

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

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Filed: March 10, 1997
49th Day: April 28, 1997
180th Day: September 6, 1997
Staff: John T. Auyong
Staff Report: March 20, 1997
Hearing Date: April 8-11, 1997
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-97-023

APPLICANT: City of Newport Beach Public Works Department (c/o Michael Sinacori)

AGENT: Dave Bartlett

PROJECT LOCATION: Within the right-of-way of Park Avenue between Jade Avenue and the east seawall, with the Jade Avenue right-of-way, and within adjacent alleys; Little Balboa Island, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Relocation of the Section 5 Sewer Pump Station from the alleys east of Jade Avenue to Park Avenue east of Jade Avenue, including; construction of a reinforced poured-in-place concrete underground 850 gallon per minute wastewater pump station with wet well, valve and vault for housing pumps, electrical and telemetry controls and ventilation facilities; increasing the capacity of the pump station's wet well to 41,400 gallons; replacement of portions of sewer force mains, gravity sewer lines and manholes; demolition of the existing pump station and abandonment of existing facilities; repaving of street and alley surfaces; and 900 cubic yards of grading (cut).

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-in-Concept

SUBSTANTIVE FILE DOCUMENTS: "Geotechnical Evaluation Report, Section 5 Sewage Pump Station, Balboa Island, Newport Beach, California" dated February 28, 1997, prepared by Ninyo & Moore Geotechnical and Environmental Sciences Consultants (Project No. 200924-01) prepared for the City of Newport Beach.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development, located between the nearest public roadway and the shoreline, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 including the public access and recreation policies, will not prejudice the ability of the local government having jurisdiction over the area to prepare 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. Conformance with Geotechnical Recommendations

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the executive director, final revised plans which incorporate the geotechnical recommendations contained in the "Geotechnical Evaluation Report, Section 5 Sewage Pump Station, Balboa Island, Newport Beach, California" dated February 28, 1997, prepared by Ninyo & Moore Geotechnical and Environmental Sciences Consultants (Project No. 200924-01) prepared for the City of Newport Beach ("geotechnical report"). These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations contained in said geotechnical report. The approved development shall be constructed in accordance with the final plans as approved by the Executive Director. Any

deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

2. Water Quality

(a) All discharges of water generated as a result of the dewatering process shall meet the requirements of the California Regional Water Quality Control Board, Santa Ana Region ("RWQCB"). Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, written evidence that the RWQCB has approved the discharges.

(b) Any discharges of water from the dewatering process into the sewer system shall not exceed the ability of the sewer system to process the water.

(c) Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, a plan for both the installation of structural BMPs as well as non-structural BMPs for the purpose of minimizing the entry of pollutants and sediment into Newport Harbor. The applicant shall implement the BMPs during the construction process.

IV. Findings and Declarations.

A. Project Description

The applicant is proposing to replace an aging sewer pump station by abandoning the existing facility and constructing a new facility in a nearby location. The existing facility pumps all of Balboa Island's sewage through pipes crossing Newport Harbor to the sewer facilities in Bayside Drive on the mainland. The current location of the existing Section 5 Sewer Pump Station is within the alleys, perpendicular and parallel to Jade Avenue, on the east side of Jade Avenue (see Exhibit B). The proposed new location would be within Park Avenue east of Jade Avenue.

The proposed development would include construction of a reinforced poured-in-place concrete underground 850 gallon per minute wastewater pump station with wet well, valve and vault for housing pumps, electrical and telemetry controls and ventilation facilities, and a wet well with a capacity of 41,400 gallons. Also proposed would be the replacement of portions of sewer force mains, gravity sewer lines and manholes, repaving of street and alley surfaces, (including within the Jade Avenue right-of-way (see Exhibit B)), demolition of the existing pump station and abandonment of existing facilities, and 900 cubic yards of grading (cut) to construct the new wet well. The top four feet of the existing pump station will be abandoned along with the equipment, and the hole will be filled with sand.

B. Geologic Hazards

Section 30253 of the Coastal Act states, in relevant part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The applicant has submitted a geotechnical report entitled "'Geotechnical Evaluation Report, Section 5 Sewage Pump Station, Balboa Island, Newport Beach, California' dated February 28, 1997, prepared by Ninyo & Moore Geotechnical and Environmental Sciences Consultants (Project No. 200924-01) prepared for the City of Newport Beach" which was prepared for the proposed development ("report").

The report indicates that the subject site is at risk from potential earthquake hazards. The report indicates that the proposed development's structural walls may be subject to lateral displacement due to pressure generated by seismic events. The report contains design parameters, such as expected pressure loads which would address the issue of lateral forces.

The Commission finds that it is necessary to require that the development's design incorporates the recommendations contained in the report to ensure structural integrity. Therefore, the Commission finds it necessary to impose a condition requiring that final plans be submitted which incorporate the report's recommendations, and that the development be constructed according to said plans. Thus, as conditioned, the Commission finds the proposed development consistent with Section 30253 of the Coastal Act.

C. Water Quality

Section 30231 of the Coastal Act states:

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.

1. Leakage from the Proposed Wet Well

The proposed wet well would not result in leakage of sewage water into the ground water table because the well would be lined on the exterior with a waterproof sealant and on the interior with a PVC (T-Lock) lining. Therefore, the proposed development would not result in adverse impacts to water quality resulting from leakage from the wet well.

2. Proposed Wet Well's Capacity to Hold Sewage Overflow

Further, the wet well's 41,400 gallon capacity would allow for one hour of storage at peak flow. Thus, in the event that the sewage system was overflowing, one hour would pass before the proposed well would be completely filled with the overflow. This would give the City an hour of time to institute back-up systems. Based on this standard, the current well's capacity of 537 gallons allows virtually no response time for the City to implement back-up measures. This would lead to the possibility of sewage overflowing into storm drains.

It is important to ensure that sewage effluent be directed to sewage facilities which remove pollutants before the effluent is discharged into coastal waters in order to minimize adverse water quality impacts. Storm drains typically lead directly into coastal waters and do not remove the pollutants in the effluent being drained into coastal waters. Thus, the additional emergency storage capacity provided by the proposed wet well would lessen the likelihood of sewage overflowing into storm drains leading into the bay and result in adverse impacts to water quality.

3. Dewatering Process

a. Water Quality Approval

Section 30412 of the Coastal Act provides that the California Regional Water Quality Control Board, Santa Ana Region ("RWQCB") has primary responsibility for water quality issues. The RWQCB implements the federal Non-Point Discharge Elimination System ("NPDES") requirements which minimize adverse water quality impacts.

Because of the high groundwater level at the subject site, water will have to be pumped from the construction site. If this water were polluted and discharged into Newport Harbor, adverse water quality impacts would occur. Therefore, the Commission finds it necessary to require the applicant to submit written evidence of the RWQCB's approval of the discharges.

b. Disposal into Sewer System

In addition to the RWQCB approval, the Commission finds that it is also necessary to limit the amount of water from the dewatering process being directed into the existing sewers should the applicant discharge the water into the sewer system. This limit is necessary to ensure that water from the

dewatering process does not overburden the existing sewer system on Little Balboa Island. Overburdening the existing sewer system would result in sewage overflowing into Newport Harbor and cause adverse water quality impacts.

The City indicates that the existing Section 5 Little Balboa Island pump station (which is being replaced as part of the proposed development) could handle up to two hundred (200) gallons per minute ("gpm") of flow. The City also indicates that the expected flow from the dewatering process for the proposed development would be under that limit. Therefore, the Commission finds that the City shall not discharge into the existing sewer system more water than can be processed by the sewage system.

c. Best Management Practices

The use of structural and non-structural Best Management Practices (BMPs) would mitigate adverse impacts to water quality resulting from the discharge of water from the dewatering process. Structural BMPs are structural devices, usually permanent in nature, which remove pollutants from runoff. Examples are devices to separate and/or trap oil and grease and sediment basins. "Fossil Filters" are a relatively inexpensive type of structural BMP, and the City installed them on two storm drains as a requirement of coastal development permit 5-96-026. Because grading is involved, it is likely that sediment would enter the storm drains and cause adverse water quality impacts. Sediment basins would reduce the amount of sediment entering the storm drains. The installation of structural BMPs in storm drains into which water from the dewatering process would be discharged would reduce the amount of pollutants which may be in the water.

Non-structural BMPs are methods such as preventing spills and leaks of toxic substances during the construction process, and cleaning up after spills and leaks. Toxic substances resulting from spills and leaks would enter the storm drains, causing adverse water quality impacts. The Commission finds that it is important to require BMPs to minimize adverse water quality impacts resulting from the construction process.

4. Conclusion (Water Quality)

Therefore, the Commission finds that the proposed development, as conditioned to require RWQCB approval, the use of BMPs, and limiting the flow of water discharged into the sewer system from the dewatering process, would be consistent with Section 30231 of the Coastal Act.

D. Public Access

Section 30210 of the Coastal Act states:

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.

The proposed development would start July 1, 1997 and end March 31, 1998. Thus, the proposed development would be undertaken during summer months, the time when the number of visitors to the coastal zone is at its highest. The proposed development would involve temporary adverse impacts to public access by blocking Park and Jade Avenues and adjacent alleys, as well as blocking an accesspoint to the walkway which surrounds Little Balboa Island.

However, no part of the walkway itself would have to be closed. In addition, other nearby access points to the walkway would remain open during construction. Further, the subject site is in a corner of the island not near the Marine Avenue commercial corridor, the island's main visitor-serving area. Also, the proposed development would only be under construction during the latter half of the summer season which runs between Memorial Day in May through Labor Day in September. Therefore, the Commission finds that the proposed development would be consistent with Section 30210 of the Coastal Act.

E. Growth Inducement

Section 30254 of the Coastal Act states, in relevant part:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division . . .

The proposed development would replace an existing, aging pump station on Balboa Island. Balboa Island is an urbanized area with virtually no undeveloped land. The proposed development would not expand the capacity of the pumping station; rather it would only expand the emergency overflow storage capacity. The proposed development would not induce new growth in the area. Therefore, the Commission finds that the proposed development would be consistent with Section 30254 of the Coastal Act.

F. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a local coastal program ("LCP") which conforms with the Chapter Three policies of the Coastal Act.

The City of Newport Beach Land Use Plan (LUP) was originally certified on May 19, 1982. As conditioned, the proposed development is consistent with the water quality and geologic hazards policies of Chapter Three of the Coastal Act. Therefore, the Commission finds that approval of the proposed development as conditioned would not prejudice the City's ability to prepare a local coastal program consistent with the Chapter Three policies of the Coastal Act.

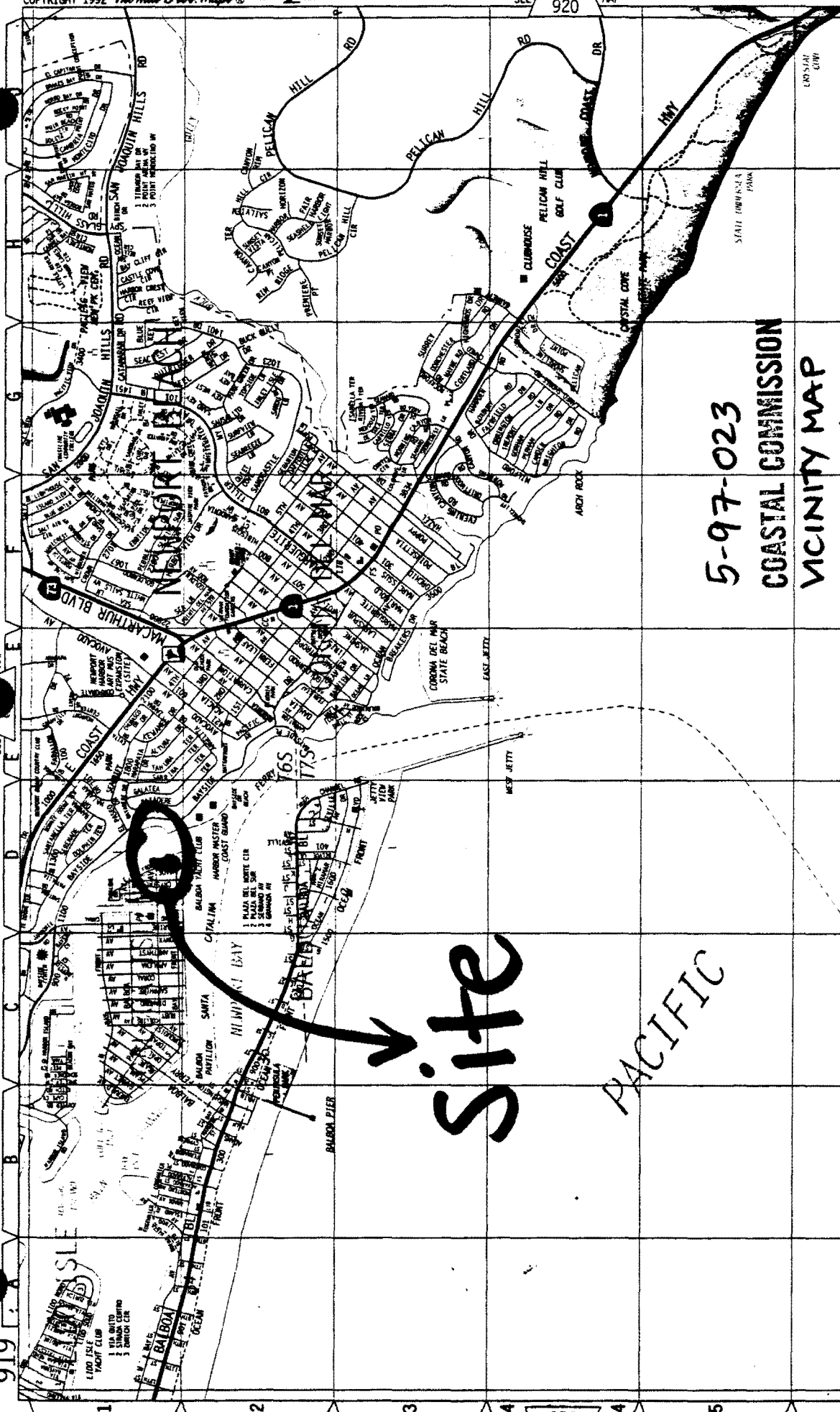
G. California Environmental Quality Act

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed development is located in an urban area. Development already exists on the subject site. All infrastructure necessary to serve the site exist in the area. The proposed project has been conditioned in order to be found consistent with the development policies regarding parking of Chapter Three of the Coastal Act. Mitigation measures requiring conformance with geotechnical recommendations and compliance with Regional Water Quality Control Board standards will minimize all significant adverse impacts.

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project as conditioned can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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VICINITY MAP
EXHIBIT # A
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Site

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Monitoring and Reporting Program No. 93-49-049 EXHIBIT # C
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City of Newport Beach Public Works Department

Construction Dewatering - West Newport Sewer Main Replacement Project

A. Effluent Monitoring

1. All analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services or at laboratories approved by the Executive Officer of the Regional Board.
2. A sampling station shall be established for each point of discharge to the channel and shall be located where representative samples of each discharge can be obtained. The following shall constitute the effluent monitoring program at each point of discharge:

Constituent	Type of Sample	Units	Minimum Frequency of Analysis
Flow	Estimate	gpd	Daily
Total Suspended Solids	Grab	mg/l	During first half-hour of each discharge and then weekly thereafter for continuous discharges.
Total Sulfides	Grab	mg/l	During first half-hour of each discharge and then weekly thereafter for continuous discharges.
Total Chlorine Residual ¹	Grab	mg/l	During first half-hour of each discharge and then weekly thereafter for continuous discharges.

3. A log shall be kept listing the dates and the volume of each discharge event.
4. Unless otherwise noted, all sampling, sample preservation, and analysis shall be performed in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants" promulgated by the United States Environmental Protection Agency (40 CFR 136).

¹ Only if chlorine is used for treatment of the wastewater

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B. Reporting

1. The results of the above analyses shall be reported to the Regional Board within 24 hours of finding any discharge that is in violation of the discharge specifications.
2. Monitoring reports shall be submitted by the 15th day of each month and shall include:
 - a. The results of the suspended solids analyses for the previous month,
 - b. The daily flow data (GPD), and
 - c. A summary of the month's activities, including a copy of the log listing the date of each dewatering/discharge event, and the volume of water discharged.

If no discharge occurs during the previous monitoring period, a letter to that effect shall be submitted in lieu of a monitoring report.

3. For every item where the requirements are not met, the discharger shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time, and shall submit a timetable for correction.

All reports shall be signed by a responsible officer or duly authorized representative of the discharger and shall be submitted under penalty of perjury.

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COASTAL COMMISSION
Sample RWQCB requirements

EXHIBIT # CPAGE 2 OF 2

Ordered by

Gerard J. Thibeault
Gerard J. Thibeault
Executive Officer

December 9, 1996

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