

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036

SECOND PACKET COPY



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Staff Report: July 23, 1998  
Hearing Date: August 11-14, 1998

Wed 14g

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-83

Applicant: Islandia Associates

Agent: Adam Koltz

Description: Demolition, removal, and replacement of 33,549 sq.ft. of floating concrete docks in an existing marina including: increasing dock area to 46,744 sq.ft., removing and reusing 78 existing dock piles, installing 15 new piles, and disposing of floating docks at sea. Number of slip spaces will be reduced from 192 to 179.

Lot Area	9.3 acres
Parking Spaces	639
Zoning	Unzoned
Plan Designation	Regional Park

Site: 1441 Quivira Road, Mission Bay Park, San Diego, San Diego County.  
APN 760-029-02.

Substantive File Documents: Mission Bay Park Master Plan; Mission Bay Lease Permit; Merkel & Assoc., Pre-Construction Eelgrass Survey for the Islandia Dock Project, February 26, 1998; Coastal Development Permit E-86-4; CDP #6-97-109.

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed marina renovation with Special Conditions prohibiting work from occurring during the least tern nesting season, requiring the use of silt curtains to reduce turbidity impacts, and requiring implementation and enforcement of an extensive Best Management Practices program to reduce potential

water quality impacts. As conditioned, the proposed project will not have an adverse impact on biological resources, public access, or the availability of recreational facilities.

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PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Department of Fish and Game Acceptance of Disposal Material. PRIOR TO THE ISSUANCE OF THE PERMIT, the applicant shall submit for review and written approval of the Executive Director, evidence that the California Department of Fish and Game has accepted the floating dock material for disposal pursuant to coastal development permit E-86-4-A1. Disposal at any other location in the coastal zone would require an amendment or separate coastal development permit.

2. Final Plans. PRIOR TO THE ISSUANCE OF THE PERMIT, the applicant shall submit for review and written approval of the Executive Director, final project plans in substantial conformance with the submitted preliminary plans dated 3/21/98, except that such plans shall be revised to specifically indicate the following:

a. No in-water construction shall occur between April 1 and September 1 of any year.

b. Silt curtains will be maintained on-site and available at all times for deployment in the event excessive turbidity is experienced. Upon detection of an increase in visible turbidity or any visible clouding of bay water caused by construction outside the

immediate marina construction area, silt curtains will be deployed around the disturbance area.

The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. U.S. Army Corps of Engineers Permit. Prior to the commencement of construction, the permittee shall provide to the Executive Director a copy of a U.S. Army Corps of Engineers permit, or letter of permission. Any mitigation measures or other changes to the project required through said permit shall be reported to the Executive Director. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

4. Best Management Practices Program: PRIOR TO THE ISSUANCE OF THE PERMIT, the applicant shall submit to the Executive Director, a final Best Management Practices (BMPs) program. The program shall include all of the elements contained in the "Best Management Practices (BMPs) for Maintenance of Water Quality Within the Hyatt Islandia Marina," program by Merkel & Associates, Inc., dated May 12, 1998, and attached as Exhibit #4 to this report, plus the following additions:

- a. Under the heading *Solid Waste Management*, the following BMPs shall be added:
  - Containers for recyclables will be provided and sited so that they are convenient for boaters (i.e., close to the dock).
  - All trash and separate containers for recyclables, oil wastes, etc. will be clearly marked, have the capacity to handle all waste streams, and be sited so that they are convenient to boaters (i.e., close to the dock).
- b. Under the heading *Liquid Waste Management*, the following BMPs shall be added:
  - The marina will provide a secure location to store hazardous wastes, including old gasoline or gasoline with water, absorbent materials, and oily rags. Boaters will be able to give marina employees hazardous wastes for disposal.
  - Anti-freeze, lead-acid batteries, used oil and used oil filters will be collected separately for recycling.
  - Signage will be placed on all regular trash containers to indicate that hazardous wastes may not be disposed of in the container. The containers will notify boaters as to how to dispose of hazardous wastes and where to recycle certain recyclable wastes.
- c. Under the heading *Boat Cleaning*, the following BMP shall be added:

- The marina will make a vacuum sander available for tenants to borrow or rent upon request.
- d. Under the heading *Maintenance of Sewage Facilities*, the following BMP shall be added:
  - Dye tablets are made available at the Dockmaster's Office and at the pump-out facility. Presence of dye tablets will be checked at the time of pump-out.

The marina shall provide information about all of the measures in this BMP program through a combination of signage, tenant bill inserts, and distribution of BMP program to new tenants and each year to repeat tenants. The program shall be posted at the dockmaster's office, and in summary form at primary dock entrances with reference to availability of full BMP's through the dockmaster and resort lobby. The BMPs shall also be attached to all slip lease agreements. Any proposed changes to the approved plan shall be reported to the Executive Director. No change in the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

5. Oil Collection/Bilge Pump-Out Facilities. PRIOR TO THE ISSUANCE OF THE PERMIT, the applicant shall submit for the review and written approval of the Executive Director, revised final project plans for the development which show the location of and indicate the installation of the following facilities: (1) A used oil collection facility that includes a drain for used oil filters; (2) a bilge pump-out facility, and (3) an absorbent pad dispenser. Plans shall indicate that these facilities are provided as a free service for boaters, and are located so that they are convenient for boaters (i.e., close to the dock).

6. Final Construction Staging and Storage Plans. PRIOR TO THE ISSUANCE OF THE PERMIT, the applicant shall submit for review and written approval of the Executive Director, final construction and staging plans showing the locations which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The plan shall indicate that no more than 26 public parking spaces in the Quivira Point parking lot will be used for staging and storage.

The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History: The proposed project involves the demolition, reconstruction, and expansion of the existing twenty-five year old Hyatt Islandia marina facility located in the northern portion of Quivira Basin. The site is located in the southwestern portion of Mission Bay Park in the City of San Diego. The 19 acre leasehold, which includes both land and water area, currently contains a 425 room hotel with ballroom and meeting facilities, a restaurant, and a parking garage. The proposed project would replace the existing, deteriorating 33,549 sq.ft. of floating concrete docks with 46,744 sq.ft. of docks, including the reuse of 78 existing dock piles and installation of 15 new piles. The number of slip spaces would be reduced from 192 to 179. No dredging is proposed. In-water construction would take approximately three months to complete. The applicant is proposing to use 26 spaces in the City parking lot on Quivira Point for construction staging and storage.

The applicant is proposing to dispose of the old dock sections at an offshore location approximately eight nautical miles northwest to eight nautical miles southwest of the end of the Mission Bay north jetty. In September 1986, the Commission approved a permit to allow the California Department of Fish and Game (DFG) to construct an artificial fishing reef and augment the reef in the future, at this offshore location (E-86-4). The permit was amended in September 1996 to allow the reef construction to continue for an additional ten years. The permit authorizes DFG to augment the reef with materials that meet certain criteria regarding weight, the absence of toxic chemicals, and hazards to divers. The Department of Fish and Game has inspected the docks for suitability and preliminarily determined that the docks meet the criteria for reef augmentation. Special Condition #1 requires the applicant to submit evidence that the dock sections have been accepted by DFG of for use as augmentation material pursuant to the Department's approved coastal development permit.

Previous Commission action on the site includes enclosure of a patio (#F5554), construction of two tennis courts (#F7279, #F9579), a 300 sq.ft. office space/radio room addition (#6-86-201-W), construction of a three-story, 76-room hotel expansion (#6-86-376), the erection of temporary facilities relating to the America's Cup boat races (#6-91-180), and a 7,000 sq.ft. ballroom addition (#6-97-109).

2. Resource Protection. Sections 30230 and 30231 of the Coastal Act address the maintenance and restoration of marine resources, which include eelgrass beds. Section 30233 permits filling of open coastal waters for new or expanded boating facilities only if there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Section 30240 (b) addresses development in and adjacent to environmentally sensitive habitat area.

The proposed project would increase the square footage of the dock area from approximately 33,549 sq.ft. to 46,744 sq.ft., thus potentially exposing sensitive marine plant life to shading impacts. The open water portions of much of Mission Bay contain extensive beds of marine eelgrass. Eelgrass habitat directly supports foraging fish and

birds, and invertebrates attached to eelgrass serve as a food source for many fish species. Eelgrass also provides stability for the bay and protection for juvenile fish, shrimps, crabs, and scallops.

Quivira Basin and the project site is deeper than much of Mission Bay; the basin's average depth is twenty feet. The depth of the marina site goes from high intertidal conditions adjacent to the existing riprap shoreline to at least -17 MLLW before reaching the first dock from shore. Eelgrass generally grows at depths of twelve feet or less. An eelgrass survey was performed on February 23, 1998 to determine the presence of eelgrass at the project site. The survey found no existing eelgrass and determined that depth of the dock area likely precludes the growth of eelgrass. Therefore, the proposed project will not adversely impact this resource either through direct in-water construction or through shading.

A designated least tern nesting colony exists on Mariner's Point, approximately 1,600 feet west and across Mission Bay Channel from the project site. This listed endangered bird could be adversely impacted if construction activities were to disturb the nesting site or if increased water turbidity resulting from construction reduced water clarity, limiting the tern's food foraging opportunities.

The applicant has proposed limiting construction to outside of the tern's April 1 to September 15 breeding season. In addition, silt curtains will be located on-site and available for deployment in the event excessive turbidity is experienced. Upon detection of visible turbidity increase in the open bay water caused by the proposed construction, the silt curtains will be deployed. Special Condition #2 requires the applicant to submit final project plans indicating that no construction will occur between April 1 and September 15, and that silt-curtains will be available on-site. Special Condition #3 requires the applicant to submit a copy of the required Army Corps of Engineers Permit prior to commencement of construction. Therefore, as conditioned, the proposed project can be found consistent with the resource protection policies of the Coastal Act.

3. Water Quality Sections 30230 of the Coastal Act supports the enhancement and protection of marine resources, and requires use of the marine environment to be carried out in a manner that will sustain the biological productivity of coastal waters. Section 30231 of the Coastal Act requires the quality of coastal waters appropriate to maintain optimum populations of marine organisms and for the protection of human health be maintained and, where feasible, restored.

The proposed project could potentially result in significant adverse water quality impacts from turbidity during construction. Water quality impacts could also be associated with operation of the marina, through contamination of the water from oil and sewage leaks, boat cleaning chemicals, trash, and various other materials associated with the use and maintenance of boats. As noted above, the applicant is proposing to mitigate the adverse impacts of construction by deploying silt curtains should any visible turbidity be detected. To reduce potential impacts to water quality from operation of the marina, the applicant

has proposed a Best Management Practices (BMPs) program. This program details specific measures to be taken by boaters to reduce water pollution and assigns responsibility for distributing and enforcing the regulations to the applicant. The BMPs cover solid waste management, fish waste management, liquid material management, petroleum control management, boat cleaning, maintenance of sewage facilities, boat operations, and public education. Marina regulations will be posted at the dockmaster's office and at all dock entrances, and enforced through slip lease agreements.

The proposed BMP program directs boaters on how to avoid a wide range of potential polluting substances and practices. However, the proposed marina is a large facility which is being redesigned to accommodate larger vessels. It is critical that facilities for the proper storage of hazardous wastes and recycling containers be provided in an easily accessible location on the project site. If facilities are not convenient to boaters, it is likely that recyclables and hazardous waste will end up in trash containers, and liquid wastes will make their way into local drains. Therefore, Special Condition #4 requires the applicant to submit a revised BMP program which includes all of the elements contained in the draft program, but also includes additional BMPs regarding the provision of recycling containers, the storage of hazardous waste, boat cleaning, and sewage facilities to make sure the potential for water quality impacts is reduced to the greatest extent feasible. Any modifications to the proposed BMPs will require a new permit or amendment to this permit.

In addition, Special Condition #5 requires the applicant to install a used oil collection facility, a bilge pump-out facility, and an absorbent pad dispenser as a free service to boaters. Although these facilities have not been required at new, smaller marinas (e.g., the 53-slip Princess Marina, CDP #6-97-64), the proposed marina would accommodate three times as many vessels, and thus the potential for significant resource damage from larger, more frequent oil leaks and spills would exist if proper disposal facilities are not provided. Providing these facilities will help ensure that oil, gasoline, and other harmful liquid materials are contained and recycled. As conditioned, the proposed project will not result in the water quality of Mission Bay being significantly harmed or compromised either during construction or operation of the marina. Therefore, the project can be found consistent with Sections 30230 and 30231 of the Coastal Act.

4. Public Access/Recreation. Sections 30220, 30221, 30222, 30223, 30224 all address the provision and protection of water-oriented recreational activities, visitor-serving commercial recreation and recreational boating uses. Section 30234 of the Act states that existing recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Section 30252 of the Act requires that new development maintain and enhance public access to the coast by such means as providing adequate parking facilities.

Public access through and around the leasehold is readily available; there are no perimeter fences preventing people from entering the premises on land, and a walkway runs all

along the bay side of the hotel, although public access to the docks and berthed vessels is restricted. No changes to the land side portion of the facility are proposed.

The proposed project would replace the existing 192 slip marina facility with a 179 slip facility. In addition, the slip spaces would be reconfigured to accommodate more larger-size boats than the existing marina. The reduction in slip space could potentially impact the availability of recreational boating facilities, and the loss of small boat slips would represent a decrease in lower-cost recreational facilities.

The applicant has indicated that vacancy rates for smaller boats in Quivira are high, whereas existing marinas have waiting lists for larger slips. The applicant has submitted evidence that demand is growing for larger-size boat slips while the supply of smaller spaces exceeds the demand (see Exhibit #5). Similar projects involving the reduction of total slip spaces to accommodate more larger slips have recently occurred elsewhere in San Diego, including the Dana Landing Marina (#6-90-116) and at the Marina Cortez on Harbor Island. Although the number of slip spaces will decrease, the total number of Mission Bay marina boat slips will still be over 2,000. Therefore, the proposed project will not have an adverse impact on recreational opportunities in Mission Bay.

The Commission has previously found that there is adequate parking on the site to accommodate the existing hotel uses on the site (#6-97-109). Because the project will reduce the number of slip spaces, the project will not result in an increased need for parking spaces.

The applicant is proposing to use 26 parking spaces in the City parking lot on Quivira Point for construction staging and storage. Mission Bay park is a public park of regional significance, and during weekends, parking can be at a premium. The park area at Quivira Point is used for fishing, picnicking, jogging and strolling. In past projects at the subject site, the Commission has required that all staging and storage occur within the Islandia leasehold to ensure that the public's ability to access and use the park is protected. However, in this particular case, the in-water construction will require the use of a shore-based mobile crane to lift the dock sections and deposit them directly in the water. The Quivira parking lot is immediately adjacent to the marina site, and is the only staging area where this type of operation could be located. In addition, because the lot is directly adjacent to the marina, and is in a fairly remote location at the end of a cul-de-sac, setting up construction in this lot will minimize construction traffic which could impact pedestrian safety.

In order to avoid impacts to the least term construction on the project will not occur between April 1 and September 15, thus, the parking lot will not be impacted during the peak summer season. There will still be 26 parking spaces available in the lot, and there are approximately 30 public parking spaces located just north of the subject lot which will not be impacted. Use of the parking spaces has been approved by the City of San Diego Mission Bay Committee of the Park and Recreation Board. Special Condition #6 requires that the applicant submit final plans indicating that no more than 26 public parking spaces



will be used for construction staging and storage. Therefore, as conditioned, the proposed project can be found consistent with the public access and recreational policies of the Coastal Act.

5. Local Coastal Planning. Section 30604(a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The project site is a designated lease area in the Mission Bay Park Master Plan. The Commission recently certified a land use plan (the Mission Bay Park Master Plan) for Mission Bay Park. There are no implementing ordinances in place as yet. Thus, the entire park remains an area of deferred certification, and Chapter 3 of the Coastal Act is the standard of review. Even after an implementation plan is certified, much of the park will remain under direct Commission permit jurisdiction, since many areas of the park were built on filled tidelands. As discussed above, as conditioned, the project is consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed project will not prejudice the ability of the City of San Diego to implement its certified LCP for the Mission Bay segment of the City's LCP.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's 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)(A) 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 effect which the activity may have on the environment.

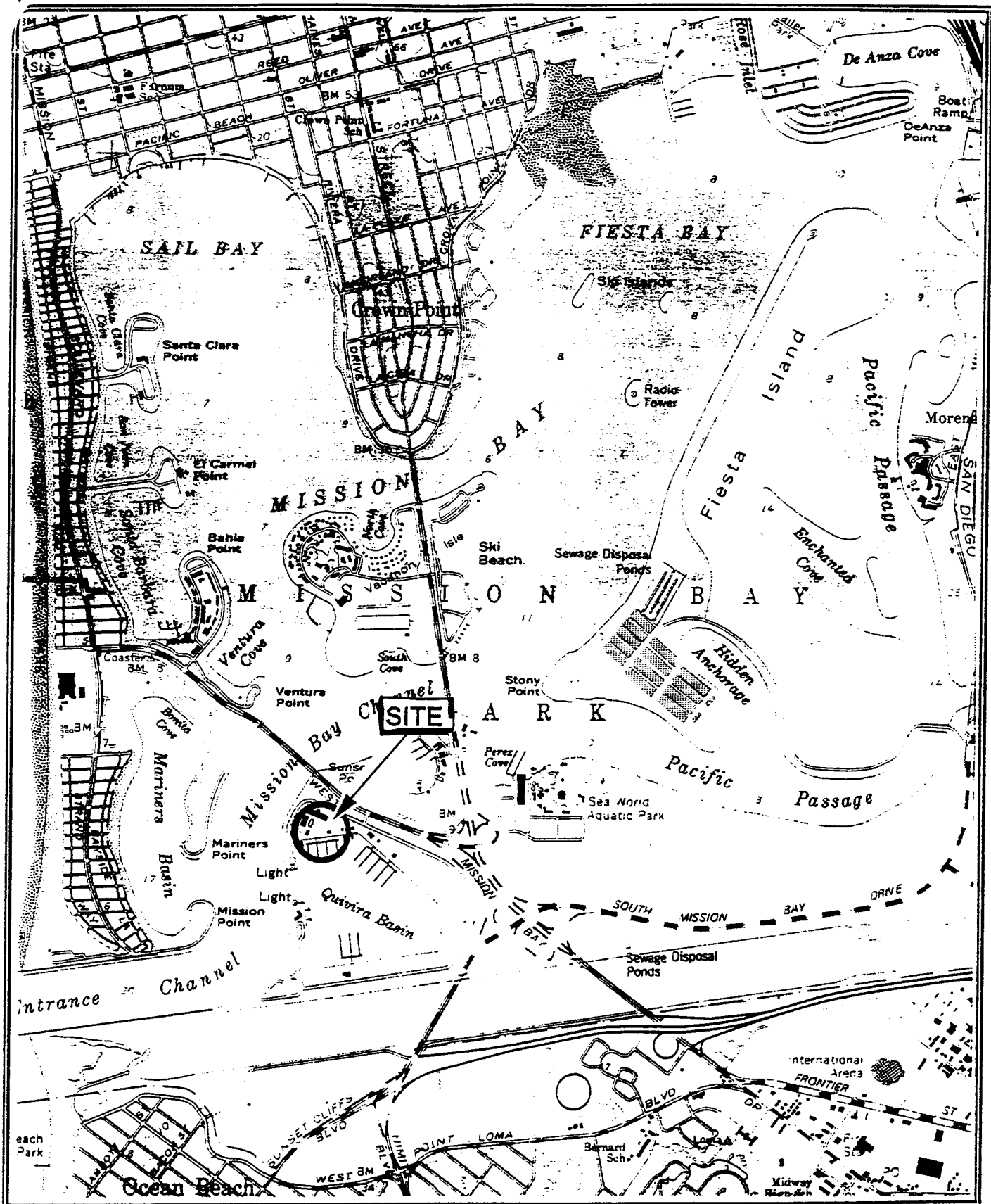
The proposed project has been conditioned in order to be found consistent with the sensitive resource, water quality and public access and recreation policies of the Coastal Act. Mitigation measures, including implementation of a water quality Best Management Practices program will minimize all adverse environmental 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 is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

#### 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 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 development during construction, 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.



Project Vicinity Map  
Source: USGS 7.5' La Jolla, Ca.  
Quadrangle

Scale: 1" = 2,000'

Merkel &

EXHIBIT NO. 1  
APPLICATION NO.  
**6-98-83**  
Location Map

# EXISTING ISLANDIA MARINA

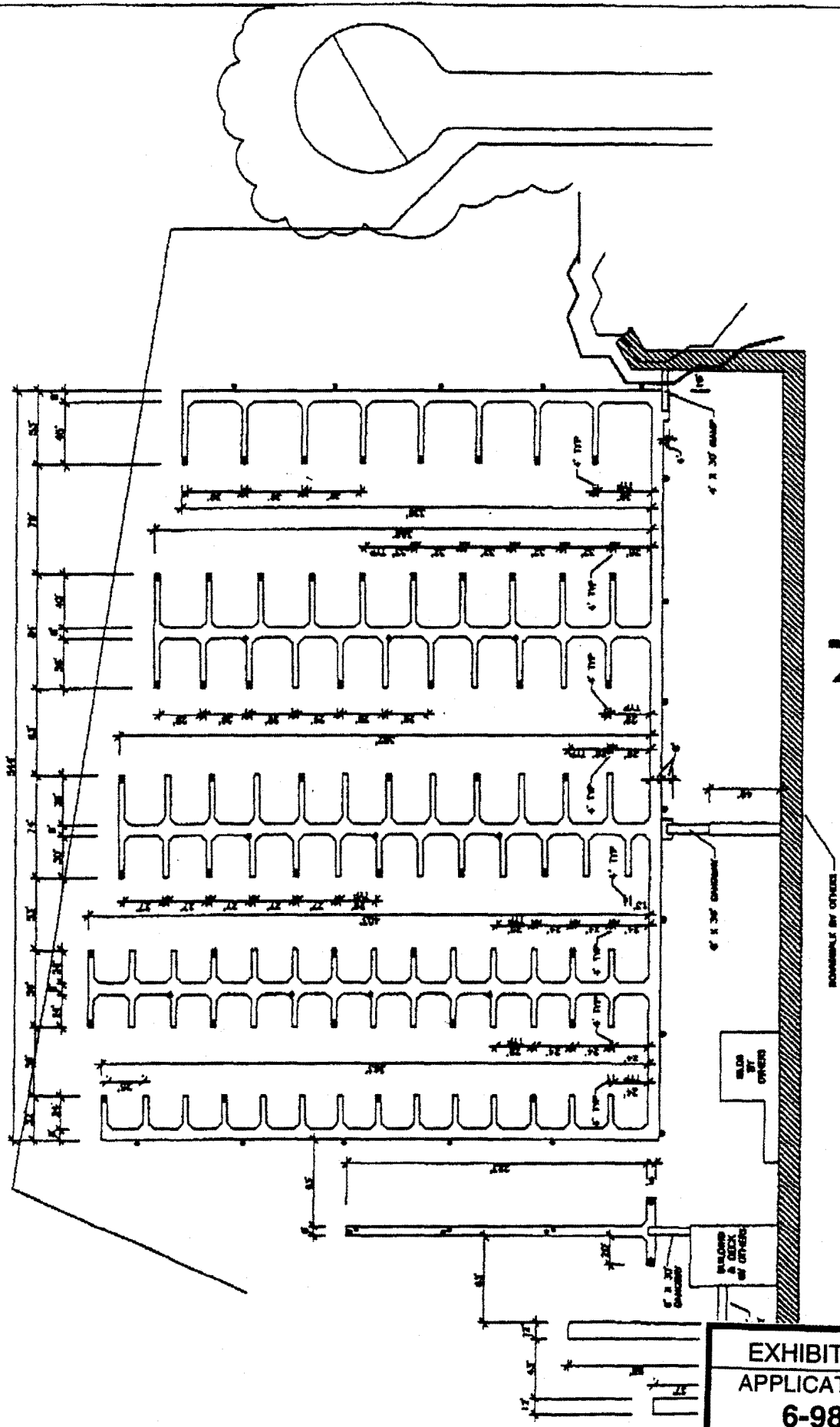


EXHIBIT NO. 2

APPLICATION NO.

6-98-83

Existing Site Plan

California Coastal Commission

# PROPOSED ISLANDIA MARINA

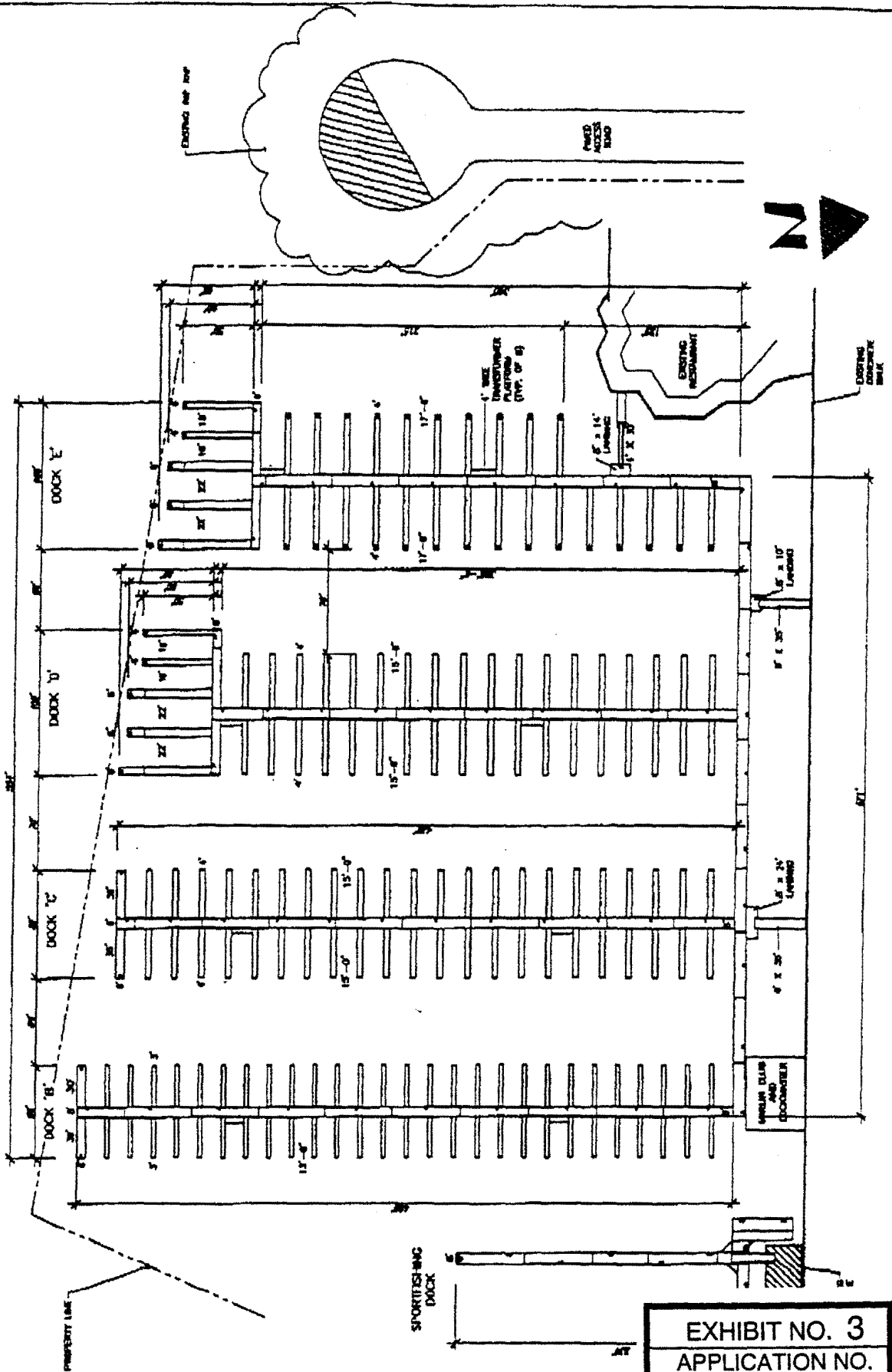


EXHIBIT NO. 3
APPLICATION NO.
6-98-83
Proposed Site Plan
California Coastal Commission

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# BEST MANAGEMENT PRACTICES (BMPS) FOR MAINTENANCE OF WATER QUALITY WITHIN THE HYATT ISLANDIA MARINA

*Prepared for:*

***Hyatt Islandia Marina***

c/o Islandia Associates/ JG Management Co., Inc.  
5236 Colodny Drive, Suite 200  
Agoura Hills, CA 91301

*Prepared by:*

***Merkel & Associates, Inc.***

3944 Murphy Canyon Road, Suite C106  
San Diego, CA 92123  
(619) 560-5465

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May 12, 1998

**BEST MANAGEMENT PRACTICES (BMPS)  
FOR MAINTENANCE OF WATER QUALITY  
WITHIN THE HYATT ISLANDIA MARINA**

**May 12, 1998**

## **Introduction**

The Hyatt Islandia is a resort facility within Quivira Basin of Mission Bay Park. Much of the facilities attraction is based on the climatic control, aesthetic atmosphere and recreational opportunities provided by the waters of Mission Bay. As a result, the Hyatt Islandia is extremely committed to the continued protection of water quality and the promotion of the enjoyment of Mission Bay's water resources. To further these goals, the Hyatt Islandia is committed to the implementation of a site specific program to manage marina activities in a manner which aids in protection of water resources.

The marina has been designed to be an attractive amenity of the resort facility. As such, marina conditions, operations, or activities which detract from the enjoyment of other marina users, visitors to the resort, or other users of Mission Bay's waters will not be tolerated. Staff, tenants, and visitors are expected to respect and conform with the marina regulations and best management practices which protect the quality of the water, environment, and atmosphere of the facility. Failure to follow marina regulations and best management practices may result in the loss of marina use privileges. In addition, violation of water quality regulations may result in civil or criminal prosecution and the imposition of stiff fines or other penalties.

## **Marina Description**

The Hyatt Islandia Marina is a 179 slip marina on the north side of Quivira Basin, completely within the leasehold of the Hyatt Islandia. The marina lies within Quivira Basin which opens into the Mission Bay Channel. The depth of the site goes from high intertidal conditions adjacent to the rip-rap shore to at least -17 MLLW before reaching the first dock from shore. This depth is contiguous throughout the entire dock area. The location of the site on the Mission Bay Channel and the wide dimensions of the cove provide good tidal flushing characteristics.

The marina provides 90% resident vessel slips and 10% transient occupancy slips. In addition, the marina provides landing facilities for short-term tie-up for restaurant visitors. No live-aboards are allowed in the marina. The marina is staffed by a dockmaster. Fueling facilities are not provided at the marina, but are available at the adjacent sport fishing facility. Public fuel docks are also found within Dana Basin. No boat maintenance facilities are provided at the marina and boat engine or hull maintenance is not allowed within the marina facilities. Boat yards and maintenance areas are provided at other locations within Quivira Basin and in San Diego Bay. Travel-lifts to launch or pull boats for dry transport or repair are available across

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Quivira Basin and at the Sea World Marina.

Marina uses are principally recreational in nature. Facilities are provided which accommodate this type and level of use. Closed trash containers are provided for solid waste disposal, and a septic tank pump-out facility is provided for marina tenants and guests at the adjacent sport fishing facility. Other liquid wastes are to be disposed of by individual boaters at appropriate collection or disposal centers on land.

## **Best Management Practices**

### ***SOLID WASTE MANAGEMENT***

The Hyatt Islandia is a resort facility and as such is keenly interested in maintaining its grounds, waters, and facilities in a waste and trash free condition. As such, the facility employs several individuals in maintenance, groundskeeping, and housekeeping to keep trash and debris cleaned up and the facility well maintained and equipment in good working condition. Trash is kept in closed-topped containers and is emptied daily in accordance with standard practices at the Hyatt. Solid waste is disposed of at upland landfill sites and is incorporated into current waste disposal and recyclable material sorting contracts for the facility. All trash containers are clearly marked for disposal of non-recyclable materials, oily wastes, or recyclable wastes. Separate recycling containers are provided for landscaping waste, cardboard, aluminum, glass, plastics and florescent bulbs. Facilities are adequate to handle the wastes generated.

Resort visitors and marina tenants are requested to properly dispose of all solid wastes by following these practices:

- 1) Place all trash in closed trash containers provided at the marina entrances and throughout the resort facilities.
- 2) Place non-flammable, non-hazardous wet trash into sealed plastic bags prior to placing material into waste receptacles. Regular trash containers are marked as such with information on how and where to dispose of hazardous materials.
- 3) Oiled waste materials or other materials containing volatile and flammable waste products shall be disposed of properly. The same regulations for disposal of oil apply to these waste products, i.e., taken off the marina property by the boat owner to approved oil and oily waste recycling centers.
- 4) Pick up any trash or debris left on the dock or found floating in the water and secure any loose materials on your boats so that these are not blown into the water.
- 5) Take care when cleaning boats above the waterline so as not to drop rags, equipment, or debris into the water.
- 6) Do not use washdown hoses to remove solid wastes from docks or decks. Sweep or vacuum solid wastes prior to using washdown hoses.
- 7) Some wastes can be recycled. Separate waste containers are provided at the Hyatt Hotel.



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- 8) If you are unsure of where waste materials are to be disposed of, please ask any marina or resort staff member.

### **FISH WASTE MANAGEMENT**

The Hyatt Islandia Marina is primarily a pleasure craft marina catering to a wide variety of boating and shoreline recreational uses and provides an aesthetic atmosphere to the marina users and resort guests. The marina encourages enjoyment of the region's sport fishing opportunities but is not considered to be a sport fishing landing and has no on-land facilities to support commercial or sport fishing uses. As a result, fish cleaning is highly discouraged within the marina. Marina tenants and visitors are strongly encouraged to remove fish from the marina for cleaning at authorized facilities. To aid in the enjoyment of all of our tenants and guests, we ask that no fish cleaning take place in the marina.

### **LIQUID MATERIAL MANAGEMENT**

The Hyatt Islandia Marina does not allow major vessel maintenance projects (engine or drive train removal, any external hull sanding or painting, etc.) but does accommodate general boat cleaning and maintenance (painting or varnishing of deck trim, etc.) occurring completely within the individual boats. These activities generate small volumes of liquid wastes for which the individual boat owner is fully responsible for disposal. Discharge of most liquid wastes into fresh or marine waters is a violation of federal and state law as well as the marina rules and regulations and will not be tolerated by anyone for any reason.

Recognizing the difficulties in finding appropriate disposal facilities, the following guidance is provided to assist in proper disposal of wastes.

- 1) Conduct fluid changes at designated facilities within Mission Bay or San Diego Bay using proper equipment including funnels, absorbent pads, and sealed waste containers.
- 2) Do not wash spilled waste liquids down with washdown hoses. Use absorbent materials to contain and remove wastes as a solid waste (oily rags).
- 3) If waste liquids are spilled into the water or a sheen in the marina is observed, use absorbent pads and contact the Dockmaster immediately.
- 4) Keep liquid wastes separated and clearly labeled to aid in recycling or proper disposal. Locations for disposal of various liquid wastes are posted on the Dockmaster building information wall. Additional information is found on solid waste trash containers within the marina facility. Do not dispose of flammable or hazardous wastes in trash containers not specifically designated to accept these materials.
- 5) Take wastes to recycling collection centers such as oil change centers or gas stations for disposal.
- 6) Abandonment or disposal of liquid wastes within the trash receptacles is prohibited. In the event waste liquids are found by resort or marina staff, these will be removed to the Islandia maintenance facility and will be stored until disposal or recycling of waste occurs.

- 7) Information on the rules, regulations, and disposal guidelines for wastes will be made available through the Dockmaster's Office to assist boaters in keeping informed on changes.
- 8) All boaters are required to have available absorbent pads to collect oily wastes. Absorbent pads are available for purchase at marine supply centers. Other sources for spill control and clean-up supplies are posted at the Dockmaster's Office.

### **PETROLEUM CONTROL MANAGEMENT**

Fueling accommodations are not provided within the marina, but are available at the adjacent sport fishing facility. Fuel spills, oily bilge water, or incomplete fuel combustion and discharge through the exhaust can result in the creation of petroleum sheens within the marina. This oily sheen is harmful to birds, fish and invertebrates. It impairs oxygenation of the water, and creates an unpleasant look and smell to the water. Prevention of petroleum discharges is a priority of the fueling facility, but it is primarily the responsibility and capability of individual boat owners to control petroleum discharges. The following measures may be taken to help prevent the release and spread of petroleum products in the waters of Quivira Basin and Mission Bay.

- 1) Maintain your vessel. Most petroleum discharges occur either through oily bilge water resulting from leaky gaskets and seals and spillage during fluid changes, or through incomplete combustion of fuels and fuel leakage around piston rings. A well maintained boat will run better, will operate more economically, and will have significantly less impact on the quality of the water.
- 2) Use fuel/air separators on air vents and tank stems to reduce the amount of fuel spilled during fueling of boats. Other devices available include whistles to notify when the fuel tank is nearly full.
- 3) Use oil absorbing materials within the bilge areas of inboard engine compartments and replace absorbent materials as necessary. Recycle absorbent materials if possible or dispose of them in accordance with petroleum disposal regulations.
- 4) Oily bilge water may not be pumped out into the marina. Bilge pump-out facilities are available at boatyards and maintenance facilities and information on nearby facilities can be obtained on the information wall at the dockmaster's office.
- 5) Refuel dinghies, tenders, or other watercraft slowly in order to avoid spills. Tanks should never be filled to capacity since gasoline expands and can spill out of the air vents. Absorbents should be used while fueling to catch any spills.
- 6) Report any spills observed to the Dockmaster within the marina, the San Diego Lifeguards within Mission Bay, and the United States Coast Guard within any waterbody.
- 7) The marina complies with all Coast Guard regulations regarding availability of spill response equipment, spill reporting, and best management practices for spill response.

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## **BOAT CLEANING**

Boat cleaning at the marina is to be limited to light washdown and in-water hull cleaning. Sandblasting, exterior hull painting, or other heavy maintenance is prohibited within the marina. Toxic discharges are prohibited by the California Department of Fish and Game and the State Water Resources Control Board. Any boat maintenance tasks resulting in toxic discharges shall not be conducted at this facility. The following measures are to be followed in conducting boat cleaning activities.

- 1) Wash the boat hull above the waterline by hand. Where feasible, remove the boat from the water and perform cleaning where debris can be captured and properly disposed of.
- 2) Collect and capture debris by sweeping prior to washdown of boat decks. Use clear water to the extent possible and minimize the use of detergents. Use only phosphate-free and biodegradable detergents and cleaning components.
- 3) Do not use detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.
- 4) No in-the-water hull cleaning or maintenance that results in a colored plume or removes paint from the boat hull is authorized within the marina. Hull cleaning should be conducted frequently enough to allow for the use of mild brushes to remove marine growth.
- 5) Underwater hull cleaning shall be conducted in accordance with the best management practices and best available technology for the industry. This includes using the softest brushes possible to remove marine fouling and cleaning boats frequently to minimize the need to remove strongly attached adult organisms. While the marina does not intend to preclude a boater from selecting any particular hull cleaning service, it does reserve the right to bar the use of any service which does not conform to industry standard best management practices.
- 6) Hull refinishing is recommended whenever paint or bottom coatings are chipping or blistered. This cannot be conducted within the marina facilities.
- 7) For any deck refinishing work, a vacuum sander must be used if work is performed in the slip.

## **MAINTENANCE OF SEWAGE FACILITIES**

No discharge of sewage into marina waters or waters of Mission Bay is allowed. A sewage pump-out facility is provided at the adjacent sport fishing facility for use by marina tenants and guests. Septic services are handled through the use of a closed system pump-out tank which is pumped back to the municipal sanitary sewer system serving the facility. The pump-out facility is staffed during all business hours and assistance with the pump-out equipment can be provided by facility staff. Instructions for pump-out facility operation are also provided for after-hours use.

- 1) Pump-out facilities are available for marina tenants for a \$5.00 fee..

- 2) Facilities are to be professionally maintained and regularly inspected and serviced to ensure proper operation and no spillage.
- 3) Discharges into the waters of the marina will not be tolerated and are grounds for eviction.
- 4) Dye tablets shall be placed in vessel holding tanks to identify any leakage or illicit disposal.

### **BOAT OPERATION**

The Hyatt Islandia Marina is located within an area of Mission Bay that is currently posted with a 5 mph speed limit. In addition, the marina is considered a "No Wake Zone" and steerageway is considered the maximum speed. Boaters are expected to respect the posted speed limits and no wake areas. Also please see the Notices to Mariners and Mission Bay Boating Regulations within the Dockmaster's Office.

### **PUBLIC EDUCATION**

To protect the water quality, natural resources, and safety of all users of our coastal waters, we strongly promote educational opportunities and information access for our tenants, guests, and staff. To assist in the availability of information, we have taken the following measures:

- 1) The resort lobby and Dockmaster's Office provide pamphlet racks for access to information on services, recreational opportunities, environmental education.
- 2) Current USCG Notices to Mariners, Mission Bay Regulations, Marina Rules and Regulations and BMPs are posted at the Dockmaster's Office.
- 3) Signage is found within the marina to provide information to those on the docks or water.
- 4) Spill response training is required of the Dockmaster.
- 5) All leases shall include requirements for compliance with marina rules and regulations as well as best management practices for maintenance of water quality within the Hyatt Islandia Marina
- 6) Information of general interest or application, such as changes to marina regulations or marine regulations will be provided as inserts in billings.

## **Enforcement of Rules and Regulations**

The continued enjoyment, safety, and quality of marina facilities and the waters of Mission Bay are a primary concern of the Hyatt Islandia and its staff. We expect the visitors to our marina and resort to share this common goal. To this end, we require cooperation from all of our staff, guests, and visitors in conducting their activities in conformance with these simple guidelines.

While it is hoped that no enforcement actions will ever be necessary, it is important to clarify

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our policy on violation of pollution laws or best management practices (BMPs) for maintenance of water quality within the Hyatt Islandia Marina.

- 1) Violations of pollution laws will not be tolerated by anyone for any reason. Violation of pollution laws shall be grounds for immediate discipline up to and including termination of staff, eviction of tenants or guests, and banning of visiting vessels from the use of marina facilities.
- 2) Failure to follow or enact BMPs shall be considered negligence on the part of staff and will be considered grounds for immediate discipline up to and including termination.
- 3) Tenants and transient guests will be verbally advised of the need to follow BMPs and will be given a written set of the marina BMPs upon registering at the marina. Violation of the BMPs will result in a verbal warning followed by a written warning for any subsequent violation. A third violation will result in eviction from the marina for not less than 6 months.
- 4) Marina visitors (craft not normally moored at the marina docks but making use of guest docks for restaurant and other facility use) will be advised of the marina BMPs by signage at the docks. Any violation of BMPs will result in receipt of written BMPs and an advisory notice that failure to follow BMPs will result in being banned from use of the marina facilities. Any violation subsequent to receipt of the written BMPs and notice shall result in the boat captain and vessel being barred from the facilities for not less than 6 months.

# Berth Control

## Demand for Large Slips Exceeds Supply, While Many Small Spaces Sit Empty

By LEN HALL  
TIMES STAFF WRITER

**D**ANA POINT—Nick Baccari wants to sell his 36-foot sport fishing boat, but he is not eager to give up his treasured slip at the northeast end of Dana Point Harbor. The boat would be easy to replace, he said, but not the slip.

"It took me five years to get this slip," said Baccari, 43, the owner of the Door Store and More in San Clemente, whose \$600 cash deposit was held by the marina during the long wait for a space. "By the time I got my slip, the rent had increased. But it didn't matter, I coughed it up."

Such stories are heard frequently at marinas up and down

the coast and particularly at popular Dana Point Harbor, where the current wait can be as long as six years for boats more than 65 feet long.

Marinas find themselves with too many small slips and not enough large ones, a development that causes managers to watch helplessly as the small slips sit empty for months, providing no income, while boat owners are waiting in long lines for the slips that can handle their 35- to 45-foot boats.

"It's happening everywhere," said Jim Maneus, manager of the 1,500-boat Dana Point Marina Co., one of two

marinas in Dana Point Harbor. "The small-boat market has changed. A lot of people who would have bought a small ski boat in the past are now buying the small personal watercraft, like Jet Skis, which now can tow skiers behind them."

The Dana Point Marina Co. is renegotiating a long-term lease with the county, which includes a \$10-million redesign of the slips, Maneus said.

Robert G. Fisher, the director of the county's Department of Harbors, Beaches and Parks, said marinas today "have been experiencing substantially greater vacancies than they

have in anyone's memory" in the smaller slip sizes, the under-30-foot category.

At the Dana Point Marina Co., for instance, Maneus said 86 of the more than 800 25-foot slips were vacant in October, representing about \$17,000 a month in lost income.

"Marina managers that do have the smaller size slips in great numbers are recognizing that they are not capturing the market for wet slips, that they had probably better reconfigure their marinas to reflect the new realities," said Fisher, who is also executive vice president of the California Marine Park and Harbors Assn.

"We are observing it and paying attention to it as a trend up and down the East Coast, but

Please see SLIPS, B8

## SLIPS: Many Spaces for Small Boats Are Vacant

Continued from B1

particularly in Southern California," said Fisher, who oversees the other county marinas leased to operators in Newport Dunes and Sunset Beach.

The same holds true in Long Beach Harbor, said Mark Sandoval, the manager of marinas and beaches for the city. Long Beach has the largest city-run marina operation in the country with two marinas: the popular 2,000-slip Alamitos Bay Marina on the east side of town and the 1,800-slip Downtown Marina on the west side.

The city uses the Downtown Marina, which is 40% vacant, as a feeder for Alamitos Bay, Sandoval said. People who want a slip in Alamitos Bay have to first lease one downtown during the waiting period, Sandoval said.

He attributes the high vacancy rate of small-boat slips not so much to the personal watercraft industry as the economy.

"When everybody was fat and happy in the 1980s and had a lot of money to throw around, they had a slip," Sandoval said. "When the economy changed and luxuries became fewer and fewer, if they had a boat they could keep on a trailer, they went that route."

A boat on a trailer can be stored in a driveway for free, or in dry storage, which costs about a third of typical slip costs, Sandoval said. He estimated dry storage in the Long Beach area at about \$3 a foot, compared with about \$8 a foot for a slip.

But there is no doubt the personal watercraft industry is "changing the entry level of boaters," Sandoval said.

"Ten or 15 years ago, if these people wanted to get into boating, they had to buy a boat. Now they can use the personal watercraft as

never change from that," Sandoval said.

At the 450-slip Newport Dunes Resort Marina in Newport Beach's Back Bay, the vacancies in small slips are considered "seasonal," said Tim Quinn, the general manager. In the summer, the marina tends to be full, but boaters put their smaller craft on trailers to save money on slip rentals, Quinn said.

"We definitely have a greater demand for the larger slips, but we are completely full in the summer," Quinn said.

The Newport Dunes marina, which also includes a park for recreational vehicles, was completely rebuilt in 1991 at a cost of \$15 million, Quinn said.

The situation is exacerbated in Dana Point Harbor because there are so many small slips in the two marinas. The harbor, which opened in 1972, was designed to accommodate small-boat owners, leaving the Dana Point Marina Co. with 56% of its slips designed for boats 30 feet and under, Maneus said.

"It's like any kind of retail property, what the market was 15 years ago is entirely different now," Maneus said.

Small-boat manufacturers have seen their demand decline in the past eight years, while the personal watercraft industry has skyrocketed 40% during the same time, he said.

Maneus wants to reconfigure the slips so 51% of them would serve the boats in the 35-foot to 45-foot range, he said. Not only would the boat owners on the waiting list be accommodated, but the marina owners could reap greater income.

He lists his current price for 35-foot slips at \$390 a month, going up to \$504 a month for 45-foot slips. Slips from 20 to 30 feet range from \$246 a month to \$322

EXHIBIT NO. 5

APPLICATION NO.

6-98-83

Article on Slip Size

Trends

California Coastal Commission