CALIFORNIA COASTAL COMMISSION

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Staff:

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Staff Report: Hearing Date: 7/22/04 8/11-13/04

Commission Action:

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STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-04-114

APPLICANT:

Orange County Sanitation District

AGENT:

Andre Ioan, Project Engineer, OCSD

James Herberg, Engineering Manager, OCSD David Ludwin, Director of Engineering, OCSD

PROJECT LOCATION:

1514 West Balboa Blvd., Newport Beach, Orange County

PROJECT DESCRIPTION: Replace and relocate existing pump station from within West Balboa Blvd at "14th" Street, to a lot located at 1514 West Balboa Boulevard. The proposed pump station replacement includes a below grade wet well and pump room and a 28 foot high (maximum) above grade electrical-control building, and extension of the gravity sewers from the existing station to the relocated station.

LOCAL APPROVALS RECEIVED: Newport Beach Approval in Concept No. 0590-2004

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Land Use Plan; Rehabilitation of the 14th Street Pump Station, Newport Beach, Initial Study/Mitigated Negative Declaration, November 13, 2001, prepared by ESA.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed project subject to four special conditions which require that 1) the applicant agree to accept low flow diversions if such becomes possible and feasible in the future; 2) a drainage plan be submitted indicating the drainage from the site is retained on site and/or filtered prior to leaving the site; 3) construction that may adversely impact peak summer use periods be prohibited; and, 4) the project incorporate the geotechnical consultant's recommendations. The special conditions are necessary to assure that the proposed development is consistent with the water quality and hazard sections of the Coastal Act.

I. STAFF RECOMMENDATION:

MOTION: I move that the Commission approve Coastal Development

Permit No. 5-04-114 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the 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 THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

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

III. SPECIAL CONDITIONS

1. Low Flow Diversion

- A. The applicant agrees to accept, at the approved "14th" Street pump station, urban runoff diversions if such diversions become feasible in the future (i.e. City or appropriate agency constructs necessary connections to the pump station facility and there is necessary capacity and it would not conflict with the District's on-going operational requirement).
- B. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, a written statement reflecting paragraph A above.

2. <u>Drainage and Run-Off Control Plan</u>

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a drainage and runoff control plan showing roof drainage and runoff from all impervious areas directed to dry wells or vegetated/landscaped areas. Vegetated landscaped areas shall only consist of plants native to coastal Orange County or non-native, drought tolerant plants which are non-invasive.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Construction Timing

No construction work that would interfere with traffic flow (including, but not limited to, work requiring street closures and work involving haul trucks)) along Balboa Boulevard may occur during the peak summer period (from Memorial Day weekend through Labor Day weekend).

4. Conformance of Design and Construction Plans to Geotechnical Information

- A. All final design and construction plans, including grading, foundations, site plans, elevation plans, and drainage plans, shall be consistent with all recommendations contained in the Geotechnical Investigation, prepared by Diaz Yourman & Associates, dated 3/28/03, and updated 3/26/04.
- B. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, evidence that the geotechnical consultant has reviewed and approved all final

design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. <u>Project Description and Location</u>

The applicant proposes to replace and relocate an existing pump station from within West Balboa Blvd at "14th" Street, to a lot located at 1514 West Balboa Boulevard. The proposed pump station replacement includes a below grade wet well and pump room and above grade electrical-control building, and extension of the gravity sewers from the existing station to the relocated station, and installation of new force mains. The existing pump station and sewer pipes within Balboa Boulevard will be filled with slurry cement and abandoned in place. The existing pump station was built in 1945 and does not meet current codes (seismic, electrical, building, fire, etc.). The existing pump station's design/configuration (size, location, etc) does not allow for rehabilitation. The proposed location is 650 feet west of the existing location. No change in existing capacity is proposed. The intent of the pump station upgrade is to increase safety, and to pump more efficiently.

The proposed pump station structure will be 1,972 square feet and 3 stories high (including the subgrade portion, mezzanine, and tower element). The footprint of the proposed building will be 1,152 square feet.

Construction of the proposed below grade wet well and pump room would require excavation of 1,432 cubic yards, with an excavation depth of approximately 25 feet. The excess cut material is proposed to be disposed of at the Frank R. Bowerman Sanitary Landfill, which is located outside the coastal zone. Shoring for the excavation would consist of soil-concrete mix walls (drilled overlapping columns) with soldier beams and cross bracing. The floor of the excavation would be sealed with a tremis slab due to expected groundwater. The entrapped water would be pumped and discharged into a nearby sanitary sewer, tributary to the applicant's (Orange County Sanitation District) collection system to create a dry excavation. The applicant has indicated that the depth of excavation is driven by the elevation of the existing gravity flow piping that must discharge into the wet well. The depth is also driven by a new type of wet well design that was not in existence when the existing pump station was designed. The new "self cleaning" wet well design will allow the District to reduce the amount of maintenance time required at the station. The hydraulic conditions necessary to provide "self cleaning" contribute to the depth of the structure.

The above grade electrical control building is proposed to be 23 feet high with a 28 foot tower element. The applicant has indicated that the 23 foot height of the above grade structure is necessary to house electrical and control equipment that is much more extensive than it was 1945 when the existing pump station was built. The applicant asserts that the electrical room must be separated from the pump room and wet well. The separation is required to prevent potential explosions due to sparking electrical equipment in a flammable gaseous area. The pump room and wet well are classified as flammable gaseous areas. In addition, the electrical room must be located above ground to prevent it from being flooded. The tower is proposed for both functional and decorative purposes. The tower will provide storage area for maintenance supplies and small equipment. The increased storage capacity is expected to decrease the number of District vehicles that are required for normal maintenance. The tower is also proposed as an architectural element intended to blend with and improve the visual quality of the surrounding area. The applicant was encouraged by the City to include the tower detail for visual reasons. The tower will not block or affect any existing public views to the harbor or ocean.

No heavy construction traffic (i.e. excavation, hauling, concrete and rebar deliveries, etc.) is proposed during the summer months (Memorial Day to Labor Day) or during the Harbor Lights Parade (typically the second week in December).

The California Regional Water Quality Control Board (RWQCB) recently reviewed a similar project in the same vicinity (5-03-233, Orange County Sanitation District). The RWQCB indicated in a letter dated September 8, 2003 that oversight of projects that are less than one acre in size and located in the portion of Orange County within the Santa Ana Region, is performed by the local municipal entity (see Exhibit D).

B. Water Quality

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.

The applicant has indicated that one reason for the proposed replacement of the pump station is to avoid sewage spills. The new design would allow for greater monitoring of the pump station, as well as remote response. The remote response capability would allow quicker reaction to emergencies than is currently possible. In addition, the proposed design will increase the existing holding capacity to a two hour storage capacity. This increased holding capacity means the proposed pump station can accommodate greater flows without being overwhelmed. Thus the likelihood of sewage spills will be significantly

reduced. Fewer sewer spills will help maintain and enhance the quality of the coastal waters in the project vicinity, consistent with Section 30231 of the Coastal Act.

Section 30231 of the Coastal Act requires that the quality of coastal waters be maintained and, where feasible, restored through, among other means, controlling runoff. As proposed, the pump station will have excess capacity that provides a capability for accepting and pumping low flow diversions during the dry weather months (dry weather urban runoff). The proposed pump station is designed to handle the peak sewage flow and the stormwater flow from a two-year event. This additional stormwater flow could be considerable. Normally, the dry weather urban runoff would be much less than the storm water flow from a two-year event. Thus, the pump station has the intrinsic capability of handling the dry weather runoff.

However, collecting and conveying the dry weather urban runoff to the pump station is not currently possible. In order to do that, an agency other than the applicant (in this case the City) would have to construct the necessary facilities to separate the dry weather urban runoff from the flows generated by storms. The responsible agency would also have to make arrangements so that the dry weather urban runoff would be discharged into one of the local sewers that eventually drain into the proposed pump station. Such development is not currently proposed and the current applicant is not the appropriate agency to conduct such development. However, the proposed development's ability to accommodate these low flow diversions greatly increases the possibility of a connection in the future. This capacity represents an important step toward restoring the quality of the coastal waters in the project vicinity where stormwater currently drains untreated. The applicant, Orange County Sanitation District, has a policy in place which allows the District to accommodate the dry weather urban runoff, once appropriate connections are in place. In order to assure that this occurs should the connections be constructed, a special condition is imposed which requires the applicant to agree in writing to accept such flows.

Thus, in imposing this special condition, the Commission is not requiring the District to accept flows that would adversely affect the District's primary function of collection, treatment and disposal of sanitary sewer discharges. Furthermore, the Commission is not requiring the District to accept influent that would cause the District to run afoul of other regulatory requirements (e.g. State/Regional Water Quality Control Board, etc.). For example, the condition would not require the District to accept any influent that would lead to violations of its pretreatment requirements or exceedences of any other limits within any other permit. Determining which flows exceed its technological capacity and thereby adversely affect the District's primary function or cause violations of other applicable restrictions shall be up to the discretion of the District. Nor does the special condition require the District to accept unauthorized discharges (i.e. discharges the District deems will adversely affect its ability to collect treat, and dispose of sanitary sewer discharges; and/or discharges made without the permission of the District). Any entity proposing to discharge dry weather flows into the project pump station shall obtain all necessary permits prior to any discharge. It is not the intent of this condition to prohibit the District from recovering costs associated with acceptance of dry weather flows. In addition, this special condition is not intended to limit the District's ability to impose conditions and/or

restrictions on dischargers whose flow is accepted by the District for treatment. This special condition makes no requirement regarding wet weather flows.

The applicant is a special district of the State and provides services for the collection, treatment and disposal of sanitary sewer discharges pursuant to the California County Sanitation District Act, Health & Safety Code §§ 4700 et seq. Health & Safety Code § 4730.66 enacted by the Legislature in 2002, authorizes the applicant to exercise its discretion to acquire, construct, operate, maintain, and furnish facilities for the diversion and treatment of urban runoff. This permit is intended to be consistent with this Legislative authorization.

The Commission finds that, only as conditioned, can the proposed development be found consistent with Section 30231 of the Coastal Act which requires that water quality be maintained and, where feasible, enhanced.

Although, as stated above, the proposed development will have substantial water quality benefits due to the nature of the project, water quality concerns on a more minor scale must be considered. The proposed development will have impervious surfaces, such as roofs where pollutants such as particulate matter may settle, as well as outdoor parking areas where pollutants such as oil and grease from vehicles may drip. In addition, landscaped areas may contain fertilizers and pesticides. During storm events, the pollutants which have collected upon the roof and upon other impervious surfaces created by the proposed project may be discharged from the site into the storm water system and eventually into coastal waters which can become polluted from those discharges. Water pollution decreases the biological productivity of coastal waters. The applicant has not submitted a drainage plan addressing collection and disposal of site drainage.

Adverse water quality impacts to coastal waters can be avoided or minimized by directing storm water discharges from roof areas and other impervious surfaces to landscaped areas and/or other pervious areas where pollutants may settle out of the storm water. In addition, reducing the quantity of impervious surfaces and increasing pervious water infiltration areas can improve water quality. Filtering runoff that must leave the site is a further method of improving the quality of storm water runoff.

Another way to improve water quality is the use of native/drought tolerant plantings. Low water use, drought tolerant, native plants require less water than other types of vegetation. As these plantings use less water than ornamental plants, incidents of over-watering causing excess runoff, is substantially reduced. As previously stated, reducing site runoff reduces the extent of pollutants carried into the storm drain system and into coastal waters.

In order to maximize infiltration of drainage on-site, site drainage could be directed to the landscaped areas. In addition, a trench drain or similar drainage device with a permeable bottom could be placed at the base of the parking area where it joins the alley and at other appropriate locations on-site to filter runoff. Thus, as proposed, water quality protection will not be maximized as required by Section 30231 of the Coastal Act. A drainage plan as

described above to maximize permeable area and increase on-site infiltration and other forms of water filtration and treatment, must be submitted indicating how run off from the site will be collected and directed in order to improve water quality. Therefore, a special condition is imposed which requires that site drainage be retained on site to the maximum extent feasible, and any runoff that must leave the site be filtered prior to being discharged off site. Only as conditioned can the proposed project be found consistent with Section 30231 of the Coastal Act regarding water quality.

C. Public Access

Section 30210 of the Coastal Act requires that maximum access be provided. The subject site is located within a heavily used visitor area, the Balboa Peninsula. Construction impacts from the proposed development may adversely impact public access. Construction impacts due to street closures or haul truck traffic may adversely impact the public's ability to gain access in the project vicinity. However, as proposed, the project will avoid heavy construction traffic (i.e. excavation, hauling, concrete and rebar deliveries, etc.) during the peak use summer period (from Memorial Day through Labor Day) as well as during the Harbor Lights parade, thus significantly reducing these potential adverse impacts. In order to assure potential public access impacts are minimized as proposed, a special condition is imposed which prohibits construction work that adversely impacts public access, including, but not limited to, closure of Balboa Boulevard and/or construction haul truck traffic, during the peak summer use period. The peak summer use period extends from Memorial Day weekend through Labor Day weekend. Only as conditioned can the proposed development be found consistent with Section 30210 of the Coastal Act which requires maximum access.

D. Geologic Recommendations

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The proposed development includes excavation of 1,432 cubic yards of material, to a depth of approximately 25 feet below the surface. The scope of the proposed excavation presents the potential for geologic risk. A Geotechnical Investigation for the proposed project was prepared by Diaz - Yourman, dated March 28, 2003. An update letter referencing the previous report was prepared by Diaz-Yourman, dated March 26, 2004. Regarding the feasibility of the proposed project, the Geotechnical Investigation concludes: "Based on geotechnical considerations, the site is suitable for the proposed project." The Geotechnical Investigation includes a number of recommendations necessary to assure the stability of the site. The geotechnical consultant has found that the subject site is suitable for the proposed development provided the recommendations contained in the Geotechnical Investigation prepared by the consultant are implemented in the design and construction of the project. In order to assure that risks are minimized, the geotechnical consultant's recommendations should be incorporated into the design of the project. As a condition of approval, the applicant shall submit plans, including grading and foundation plans, indicating that the recommendations contained in the Geotechnical Investigation, prepared

for the proposed development by Diaz – Yourman & Associates, dated 3/28/03 and updated on 3/26/04, have been incorporated into the design of the proposed project. Only as conditioned can the proposed development be found consistent with Section 30253 of the Coastal Act which requires that geologic risks be minimized.

E. Local Coastal Program

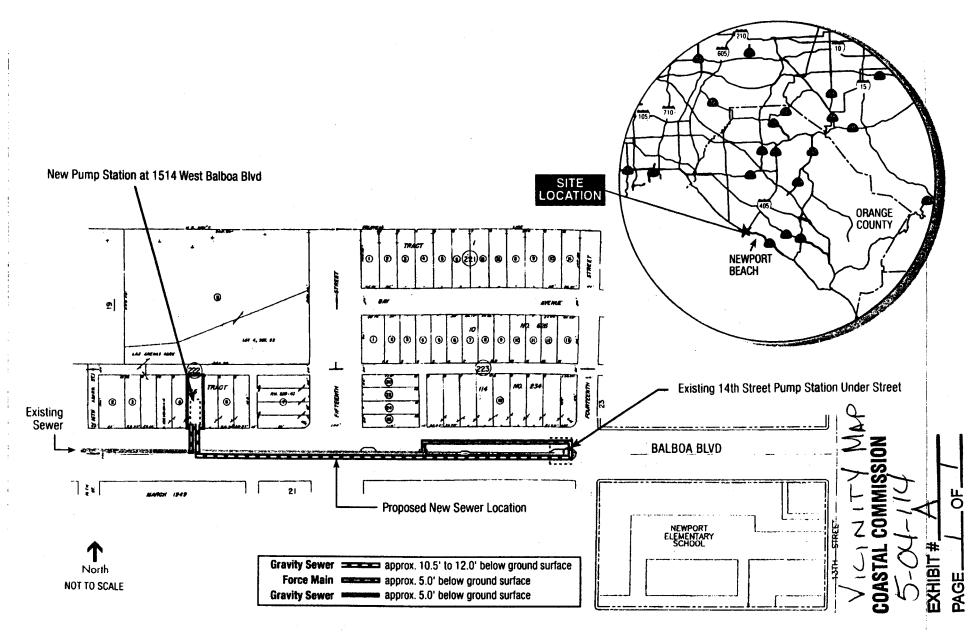
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was effectively certified on May 19, 1982. The certified LUP was updated on January 9, 1990. The City currently has no certified implementation plan. Therefore, the Commission issues coastal development permits within the City based on the development's conformance with the Chapter 3 policies of the Coastal Act. The LUP policies may be used for guidance in evaluating a development's consistency with Chapter 3. The proposed development, as conditioned, is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

F. California Environmental Quality Act

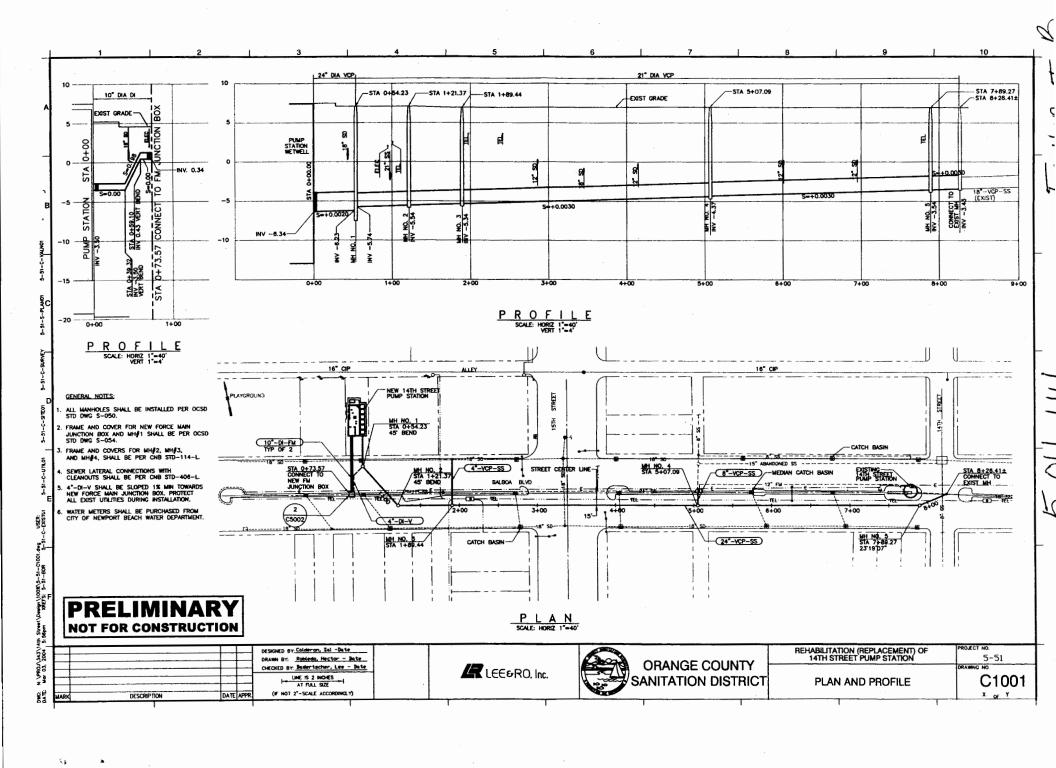
Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality 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 which would substantially lessen any significant adverse effect which the activity may have on the environment.

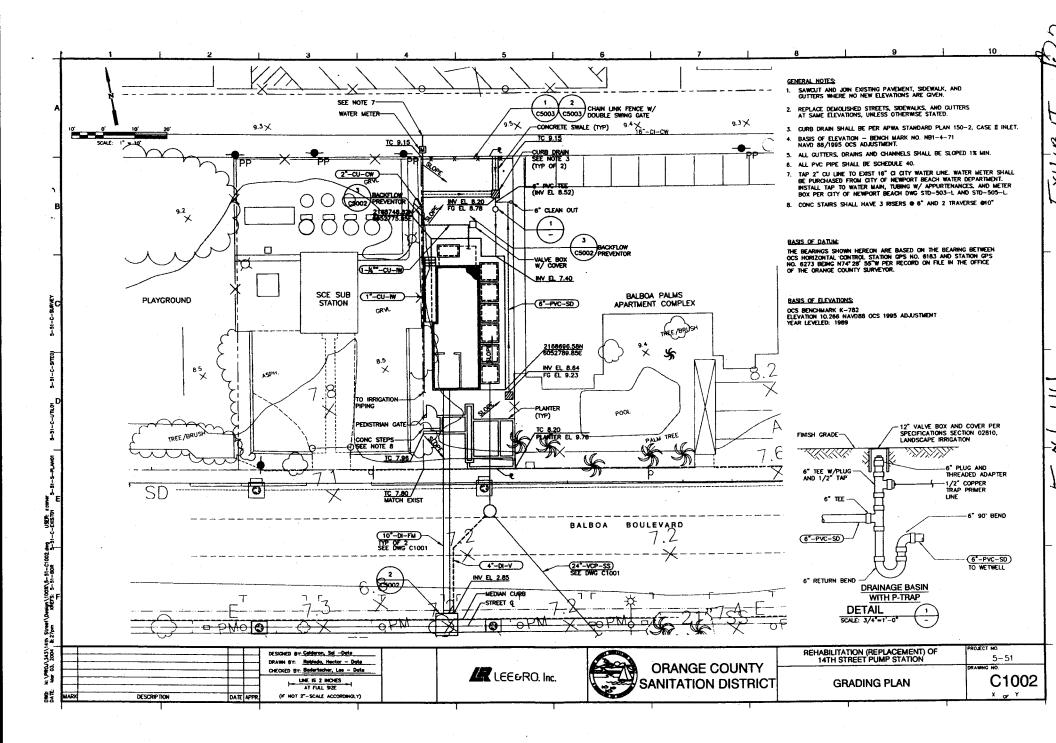
As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

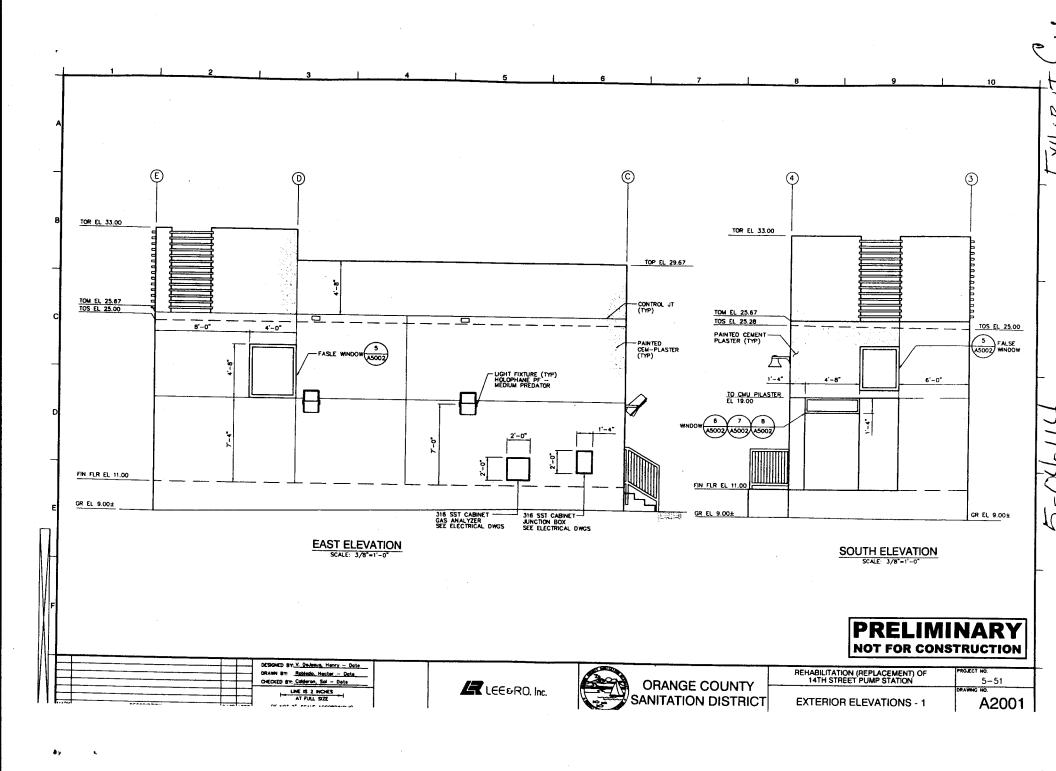


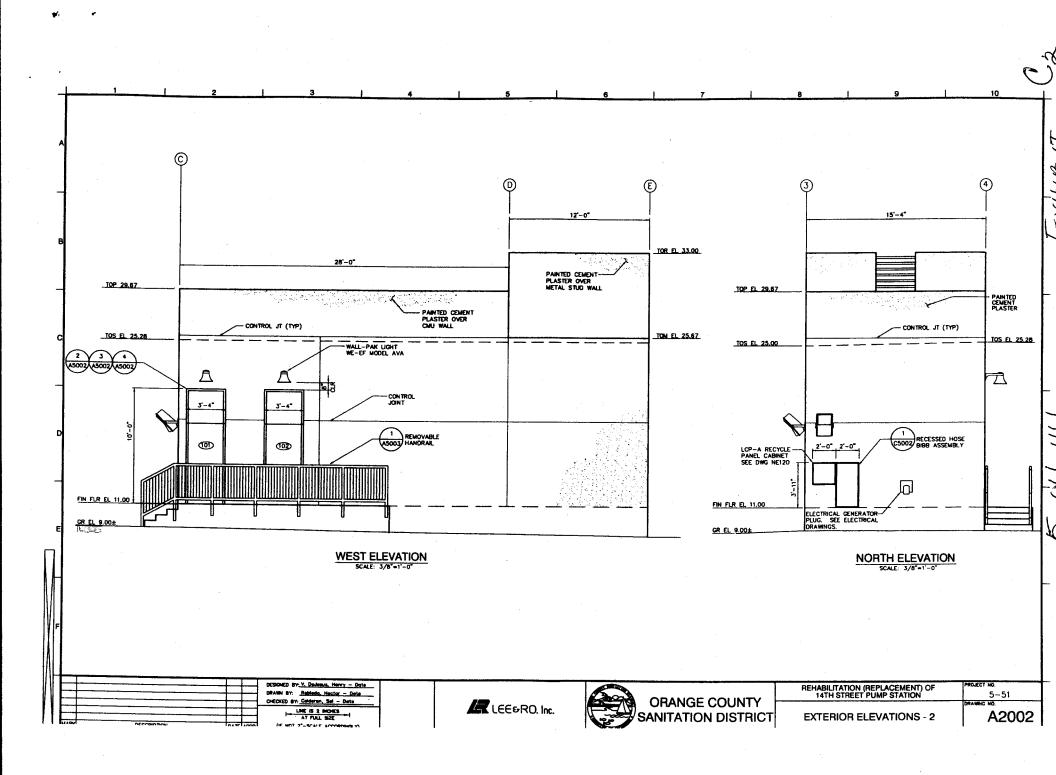
OCSD 14th Street Pump Station IS / 201168

Figure 1
Location of Existing and Proposed Pump Station Sites











Califo

Secretary for

Environmental Protection

California Regional Water Quality Control Board

Santa Ana Region

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September 8, 2003

Ms. Chandra Johannesson Orange County Sanitation District P.O. Box 8127 Fountain Valley, CA 92728

Dear Ms. Johannesson

We appreciate your contacting our office to provide a description of the Pumpstation Rehabs at Balboa and A Street and at Balboa and 15th Street. Based on the information that you have provided through phone messages and email, the total amount of ground disturbance for each of the projects would be under one (1) acro. Based on this information, coverage under the State's General Permit for Storm Water Discharges Associated with Construction Activity is not required.

For sites under one (1) acre and located in the portion of Orange County within the Santa Ana Region, oversight of construction activities is performed by the local municipal entity (city or county) under their municipal NPDES permit, Order No. R8-2002-010.

If project conditions change, please contact this office to assess whether coverage would be required at that time.

If you have any further questions, please call me at 782-4998.

Sincerely.

Mark E. Smythe, Chief

Storm Water Section, Coastal Unit

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Attn Dave

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California Environmental Protection Agency

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