

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071



Filed: July 2, 1998
49th Day: Aug. 20, 1998
180th Day: Dec. 29, 1998
Staff: JLR-LB 7 R
Staff Report: Aug. 17, 1998
Hearing Date: Sept. 8-11, 1998

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-98-163

APPLICANT: Catalina Cruises

PROJECT LOCATION: On the waterfront at Catalina Landing, 320 Golden Shore Boulevard, City of Long Beach

PROJECT DESCRIPTION: Excavate and remove an underground 20,000 gallon single-walled fuel tank and piping, and replace with a new 20,000 gallon double-walled fuel tank and double-contained pipes in same location.

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

SUBSTANTIVE FILE DOCUMENTS: City of Long Beach Certified Local Coastal Program.

SUMMARY OF STAFF RECOMMENDATION:

The proposed project is located along the waterfront at an existing excursion boat terminal that provides transportation to Catalina Island. Staff is recommending approval with special conditions addressing potential water quality impacts due to erosion/sedimentation runoff from construction activities.

STAFF NOTE:

The City of Long Beach has a certified Local Coastal Program. The proposed project is located in the Commission's original jurisdiction area. Therefore, a Coastal Development Permit is required to be approved by the Coastal Commission

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies 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. Erosion and Sedimentation Control Plan

Prior to the issuance of permit, the applicant shall submit, subject to the

review and approval of the Executive Director, an erosion and Sedimentation Control Plan that will minimize all adverse runoff impacts from construction activities. Applicant shall agree to carry out and abide by all provisions of the approved Erosion and Sediment Control plan. As a minimum, the plan shall include:

- a) Sedimentation/erosion control devices shall not permit any sediment or runoff to escape from the site.
- b) The excavated soil to be stockpiled, including contaminated soil, if any, must be located on-site in a manner which ensures that the soil and runoff will not be washed into the adjacent streets. The stockpile soil must be covered until the soil is either replaced or removed.
- c) The plan must include methods to remove contaminated liquids.
- d) Containment Berm: In order to protect the waters of Catalina Landing from runoff and unauthorized discharges from the work site, the permittee shall place a 12 inch high containment berm constructed of sand bags between the top of the seawall and the area of excavation. All drainage on the site shall be directed away from the waters of Catalina Landing. No runoff or waste from the site shall be permitted to enter the water.
- e) The permittee shall comply with all requirements and mitigation measures of the California Department of Fish and Game, the Regional Water Quality Control Board and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the marine environment.
- f) The permittee shall not dispose of any fill or other materials removed from the site within the coastal zone without a valid Coastal Development Permit.
- g) The permittee shall not spill, discard or dump any fluids, construction materials, toxics, debris or refuse into any waterway.

2. Public Access along the Shoreline

- a) Public access along the Catalina Landing Esplanade and bicycle path shall be maintained at all times. Signed detours may be used to guide the public around the work area.
- b) The Catalina Landing Esplanade and bicycle path shall be restored to its pre-existing condition upon the completion of the fuel system upgrade.

IV. Findings and Declarations.

A. Project Description and Background

The Commission hereby finds and declares as follows:

The applicant proposes to excavate and remove an underground 20,000 gallon

single-walled fuel tank and piping, and replace with a new 20,000 gallon double-walled fuel tank and double-contained pipes in same location. The proposed project is located along the waterfront at an existing boat facility that provides service to transport people to Catalina Island.

The applicant has submitted a removal/installation report that indicates the proposed project will require on-going review and coordination with the City of Long Beach Fire Department. Depending on the extent of potential contamination found, other permits may be required from various state environmental regulatory agencies, i.e., Regional Water Quality Control Board, Air Quality Management District and Cal EPA.

In April 1998, the applicant began the excavation work without first obtaining a coastal permit. Subsequently, the applicant requested an emergency permit and the Executive Director, with Commission concurrence, issued an emergency permit subject to special conditions. Following is some background information submitted by the applicant:

As you know, we have already begun the excavation work necessary to remove the existing tank and product piping. Our inexperience in coastal development resulted in that work being initiated without the benefit of coastal commission review. Our contractor, Harrison/Roberts Environmental Management, did secure the appropriate permits from the Long Beach Fire Department, which is the lead agency for tank replacement projects in the City of Long Beach.

We have applied for the Emergency Permit for the following reason:

Our service in transporting people to Catalina Island is the largest and most frequent means of access to the island. With our fueling facility off line, our access to the island could be limited in an emergency that would prevent us from fueling our boats in a timely manner.

*The underground storage tank itself retains a small amount of diesel fuel which could pose a fire/life/safety hazard now that the concrete overburden of the tank has been removed.

*The excavation above the tank itself is large, and although we have limited access to that area with temporary fencing, the area in it's current state of disrepair can pose a threat if unauthorized people access the area.

B. Water Quality/Marine Environment

The following Coastal Act Sections are relevant:

Section 30230 of the Coastal Act states:

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 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.

Section 30232 of the Coastal Act states:

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.

The proposed project is located along the waterfront at an existing boat facility that provides service to transport people to Catalina Island. The State, Federal and local regulatory and management structure for controlling non-point pollution control is still evolving. The California Coastal Commission has new responsibilities to implement the Coastal Non-point Pollution Control Program (CNPC) pursuant to Section 6712 of the reauthorization of the Coastal Zone Management Act. As part of that program, the Commission will be required to establish mechanisms to improve coordination among State and local agencies responsible for water quality permitting and enforcement, habitat protection and public health and safety.

Best Management Practices (BMPs) have been developed by various federal, state and local agencies in order to reduce the adverse impacts of urban runoff. BMPs relating to construction activities include but are not limited to structural and non-structural controls and operation and maintenance procedures.

Typical non-structural erosion controls include but are not limited to:

- Planning and designing the development within the natural constraints of the site;
- Minimizing the area of bare soil exposed at one time (phased grading); and
- Stabilizing cut-and-fill slopes caused by construction activities.

Structural controls include but are not limited to:

- Perimeter controls;

Mulching and seeding exposed areas;
Sediment basins and traps; and
Filter fabric, or silt fences.

The proposed construction activities could produce runoff that may have an adverse impact on marine resources and coastal recreation. If runoff is potentially toxic, pollution problems are magnified. Such runoff is not consistent with Sections 30220, 30230 and 30231 of the Coastal Act. However, the proposed project can be designed to include temporary erosion control devices to eliminated runoff from the site. That can be achieved by requiring the applicant to submit an Erosion and Sedimentation Control Plan which staff is recommending as a special condition. As conditioned, to control erosion, retain sediments and contaminated soils on-site, no pollutants will enter the adjacent water basin.

Therefore, as conditioned, to reduce pollutant discharges by erosion/sedimentation mitigation measures, the Commission finds that the proposed project is consistent with the relevant marine resource provisions of the Coastal Act. The Commission further finds that, as conditioned, to submit an erosion/sedimentation plan, the proposed project will incorporate a Best Management Practice consistent with the marine resource protection provisions contained in Sections 30230, 30231 and 30232 of the Coastal Act.

C. Public Access

The following public access policies of the Coastal Act are relevant:

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.

Section 30212

- a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development project except where:

The proposed project is located adjacent to an ocean bulkhead. Between the bulkhead and subject site, there is an existing bikepath /walkway. Therefore, the Commission is requiring a special condition that public access along the bikepath/walkway shall be maintained at all times. The Commission is further requiring a special condition that the bikepath shall be restored to its pre-existing condition upon completion of the project. Only as conditioned can the Commission find that the proposed project will have no adverse impacts on public access and is consistent with the applicable public access policies of Chapter 3 of the Coastal Act.

D. Coastal Dependent Recreational Use

The following Coastal Act policies are relevant:

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The proposed replacement of an underground storage tank will assure that the existing boating excursion terminal can continue to efficiently transport persons to Catalina Island. The applicant, Catalina Cruises, provides the largest and most frequent means of access to Catalina Island. The proposed project will enable the terminal to continue to provide that service. Therefore, the Commission finds that the proposed development will protect water-oriented recreational activities consistent with Sections 30220, 30221, and 30222 of the Coastal Act.

E. Consistency with the California Environmental Quality Act (CEQA).

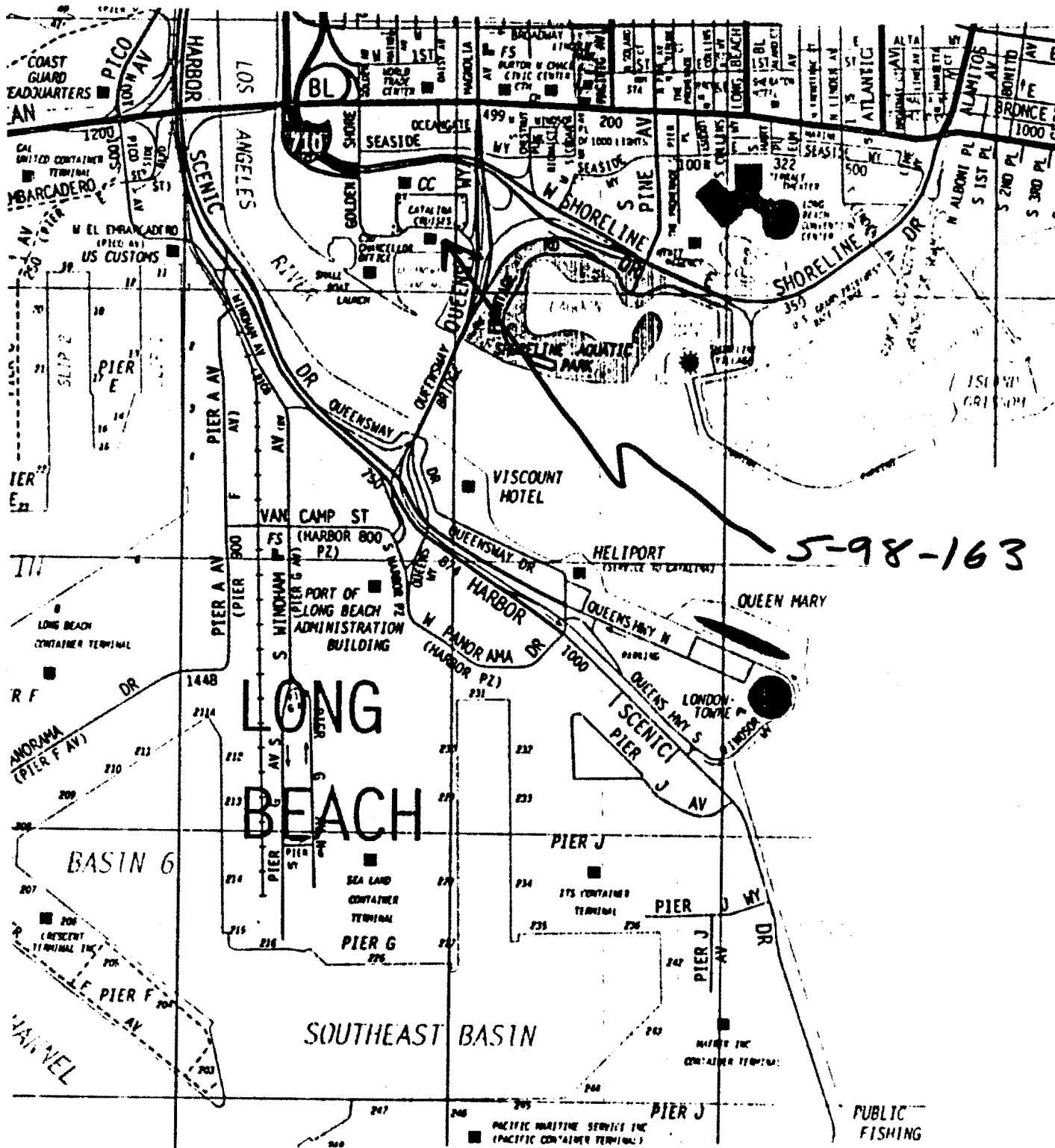
Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the marine water quality and public access policies of the Coastal Act. Mitigation measures to submit an Erosion and Sedimentation Control Program to minimize erosion runoff due to construction activities and to maintain public access along the bulkhead will minimize all 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

F. Unpermitted Development

Although development has taken prior to Commission action on this coastal development permit application, consideration of the application by the Commission is based solely upon Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

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5-98-163
Exhibit A

Catalina Cruises
UST Installation

5-98-1636

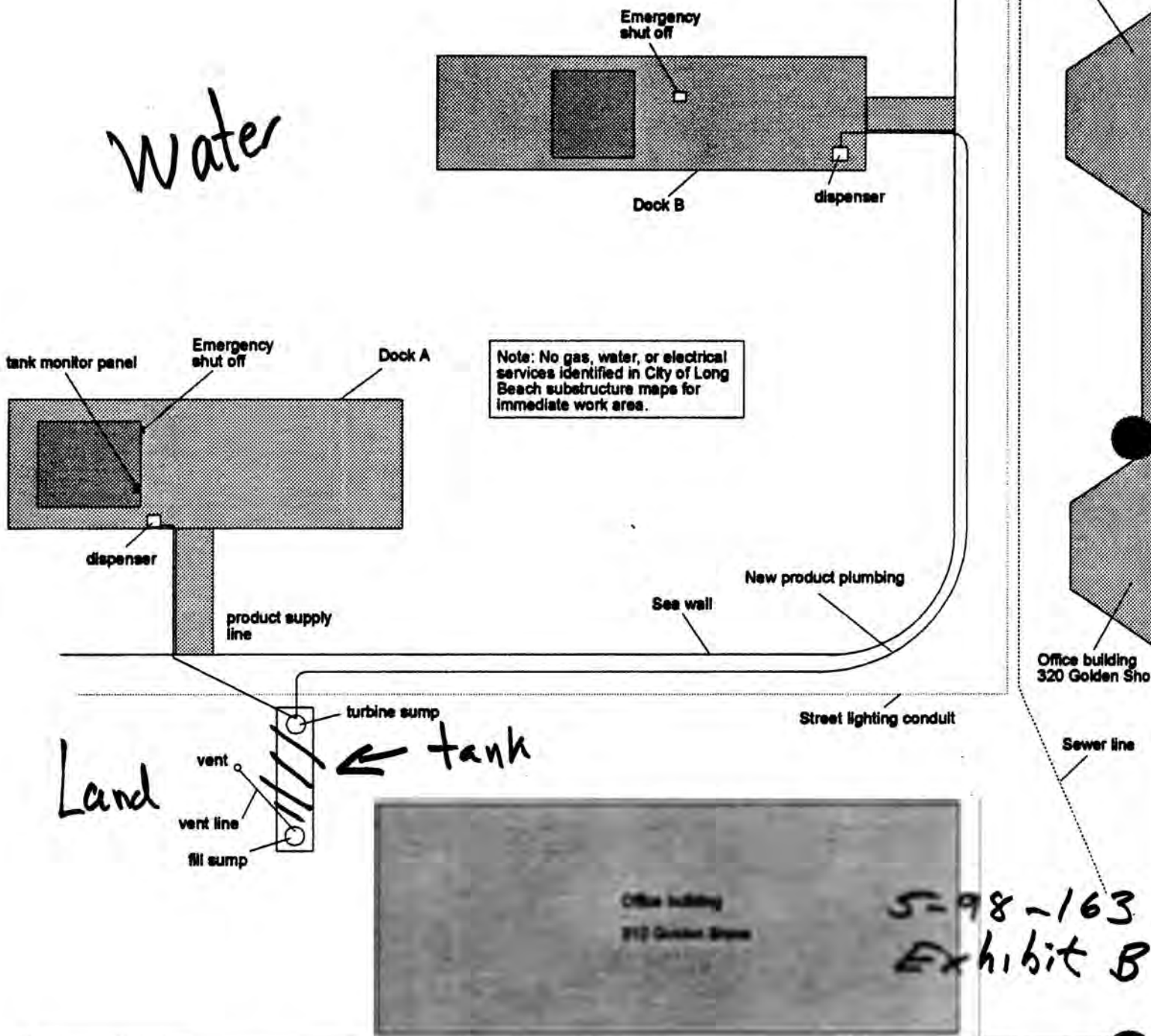
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CALIFORNIA
COASTAL COMMISSION

Office building
330 Golden Shore

Water



Note: No gas, water, or electrical services identified in City of Long Beach substructure maps for immediate work area.

Land

← tank

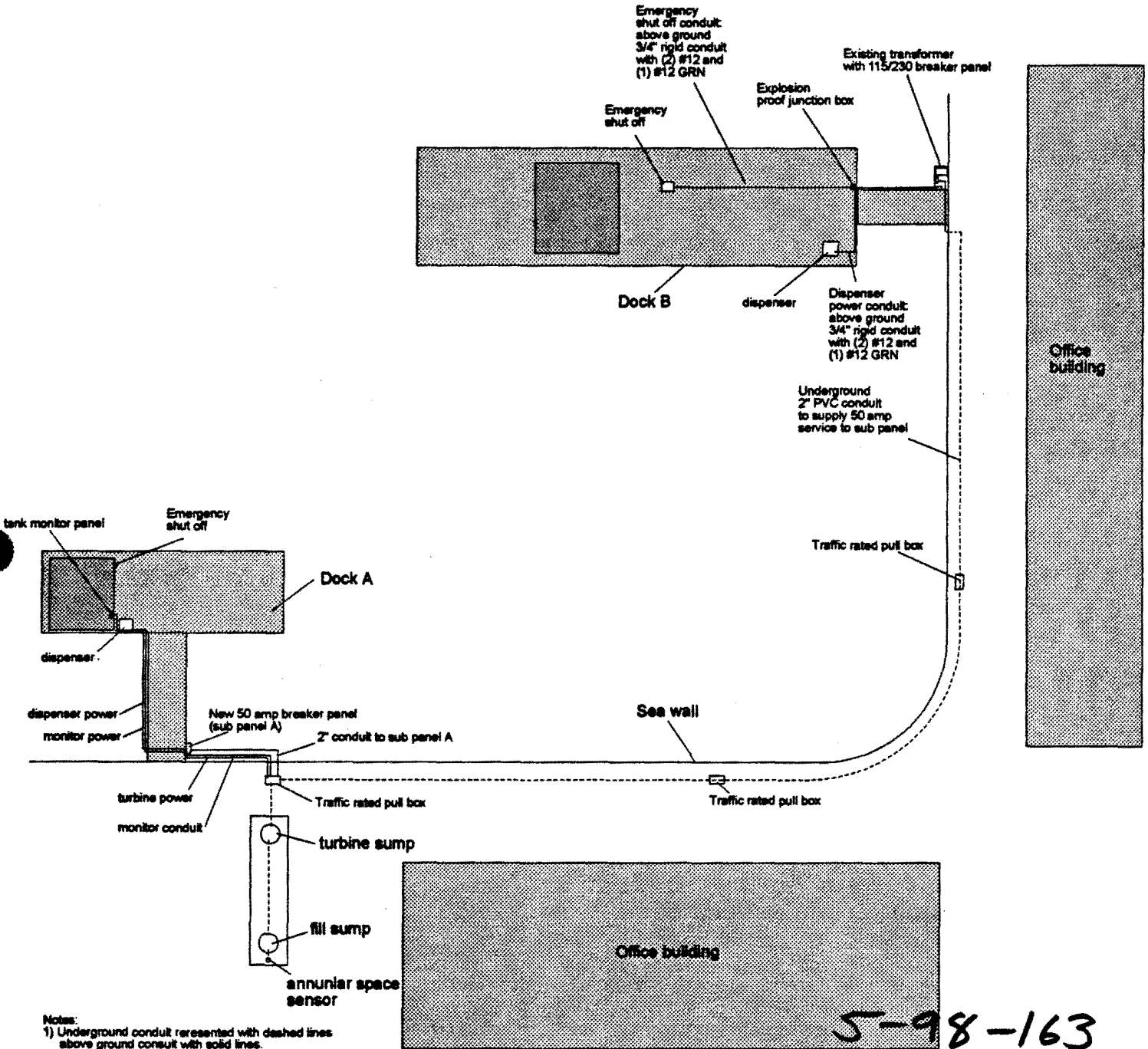
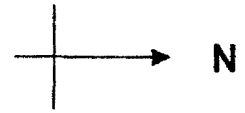
5-98-163
Exhibit B

Harrison/Roberts
Environmental Management
11140 Los Alamitos Blvd. #203
Los Alamitos, CA 90720
(562) 795-0088

Site: Catalina Cruises
Address: 320 Golden Shore
Long Beach, CA 90802
Project: UST Installation

Legend
1 inch = 40 feet

Catalina Cruises UST Installation Electrical Single Line Diagram



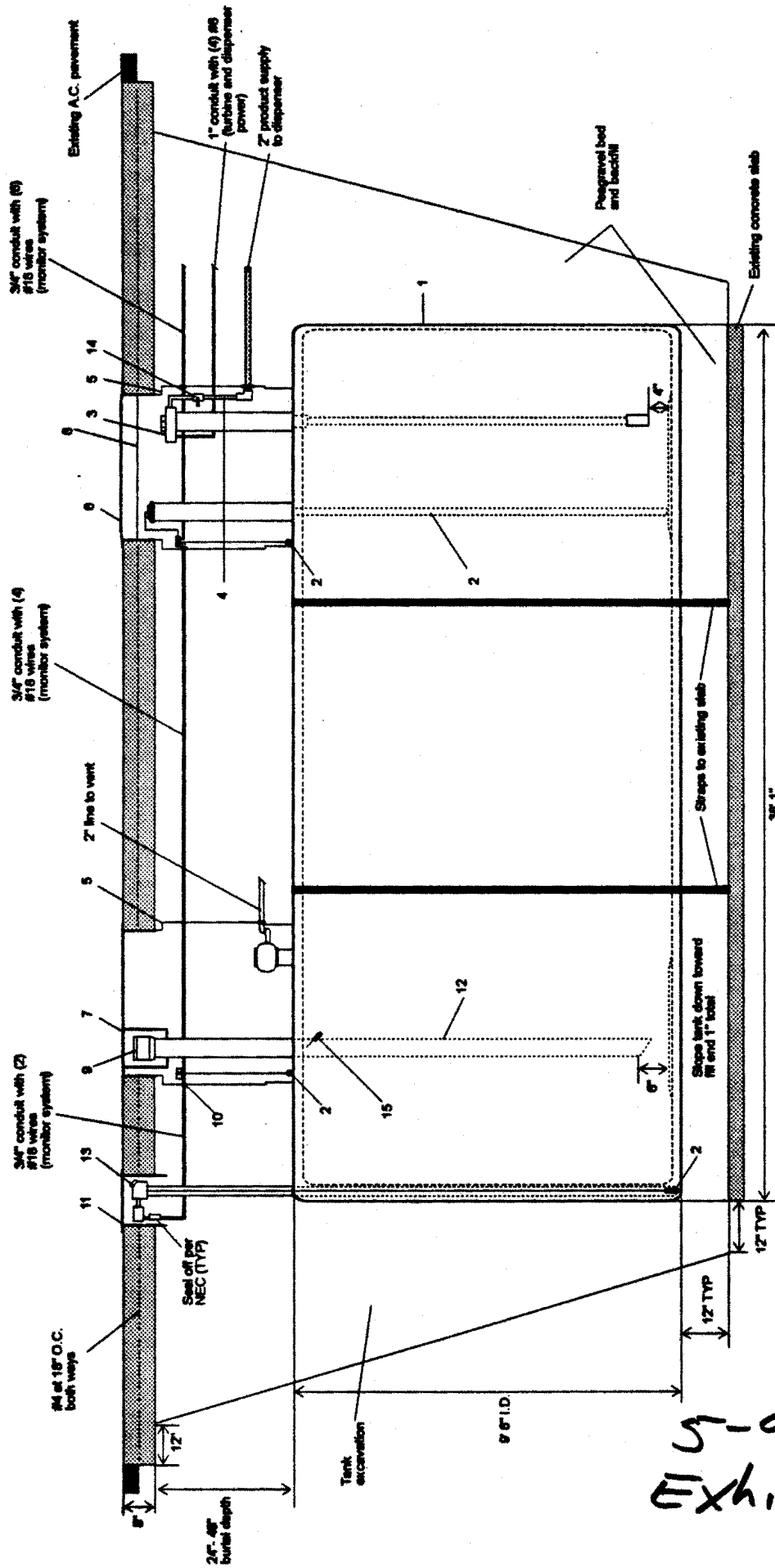
- Notes:
- 1) Underground conduit represented with dashed lines above ground conduit with solid lines.
 - 2) Further electrical detail on following sheets

Hamison/Roberts
Environmental Management
11140 Los Alamitos Blvd. #203
Los Alamitos, CA 90720
(562) 795-0088

Site: Catalina Cruises
Address: 320 Golden Shore
Long Beach, CA 90802
Project: UST Installation

Legend

1 inch = 40 feet



Project Data
 All design and installation work shall comply with the 1994 Uniform Fire Code (UFC), and the latest edition of the California Building Code (CBC), Uniform Building Code (UBC), and the National Electric Code (NEC).

Underground 20,000 gallon diesel fuel tank - Pressure system

Harrison/Roberts
 Environmental Management
 11140 Los Alamitos Blvd. #203
 Los Alamitos, CA 90720
 (562) 795-0088
 License # 673-AV-Haz

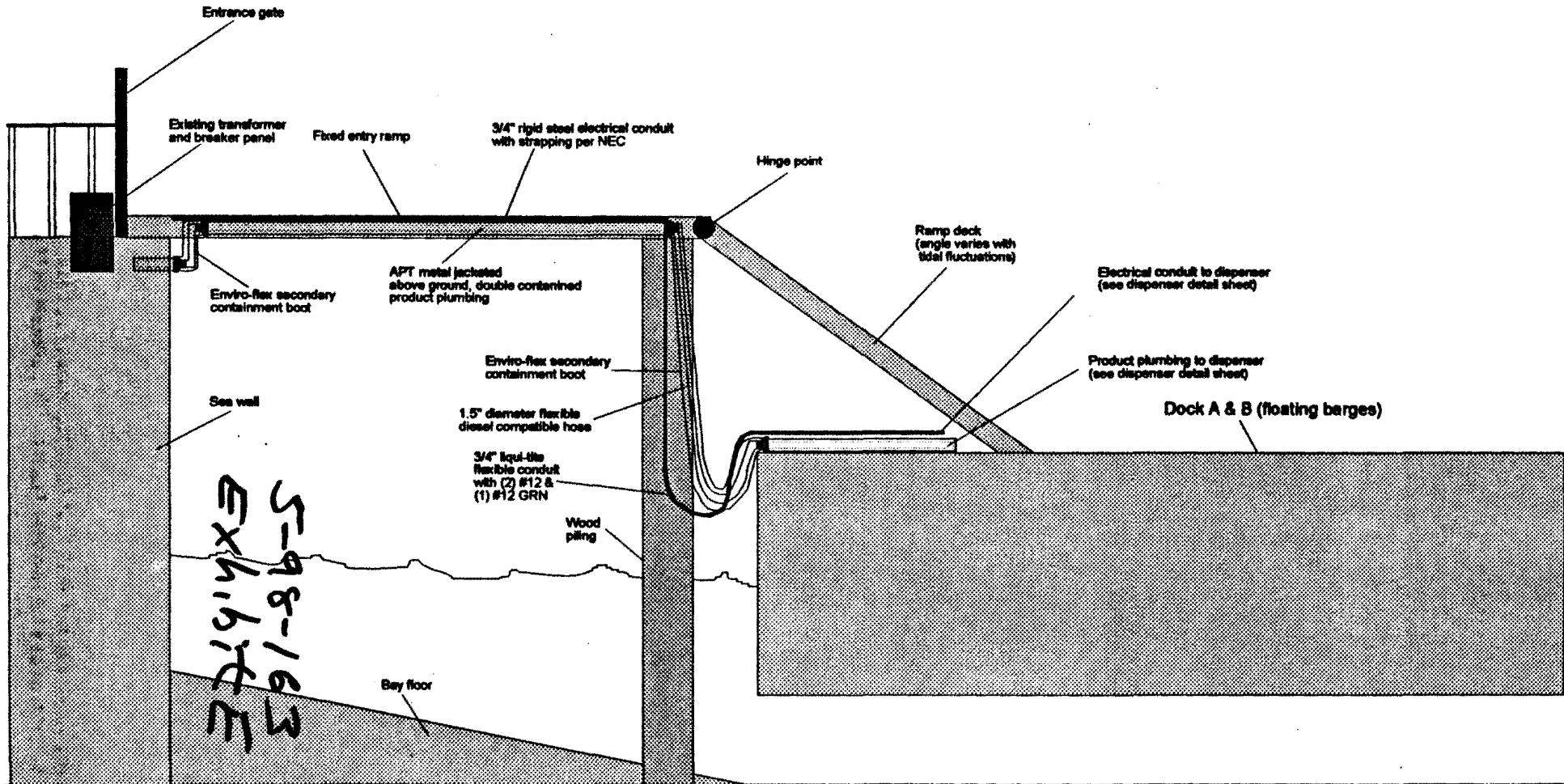
- Pressure System Material List**
1. Modern Welding 20,000 gallon Glassteel II fiberglass jacketed underground storage tank.
 2. Tank and piping leak monitoring/electronic product level gauge with gauge probe and (3) liquid sensor leak monitors. Veeder-Rood TLS 300C
 3. 1.5 HP submersible Red Jacket product pump.
 4. 2x2x2" MMS stainless steel flex connector. Titeflex.
 5. Containment sump box. Fiberglass 42" x 48" American Containment.
 6. 36" diameter manhole. Pomoco.
 7. 36" diameter single port spill containment manhole. Pomoco.
 8. Sump shield, fiberglass. American containment.
 9. Fill cap and adapter. 4" top seal. EBW.
 10. Conduit penetration sealing grommet.
 11. Watertight cover box. EBW.
 12. 4" aluminum overflow prevention drop tube. EBW.
 13. Capped elbow. Y type.
 14. 2" Ball valve. Jomax.
 15. Overflow prevention valve. EBW.

- Notes:**
1. All unused openings shall be tightly secured with pipe plugs and shall be covered per mfg. instructions.
 2. Tanks shall be tested and installed in accordance with mfg. recommendations as well as local ordinances.
 3. All containment box assemblies shall be fiberglassed to tank collar and capable of withstanding hydrostatic testing.
 4. Dielectric unions to be used on all underground conduit.
 5. Tank to be sloped down toward fill and 1".
 6. All conduits to have seal-offs per latest edition of the NEC.
 7. All junction boxes to be explosion proof.
 8. All conduit penetrations of sump boxes to be sealed by the appropriate size.
 9. Conduits to be rigid steel unless otherwise noted.
 10. All primary piping and fittings inside sump boxes to be black iron Sch 40 with malleable iron fl.
 11. Primary and secondary pipe of polymer by APT.
 12. All manholes to be 2000 p.s.i. at 28 days.
 13. All manholes to be liquid tight, accurate, and traffic raised.
 14. Haulaway test to be performed on site prior to setting tank.

Site: Catalina Cruises
Address: 320 Golden Shore
 Long Beach, CA 90802
Project: UST Installation

5-98-163
 Exhibit D

**Catalina Cruises
UST Installation
Profile view of product plumbing at Docks A & B**



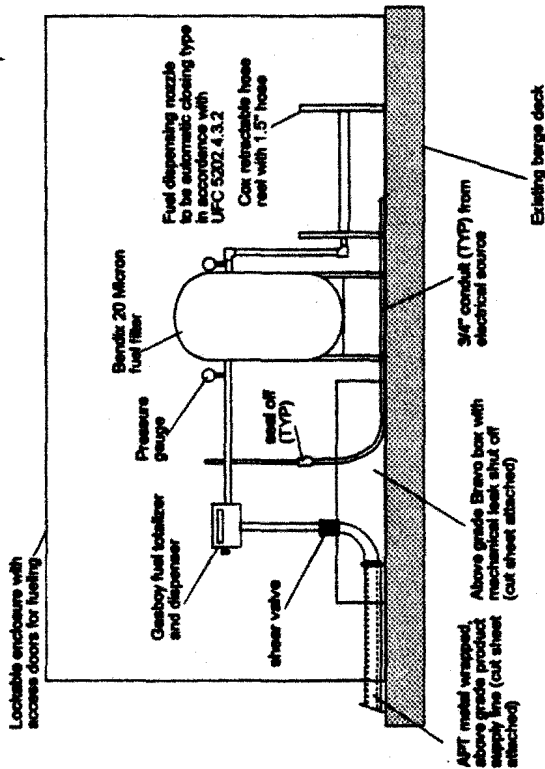
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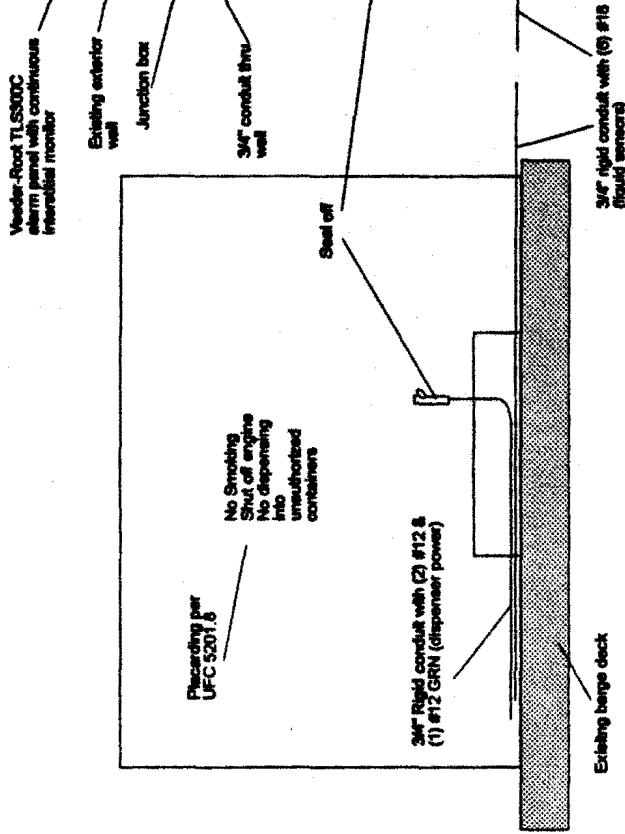
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1 inch = 10 feet

Dispenser Plumbing and Electrical - Section View



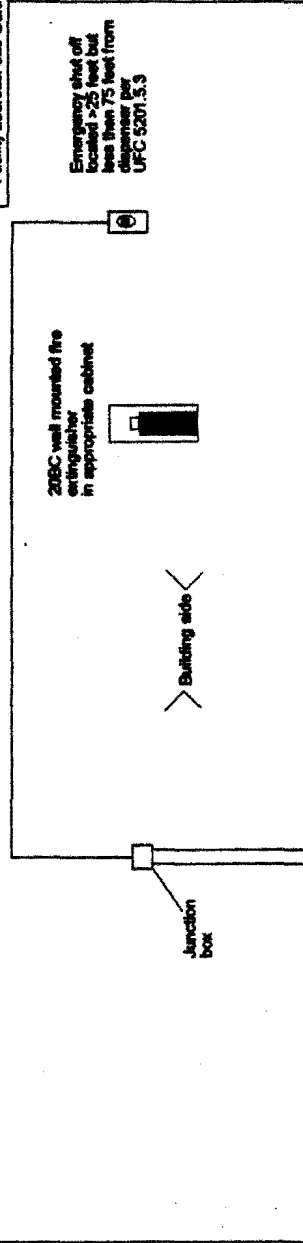
Electrical - Single Line Diagram



5-98-163
Exhibit II

- Fire Department Notes:**
- 1) Fire Department final inspection required.
 - 2) Locations and classifications of fire extinguisher to be determined by fire inspector.
 - 3) Storage, dispensing or use of any flammable or combustible liquids, flammable and compressed gases, and other hazardous materials shall comply with Uniform Fire Code regulations.

Emergency Shut Off Location



Emergency shut off signage per UFC 5201.6.3

- 1) Use of fire, spill, or release.
- 2) Use Emergency panel shutdown
- 3) Ring of the alarm
- 4) Fire Dept. phone # 911
- 5) Facility address: 320 Golden Shore, Long Beach

Emergency shut off located > 25 feet but less than 75 feet from dispenser per UFC 5201.6.3

Catalina Cruises
320 Golden Shore
Long Beach, CA 90802
UST Installation

Dispenser Plumbing and Electrical - Section View
Electrical - Single Line Diagram
Emergency Shut Off Location

Harrison/Roberts
Environmental Management
11140 Los Alamitos Blvd. #203
Los Alamitos, CA 90720
(562) 795-0098
License #67317 Haz