

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
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W-21a**RECORD PACKET COPY**

Filed: Aug. 1, 2000
 49th Day: Waived
 Staff: JAS-SF
 Staff Report: Nov. 2, 2000
 Hearing Date: Nov. 15, 2000
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 2-00-019

APPLICANT: San Mateo County Harbor District

LOCAL GOVERNMENT: San Mateo County

PROJECT LOCATION: 1 Johnson Pier (Pillar Point Harbor), Half Moon Bay, San Mateo County, APN 047-083-060

PROJECT DESCRIPTION: 1) Replace 68 timber fender piles with new steel and fiberglass-reinforced recycled plastic piles. There would be no additional piles or changes to the pier structure. 2) Repair A, B, and C docks and upgrade fire system. 3) Place a floating dock between docks D and E, to be used as a temporary berthing facility during repairs and as a transient vessel dock for commercial fishing vessels.

LOCAL APPROVALS RECEIVED: CEQA Categorical Exemption

SUBSTANTIVE FILE DOCUMENTS: See Appendix A

1.0 EXECUTIVE SUMMARY

San Mateo County Harbor District proposes to: 1) replace 68 timber fender piles with new steel and fiberglass-reinforced recycled plastic piles; 2) repair A, B, and C docks and upgrade fire system; and 3) place a floating dock between docks D and E, to be used as a temporary berthing facility during repairs and as a transient vessel dock for commercial fishing vessels. Commission staff recommends approval of the permit with conditions to mitigate impacts associated with water quality and the marine environment (construction debris removal and chemical control).

2.0 STAFF RECOMMENDATION

The staff recommends conditional approval of Coastal Development Permit Application Number 2-00-019.

Motion: I move that the Commission approve Coastal Development Permit Application No. 2-00-019, subject to the conditions specified below.

Staff Recommendation of Approval

The staff recommends a YES vote. To pass the motion, a majority of the Commissioners present is required. Approval of the motion will result in the adoption of the following resolution and findings.

Resolution

The Coastal Commission hereby **grants** permit No. 2-00-019, subject to the conditions below, for the proposed development on the grounds that (1) the development is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and (2) there are no feasible alternatives or feasible mitigation measures other than those specified in this permit that would substantially lessen any significant adverse impact which the activity may have on the environment.

2.1 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. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

2.2 Special Conditions

1. Chemical Control

Wood treatment products and any other chemicals shall not enter waters of the harbor under any circumstances. In-field treatment of wood shall occur on land only and is prohibited within 50

feet of harbor waters and storm drains. Treatment products shall be applied with a brush rather than sprayed to minimize spread of chemicals.

All equipment shall be properly maintained during construction to prevent any spills of petroleum fluids. All spills shall be immediately contained and the Commission shall be notified of any spill within 24 hours of the incident. Fuel and equipment maintenance areas shall be located away from the harbor and any drainage courses.

2. Regional Water Quality Control Board Certification or Waiver

Prior to issuance of the coastal development permit, the applicant shall provide to the Executive Director a copy of a water quality certification or waiver issued by the San Francisco Bay Regional Water Quality Control Board under Section 401 of the Clean Water Act. The applicant shall inform the Executive Director of any changes to the project required by the San Francisco Bay Regional Water Quality Control Board. Such changes shall not be incorporated into the project until the applicant obtains an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

3.0 FINDINGS AND DECLARATIONS

3.1 Project Location and Site Description

The proposed project is in Pillar Point Harbor, in the unincorporated Princeton Area of San Mateo County, California (Figure 1). The project is within the Inner Harbor of Pillar Point Harbor (Figure 2).

3.2 Project Description

The proposed project consists of three primary actions: 1) replace fender piles, 2) repair docks A, B, and C and upgrade fire system, and 3) place a floating dock between docks D and E.

3.2.1 Fender Piles

The Johnson Pier fender piles need to be replaced because they are severely deteriorated and can no longer adequately protect docking vessels. Sixty-eight timber fender piles would be removed and replaced with new steel and fiberglass-reinforced recycled plastic piles (Figure 3). The existing piles are wooden and sealed with creosote. No additional piles would be installed and there would be no changes to the pier structure. When existing fender piles can be pulled out, new fender piles would be driven in the same location as the existing piles. However, where existing pile stubs cannot be removed, new fender piles would be driven as close as possible to the existing stubs. Where existing fender piles break or cannot be removed, the remaining piles shall be cut off two feet below the mud line. The work also includes removing, storing, and re-installing nine steel ladders. Existing timber chocks between fender piles would be removed and new timber chocks would be installed (Cash & Associates 2000), as shown in Figure 4.

3.2.2 Docks A, B, and C and Fire System

Docks A, B, and C have a rated useful life of 15 years, and they have now been in place 16 years and are in need of replacement or repairs. Deteriorated plywood decking would be replaced on approximated 23,420 square feet of Docks A, B, and C (Figure 5). Repair of the docks would not include any new piles or dredging (Figure 6). Small tools would be used to do the repairs. Most

San Mateo Harbor District, Pile Replacement and Dock Repair

of the work would be done from the docks, and to reach certain areas a small (20-foot) tender boat may be used. These docks are floating, and areas to be treated are approximately eight to nine inches above the water level.

Decking lumber shall be precut, drilled, and treated with an approved pressure-treated preservative prior to deck installation. The applicant proposes to treat plywood and drilled holes in-place by applying copper naphthenate with a brush. The plywood consists of two 3/8-inch layers. Only the top layer of plywood would be treated. The applicant also proposes to treat deteriorated top surfaces of stringers (wooden framing beneath the decking) in-place with "Lignu" impregnating resin (Cash & Associates 2000a).

Construction would be done within the hours and days (Monday – Friday, 7 am – 6 pm; Saturday; 9 am – 5 pm; no work on Sundays) required by the County of San Mateo Environmental Health Division.

The fire system would be upgraded by separating the fire system from the domestic water system. A new four-inch copper header system would be installed on the docks and connected to the shore header system at the appropriate location. The system would be designed to meet flow requirements of the North County Fire District.

3.2.3 Floating Dock

The floating dock would serve as a temporary berthing facility for vessels that need to be moved while docks A, B, and C are being repaired; and as a transient vessel dock for commercial fishing vessels to use during retail fresh fish sales to the public. This dock would increase and improve safe public access for the retail fish sales. Buyers from the public would remain on the dock and not board the vessels during fish sales.

The floating dock would be 320 feet long by eight feet wide, and would be designed to side-tie eight boats or 16 boats using a stern-tie approach. The dock would be adjacent to Johnson Pier between docks D and E (Figure 7). It would be constructed from pressure treated construction grade 2 x 6 lumber and held in place by four-inch steel spuds (small piles) driven ten feet deep into the mud. The steel spuds would also attach to the main pier at five equidistant points. The floatation for the walkway would be plastic-encased Styrofoam. There would be no utilities on this dock. Existing fire protection on E float would serve this dock.

3.3 Other Authorizations

3.3.1 U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers issued an authorization for the proposed project under Department of the Army Nationwide Permit 03 Maintenance (65 FR 12818, March 9, 2000), pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403) (U.S. Army Corps of Engineers 2000).

Pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act, any applicant for a required federal permit to conduct an activity affecting any land or water use or natural resource in the coastal zone must obtain the Coastal Commission's concurrence in a certification to the federal permitting agency that the project will be conducted in a manner consistent with the California Coastal Zone Management Program. The Commission's action on this permit

application shall comprise its federal consistency review for the San Mateo Harbor District's proposed pier and dock project.

3.3.2 San Francisco Bay Water Quality Control Board

The San Francisco Bay Regional Water Quality Control Board regulates water quality in the project area. San Mateo County Harbor District has submitted an application to the San Francisco Bay Regional Water Quality Control Board for a water quality Certification or Waiver under Section 401 of the Clean Water Act. **Special Condition 3** requires San Mateo County Harbor District to provide the executive director with a copy of the final 401 Certification or Waiver prior to commencement of the project.

3.4 Coastal Act Issues

Issues involving repair, replacement, and addition of harbor development must be analyzed with respect to Coastal Act policies concerning fill in coastal waters, water quality, and public access.

3.4.1 Fill in Coastal Waters

Section 30233 of the Coastal Act addresses the placement of fill within coastal waters. Section 30233(a) provides as follows, in applicable part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

...

(2) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

...

Coastal Act Section 30108.2 defines "fill" as follows:

"Fill" means earth or any substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.

Section 30233(a) sets forth limitations on what fill project may be allowed in coastal waters. For analysis purposes, the limitations can be grouped into three general categories or tests. These tests are:

- (a) that the purpose of the fill is for one of the eight uses allowed under Section 30233;
- (b) that the project has no feasible less environmentally damaging alternative; and

- (c) that adequate mitigation measures to minimize adverse environmental impacts of the project have been provided.

Purpose

The proposed project involves minor filling of open coastal waters consisting of piles. The project would require fill in the form of new fender piles where they are placed adjacent to existing piles that cannot be removed. The floating dock would also require fill in the form of five four-inch steel piles, driven ten feet deep. The placement of fill for the piles is allowed under section 30233 (a)(1) and (4) of the Coastal Act. The fender piles support a public pier. The floating dock would provide a site for commercial fishing vessels to sell fish to the public.

Alternatives

No feasible alternatives to the proposed project resulting in less environmental damage have been identified. The "no project" alternative would result in further deterioration of the piles and docks, resulting in potential hazards to public safety. According to the applicant's discussion of alternatives, if the fender piles were not replaced, "vessel and navigational safety hazards would increase with further risks of vessel damage and human injury. Additionally, damage to the pier understructure will result from collisions of vessels with the concrete structural piles." Leaving the deteriorating docks as they are (no project alternative) could cause safety hazards that may result in legal action and dock closure.

The proposed plastic fender piles are environmentally preferable to creosote-treated wooden piles because creosote can adversely affect marine organisms¹. Full replacement of the docks was considered but at three times the cost of repair it was determined to be too costly. Phased replacement over time was also considered and rejected because it would extend disruption of the harbor and dock use over several years.

Adequate Mitigation Measures

The amount of fill for the fender piles would be minimized by removing the existing piles to the extent feasible. Piles that cannot be removed will be cut two feet below the mudline and replaced with new piles placed as close as possible to the existing pile stub. The fill for the floating dock is minimized because only the amount of fill necessary to anchor the dock would be used. The dock would float rather than relying on piers to support it, which would require additional fill.

Conclusion

The project is one of the allowable uses for fill of coastal waters under Section 30233(a), is the least environmentally damaging feasible alternative, and includes mitigation measures that minimize project impacts to the maximum extent possible. Therefore, the commission finds that the proposed project, as conditioned, is consistent with Coastal Act Section 30233.

3.4.2 Water Quality Protection

The Coastal Act protects marine resources, including water quality, as cited below:

¹ Aquatic and terrestrial animals bioconcentrate creosote components. Hepatic lesions and neoplasms have been associated with exposure to creosote contaminated water.

Section 30230

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

Section 30231

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

Section 30232

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

The proposed removal of pilings will result temporarily increase turbidity and may release creosote treated wood debris into harbor waters, adversely affecting water quality within the harbor. The applicant proposes to minimize these impacts by installing siltation curtains around the pilings during removal operations. The siltation curtains are designed to contain debris and sediments. To further reduce the potential that debris or construction materials will enter the harbor, the applicant proposes to use a floating debris catcher, consisting of a plastic-sealed plywood deck on pontoons. The debris catcher will be positioned beneath and along-side areas where work is occurring.

The applicant proposes to treat some of the wooden pier structures in-place over harbor waters using copper naphthenate and Lignu resin. Although, copper naphthenate is the only EPA-approved wood treatment chemical that can be applied in the field and that is available for sale directly to the general public, it is toxic to aquatic organisms, including invertebrates, algae, and fish in very low concentrations (National Coalition Against the Misuse of Pesticides 2000; Cupronol Group 2000). There is no information concerning the toxicity of Lignu resin to aquatic organisms.

The applicant states that approximately five percent of the 23,000 square feet of plywood decking would be treated with copper naphthenate, and that the treatment would be applied with

a brush or roller and not sprayed. The plywood decking consists of two layers, and the treatment would only be applied to the top layer. Lignu resin would be applied to approximately 25 percent of the stringers. Because the dock system has a continuous bottom, the applicant believes that any spills of the wood treatment chemicals will be contained and will not enter the water. The applicant also states that the floating debris catcher would be used to prevent chemicals or treated materials from contacting harbor waters. Finally, in the case of an accidental spill of wood treatment chemicals or fuel from construction equipment, the Harbor District maintains on-site spill containment and cleanup equipment including several hundred feet of spill containment boom and sorbent pads. Harbor District personnel are trained in spill response procedures.

Despite these preventative measures, the use of wood treatment chemicals over harbor waters creates an unnecessary risk of adverse impacts to the marine environment due to an accidental spill. Feasible alternatives to the proposed in-place treatment include replacement of damaged materials with either pre-treated lumber or other materials such as plastic or concrete and removal of materials for treatment on land. Therefore, to avoid the risk of spilling wood treatment chemicals into harbor waters **Special Condition No. 1** prohibits use of these chemicals within 50 feet of harbor waters or storm drains. **Special Condition 1** also requires construction equipment be maintained and fueled in areas away from the harbor and drainage courses.

The Commission finds that the proposed project, as conditioned, will not adversely affect the quality of coastal waters. Therefore, the Commission finds that the proposed project is consistent with Sections 30230, 30231, and 30232 of the Coastal Act.

3.4.3 Public Access

Coastal Act Section 30210 states:

In carrying out the requirements 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.

Coastal Act Section 30214 states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

...

(2) The capacity of the site to sustain use and at what level of intensity.

Public access to the pier and docks will be maintained during the project, except in the immediate vicinity of pile replacement and portions of the docks being repaired. Pile replacement will be completed in approximately six weeks. The dock will be repaired over six months in six phases to minimize inconvenience to berth-holders and the public and to reduce navigational problems. Half of a dock will be repaired in each phase. Construction will occur Mondays through Fridays from 7 am to 6 pm and Saturdays from 9 am to 5 pm. No work will

occur on Sundays. These working hours will minimize effect of noise associated with the project on the public.

The proposed phasing of work will ensure that public access will be maintained on the piers throughout the construction period. Therefore, the Commission finds that the proposed project is consistent with the Coastal Act Sections 30210 and 30214.

3.5 California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, 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 that would substantially lessen any significant adverse effects that the activity may have on the environment.

The Commission incorporates its preceding findings on consistency of the proposed project with the Coastal Act policies at this point as if set forth in full. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts that the development may have on the environment. Therefore, the Commission finds that the proposed project has been conditioned to mitigate the identified impacts and can be found consistent with Coastal Act requirements to conform to CEQA.

Substantive File Documents

References

- Albert Forest Products, Inc. 2000. Wood Preservatives. At <http://www.city-net.com/albertfp/treat.htm>.
- Cash & Associates. 2000a. Construction Documents for San Mateo Harbor District, Pillar Point Marina, Dock A, B & C. July 24, 2000.
- Cash & Associates. 2000b. Construction Documents for San Mateo Harbor District, Fender Pile Replacement, Johnson Pier, Pillar Point Harbor. July 24, 2000.
- Cuprinol Group. 2000. Material Safety Data Sheet for No. 10 Green Preservative (Copper Naphthenate). October 24, 2000.
- National Coalition Against the Misuse of Pesticides. 2000. Poison Poles – A Report About Their Toxic Trail and Safer Alternatives. At <http://www.ncamp.org/poisonpoles/copper.html>. October 16, 2000.
- U.S. Army Corps of Engineers, Calvin Fong. 2000. Letter to Peter Grenell, San Mateo Harbor District, regarding Nationwide Permit 03 for fender piles and associated structures, File Number 25488S. August 30, 2000.

Personal Communication

- Randy Mason, Project Engineer, Cash & Associates, October 27, 2000.
- Mike Rugg, California Department of Fish and Game, Yountville, October 31, 2000.

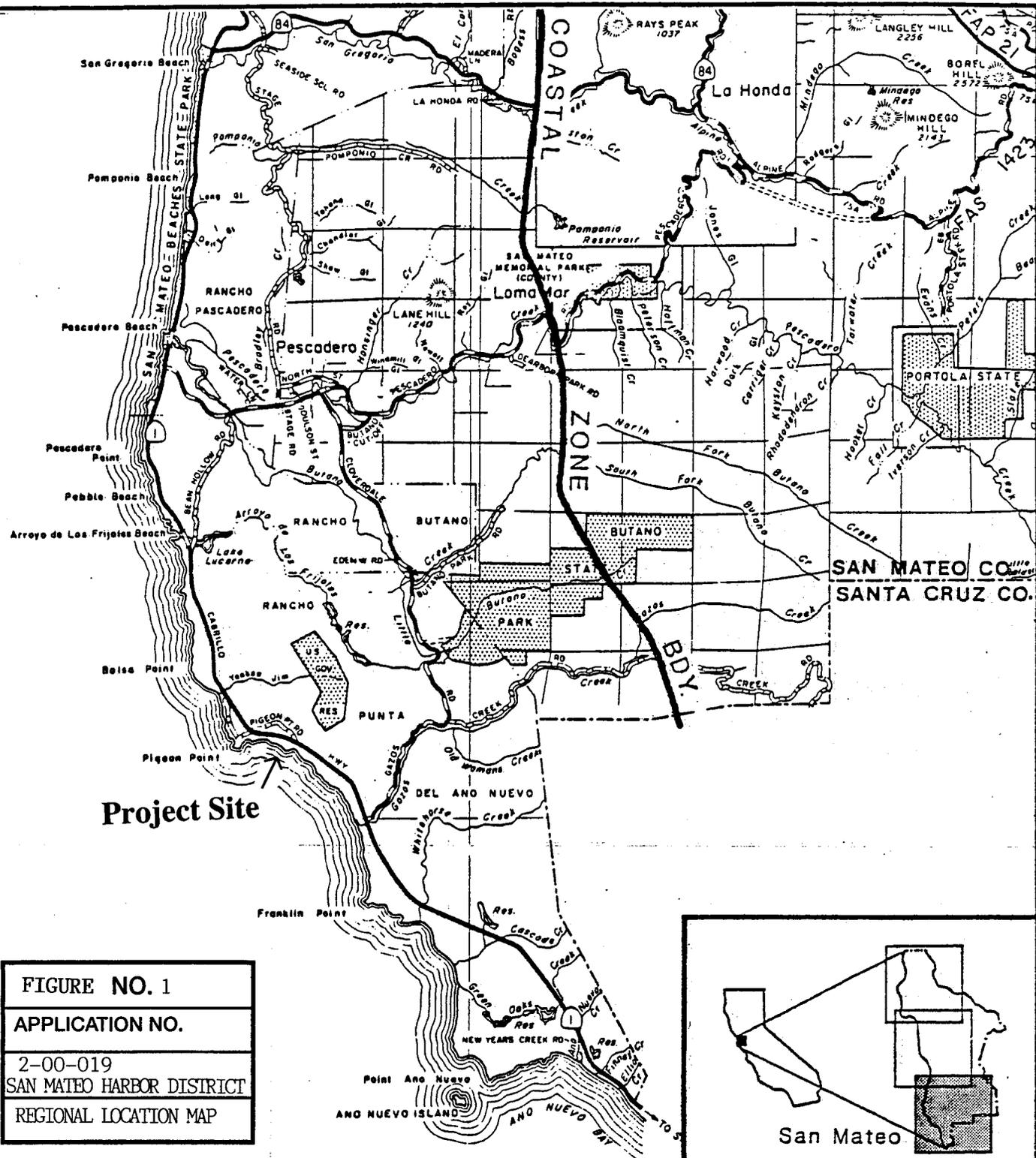
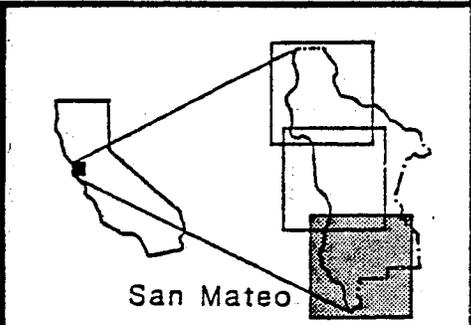
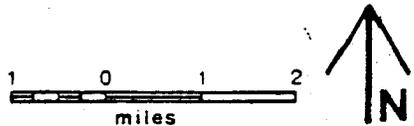


FIGURE NO. 1
APPLICATION NO.
 2-00-019
 SAN MATEO HARBOR DISTRICT
 REGIONAL LOCATION MAP



San Mateo



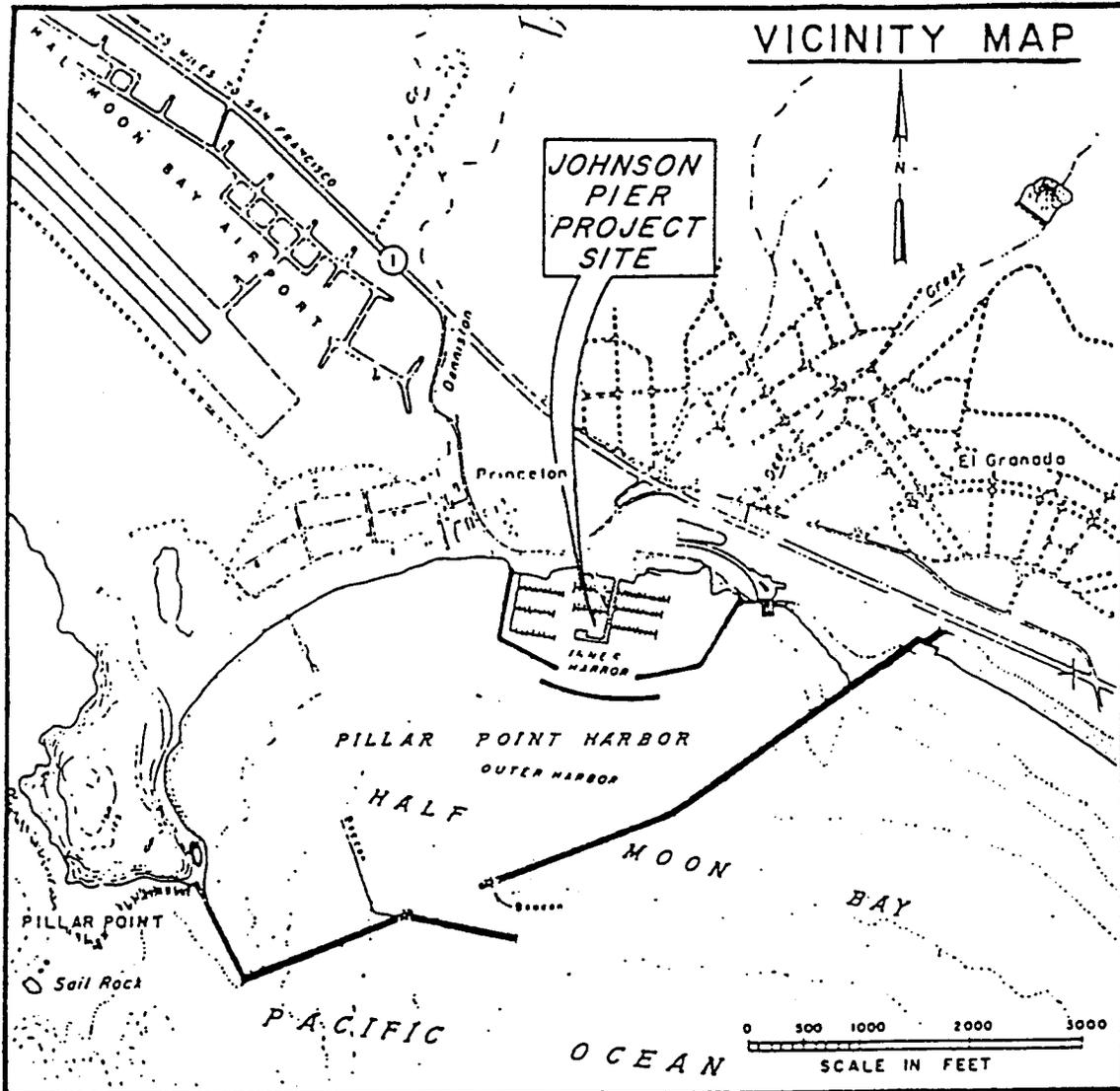


FIGURE NO. 2

APPLICATION NO.

2-00-019
SAN MATEO HARBOR DIST.

SITE LOCATION MAP



CASH & ASSOCIATES

SAN MATEO COUNTY HARBOR DISTRICT
PILLAR POINT HARBOR - JOHNSON PIER

FENDER PILE REPLACEMENT
VICINITY MAP

DATE: 7/17/0

DRAWING NUMBER

1

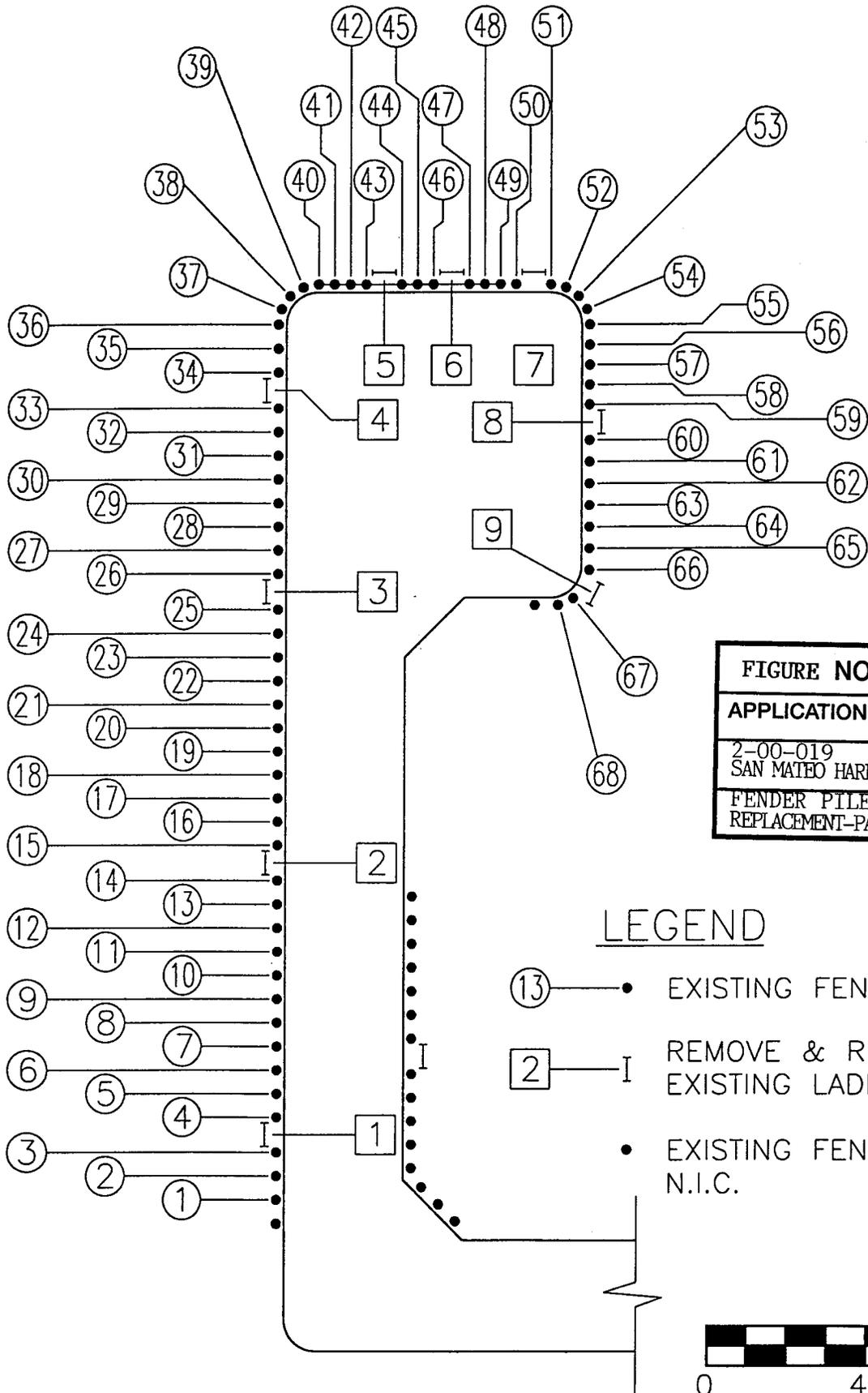


FIGURE NO. 3
APPLICATION NO.
2-00-019 SAN MATEO HARBOR DIST.
FENDER PILE REPLACEMENT-PARTIAL PLAN

LEGEND

- ⑬ — • EXISTING FENDER PILE
- ② — I REMOVE & REINSTALL EXISTING LADDER
- EXISTING FENDER PILE N.I.C.



SAN MATEO COUNTY HARBOR DISTRICT
PILLAR POINT HARBOR — JOHNSON PIER

DATE: 7/17/00
DRAWING NUMBER

FENDER PILE REPLACEMENT
PARTIAL PLAN

2

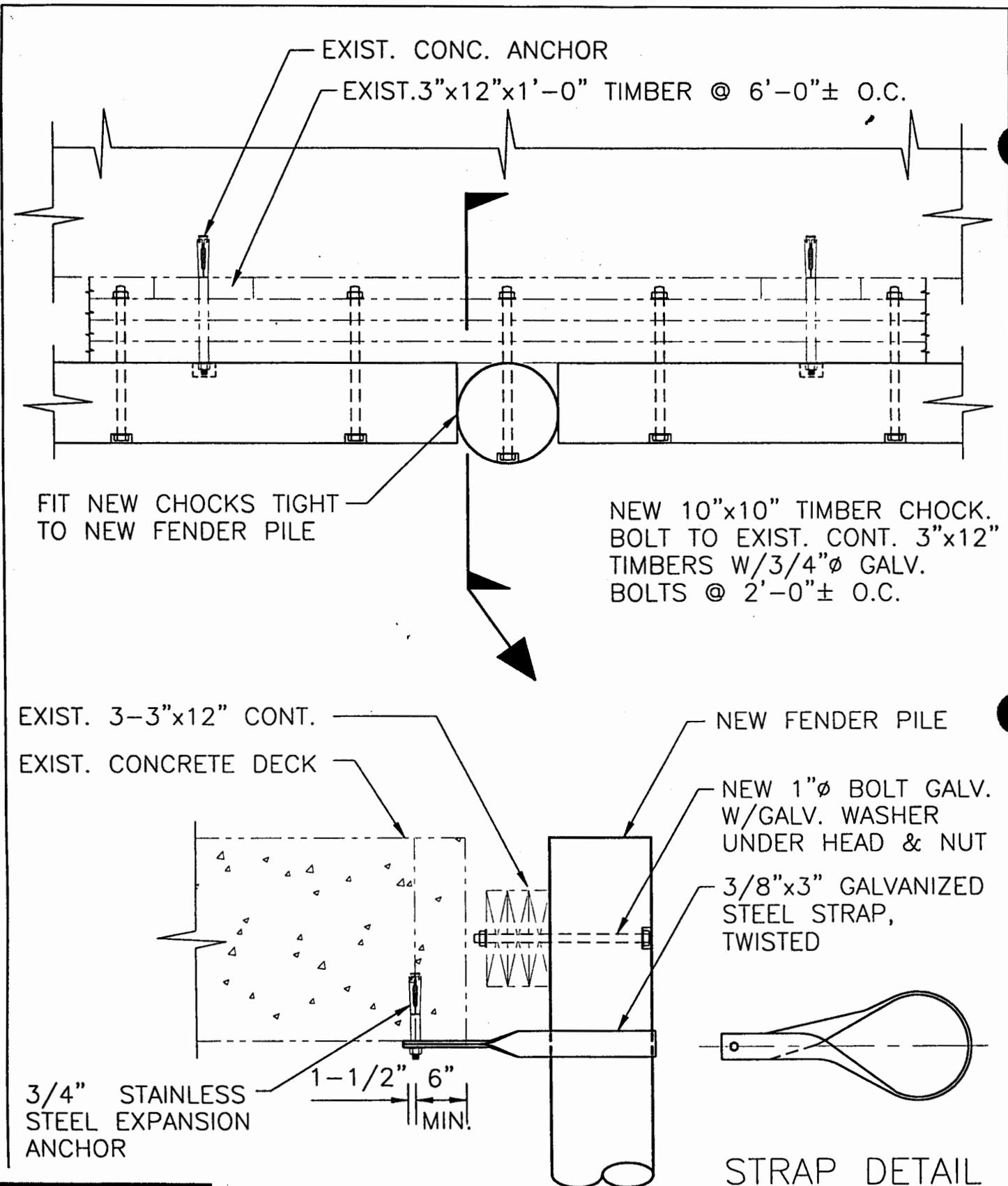


FIGURE NO. 4

APPLICATION NO.

2-00-019
 SAN MATEO HARBOR DIST.
 FENDER PILE REPLACEMENT
 PLAN AND SECTION

SAN MATEO COUNTY HARBOR DISTRICT
 PILLAR POINT HARBOR - JOHNSON PIER

DATE: 7/17/00

DRAWING NUMBER

FENDER PILE REPLACEMENT
 PLAN AND SECTION - FENDER PILE CONNECTION

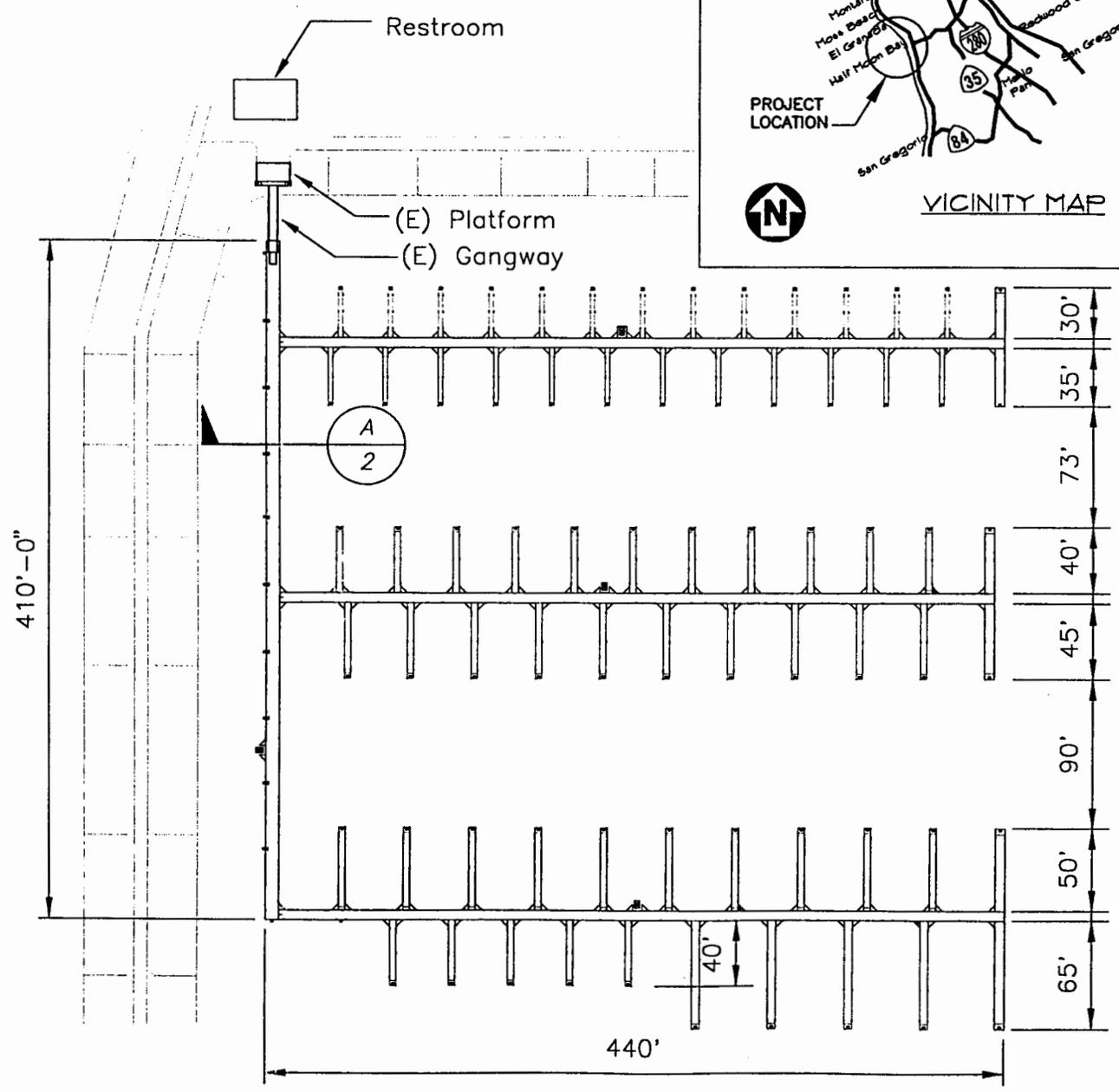
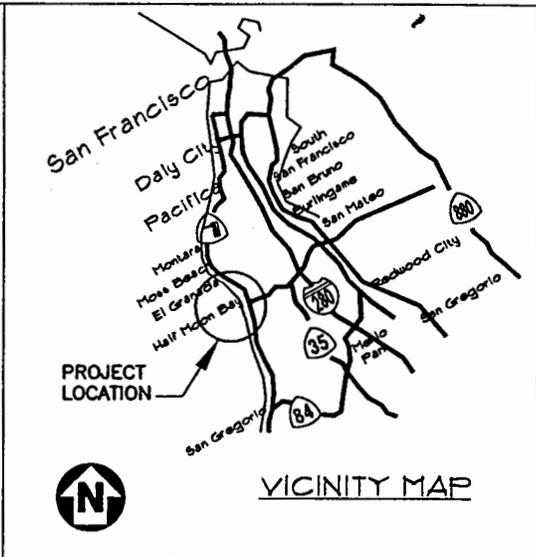
3

FIGURE NO. 5

APPLICATION NO.

2-00-019
SAN MATEO HARBOR DIST.

DOCK REPLACEMENT - PLAN VIEW



PURPOSE: Dock replacement

Datum: MLLW = 0

Adj. Property Owners:

1. See Attached List
- 2.
- 3.

PLAN VIEW

Scale: 1"=100'

San Mateo Harbor District
One Johnson Pier
Half Moon Bay, CA 94019

Proposed replacement of Existing Dock System in like and kind. No new piles or dredging.

IN: San Mateo County Harbor District
AT: San Mateo County of S.B. State: CA.
Application By: San Mateo Harbor District.
Sheet 1 of 2 Date: 8/1/00

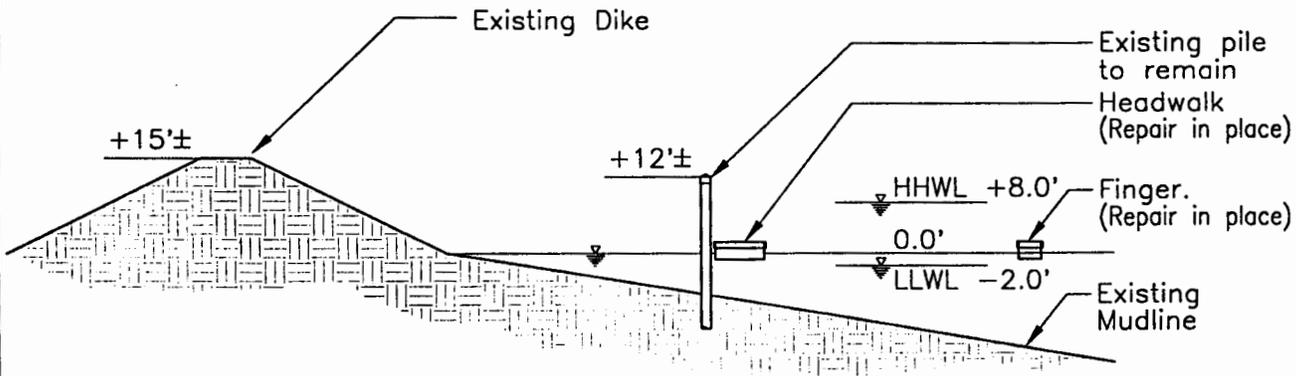


FIGURE NO. 6
APPLICATION NO.
2-00-019 SAN MATEO HARBOR DIST.
DOCK REPLACEMENT - SECTION

A
2 SECTION

PURPOSE: Dock replacement Datum: MLLW = 0 Adj. Property Owners: 1. See Attached List 2. 3.	Section Scale: 1/8" = 1'-0" San Mateo Harbor District One Johnson Pier Half Moon Bay, CA 94019	Proposed replacement of Existing Dock System in like and kind. No new piles or dredging. IN: San Mateo County Harbor District AT: San Mateo County of S.B. State: CA. Application By: San Mateo Harbor District. Sheet <u>2</u> of <u>2</u> Date: <u>8/1/00</u>
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EXISTING DOCK →

D DOCK GANGWAY

5.4" STEEL SPUDS

DOCK FOR TEMPORARY REPAIR BERTHING AND PERMANENT FISH SALES
WALKWAY 8' W x 320' L

EXISTING DOCK →

E DOCK GANGWAY

EXISTING PIER →

WORK DOCK

TIMBER DECK

ICE BIN

FISH HANDLERS BUILDING

PIER HEAD

FIGURE NO. 7

APPLICATION NO.

2-00-019
SAN MATEO HARBOR DIST.
FLOATING DOCK PLAN



EXISTING C
JOHNSON F

