CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE 725 FRONT STREET, SUITE 300 SANTA CRUZ, CA 95060 (831) 427-4863

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COASTAL DEVELOPMENT PERMIT APPLICATION

Application number 3-01-50 Morro Bay Fuel Dock

Applicant Morro Bay Fuel Dock

Project location 201 Main Street, Morro Bay, (San Luis Obispo County). See Exhibit 1

Project description Repair and replacement of wharf piles. Work includes encasing 75 piles in

concrete and replacement of 25 existing piles located alongside the existing

Morro Bay fuel dock.

Staff recommendation... Approve with Conditions.

Summary: The applicant proposes to repair and replace existing wharf piles along the City of Morro Bay's Fuel Dock. The proposal includes encasing 75 existing piles in concrete and a complete replacement of 25 piles located at the end of the finger slips and alongside the fuel pier. No new reconfiguration of the fuel dock or wharf is contemplated. The project site is located south of Olive on Main Street within the state tidelands of Morro Bay. The original structure was built during the 1950's as a fueling station for the commercial fishing fleet operating out of the bay. Structural soundness of the dock has been compromised in recent years as the piles continue to erode away. The City of Morro Bay has served the applicant a written notice of default requiring the applicant (lessee) to make repairs. Because the project lies entirely within the Commission's original jurisdiction, no local permits are required.

The principal Coastal Act issues raised by the proposed development are impacts on Marine Resources. Potential exists during construction for material contamination and release of contaminants buried in the sediment. The Commission is also concerned with the potential for spills associated with the operations of a fuel dock within coastal waters. To mitigate for this, the applicant has incorporated into his proposed project containment measures, piling installation methods, and concrete application procedures that would minimize impacts to and provide protection of the marine environment. Additionally, staff recommends a permit condition that requires the applicant to prepare a Spill Prevention and Response Plan. As conditioned, the proposed project will not adversely impact coastal resources, marine waters, public access, or views and is therefore consistent with Chapter 3 of the Coastal Act. Staff recommends approval.



California Coastal Commission September, 2001 Meeting in Eureka

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1. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

Motion. I move that the Commission approve Coastal Development Permit Number 3-01-050 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a YES vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve a Coastal Development Permit. The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

2. Conditions of Approval



A. 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.
- 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 or 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.

E. Special Conditions

- 1. Incorporation of Mitigation Measures. Mitigation Measures 1, 2, and 3 submitted by the Applicant on July 18, 2001 are hereby incorporated as conditions of this permit. Any revision or amendment of these adopted conditions and mitigation measures shown as Exhibit 2 of this staff report or the project plans shall not be effective until reviewed by the Executive Director for determination of materiality, and if found material, approved by the Commission as an amendment to this coastal development permit.
 - 2. Clean and Green Boating Measures. Within six months of the effective date of this permit, the applicant shall submit to the Executive Director for review and approval, a Spill Prevention and Response Plan. The Plan shall be developed in cooperation with the Department of Fish & Game's Office of Oil Spill Prevention and Response (OSPR). The plan shall include measures to prevent oil spills and procedures for responding to any spills that occur, including reporting spills to the U.S. Coast Guard and California Office of Emergency Services. At a minimum the Plan shall also develop measures that address the areas of boater education, spill prevention and response, and clean up procedures.



3. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Standard of Review

The Morro Bay Fuel Dock is within the original jurisdiction of the Coastal Commission for the purposes of issuing a coastal development permit. Therefore, the standard of review for this project is the Coastal Act. The City has a certified Local Coastal Program, which includes recommendations for development on the dock and wharf, that may be consulted for guidance.

B. Project Description

1. Project Location

The site of the proposed repair and replacement of wooden piles is located on state tidelands within Morro Bay. The fuel dock facility is the primary refueling station serving commercial and recreational boaters in Morro Bay. The remaining dock and wharf area provides mooring slips for boats and public access along the City's wharf. Parcels on the bayside of Main Street are leased out to individuals by the City that controls these properties through a lease from the State Lands Commission.

2. Project Description

The applicant proposes to repair and replace existing wharf piles along the City of Morro Bay's Fuel Dock. The proposal includes encasing 75 existing piles in concrete and a complete replacement of 25 piles located at the end of the finger slips and alongside the fuel pier. No new reconfiguration of the fuel dock or wharf is contemplated. See Exhibit 3. The site is located within an area of retained Coastal Commission jurisdiction because it is on filled state tidelands and thus requires a Coastal development Permit from the Commission. On March 22, 2001 the City of Morro Bay completed its local agency review and determined that the project met all zoning requirements and did not need a local permit. The City subsequently referred the project to the Commission for determination of a CDP.

3. Project Background

The original structure was built during the 1950's as a fueling station for the commercial fishing fleet and sport fishing vessels operating out of the bay. Commercial fishing is an important economic element for the City, which has benefited from the fishing industry and its ancillary facilities. Structural soundness of the dock has been compromised in recent years due to weathering of construction materials and the forces of tides and storm-driven waves/surge. The dock provides an average of 30 permanent boat moorings and several temporary moorings. Morro Bay is the only fully protected harbor between Santa Barbara and Monterey. Thus, boats out of non-protected harbors during storms often seek refuge in Morro Bay causing additional over utilization of existing berths, docks, and moorings.

The City of Morro Bay has served the applicant a written notice of default requiring the applicant



(lessee) to make repairs. The fuel dock and mooring slips are essential to the City's commercial and recreational boating operations. The City is concerned that that pier and dock facility may be more severely damaged if repairs are not initiated before next season's winter storms. The proposed replacement and repair of the existing structure will be in-kind and in the same location. For instance, after the old piles are removed, piles of similar size will be re-inserted into the existing cavity in the sand. This method minimizes turbidity of the bay floor and retains the current configuration of the structure. Failed piles treated with creosote will be replaced with non-creosote treated piles. Any replacement of docking materials will be done with non-creosote treated timbers.

C. Coastal Development Permit Determination

1. Marine Resources

Chapter 3 of the Coastal Act provides protection of marine resources from accidental spills of petroleum products and hazardous substances through the following policy:

<u>Section 30232.</u> 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.

According to the City of Morro Bay's Harbor District, 450-500 vessels currently occupy Morro Bay harbor. There are approximately 100 resident commercial boats in Morro Bay harbor; that number increases to almost 200 seasonally. At least 15 commercial boats moor in slips at the dock. Morro Bay Fuel Dock Inc. (MBFD), is one of two commercial fueling operations within the bay, though it is by-and-large the smaller of the two providers of fuel in Morro Bay. As such, it is considered a small craft refueling dock by the Department of Fish & Game's Office of Spill Prevention and Response (OSPR). State law identifies small craft refueling docks as a class of facilities that may apply for exemption from filing the Certificates of Financial Responsibility and formal oil spill contingency plans required of larger marine facilities and terminals. They do, however, remain legally and financially liable for damage caused by any petroleum product spilled in the waters around their facilities. They are also responsible for making efforts to prevent oil spills and for immediately reporting any spills that occur, by notifying the U.S. Coast Guard and the Office of Emergency Services.,

Although the refueling station is the smaller of the two operating out of Morro Bay, the concentration of boats refueling at Morro Bay Fuel Dock nonetheless raises concerns that this activity could lead to adverse impacts from spills into coastal waters. Morro Bay Fuel Dock dispenses non-persistent oil such as gas and diesel in bulk, as well as, persistent lubrication oil. MBFD maintains a sewerage pumpout onsite, but does not collect bilge waste or waste oil and ancillary items. Spills have occurred in the past, resulting in the Coast Guard being called to help with cleanup efforts.

As mentioned earlier, material containment measures, pile installation methods, and concrete application procedures have been incorporated into the project and are sufficient to protect marine resources during



re-construction/repair of the facility. However, considering the volume of petroleum products being consumed at the location of the proposed dock repair, additional spill prevention measures are needed to protect marine resources from accidental spills that may occur during the normal course of business at the fuel dock. The Commission's Clean and Green Boating Campaign guidennes contain Best Management Practices (BMP's) that take a comprehensive approach to spill reduction and containment. Many of these same BMP's are incorporated as recommendations into the Periodic Review of the County of San Luis Obispo LCP chapter on water quality and marine resource protection. (See Exhibit 4) These include requiring that fuel dock operators implement boater education, spill prevention and response measures, and cleanup procedures. Thus, Special Condition No. 2 requires the applicant to develop a Spill Prevention and Response Plan in conjunction with the Department of Fish & Game, Office of Spill Prevention and Response. The applicant should make use of the recommendations contained in the SLO County LCP Update and the Commission's Clean and Green Boating BMPs. It is incumbent upon the applicant working together with the DF&G to develop a comprehensive strategy to contain both source and non-point source pollution associated from operating a fuel dock and providing ancillary functions. The required Spill Prevention and Response Plan will be reviewed by the Executive Director for content and completeness.

Coastal Act Section 30232 requires that protection measures be employed in the development of petroleum products. Preparation and implementation of a Spill Prevention and Response Plan by Morro Bay Fuel Dock Inc will assure that a strategy for minimizing adverse impacts from hazardous spills is implemented. Therefore, as conditioned, the proposed project is consistent with the policy direction of PRC Section 30232.

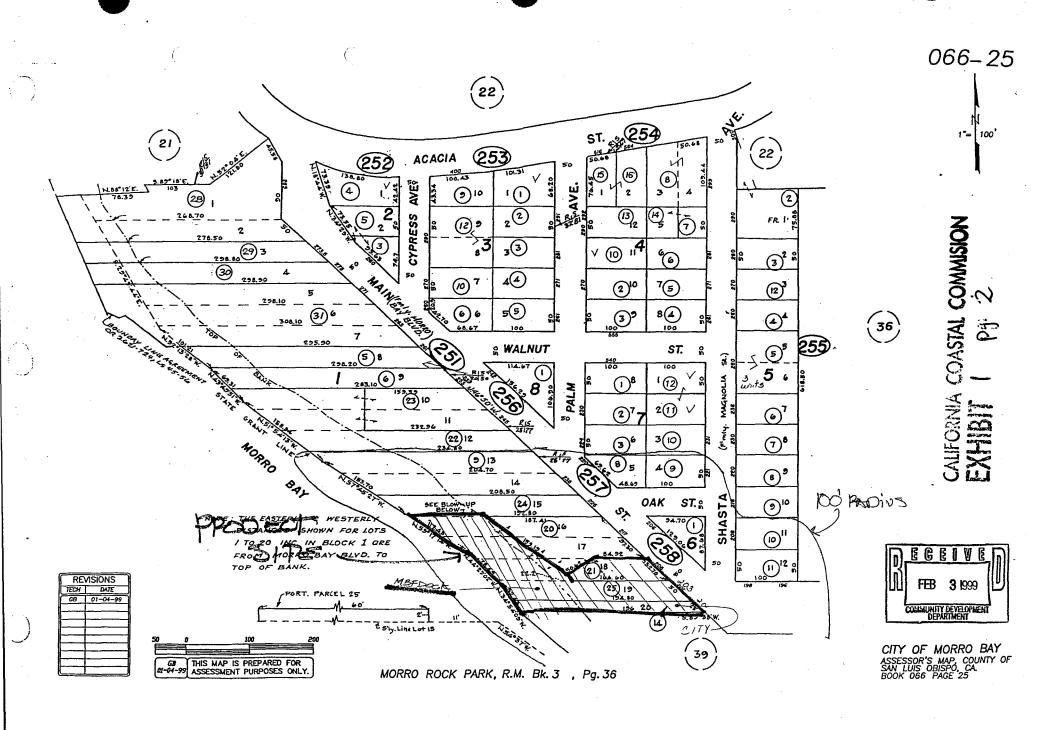
D. California Environmental Quality Act (CEQA)

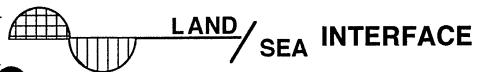
Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development 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 Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal and is incorporated into this finding, and has recommended appropriate mitigation to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions which implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). Any public comments regarding this project have been addressed in these findings. As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.



City of Morro Bay Coastal Land Use Plan Chapter X CALIFORNIA COASTAL COMMISION EXHIBIT 1 Pg. 1 pg. 1 MORRO BAY LOCAL COASTAL PLA 158





18794-357941 Marine workshop 201 Main St. Morro Bay, Calif. 93442 1-805-772-8436 home office 1-805 528-3944 Fax, 1-805-772-8436 E-mail, GDoug22489 @ aol



HH 1.8 2001

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA

MARINE

Mike Watson Coastal Program Analyst California Coastal Commission

Date: 7-16-01

Subject: Morro Bay Fuel Dock

Application 3-01-050

Dear Mike Watson. Thanks for the request for more information.

1 The proposed work is limited to repair and replacement of existing structures. shall consist of encasing with reinforced concrete approx. 75 existing piles which are under the existing parking wharf The removal and replacement of approx. 25 existing piles located at the end of finger slips and several piles located alongside the existing fuel pier. No new reconfiguration of the fuel dock or wharf is intended.

2. Location and Timing of Construction Work: Upon acquiring all necessary permits and requirement, Work is scheduled to begin this fall (Sept, Oct., 2001) before the winter storms arrive. Equipment staging area shall consist of Working barges already located in Morro Bay either on existing moorings (A2-22, adjacent to project site) or side tied to existing nearby construction wharfs. Employee restrooms and parking shall be on site using existing facilities. Temporary security fencing shall be employed to prevent the public from access in the construction area, public access shall continue to be maintained on the remanding site. Removal and disposal of demolished material shall be done offsite by Contractor by contract in a approved manor.

3 Installation Procedures for Protection of the Marine Environment. We agree to the conditions as per Attachment "A". with the modifications and following comments as necessary to describe this project.

Attachment "A" comments:

- 1 material Containment: shall be as per submitted.
- 2. Piling installations Procedures: The procedure for piling Work shall comply with the Attachment A Supplement to Project Description, protection of marine environment. Piling shall be removed or replaced with flexible skirting, (jetting may be required), to significantly contain disturbed sediments.
- Procedure for Concrete work, The cassions work shall be done during a "low tide" period, when the pilings are expose and timed to allow curing of concrete so as to significantly prevent any increase of pH to the adjacent waters. Concrete wash down shall not be allowed on site, concrete trucks shall be required to "washout" back at the concrete plant.

CONSTRUCTION COMMERICAL RESIDENTIAL 7

CONSULTANT

ARCHITECT

CALIFORNIA COASTAL COMMISION EXHIBIT 2 pg-1

ATTACHMENT A: Supplement to Project Description

Coastal Developmen	nt Permit Application No.:	-01-050
Applicant Name(s):	MORPO BA FA	DEL DOCK.
	201 MAIH ST	
	MORRO BAT. C	•

Please be advised that the description for the project proposed by the above-identified Coastal Development Permit Application also includes the following safeguards, mitigation measures, actions and procedures for the protection of the marine environment:

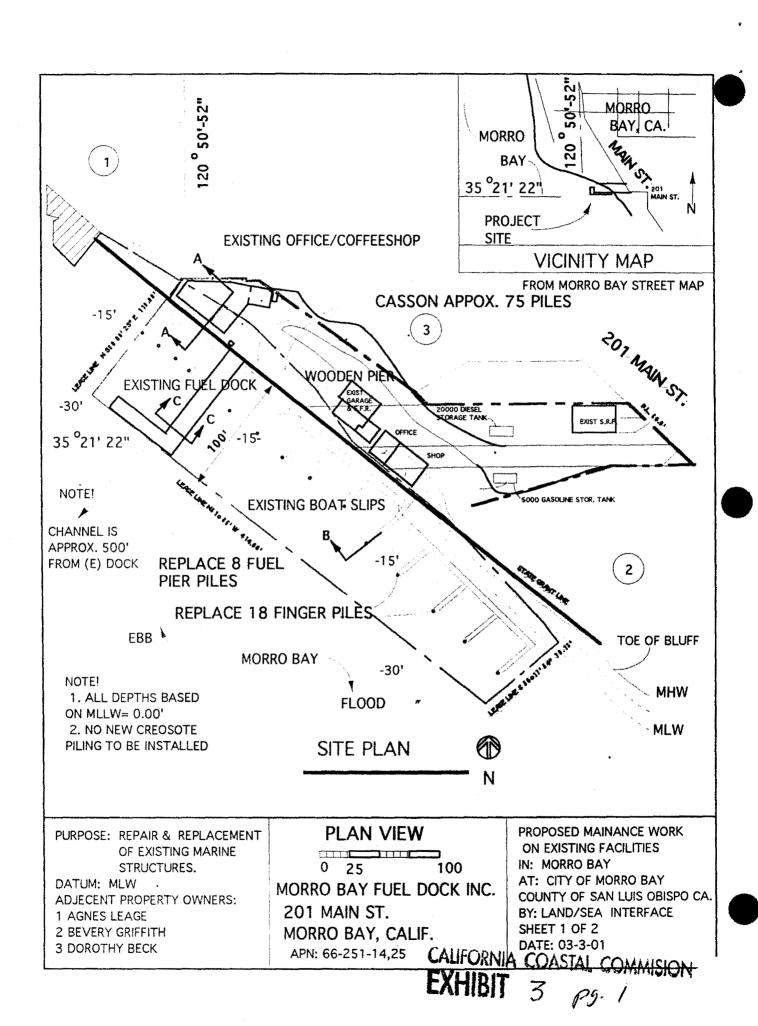
- 1. Material Containment. Particular care will be exercised to prevent foreign materials (e.g., construction scraps, wood preservatives, other chemicals, etc.) from entering the harbor or any other state waters. Where additional wood preservatives must be applied to cut wood surfaces, the materials, wherever feasible, shall be treated at an onshore location to preclude the possibility of spills into the Harbor or other state waters. A designated staging area shall be used for refueling equipment and vehicles, mixing and storing materials, debris collection and disposal, and containing runoff from any materials that may be used or stockpiled during the project. A floating containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. For any work on or beneath fixed wharf decks, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other material could fall into the water. The floating boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean up of foreign materials not properly contained.
- 2. <u>Piling Installation Procedures</u>. Piling installation will be performed in accordance with Department of Fish and Game recommendations. Generally, the new pilings shall be installed according to the method that results in the least disturbance of bottom sediments. All piles will be driven into place with a pile driver. Disturbed sediments shall be contained with a flexible skirt surrounding the driven pile.
- 3. <u>Procedures for Concrete Work.</u> If pile installation, or any other portion of the operations and maintenance program, requires the pouring of concrete in, adjacent to, or over the water, the following methods shall be employed to prevent uncured concrete from entering the Harbor or other state waters:

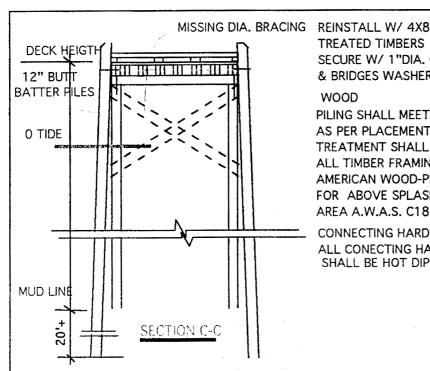
EXHIBIT 2 Pg. 2

- a. Complete dewatering of the pour site, within a cassion or other barrier; the site to remain dewatered until the concrete is sufficiently cured to prevent any significant increase in the pH of adjacent waters; or,
- b. The tremic method, which involves placement of the form in water, inserting a plastic pipe down to the bottom of the form, and pumping concrete into the form so that the water is displaced towards the top of the form. If this method is selected, the displaced waters shall be pumped off and collected in a holding tank. The collected waters shall then be tested for pH, in accordance with the following California Department of Fish and Game recommendations. If the pH is greater than 8.5, the water will be neutralized with sulfuric acid until the pH is between 8.5 and 6.5. This pH-balanced water can then be returned to the sea. However, any solids that settle out during the pH balancing process shall not be discharged to the marine environment.

In each case involving such concrete pours in or near the Harbor or other state waters, we shall insure that a separate wash out area is provided for the concrete trucks and for tools. The wash out area(s) shall be designed and located so that there will be no chance of concrete slurry or contaminated water runoff to the Harbor or other state waters, nor into storm drains or gutters which empty into such bodies of water.

Signature:	(applicant or authorized representative)	Date: 7~15	100
Signatures:	(co-applicants, if any)	Date:	Bloom to be a second
		Date:	
		Date:	······································



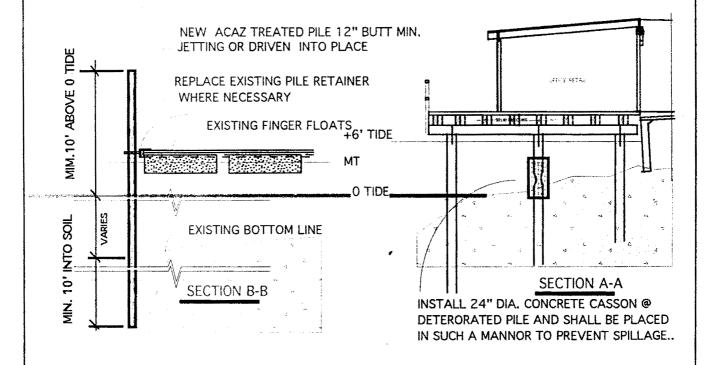


TREATED TIMBERS SECURE W/ 1"DIA. GAL BOLTS & BRIDGES WASHERS

WOOD

PILING SHALL MEET ALL STATE AND FEDERAL REQUIREMENTS AS PER PLACEMENT IN MARINE CONDITIONS. NON-CREOSOTE TREATMENT SHALL BE APPLIED AS PER A.W.A.S C-18-99 ALL TIMBER FRAMING MEMBERS SHALL TREATED AS PER AMERICAN WOOD-PERSERVER' ASSOCIATION STANDARDS FOR ABOVE SPLASH ZONE AREA A.W.A.S. C18-99

CONNECTING HARDWARE ALL CONECTING HARDWARE SHALL BE HOT DIPPED GALVINATION



PURPOSE: REPAIR & REPLACEMENT

OF EXISTING MARINE

STRUCTURES.

DATUM: MLW

ADJECENT PROPERTY OWNERS:

1 AGNES LEAGE

2 BEVERLY GRIFFITH

3 DOROTHY BECK

SECTION VIEW

201 10' MORRO BAY FUEL DOCK INC. 201 MAIN ST. MORRO BAY, CALIF.

APN: 66-251-14,25

PROPOSED MAINANCE WORK ON EXISTING FACILITIES

IN: MORRO BAY

AT: CITY OF MORRO BAY COUNTY OF SAN LUIS OBISPO CA.

BY: LAND/SEA INTERFACE

SHEET 1 OF 2 DATE: 03-3-01

CALIFORNIA COASTAL COMMISION PG- 2

Exhibit 4 San Luis Obispo County LCP Periodic Review Staff Recommendations on Water Quality and Marine Resources

Recommendation 3-13a:

For updated Harbor Plans, require an operation and maintenance component that addresses water quality protection. Update the LCP by adding policies and standards to implement effective runoff control strategies and pollution prevention activities, by requiring, where appropriate, the following best management measures:

- providing buildings and/or enclosed areas where possible for maintenance activities;
- constructing new or restore former wetlands where feasible and practical;
- requiring use of porous pavement where feasible;
- requiring installation of oil/grit separators to capture petroleum spills and coarse settlement;
- requiring use of catch basins where storm water flows to the marina basin in large pulses;
- requiring filters to storm drains that are located near work areas and placement of absorbents into drain inlets.

Where fuel stations are added or redesigned, require them to reduce pollution from discharges through measures:

- writing and implementing a fuel spill recovery plan;
- using automatic shutoffs on fuel lines and at hose nozzles to reduce fuel loss;
- installing personal watercraft floats at fuel docks to help drivers refuel without spilling;

To reduce contamination of surface waters, require, as appropriate:

- sewage pumpout, dump station, and restroom facilities, and require maintenance of facilities;
- establish no discharge zones to prevent sewage from entering waters.
- filter additions to storm drains that are located near work areas;
- removal of old style fuel nozzle triggers that are used to hold the nozzle open without being held;
- install fish-cleaning stations with appropriate sewer hookups at marinas and boat launch sites;
- require a management plan and appropriate facilities to store, transfer, and dispose of liquid materials;
- build curbs, berms, or other barriers around areas used for liquid material storage to contain spills;
- prepare a hazardous materials spill recovery plan and update it as needed.

EXHIBIT 4 Pg. /

Exhibit 4 San Luis Obispo County LCP Periodic Review Staff Recommendations on Water Quality and Marine Resources

Recommendation 3-13b: Add the following program to Chapter 5 of the LCP (Commercial and Recreational Boating): In partnership with Harbor Districts and other agencies, the County shall participate in, and encourage, efforts to educate boaters and boating facility operators to implement management measures to reduce water pollution from boating activities. To support public education programs, the County should encourage the development of programs that support the installation of infrastructure that will enable the public to implement appropriate BMPs.

Educational information could include the following:

- Management practices for maintenance activities which minimize in-water work, and encourage maintenance activities in enclosed buildings, within spray booths, or under tarp enclosures.
- The use of vacuum sanders to remove paint from boats and collect paint dust.
- The benefits of absorbents in drain inlets.
- The need to use chemical and filtration treatment systems only where necessary.
- The importance of using low-toxicity or non-toxic hull paints, antifreeze, and coolants, and recycling products when possible.

Infrastructure and facility modifications could include:

- Install easy-to-read signs on the fuel dock that explain proper fueling, spill prevention, and spill reporting procedures. Locate and design boat fueling stations so that spills can be contained, such as with a floating boom, and cleaned up easily.
- Place trash receptacles and recycling containers in convenient locations for marina patrons.
- Provide boaters with trash bags.
- Provide facilities that extract used oil from absorption pads if possible, or for the disposal of it in accordance with petroleum disposal guidelines.

Fueling Facilities and Operations could include:

- Have spill containment equipment storage, such as a locker attached to the fuel dock, easily accessible and clearly marked.
- Promote the installation and use of fuel/air separators on air vents or tank stems of inboard fuel tanks to reduce the amount of fuel spilled into surface waters during fueling.
- Prohibit the use of detergents and emulsifiers on fuel spills.

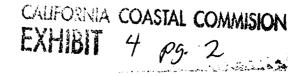


Exhibit 4 San Luis Obispo County LCP Periodic Review Staff Recommendations on Water Quality and Marine Resources

Sewage Management modification could include:

- Provide sewage pumpout service at convenient times and at a reasonable cost.
- Provide portable toilet dump stations near small slips and launch ramps.
- Provide restrooms at all marinas and boat ramps.
- Establish practices and post signs to control pet waste problems.
- Establish no discharge zones to prevent sewage from entering waters.