

CALIFORNIA COASTAL COMMISSION

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

W19e**RECORD PACKET COPY**

Filed: 8/5/01
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180th day: 2/1/02
Staff: SM-SC
Staff report prepared: 8/21/01
Hearing date: 9/12/01
Hearing item number: W19e

COASTAL DEVELOPMENT PERMIT APPLICATION

Application number 3-01-066, Port San Luis Boatyard Repair

Applicant Port San Luis Harbor District

Project location Port San Luis, Avila Beach Drive, Avila Beach, San Luis Obispo County (APNs 076-172-009, 017 & 018).

Project description Repair and refurbish existing boatyard by replacing pavement, improving drainage, installing a clarifier to capture pollutants in runoff from the site, and upgrading existing electric and water services

Local approval San Luis Obispo County determined that the project is a repair and maintenance activity exempt from local permitting requirements pursuant to Section 23.03.040 of the Coastal Zone Land Use Ordinance.

File documents Coastal Development Permit Application 3-01-066; California Coastal Act.

Staff recommendation ... **Approval with Conditions**

Summary: The Port San Luis Harbor District proposes to repave an existing boatyard and install new drainage facilities to improve boatyard operations and enhance water quality protection. The project will direct boatyard runoff to a 750 gallon three chamber clarifier, which will allow sediments, heavy metals, and other particulates to settle out of the runoff before being discharged to the ocean. During repaving, existing electric and water service infrastructure will be replaced as well. The project is funded in part by three grant sources: grants from the Central Coast Regional Water Quality Control Board and the California Department of Fish and Game pursuant to their settlements with Unocal; and, a state Coastal Resources Grant obtained via San Luis Obispo County.

The Coastal Act requires that the project be designed and constructed in a manner that protects the marine environment (Chapter 3, Article 4 of the Coastal Act). While the project represents an overall improvement to the existing boatyard, there are concerns that the facility proposed to treat runoff from the boatyard will not effectively remove petroleum hydrocarbons (e.g., oil), and that construction activities could result in erosion and water quality degradation. Additionally, the new boatyard and drainage facilities will require consistent maintenance to ensure that the hazardous materials associated with boat maintenance and repair are effectively contained and properly disposed.



California Coastal Commission
September 2001 Meeting in Eureka

Staff: SM Approved by: *[Signature]*

To address these concerns and achieve Coastal Act consistency, the recommended conditions of approval require that:

- the drainage clarifier include an “oil blanket”, as recommended by the Department of Fish and Game, to absorb any petroleum hydrocarbons that may be contained in the runoff from the site;
- an erosion control plan be developed to ensure that construction activities do not adversely impact water quality and the marine environment; and,
- all drainage system element be effectively maintained.

In addition, to coordinate with Regional Water Quality Control Board NPDES Permit requirements, the recommended conditions require evidence that such a permit has been obtained or is not required.

With these conditions, staff recommends approval of the project on the basis that the project conforms to the Chapter 3 policies of the Coastal Act.

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I. 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 xxx 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.

II. 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 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 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.

B. Special Conditions

1. **Scope of Permit.** This permit authorizes the boatyard improvements detailed in the plans prepared by the RRM Design Group, dated July 5, 2001, as conditioned below. Implementation of these improvements shall not result in a reduction of the number of public parking spaces available in the Port San Luis Harbor parking lot.
2. **Collection of Oil from Runoff.** As recommended by the Department of Fish and Game, the permittee shall install an oil blanket in the clarifier to absorb any oil that may be contained in the runoff from the site. The oil blanket shall be replaced a minimum of 3 times per year, with a clean blanket being placed prior to the start of the rainy season.
3. **Erosion Control and Water Quality Protection Plan.** Prior to the commencement of construction activities, the permittee shall submit, for Executive Director review and approval, an erosion control and water quality protection plan that clearly identifies the type and location of best management practices that will be used to prevent construction activities from resulting in erosion, sedimentation, and the discharge of pollutants from the project area. This plan shall include provisions for preventing construction-related runoff and sediment from entering storm drain inlets and drainage swales that drain the project area (e.g., with sand bag barriers, filter fabric fences, straw bale barriers, block and gravel filters, drop-inlet sediment traps, etc.). The plan shall also include provisions for stockpiling and covering construction materials, spoils, and disturbed areas.

The erosion control plan shall make it clear that:

- (a) Dry cleanup methods are preferred whenever possible. If water cleanup is necessary, all runoff shall either be directed to the sanitary sewer or be collected to settle out sediments prior to discharge from the site. All de-watering operations that discharge to the storm drain system or marine environment must provide filtration mechanisms and shall be prohibited from discharging soaps, solvents, degreasers, or other chemicals.
- (b) Concrete rinsates shall be collected and they shall not be allowed to enter or be discharged into storm drains or natural drainage areas.
- (c) Good construction housekeeping shall be required and shall include: clean up all leaks, drips, and other spills immediately; refueling of vehicles and heavy equipment off-site and/or in one designated location; keeping materials covered and out of the rain (including covering exposed piles of soil and wastes); disposing all wastes properly, placing trash receptacles on site for that purpose, and covering open trash receptacles during wet weather; and,



(d) all erosion and sediment controls shall be in place prior to the commencement of grading and/or construction as well as at the end of each day.

4. Drainage System Maintenance Program. All drainage system elements within the project area shall be permanently operated and maintained. Schedules and procedures explaining the range of maintenance activities required to ensure proper functioning of the drainage system, as well as other Harbor infrastructure, should be detailed in the Harbor Masterplan Update, or in an updated operations manual. In addition to the replacement of the oil blanket required by Special Condition 2 above, drainage system maintenance shall include, at a minimum:

(a) All storm drain inlets, traps/separators (e.g., clarifier), and filters (e.g., oil blanket) shall be inspected to determine if they need to be cleaned out or repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) prior to April 15th each year; and (3) during each month that it rains between November 1st and April 1st. Clean out and repairs (if necessary) shall be done as part of these inspections. At a minimum, all traps/separators and filters must be cleaned prior to the onset of the storm season, no later than October 15th of each year; and,

(b) Debris and other water pollutants removed from filter device(s) during clean-out shall be contained and disposed of in a proper manner; and

(c) All inspection, maintenance, and clean-out activities shall be documented in a maintenance log that shall be available for review upon request of the Commission staff.

5. Evidence of RWQCB Approval. Prior to the commencement of construction, the permittee shall submit, for Executive Director review and approval, written evidence that all project approval from the Central Coast Regional Water Quality Control Board have been obtained, or that no such approval is required.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Description

1. Project Location

Port San Luis Harbor is located south of Morro Bay and north of Pismo Beach, between Point San Luis and Avila Beach, in San Luis Obispo County (Exhibit A). Boat maintenance currently takes place along the inland stretch of the Harbor parking lot, at the base of the steep hillside. This project will consolidate boat repair and maintenance activities in a 43,200 square foot area located at the north east corner of the upland harbor area. This area is currently paved and used for boat maintenance and provides a few



public parking spaces. Drainage from the improved boatyard will be routed to a treatment system located in an area at the southern end of the parking lot, and then discharged above a tidal channel that leads to the Pacific Ocean. Because the project is located on filled tidelands, it is within the permit jurisdiction of the Coastal Commission and the Chapter 3 policies of the Coastal Act are the standard of review.

2. Project Description

The proposed boatyard improvements involve replacing pavement and existing water and electric infrastructure over an approximately one-acre area of Port San Luis's upland facilities. This refurbished area will provide a better defined boat maintenance and repair area to support existing commercial fishing and recreational boating uses. The adjacent parking area will be re-stripped, so there will be no loss of public parking spaces.

Most significantly, the repaving project will allow for more effective control and treatment of runoff from the boatyard, which may contain pollutants such as heavy metals from boat paint scrapings and oil and petroleum products from engine repairs. The repaved area will direct all boatyard drainage to a new 750 gallon concrete clarifier. The clarifier consists of three separate chambers which filter out sediments and particulates from the runoff, and helps separate oil and water.

B.Coastal Development Permit Determination

1. Marine Habitats and Coastal Water Quality

a. Marine Habitat and Coastal Water Quality Policies

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.

b. Marine Resources and Water Quality Analysis

The Port San Luis Harbor District has, over the years, implemented various facility and operational improvements intended to order to protect coastal water quality and the offshore environment. For example, as part of the installation of a new boat hoist, the Port established a boat washdown area that drains into the sanitary sewer system, preventing the discharge of soaps, chlorine, and other harmful materials into the marine environment. In addition, the Port has instituted a Best Management Practices for the clean-up and disposal of hazardous wastes associated boat maintenance activities. Clean-up of the yard deck is done on a daily basis. The Port has also established a liquid disposal station, as well a program to collect paint brushes, rags, and empty cans to ensure their proper disposal.

Notwithstanding these efforts, opportunities still exist for pollutants such as heavy metals and petroleum hydrocarbons to be contained in runoff from the boatyard. The project responds to this concern in various ways. First, it will consolidate the boatyard into a better defined area, thereby reducing the amount of land area subject to the dispersal of pollutants. Second, the boatyard will be contoured so that runoff flows in a controlled manner. Third, the project will install a 750 gallon clarifier to treat runoff at the point it exits the yard, prior to being discharged to the marine environment.

The clarifier functions similar to a septic tank, but has three chambers instead of two and no leach lines. As runoff enters the clarifier and travels through the three chambers, the velocity of the flow slows down significantly, allowing sediments and particulates to settle out. This process also helps separate oil and other petroleum products from the runoff. There is, however, concern that the clarifier may not effectively remove petroleum hydrocarbons from runoff. As a result, the Department of Fish and Game has recommended that an "oil blanket" be installed within the clarifier to absorb petroleum products contained in the runoff. The applicant has agreed to incorporate this feature into the project, which is required by Special Condition 2.

Proper functioning of the oil blanket, as well the clarifier, is dependent upon consistent routine maintenance. The blanket needs to be replaced at a recommended frequency of 3 times a year, and the sediments and other pollutants that are collected by the clarified need to be removed and properly disposed of on a periodic basis. Special Condition 4 therefore prescribes specific maintenance schedules and frequencies to ensure that the proposed facilities will provide effective long-term water quality protection.

Finally, construction of the project has the potential to adversely impact water quality if such activities cause erosion, improperly dispose construction materials, or result in the discharge of sediments or pollutants into the marine environment. This concern is addressed by Special Condition 3, which requires the permittee to prepare an erosion control and water quality protection plan for Executive



Director review and approval prior to the commencement of construction. In addition, Special Condition 4 requires evidence of Central Coast Regional Water Quality Control Board (RWQCB) approval, or that no such approval is required, to ensure that construction activities comply with the RWQCB's National Pollutant Discharge Elimination System (NPDES) permit process.

c. Marine Habitats and Water Quality Conclusion

The project will improve the protection of coastal water quality and marine habitat by controlling and treating runoff from the improved boatyard. The conditions of approval attached to this permit incorporate additional provisions to improve the removal of petroleum hydrocarbons from the runoff, ensure proper maintenance of drainage facilities, and prevent construction activities from adversely affecting coastal water quality. With these conditions, the project is consistent with all applicable provisions of the Coastal Act.

4. Access and Recreation

Because the project is located between the first public road and the sea, it must be found consistent with the access and recreation policies of Chapter 3 of the Coastal Act (i.e., Sections 30210 – 30224).

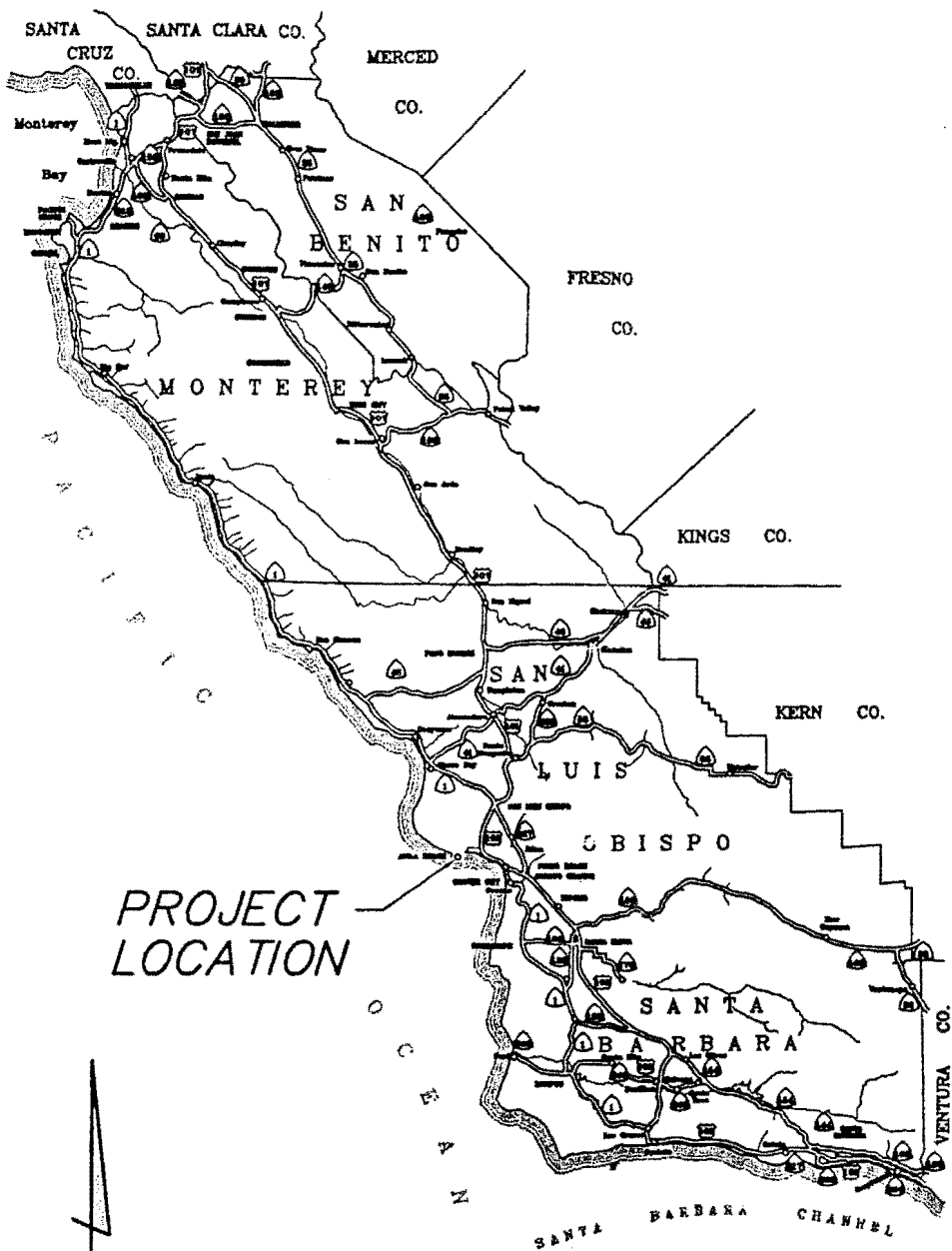
Consolidation of the boatyard area will relocate some public parking. The relocated spaces will be in the same parking area, and will continue to support access and recreation at the harbor, its surrounding beaches, and Harford Pier. Special Condition 1 specifies that the project shall not result in a loss of public parking spaces. More significantly, the project will benefit coastal access and recreation by enhancing boating facilities and protecting water quality. The project is therefore consistent with the access and recreation policies of the Coastal Act.

5. 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, which is incorporated into this finding in its entirety, has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations 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). 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.






PROJECT
LOCATION



AREA MAP

N.T.S.

EXHIBIT NO. <i>A, p. 1</i>
APPLICATION NO. <i>3-01-066</i>
<i>Regional Location</i>
 California Coastal Commission

AVILA BEACH, CA

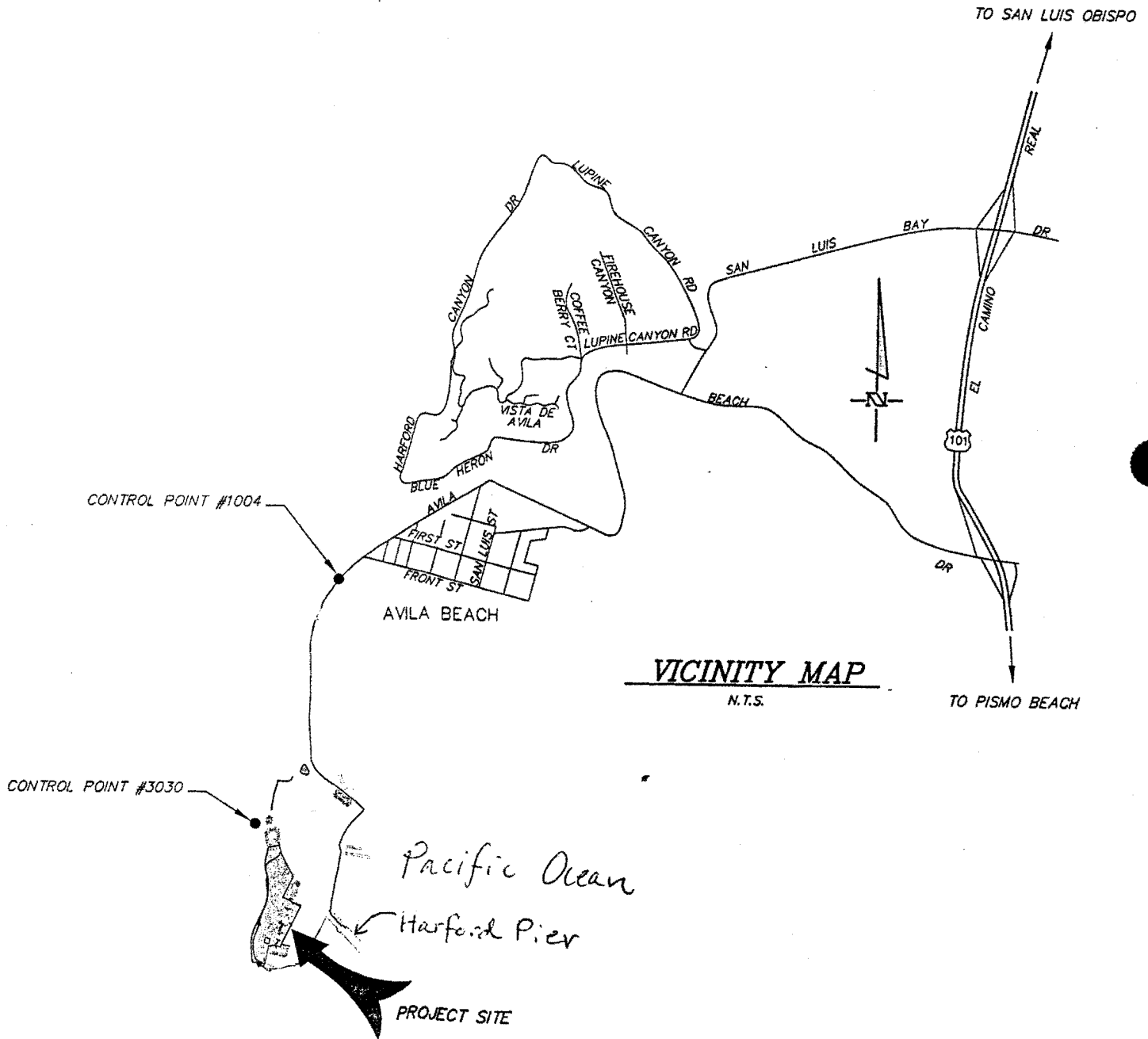
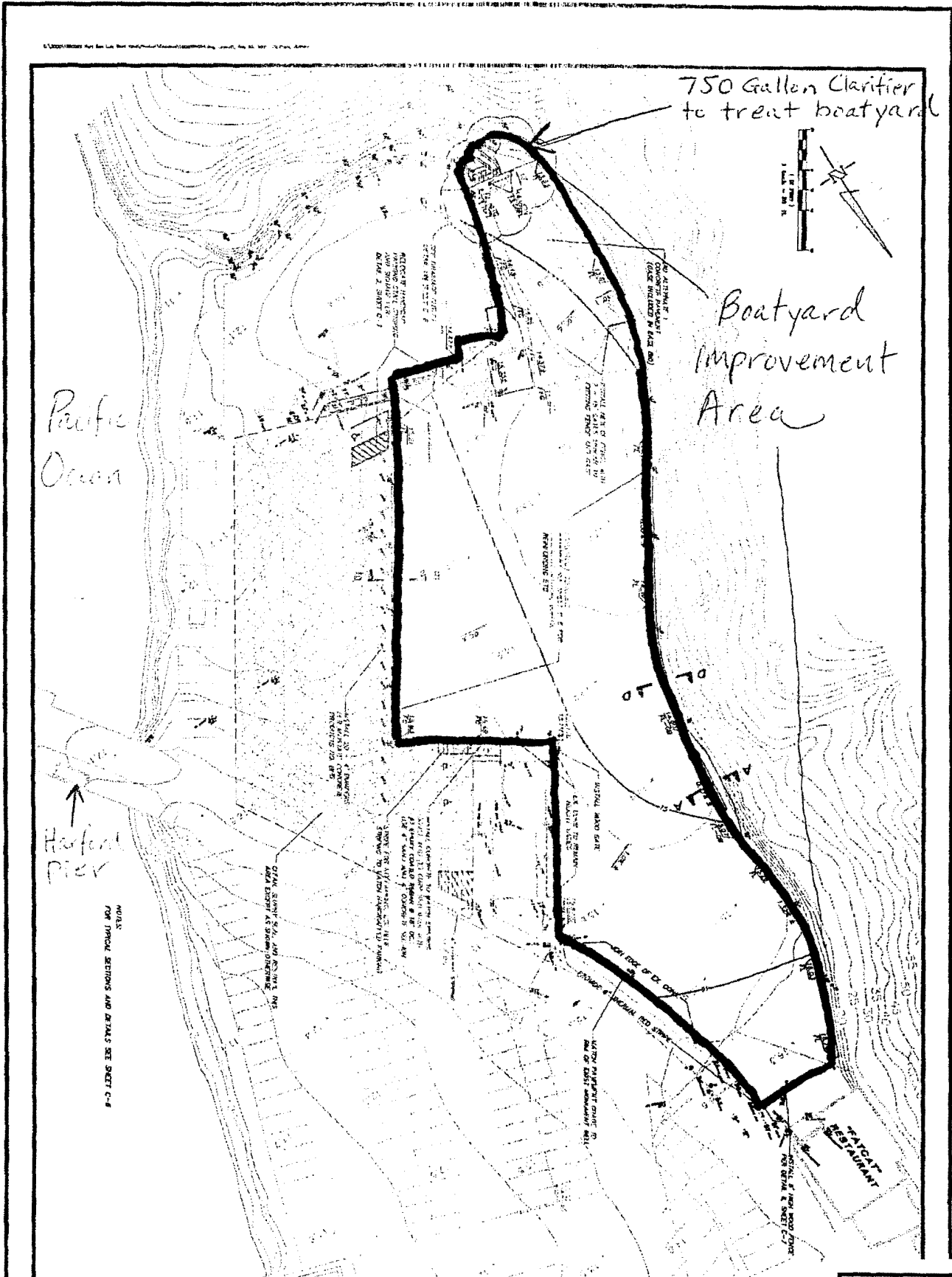


EXHIBIT NO. A, P 3
APPLICATION NO. 3-01-066
Project Location
California Coastal Commission



Pacific Ocean

750 Gallon Clarifier to treat boatyard runoff

Boatyard Improvement Area

Harford Pier

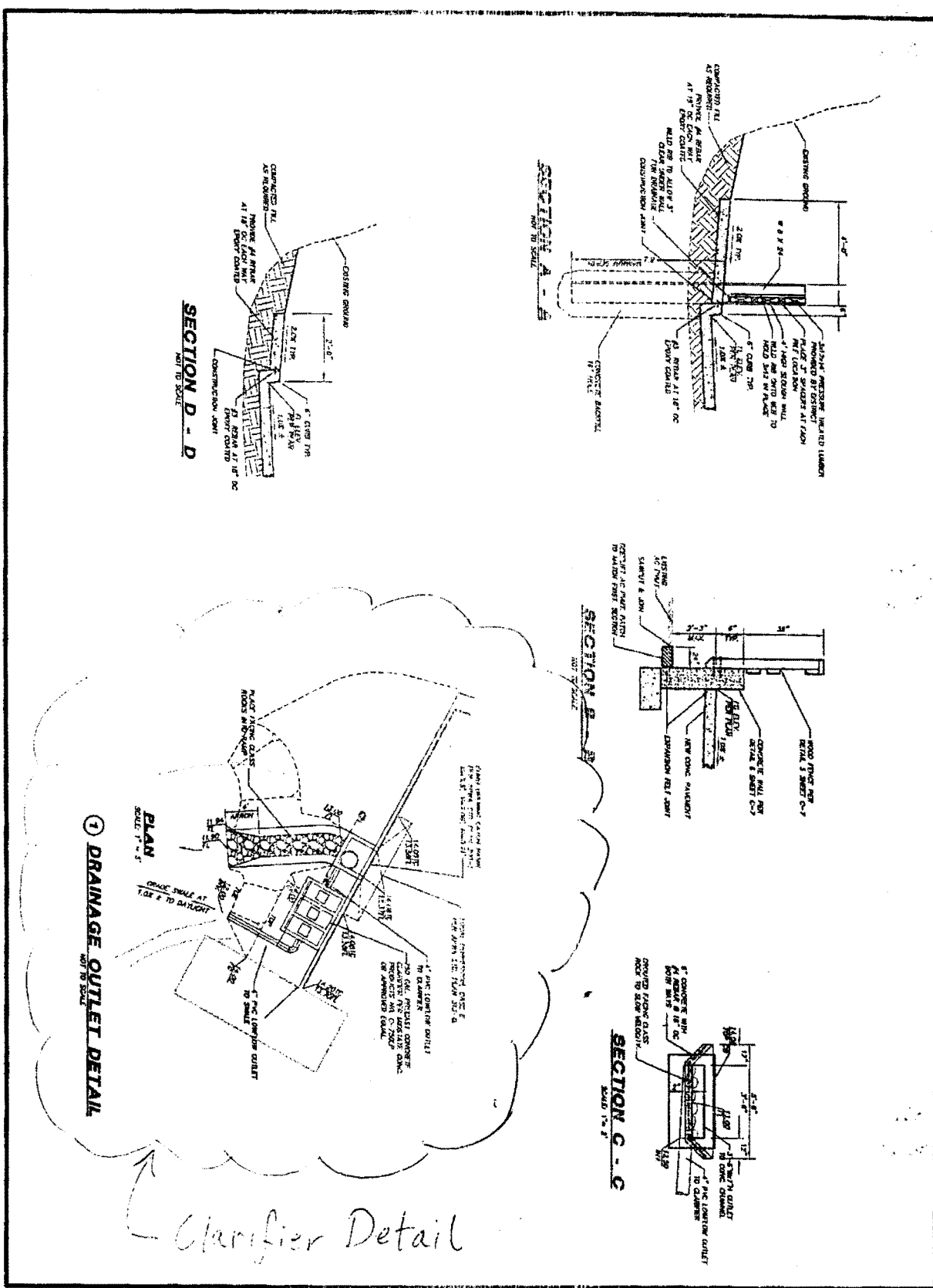
NOTES FOR TYPICAL SECTIONS AND DETAILS SEE SHEET C-4

DATE	10/02/01
BY	RRM
CHECKED	RRM
SCALE	AS SHOWN
PROJECT	PORT SAN LUIS BOAT YARD
SHEET	C-4

PORT SAN LUIS
BOAT YARD
GRADING AND DRAINAGE
PLAN

RRM DESIGN GROUP
 1100 S. GARDEN ST. SUITE 100
 OAKLAND, CA 94606
 TEL: 415.764.1100 FAX: 415.764.1101
 WWW: WWW.RRMDESIGN.COM

EXHIBIT NO. B, p.1
 APPLICATION NO.
 3-01-066
 Project Plans
 California Coastal Commission



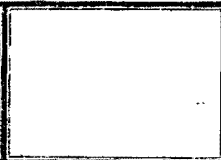
Project No.	16000009
Sheet No.	C-6
Date	MAY 5, 2001
Scale	AS SHOWN
Author	ML
Checked	ML
Drawn	ML
Reviewed	ML
Approved	ML

PORT SAN LUIS
BOAT YARD

DETAIL SHEET

RRR DESIGN GROUP
Civil & Environmental Engineers

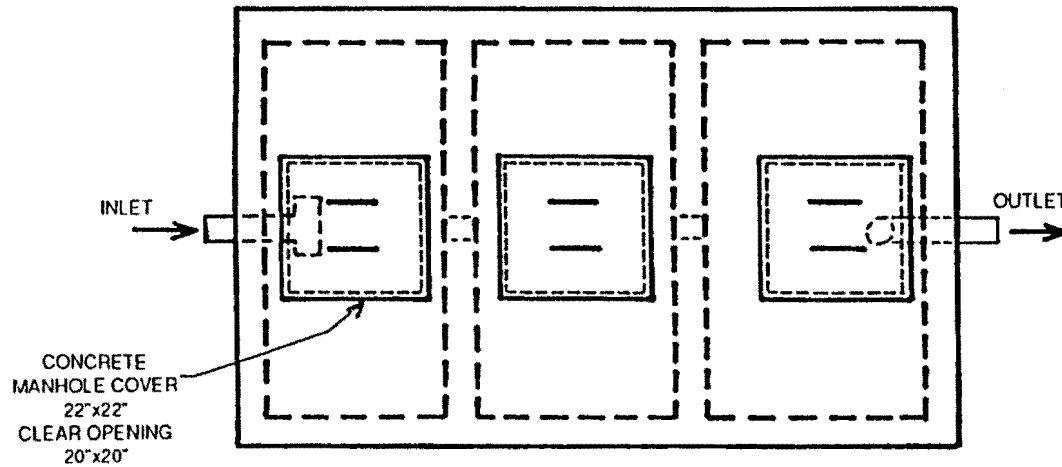
2700 North Harbor Blvd., Suite 100, San Luis Obispo, CA 93401
Phone: (805) 781-1111 Fax: (805) 781-1112



Project No.	16000009
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Date	MAY 5, 2001
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Author	ML
Checked	ML
Drawn	ML
Reviewed	ML
Approved	ML

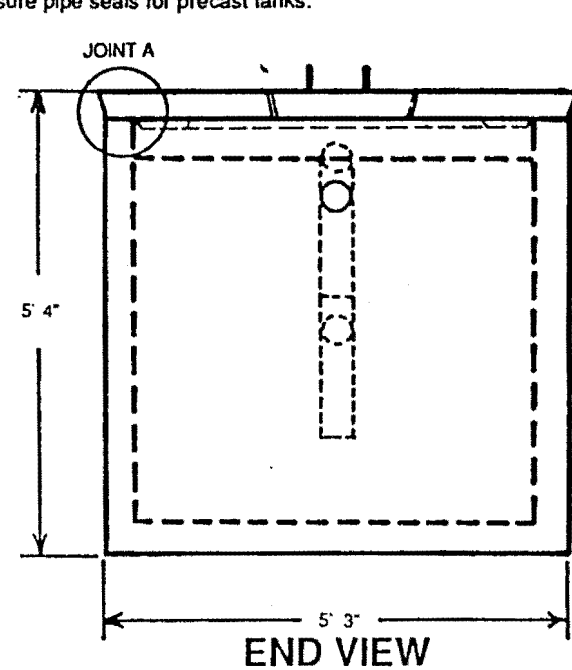
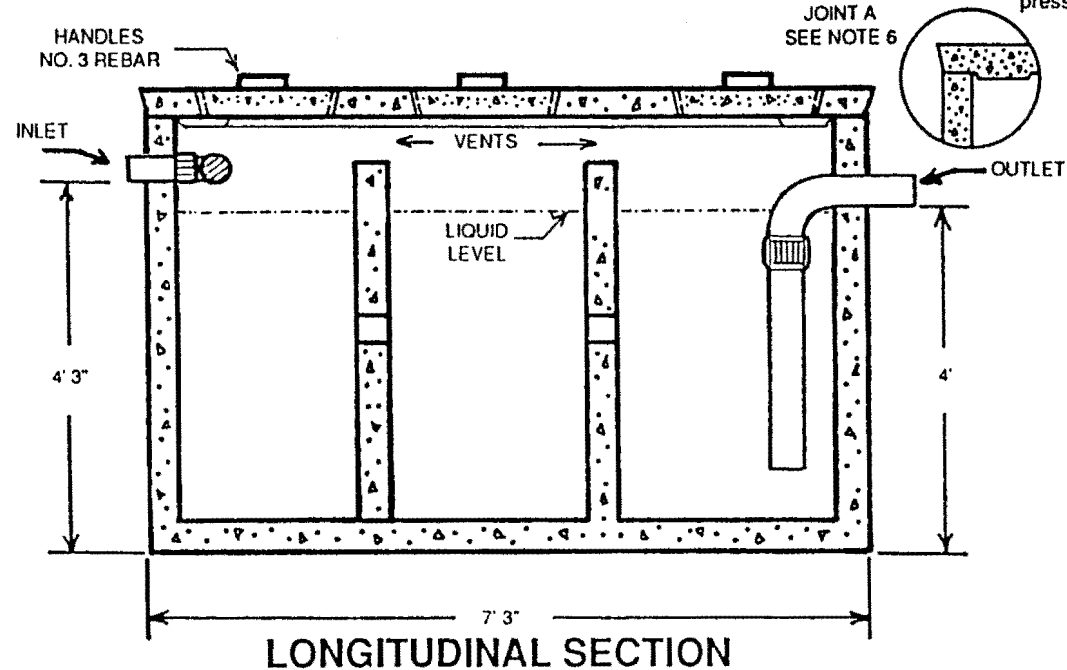
301-0
Ex. B, p 2

PLAN VIEW



NOTES:

1. MATERIAL SPECIFICATIONS:
 - A. Concrete: Portland Cement Type II ASTM C 150 and Federal Specification on Cement, SS-C-1960/3, Type I/II Low Alkali. Minimum Compressive Strength 3,000 PSI at 28 Days.
 - B. Reinforcing Bars: ASTM A-615, Grade 40.
2. Precast unit shall be coated on the interior extending to a minimum of four (4) inches below water line, and shall cover all of the internal area above that point with an approved waterproof bituminous compound complying with ASTM D41-78, Asphalt Primer used in Damproofing and Waterproofing and ASTM D 449-73, Type A.
3. All dimensions + or -, not to be used for construction purposes unless certified.
4. Unit to be placed on natural soil or approved compact fill.
5. Internal fittings 4" ABS sewer and drain U.P.C. approved.
6. Standard ground water seal-butyl mastic, cement mortar, epoxy, or polyurethane.
7. Inlet and Outlet Fittings installed in tank walls using "Polylok Pipe Seal". Low pressure pipe seals for precast tanks.



3-01-066
Exhibit B, p. 3

**750 GALLON PRECAST
CONCRETE CLARIFIER
THREE COMPARTMENT**

**MID-STATE
CONCRETE
PRODUCTS
INC.**

1625-C EAST DONOVAN
SANTA MARIA, CA 93454
PHONE: (805) 928-2855

C-750LP
Wt: 9,700 lbs.



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

BRYCE TINGLE, AICP
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

FORREST WERMUTH
CHIEF BUILDING OFFICIAL

October 18, 2000

Jay Elder
Port San Luis Harbor District
P.O. Box 249
Avila Beach, CA 93424

SUBJECT: BOATYARD REPAIR AND MAINTENANCE DETERMINATION

Dear Mr. Elder,

As requested, this Department has reviewed the Port's proposed boatyard repair project described in your letter of October 17, 2000. The Coastal Zone Land Use Ordinance section 23.03.040 contains the exemptions from land use permit requirements. Subsection d(1) exempts all repair and maintenance activities that do not result in any change to the approved land use of the site or building, or the addition to, enlargement or expansion of the object of such repair and maintenance.

According to your letter and site inspection conducted by Department staff, the boatyard drainage system repairs and the pavement maintenance activities will not result in an enlargement of the boatyard or other approved land uses at the Port. Therefore, based on the exemption of CZLUO Section 23.03.040(d)1, the boatyard drainage and pavement project has been determined to be exempt from permit requirements.

Please contact Bob Mourenza of the Building Department to discuss the possible need for a building permit for the proposed work. You may contact me at 781-5702 if you have any questions regarding the contents of this letter.

Sincerely,

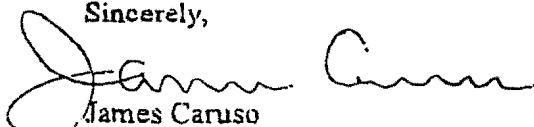


James Caruso
Senior Planner

EXHIBIT NO. C
APPLICATION NO. 3-01-066
Local Permit Exemption
 California Coastal Commission

DEPARTMENT OF FISH AND GAME

MARINE REGION

LOWER RAGSDALE DRIVE, SUITE 100

MONTEREY, CA 93940

(831) 649-2870



May 30, 2001

RECEIVED
Project Name:
Project Number:

JUN 4 2001

2000 South Highway 101
San Luis Obispo, CA 93401
Tel: 805 543-1754

Ms. Terry Payne
RRM Design Group
3701 South Higuera Street, Ste. 200
San Luis Obispo, CA 93401

Dear Ms. Payne,

The Department of Fish and Game (Department) has reviewed the Port San Luis Boatyard Rehabilitation Project Plan. The project is designed to improve drainage and install a clarifier to collect oil and hazardous materials, repair and replace the pavement in the boatyard, and upgrade the existing electric and water services. You specifically requested that the Department review the project to determine if a permit is required from us.

The repavement of the parking lot will direct runoff into a tidal channel that enters into San Luis Obispo Bay. The runoff will be directed into a new oil/water separator (clarifier) which drains directly into the tidal channel. A review by my staff and Ms. Terry Palmisano (Senior Biologist, Central Coast Region), has determined that a 1600 permit is not necessary for the placement of the oil clarifier. However, for the protection of the aquatic habitat in the tidal channel and the Bay, the Department recommends that the project drawings include the oil blanket that will be present inside the clarifier to collect the oil, and that the oil blanket be replaced at a minimum of three times per year, with a clean blanket being placed prior to the start of the rainy season. In addition, the outlet from the clarifier must have an energy dissipater to reduce the erosion potential of the runoff entering the tidal channel. The other portions of the project are beyond the purview of the Department as they are replacing existing infrastructure.

As always, Department personnel are available to discuss our concerns, comments, and recommendations. To arrange for a discussion, please contact Ms. Deborah Johnston, Environmental Specialist, California Department of Fish and Game, 20 Lower Ragdale Drive, Suite 100, Monterey, CA 93940, telephone (831) 649-7141.

Sincerely,

Robert N. Tasto, Supervisor
Project Review and Water Quality Program
Marine Region

EXHIBIT NO. <i>D</i>
APPLICATION NO. <i>3-01-066</i>
<i>DFG Rec</i>

