

CALIFORNIA COASTAL COMMISSION

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TH 96



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 Hearing Date: 05/09/96

**STAFF REPORT
 REGULAR CALENDAR**

APPLICATION NUMBER: **3-96-010**

APPLICANT: **PORT SAN LUIS HARBOR DISTRICT**

PROJECT LOCATION: Avila Beach, San Luis Obispo County

PROJECT DESCRIPTION: Use bulldozer with sand moving blade to relocate 30,000 cubic yards of sand from mean lower low water to above the mean high tide line

LOCAL APPROVALS RECEIVED: San Luis Obispo County Coastal Development Permit Exemption dated 12/13/95

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit File No. 3-96-010; San Luis Obispo County Local Coastal Program; "Potential for Daylighting: Hydrocarbon Contamination Plume at Avila Beach California", prepared by Everts Coastal for Unocal Corporation, 2/13/96; "Effectiveness of Beach Scraping as a Method of Erosion Control", prepared by Jesse E. McNinch and John T. Wells, Shore and Beach, January 1992

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve the coastal development permit, subject to special conditions designed to protect water quality and intertidal habitat in the project vicinity, on the basis that as conditioned, the project is consistent with Chapter 3 policies of the Coastal Act, as it will enhance public recreation opportunities at Avila Beach.

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

Approval with Conditions. The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformance with the provisions of Chapter 3 of the California Coastal

Act of 1976, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS

Attached as Exhibit A.

III. SPECIAL CONDITIONS

1. Scope of Permit. This permit authorizes the permittee to relocate up to 30,000 cubic yards of sand from the Mean Low Lower Water area to above the Mean High Tide line, as illustrated in the plans attached to this staff report (Exhibits E - H), subject to the conditions below. This permit shall be valid for a period of one year from the date of the Commission's action. Subsequent sand moving activities shall be subject to further coastal development permit review or an amendment to this permit.
2. Avoidance of Grunion Spawning Season. Sand moving operations shall not be undertaken when spawning grunions are present in the intertidal area of the project vicinity. PRIOR TO THE COMMENCEMENT OF SAND MOVING ACTIVITIES, AND ON A DAILY BASIS DURING SAND MOVING OPERATIONS, the permittee shall monitor the site for evidence of grunion spawning (see Special Condition 4 for grunion monitoring requirements). If evidence of grunion spawning is found prior to or during sand moving operations, the permittee shall immediately stop all sand moving operations, which shall not continue until grunion spawning has ceased.
3. Regional Water Quality Control Board Review and Approval. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for Executive Director review and approval, written evidence that the Regional Water Quality Control Board has been notified of the proposed sand moving operations, and found that such activities will not pose an immediate risk of exposing the underground hydrocarbon contamination plume to the intertidal or marine environment. (See Special Condition 4 for hydrocarbon monitoring requirements).
4. Environmental Monitor. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for Executive Director review and approval, the name and qualifications of an environmental monitor who will be responsible for ensuring that sand moving activities do not expose underground hydrocarbons, and do not take place during grunion spawning. The environmental monitor shall be on site during all sand moving activities, and shall immediately stop such activities if hydrocarbons are exposed or if spawning grunions are discovered. In the event that sand moving activities must cease as a result of exposed underground hydrocarbons, the permittee shall submit to the Executive Director, at the earliest possible opportunity, a full report of the occurrence, including the location of the exposure, an estimate of the quantity of contaminants released, a full description of the corrective actions taken, and evidence that the exposure of contaminants has ceased.
5. Operations Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for Executive Director review and approval, an operations plan which contains the following information:
 - a. Timing: Sand moving activities shall not take place during periods of high beach usage. The operations plan shall specify dates and times which sand moving activities will be limited to, in order to avoid disrupting public use of the beach. The timing of sand moving activities in the mean low lower water area shall be further limited to being undertaken

during low tides only, in order to minimize equipment from entering the marine environment.

b. **Equipment:** The operations plan shall specify the type of equipment to be used, and identify any equipment staging or storage areas. Sand moving equipment shall be clean and maintained on a regular basis to avoid pollution of the beach area and marine environment. Sand moving equipment shall not be allowed to enter the marine environment.

c. **Fencing/Signs:** The operations plan shall provide a means of preventing conflicts between sand moving equipment, beach users, and shoreline access. Alternatives available to accomplish this include, but are not limited to, temporary fencing of the sand moving area; or, providing signs which warn beach users of the sand moving operations. Sand moving activities shall not take place during weekends and holidays.

d. **Monitoring:** The operations plan shall detail the methods of monitoring required to comply with Conditions 2 and 4 above.

e. **Emergency Contingencies:** The operations plan shall contain a plan of action for cleaning up and containing any hydrocarbons which may be exposed as a result of sand moving activities, including a notification list of responsible agencies and parties.

IV. FINDINGS AND DECLARATIONS

A. Project Description:

The subject project has been proposed in order to replenish sand at Avila Beach lost during winter storms. This lost of sand has exposed cobble stone on Avila Beach, reducing its recreational value, and threatens the structural stability of the seawall at the inland extent of the beach, which supports Front Street, a County road adjacent to Avila Beach.

Approximately 30,000 cubic yards of sand are proposed to be moved by a single piece of heavy earth moving equipment, such as a bulldozer with a sand moving blade, from mean lower low water to above the mean high tide in accordance with the site's natural grade. Sand will be moved during low tide, and will be deposited and groomed at elevations above the mean high tide to cover cobble stone and replenish sand supporting the existing seawall.

It is estimated that the sand replenishment project will take three to four weeks performed throughout the year. It will be undertaken in sections so that public disturbance will be minimized and to ensure that each section is properly groomed. Earth moving equipment will access the beach via cemented driveway at the northwestern end of Front Street, which leads directly onto the beach.

B. Project Location:

Avila Beach is one of the most popular beaches within San Luis Obispo County, and is considered one of the best in the County for swimming. It is located just north of Pismo Beach, on the north and south sides of the Avila Pier, within the San Luis Bay Planning Area of the San Luis Obispo County certified Local Coastal Program (Exhibits A - D). The LCP policies for this area emphasize the recreational importance of this area, and call for the maintenance of an attractive and usable beach and pier.

The subject project will be undertaken in an area of Avila Beach approximately 450 yards long and 60 yards wide (Exhibit E). The proposed sand moving operations will take place on both sides of the pier, although a greater amount of cut and fill will take place on the north side of the pier.

This project requires a permit from the California Coastal Commission because it proposes development activities, i.e., removal of sand, in an area below the mean high tide line, which is within the Commission's original permit jurisdiction. The Port San Luis Harbor District has received a lease for this activity from the State Lands Commission, and the County of San Luis Obispo has issued a Coastal Development Permit Exemption for the sand moving activities that will take place above the mean high tide line, within the County's permit jurisdiction.

Department of Fish and Game comments regarding the proposed project indicate that the only habitat consideration at the project site is the potential for grunion spawning. Another consideration regarding the proposed project's location is its proximity to soils containing hydrocarbons, which has resulted from leaking pipelines owned by the Unocal corporation. A map showing the extent of this contamination is attached to this report as exhibit I. It is estimated that in some areas of the beach, sand coverage over the plume may be as little as 4.5 feet thick.

Due to the potential for the contamination to be exposed as a result of the proposed sand moving activities, special consideration must be given to the preventing exposure of these contaminants to the marine environment and public beach users. Conversely, the proposed project may help prevent the exposure of these chemicals in beach areas above the mean high tide line by increasing the coverage of the contaminated soils with clean sand. This issue is further addressed in the following findings.

C. Marine Resources:

1. Coastal Act Policies.

The following coastal act policies protecting marine resources apply to the proposed project:

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 populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water

reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232.

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

2. Analysis.

The subject project poses impacts to the marine resources, protected by the above policies, in the following ways:

- potential exposure of underground contaminants in the intertidal area would degrade water quality and marine habitat values;
- scraping of sand in the intertidal area during grunion spawning could adversely effect the health and populations of this marine organisms; and,
- improper use and/or maintenance of sand moving equipment could degrade water quality and marine habitat values.

As a result of the potential impacts to marine resources posed by the subject project, special conditions have been attached to this permit which avoid such impacts, summarized below.

- Special Condition 1 limits the effectiveness of this permit to a one year period, and requires subsequent sand moving activities to obtain either a new coastal development permit or an amendment to this permit. This will provide the Commission with an opportunity to review the impacts of the project on marine resources, and its consistency with the above Coastal Act requirements, prior to approving long term sand moving operations.
- Special Condition 2 prohibits sand moving activities during grunion spawning. This condition will avoid adverse impacts to this marine organism, as required by Coastal Act Sections 30230 and 30231.
- Special Condition 3 requires the permittee to submit written evidence that the Regional Water Quality Control Board has been notified of the proposed sand moving operations, and found that such activities will not pose an immediate risk of exposing the underground hydrocarbon contamination plume to the intertidal or marine environment. This condition is necessary to ensure that the project will not result in the spillage of underground petroleum products, and will maintain the biological productivity and water quality of the marine environment. These requirements provide project consistency with Coastal Act Section 30231 and 30232.
- Special Condition 4 requires an environmental monitor to supervise all sand moving operations, and ensure that such activities do not take place during grunion spawning, or result in the exposure of hydrocarbons. This condition requires all sand moving activities to immediately stop if hydrocarbons are exposed or if spawning grunions are discovered, in order to ensure consistency with the Coastal Act policies previously identified. In addition, this condition requires that, in the event that sand moving activities must cease as a result

of exposed underground hydrocarbons, the permittee submit a full report of the occurrence, including the location of the exposure, an estimate of the quantity of contaminants released, a full description of the corrective actions taken, and evidence that the exposure of contaminants has ceased. This requirement is necessary to ensure that appropriate corrective actions take place if a situation arises which could threaten water quality and marine habitats, pursuant to Coastal Act Section 30232.

- Special Condition 5 requires the permittee to develop and submit , for Executive Director review and approval, an operations plan which includes the following elements necessary to ensure protection of marine resources: equipment details, monitoring methods, and emergency contingencies. This plan will provide the detailed information regarding project operations, necessary to ensure compliance with Coastal Act policies protecting marine resources.

3. Conclusion.

As conditioned, the subject project is consistent with Coastal Act polices protecting marine resources. Safeguards protecting spawning grunion, and avoiding the discharge of hazardous materials during project implementation, have been attached to this permit in order to achieve project consistency with these Coastal Act sections.

D. Public Access and Recreation:

1. Coastal Act Policies.

The following Coastal Act policies protecting public access and recreation opportunities along the coast apply to the subject project:

Section 30210.

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

(Amended by Ch. 1075, Stats. 1978.)

Section 30211.

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

2. Analysis.

Although the primary purpose of the subject project is to enhance coastal access and recreation opportunities available to the public by covering up cobble stones exposed as a result of sand loss during winter storms, the project has the potential to adversely effect public coastal access and recreation opportunities by causing conflicts between beach users and sand moving activities.

As a result, the operations plan called for by Special Condition 5 requires the permittee to submit specific information intended to avoid conflicts between beach users and sand moving activities, summarized below.

- Sand moving activities are prohibited from taking place during periods of high beach usage. The operations plan must specify dates and times which sand moving activities will occur, in order to avoid disrupting public use of the beach.
- The operations plan must provide a means of preventing conflicts between sand moving equipment, beach users, and shoreline access. Suggested alternatives include temporary fencing of the sand moving area, or providing signs which warn beach users of the sand moving operations. Sand moving activities are prohibited from taking place during weekends and holidays.

The conditions summarized above are needed to protect a significant disruption of coastal access and recreation opportunities available to the public as a result of project implementation. Such precautions are necessary to achieve project consistency with Coastal Act Sections 30210 and 30211.

3. Conclusion.

As conditioned, the subject project is consistent with Coastal Act policies protecting public access and recreation opportunities. These conditions ensure that implementation of the project will not result in significant disruptions to public access and recreation by limiting the times during which sand moving can take place, and by requiring temporary fencing or signing to warn beach users of the sand moving activities.

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The State Land Commission, in approving a lease for the subject project on February 27, 1996, determined that the project was exempt from the requirements of the California Environmental Quality Act as a project which will not have the potential for causing a significant effect on the environment, pursuant to 14 Cal. Code Regs. 15061(B)(3).

As detailed in the previous findings of this staff report, special conditions have been attached to this permit which will prevent the project from resulting in significant adverse impacts to marine resources, or to public access and recreation opportunities. As a result, the project, as conditioned, will not have a significant effect on environmental resources within the meaning of the California Environmental Quality Act.

COASTAL DEVELOPMENT PERMIT

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. 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.

EXHIBIT NO. A
APPLICATION NO. 3-96-010
Avila Beach Scraping
Standard Conditions

Vicinity Map

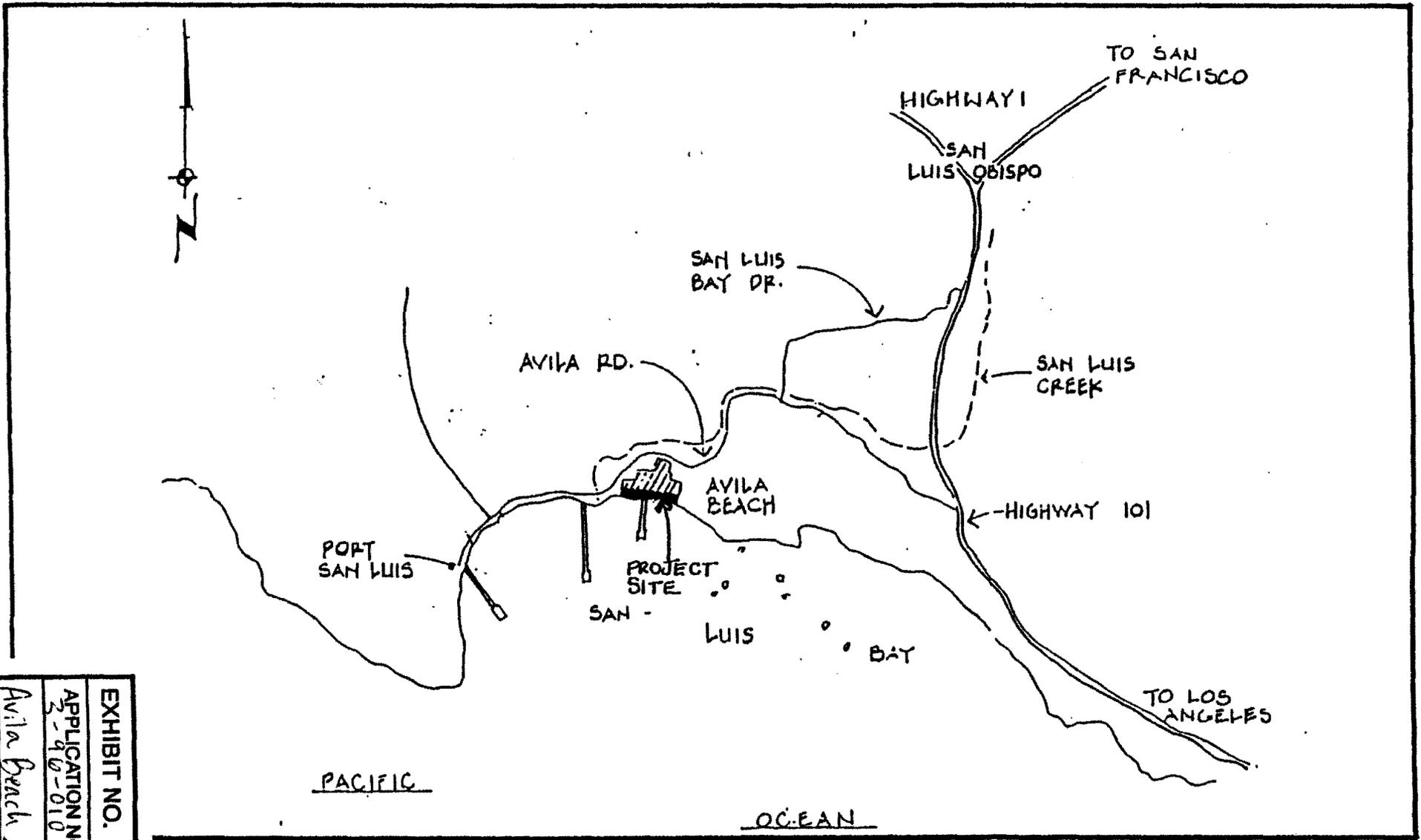


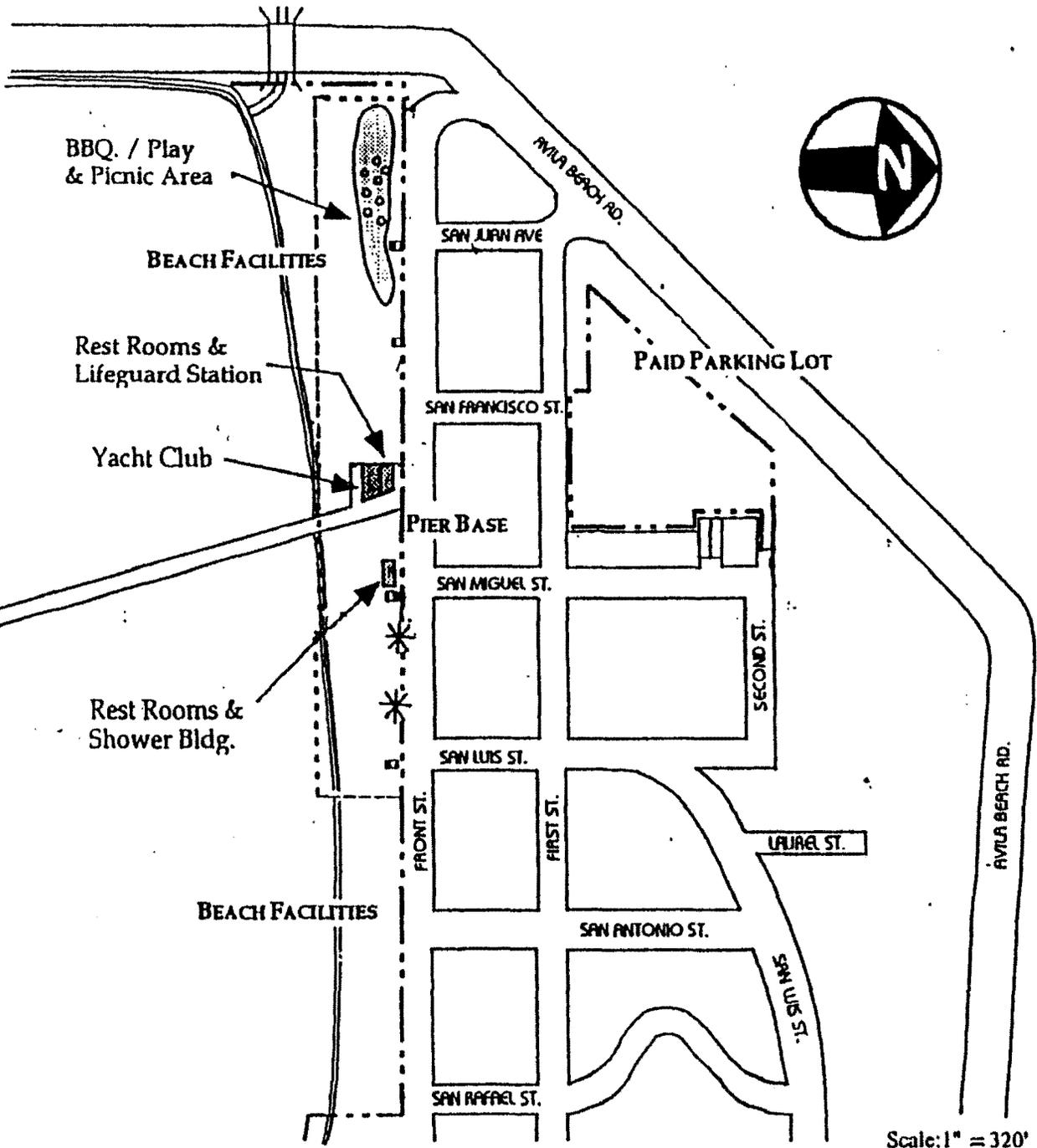
EXHIBIT NO. C
APPLICATION NO. 3-90-010
Avila Beach Scraping
Vicinity Map

PORT SAN LUIS HARBOR DISTRICT

HARBOR DISTRICT
PROPERTY LINES (app.)

IMPROVEMENT AREA

ACCESS STAIRS



PACIFIC OCEAN

EXHIBIT I

Scale: 1" = 320'

EXHIBIT NO. D
APPLICATION NO. 3-96-010
Avila Beach Scraping
Beach Map

AVILA BEACH

PROPOSED ENHANCEMENT AREA/EXISTING USES

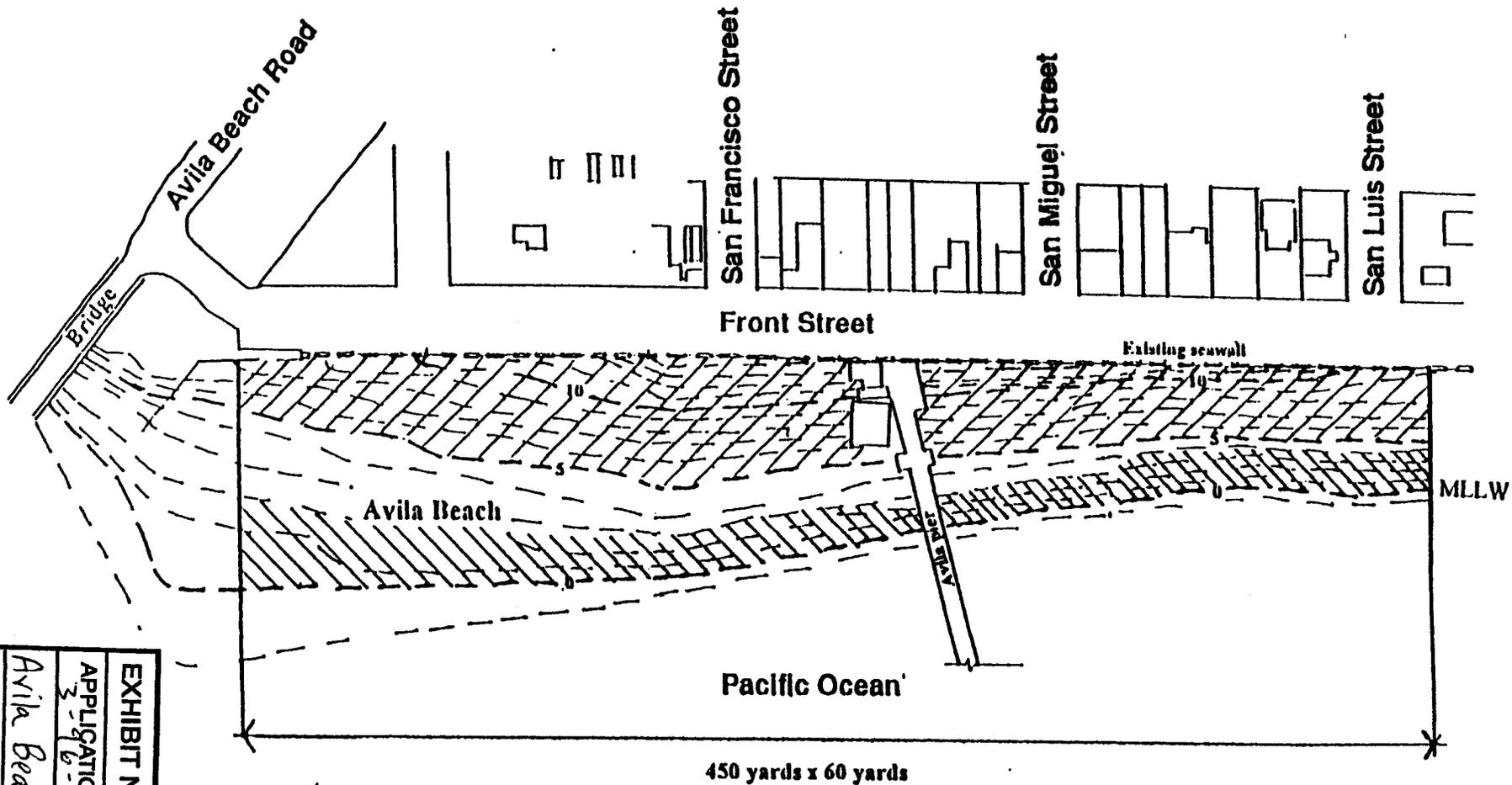
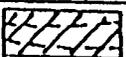
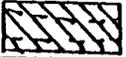


EXHIBIT NO. E
 APPLICATION NO.
 3-96-010
 Avila Beach Scraping
 Plan Diagram

LEGEND

Fill Area 

Dredge Area 

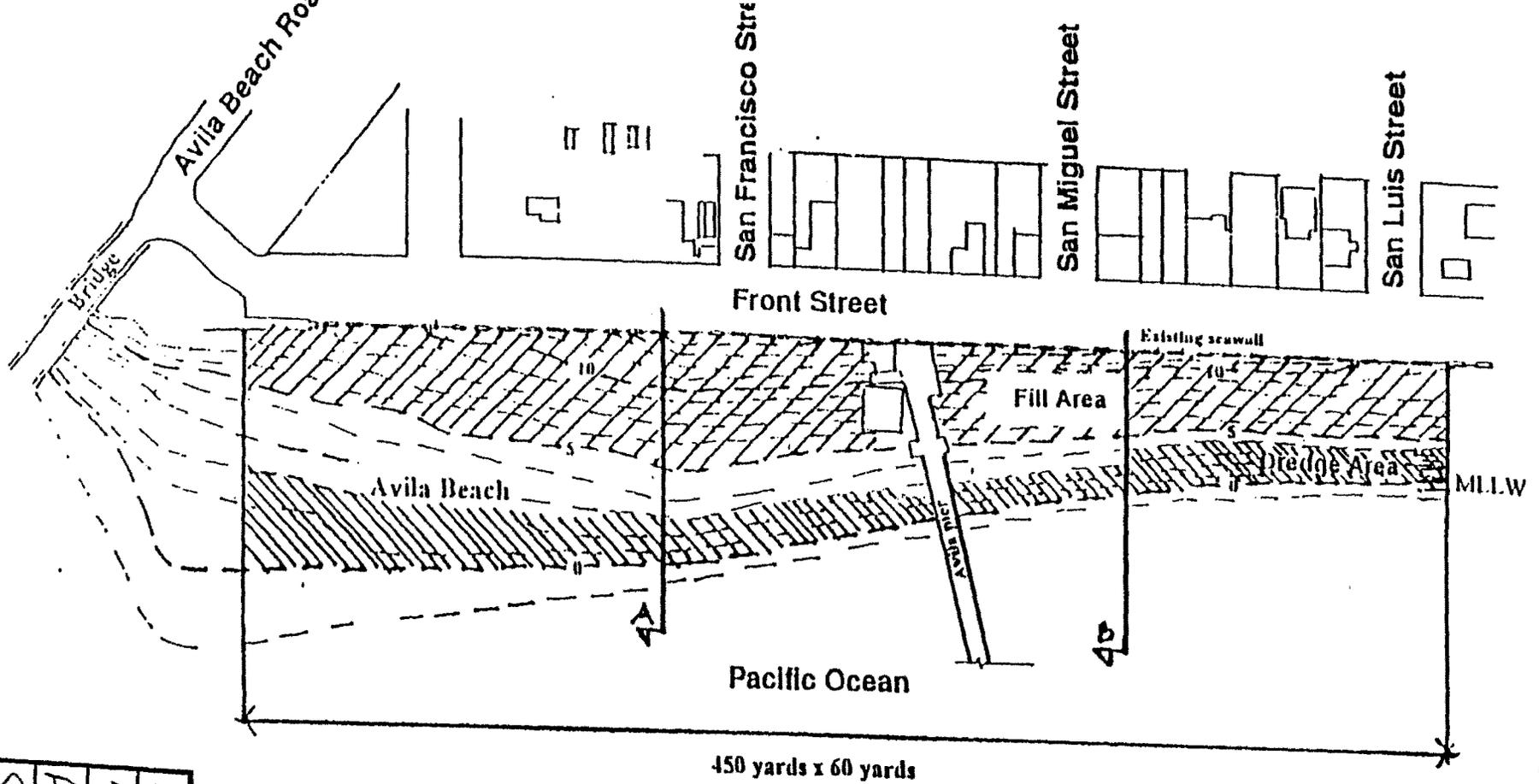
AVILA BEACH ENHANCEMENT
 PLAN DIAGRAM



Existing
 Conditions
 March 1995

Map A

Port San Luis
 Harbor District
 Avila Beach, CA



450 yards x 60 yards

EXHIBIT NO. F
 APPLICATION NO.
 3-96-010
 Avila Beach Striping
 Section Diagram

AVILA BEACH ENHANCEMENT
 SECTION DIAGRAM

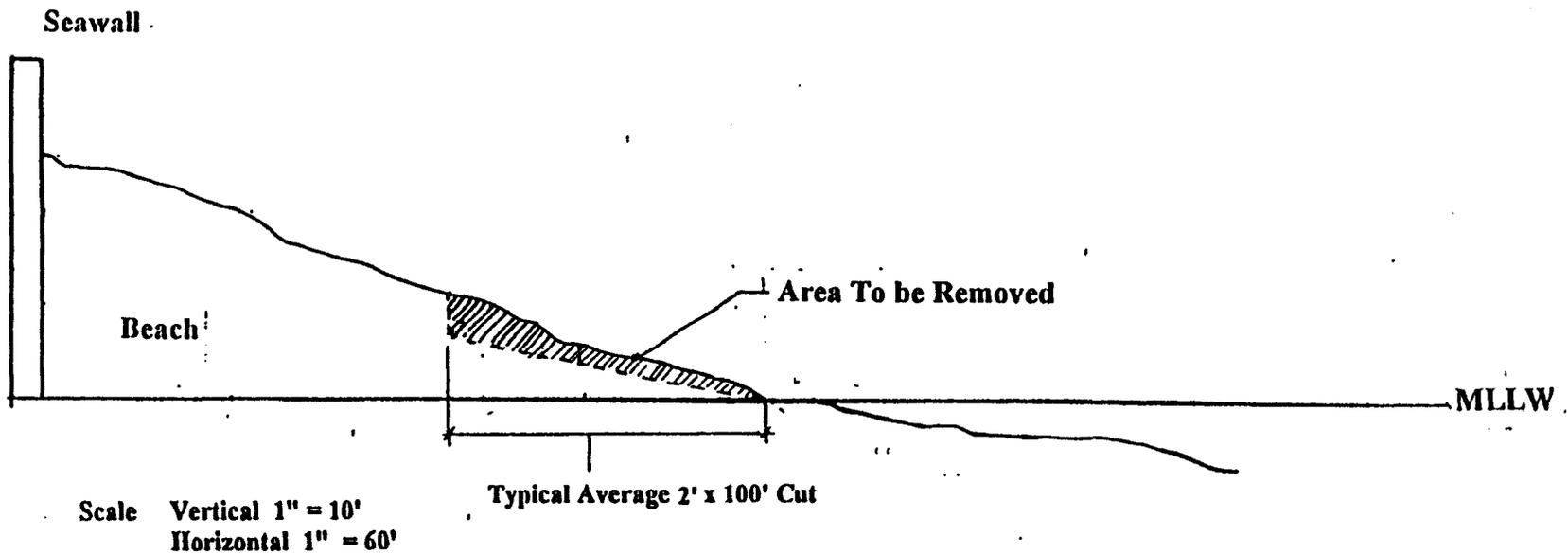
LEGEND

Fill Area	
Dredge Area	

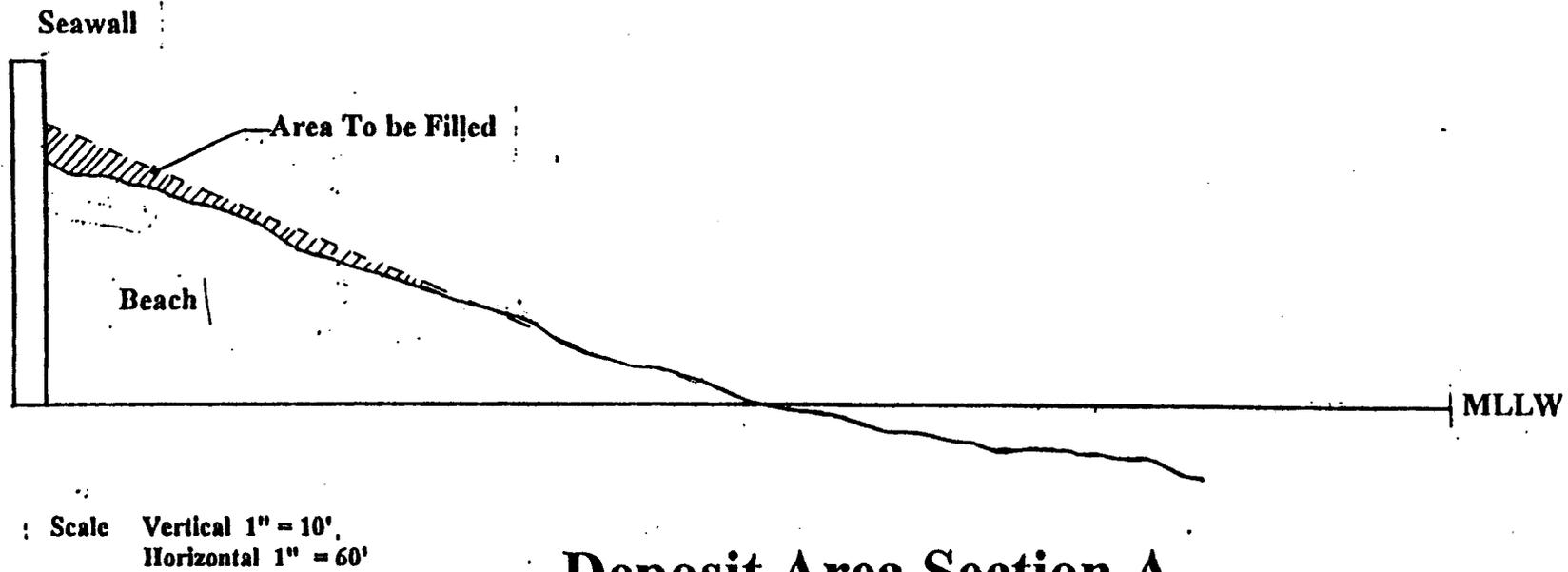


Port San Luis
 Harbor District
 Avila Beach, CA

Map B



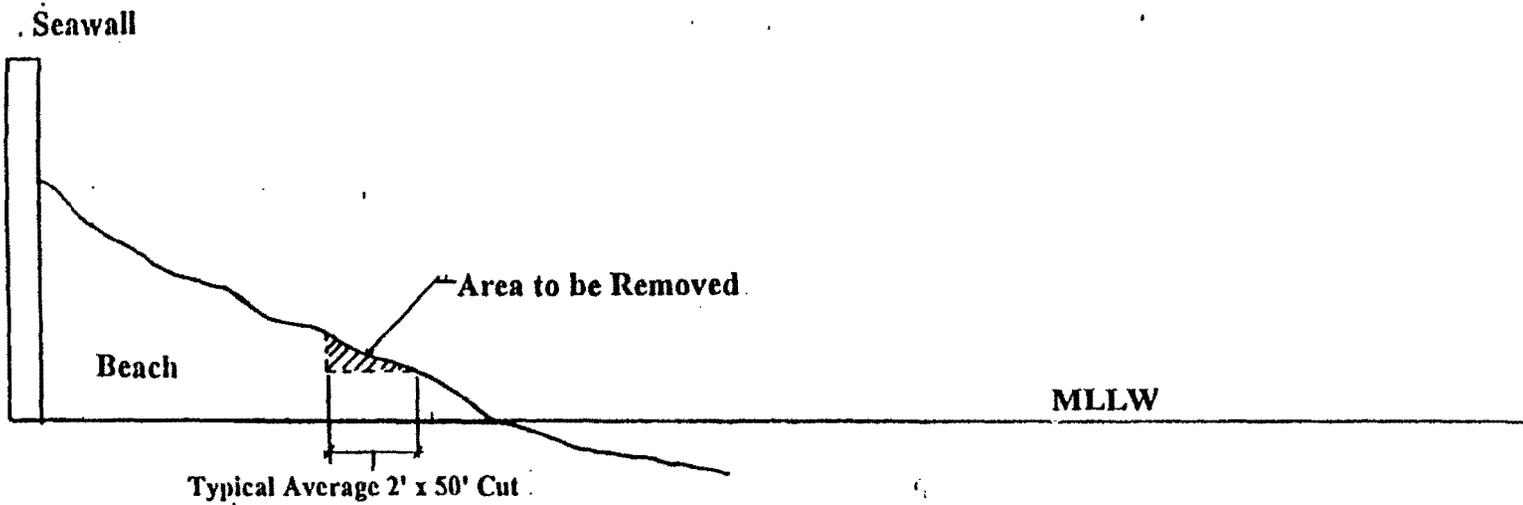
Dredge Area Section A



Deposit Area Section A

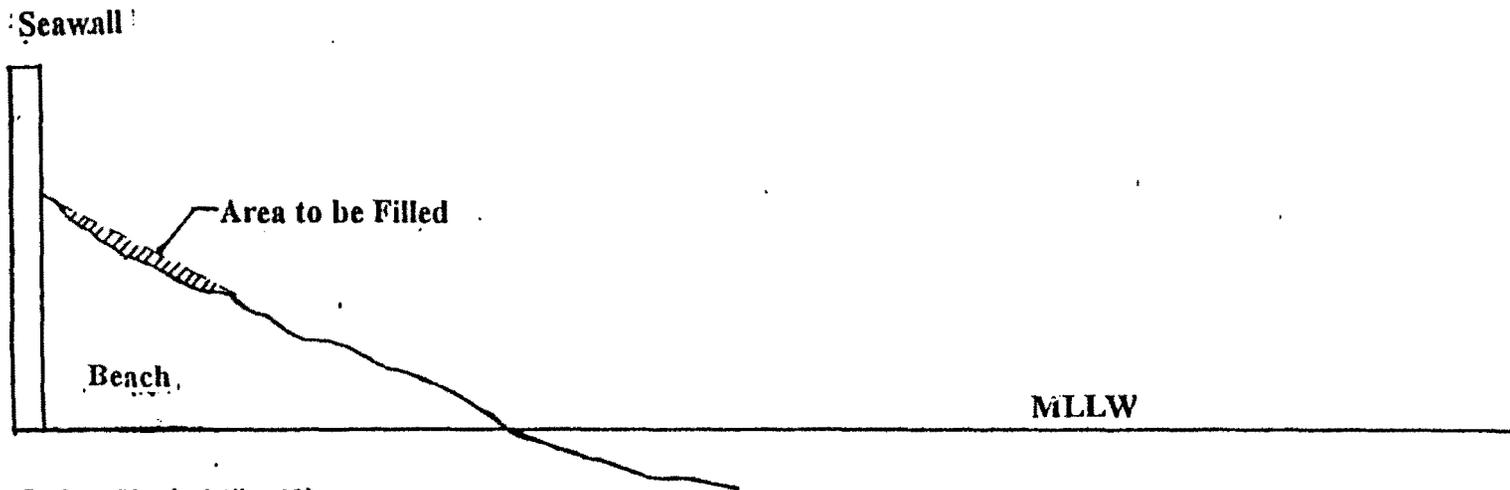
EXHIBIT NO. 4
APPLICATION NO. 3-96-010
Avila Beach Seaplane Section A Diagram

Exhibit G
3-96-010



Scale Vertical 1" = 10'
Horizontal 1" = 60'

Dredge Area Section B



Scale Vertical 1" = 10'
Horizontal 1" = 60'

Deposit Area Section B

EXHIBIT NO. H
APPLICATION NO. 3-96-010
Avila Beach Scraping Section B Diagram

Port San Luis
Harbor District
Avila Beach, CA

Exhibit A, 3-96-010

