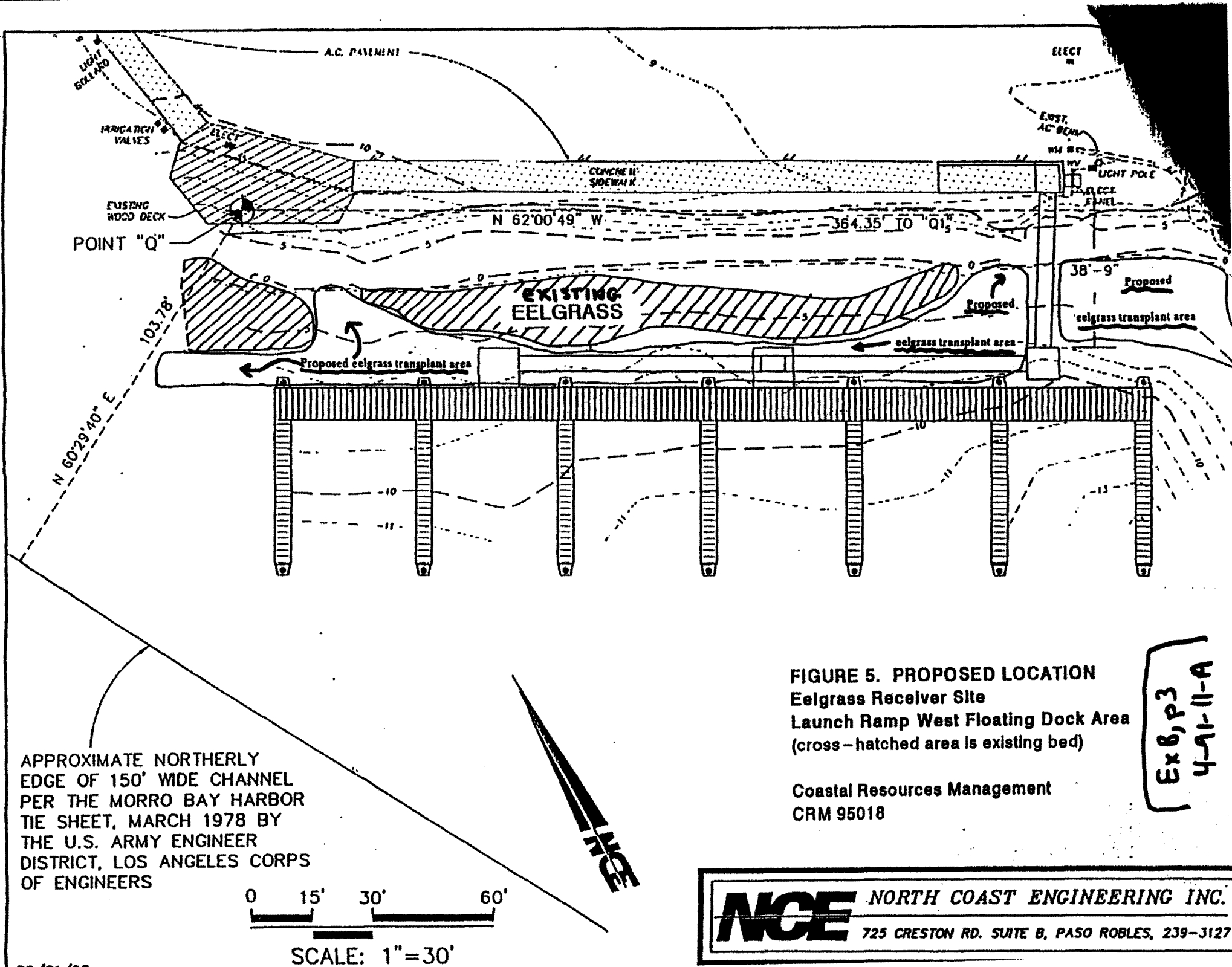
### LEGEND

- 10 --
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| EXISTING CONDUIT     |
| EXISTING WATER VALVE |
| EXISTING RUBER PILE  |
| PROPOSED CONC. PILE  |

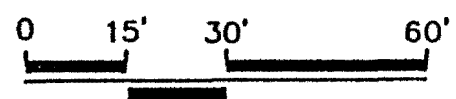
**NCE** NORTH COAST ENGINEERING INC.  
CIVIL ENGINEERING • LAND SURVEYING • PROJECT DEVELOPMENT

725 Creston Road, Suite B  
Paso Robles, CA 93446  
(805) 239-3127  
(805) 927-8651

[illegible]



APPROXIMATE NORTHERLY  
EDGE OF 150' WIDE CHANNEL  
PER THE MORRO BAY HARBOR  
TIE SHEET, MARCH 1978 BY  
THE U.S. ARMY ENGINEER  
DISTRICT, LOS ANGELES CORPS  
OF ENGINEERS



SCALE: 1"=30'

**FIGURE 5. PROPOSED LOCATION  
Eelgrass Receiver Site  
Launch Ramp West Floating Dock Area  
(cross-hatched area is existing bed)**

Coastal Resources Management  
CRM 95018

Ex 6, P 3  
4-9-11-A

**NCE**

**NORTH COAST ENGINEERING INC.**  
 725 CRESTON RD. SUITE B, PASO ROBLES, 239-3127



REPLY TO  
ATTENTION OF:

Office of the Chief  
Regulatory Branch

DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, CORPS OF ENGINEERS  
VENTURA FIELD OFFICE  
2151 ALESSANDRO DRIVE, SUITE 255  
VENTURA, CALIFORNIA 93001

November 6, 1995

RECEIVED  
NOV 21 1995  
CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Ms. Andrea K. Lueker  
Recreation & Parks Director  
City of Morro Bay  
1001 Kennedy Way  
Morro Bay, California 93442

Dear Ms. Lueker:

Reference is made to your transmittal of October 12, 1995, in which you submitted the document titled, "*Eelgrass (Zostera Marina) Habitat Survey and Mitigation Plan to Compensate for Eelgrass Habitat Loss*," dated September 25, 1995, for review and approval to fulfill Special Condition No. 1 of File No. 95-50322-TAW.

The Corps, in consultation with the California Department of Fish and Game and National Marine Fisheries Service, have reviewed the contents of the plan and hereby concur with all of the mitigation and monitoring measures outlined in the plan.

If you have any questions, please contact Tiffany Welch of my staff at (805) 641-2935. Please refer to this letter and 95-50322-TAW in your reply.

Sincerely,

David J. Castanon  
Chief, North Coast Section

Enclosure(s)

Ex C  
4-91-11-A

