

CALIFORNIA COASTAL COMMISSION

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Staff:	Fernie Sy-LB
Staff Report:	March 22, 2007
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Commission Action:	

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-06-246

APPLICANT: Orange County Sanitation District (OCSD); Attn: Martin Dix (Project Manager), Steven Schock (Project Engineer), and Eric Lovering (Lee & Ro, Inc.)

AGENTS: Martin Dix, Project Manager & Steven Shock, Project Engineer

PROJECT LOCATION: Bitter Point Pump Station (Pacific Coast Highway west of Superior Avenue and east of 60th Street), Unincorporated Orange County

PROJECT DESCRIPTION: Replacement of the existing Bitter Point Pump Station (5 million gallon per day (gpd) capacity) with a new pump station (40 million gallon per day (gpd) capacity) in approximately the same location. The existing pump station consists of approximately 630 square feet underground and the new pump station will consist of approximately 4,400 square feet, with a majority of the structure above ground. In addition, the project will consist of hardscape and landscape work and construction of an approximately 8-foot high perimeter wall. Grading will consist of approximately 8,600 cubic yards of export to a location outside of the Coastal Zone.

SUMMARY OF STAFF RECOMMENDATION:

The major issues of this staff report concern the project's adherence to the biological resources, water quality, hazards, growth, and public access policies of the Coastal Act. Commission staff is recommending **APPROVAL** of the proposed project subject to **NINE (9) SPECIAL CONDITIONS** requiring: **1)** additional approvals for any future development; **2)** submittal of a Construction Staging Area Plan; **3)** that the applicant agree to accept low flow diversions if such becomes possible and feasible in the future ;**4)** Construction-Phase Best Management Practices; **5)** Regional Water Quality Control Board (RWQCB) approval; **6)** submittal of a Drainage and Run-Off Control Plan; **7)** submittal of a Revised Landscape Plan; **8)** geotechnical conformance; and **9)** submittal of a Traffic Control Plan.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The County of Orange does not have a certified Local Coastal Program for this area and has not exercised the options listed in Section 30600(b) or 30600.5. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act.

LOCAL & OTHER AGENCY APPROVALS RECEIVED: Letter from the California Department of Fish & Game (CDF&G) dated September 21, 2006; County of Orange Conditional Approval dated June 28, 2006; Letter from the Newport Shores Community Association dated May 8, 2006; Letter from the County of Orange approval dated March 10, 2006; and Letter from the Armstrong Petroleum Corporation dated November 10, 2005.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan, Coastal Development Permit No. 5-04-114-(OCSD); *Geotechnical Report Newport Trunk Sewer and Force Mains Bitter Point Pump Station to Coast Trunk Sewer, Orange County Sanitation District, Project Number 5-58, Orange County, California* prepared by Furgo West, Inc. dated August 2004; *Geotechnical Investigation Replacement of Bitter Point Pump Station, Orange County Sanitation District, Newport Beach, California* prepared by Diaz Yourman & Associates dated January 18, 2005; Letter from Newport Shores Community Association dated May 8, 2006; Letter from Armstrong Petroleum Corporation dated November 10, 2005; Letter from the County of Orange dated March 10, 2006; Letter from Commission staff to OCSD dated July 27, 2006; Letter from OCSD to Commission staff dated September 8, 2006; Letter from the California Department of Fish and Game (CDF&G) dated September 21, 2006; Letter from OCSD to Commission staff dated September 15, 2006; Letter from OCSD to Commission staff dated January 19, 2007; and Letter from OCSD to Commission staff dated March 12, 2007.

LIST OF EXHIBITS

1. Vicinity/Location Map
2. Site Plan
3. Floor Plans
4. Elevations Plans
5. Section Plans

I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-06-246 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

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. 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.

III. SPECIAL CONDITIONS

1. FUTURE DEVELOPMENT RESTRICTION

This permit is only for the development described in Coastal Development Permit No. 5-06-246. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development governed by Coastal Development Permit No. 5-06-246. Accordingly, any future improvements to the pump station authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-06-246 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

2. CONSTRUCTION STAGING AREA PLAN

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit, for the Executive Director's review and approval, two (2) full size sets of a Construction Staging Area Plan, which indicate that the construction staging area(s) and construction corridor(s) will avoid impacts to the Semeniuk Slough, which is a wetland considered an environmentally sensitive habitat area

and unique coastal resource in the City of Newport Beach's Certified Land Use Plan (LUP).

(1) The plan shall demonstrate that:

- (a) Construction equipment, materials or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition;
- (b) Construction equipment, materials, or activity shall not be placed in any location which would result in impacts to the Semeniuk Slough including but not limited to areas containing native vegetation, wetlands, or any other habitat for sensitive wildlife;
- (c) The construction staging area will gradually be reduced as less materials and equipment are necessary.

(2) The plan shall include, at a minimum, the following components:

- (a) A site plan that depicts:
 - 1. limits of the staging area(s);
 - 2. construction corridor(s);
 - 3. construction site;
 - 4. location of construction fencing and temporary job trailers with respect to existing areas of native vegetation and wetlands.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. LOW FLOW DIVERSION

A. The applicant agrees to accept, at the approved new Bitter Point 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.

4. CONSTRUCTION BEST MANAGEMENT PRACTICES

A. The permittee shall comply with the following construction-related requirements:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The applicant shall develop and implement spill prevention and control measures;
- (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

5. REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) APPROVAL FOR DEWATERING

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide to the Executive Director a copy of a permit issued by the Regional Water Quality Control Board (RWQCB) regarding the proposed dewatering, or a letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the Regional Water Quality Control Board. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit amendment, unless the Executive Director determines that no amendment is legally required.

6. DRAINAGE AND RUN-OFF CONTROL PLAN

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of a Drainage and Run-Off Control Plan showing roof drainage and runoff from all impervious areas directed to the new Bitter Point Pump Station wetwell where it will be pumped to the OCSD Treatment Plant No. 2 for treatment.
- 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 legally required.

7. REVISED LANDSCAPE PLAN

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, two (2) full sized copies of a Revised Landscape Plan that demonstrate the following:
- (1) The plan shall demonstrate that:
- (a) All landscaping shall consist of native drought tolerant non-invasive plant species that are appropriate to the habitat type. Local native plant stock shall be used if available. No plant species listed as problematic and/or invasive by the California Native Plant Society, California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. Any existing landscaping that doesn't meet the above requirements shall be removed;
 - (b) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage; and
 - (c) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be

replaced with new plant materials to ensure continued compliance with the landscape plan.

- (2) The plan shall include, at a minimum, the following components:
 - (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and
 - (b) a schedule for installation of plants.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

8. **CONFORMANCE WITH GEOTECHNICAL REPORT**

- A. All final design and construction plans and grading plans, shall be consistent with all recommendations contained in the following geotechnical reports: *Geotechnical Investigation Replacement of Bitter Point Pump Station, Orange County Sanitation District, Newport Beach, California* prepared by Diaz Yourman & Associates dated January 18, 2005.
- B. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, two (2) copies of evidence that an appropriately licensed professional 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.
- C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

9. **TRAFFIC CONTROL PLAN**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, two (2) full sized copies of a Traffic Control Plan that demonstrates the following:
 - (1) Every effort shall be made to minimize the duration of sidewalk, bike and road lane closures so that impacts upon public access are minimized; and
 - (2) The sidewalk, bike and road lanes should be opened, even intermittently, whenever possible during construction; and

(3) A detour plan to re-route pedestrian and bicycle traffic shall be identified for those periods when the sidewalk and/or bicycle lane is closed within the project area.

B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The project site (Bitter Point Pump Station) is located on Pacific Coast Highway west of Superior Avenue and east of 60th Street at the entrance to the Armstrong Petroleum Oilfield in unincorporated Orange County (Exhibit #1). A majority of the existing pump station is below grade with only the station's electrical panel above grade. Caltrans and the Orange County Sanitation District (OCSD) have several easements on site. The OCSD has recently purchased the project site from Armstrong Petroleum Corporation. The lot size is approximately 14,270 square feet and is part of a larger area currently referred to as the Banning Ranch, which is identified as a Deferred Certification Area (DCA) within the City of Newport Beach Land Use Plan (although the area is not presently within the corporate boundary of the City). Nearly all of Banning Ranch is located within the City's sphere of influence in unincorporated Orange County. Oil and gas operations are conducted throughout the Banning Ranch area, although significant vacant areas and habitat are reported to be present too (but not within the parcel of land that is the subject of this permit).

The Bitter Point Pump Station was constructed in the late 1930s and currently pumps 5-million gallons per day (gpd). It is part of a network of gravity sewers, pump stations and force mains serving Newport Beach and the surrounding communities. The pump station is within the boundaries of an OCSD facility/pipeline easement that begins at Pacific Coast Highway and runs through the oilfield and open space to the eastern edge of the Santa Ana River levee, perpendicular to OCSD's Treatment Plant No. 2.

The proposed project consists of replacement of the existing Bitter Point Pump Station (5 million gallon per day (gpd) capacity) with a new pump station (40 million gallon per day (gpd) capacity) in approximately the same location (Exhibits #2-5). The existing pump station consists of approximately 630 square feet underground, with only the station's electrical panel above grade. The new pump station will consist of approximately 4,400 square feet. The majority of the new pump station consisting of 5 pumps, a backup generator, wetwell, and an odor chemical tank and dosing facility will be located underground (two (2)-subterranean floors), while only the electrical room, generator room and chemical dosing facility will be located above ground in a one (1)-story building approximately 17-feet high above grade. In addition, the project will consist of hardscape and landscape work and construction of an approximately 8-foot high perimeter wall. Grading will consist of approximately 8,600 cubic yards of export to a location outside of the Coastal Zone. Existing overhead transformers and power lines will be upgraded as the new transformers will be placed at grade and the power lines would be below ground. The entrance to the new pump

station will be from the existing entrance to the oilfield. A new exit will be located at the west end of the new station and traverse directly onto Pacific Coast Highway. Runoff from the pump station will be channeled to the pump station wetwell where it will be pumped to the OCSD Treatment Plant No. 2 for treatment. The existing station will be decommissioned upon start up of the new station.

This proposed project ties in with a project (Coastal Development Permit No. CDP 5-05-361) that the Commission previously approved in October 2006, which was for the replacement of two (2) force main sewer lines and abandoning of a third: an existing 24-inch line was to be replaced with a new, 6,580 linear foot, a 42-inch (36-inch internal diameter (ID)) High Density Polyethylene Force Main line; a 2,035 linear foot section of an existing 36-inch line was to be replaced with a new 42-inch (36-inch ID) High Density Polyethylene Force Main line; and an existing 30-inch line was to be entirely abandoned in place. The New Force Mains would begin at the Bitter Point Pump Station and then follow the existing alignment along the existing private service/utility road within the OCSD easement from the BPPS to near the existing junction structure on the east bank of the Santa Ana River (SAR) Marsh. The new Force Mains would then be installed underneath the SAR in a northwest direction to a junction structure within Treatment Plant No. 2 on the west side of the SAR (within the City Huntington Beach).

The project site is located in an unincorporated portion of Orange County adjacent to the City of Newport Beach. To the North of the project site is an oilfield. To the East of the project site is open space. To the South of the project site is Pacific Coast Highway, a park and then residences. To the West of the project site is a storm drain, a canal, commercial structures and then residences.

Further West of the project site, is the Semeniuk Slough, a wetland considered an environmentally sensitive habitat area and unique coastal resource in the City's Certified Land Use Plan. The Semeniuk Slough is within the City of Newport Beach and is designated as an Environmental Study Area (ESA) in the certified Land Use Plan. The land on the far side of the Slough is relatively undeveloped where there are wetlands and some oil production facilities. This relatively vacant land is within unincorporated Orange County and is part of the approximately 75-acre area known as the Newport Banning Ranch. The City of Newport Beach's certified Land Use Plan indicates that lateral public access along the Slough is present on the far (north) side of the Slough. Public access is also available to the Slough at various street ends.

B. BIOLOGICAL RESOURCES AND 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.

Section 30240(b) of the Coastal Act states:

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

1. Wetland

The proposed development is occurring near but not adjacent to the Semeniuk Slough, which is a wetland as defined under the Coastal Act. The limit of the proposed development is approximately 100-feet from the Slough and between the project site and the Slough is a storm drain. One of the main reasons for preserving, expanding, and enhancing Southern California's remaining wetlands is because of their important ecological function. First and foremost, wetlands provide critical habitat, nesting sites, and foraging areas for threatened or endangered species. Wetlands also serve as migratory resting spots on the Pacific Flyway a north-south flight corridor extending from Canada to Mexico used by migratory bird species. In addition, wetlands serve as natural filtering mechanisms to help remove pollutants from storm run-off before the run-off enters into streams and rivers leading to the ocean. Further, wetlands serve as natural flood retention areas.

Development, including grading and the construction of structures, could cause impacts upon nearby wetlands by discharging silt to the wetlands.

Section 30240(b) of the Coastal Act requires that development in areas adjacent to environmentally sensitive habitat areas, such as wetlands, must be sited and designed to prevent impacts, which would significantly degrade those areas. In addition, Section 30231 of the Coastal Act requires that the biological productivity and quality of coastal waters and wetlands be maintained. As the project site is near but not adjacent to the wetland, concerns are reduced compared with development located adjacent to the wetland. However, despite the separation, impacts to the wetlands need to be considered and avoided. The proposed project will increase the size of the pump station and will encroach toward the wetland; however the proposed project will not be impacting the wetland. The limit of the proposed development is approximately 100-feet from the Slough. The Commission normally requires a minimal 100-foot buffer for development adjacent to wetlands and this is also required in the City's Land Use Plan. As proposed, the project is consistent with this setback requirement from wetlands and will thus have adequate separation from the wetland and will not impact it. In addition, the California Department of Fish and Game (CDF&G) has commented on the proposed project in a letter dated September 21, 2006. The CDF&G determined that a Streambed or Lake Alteration Agreement was not necessary since the project or activity: "... 1) does not substantially divert, obstruct, or change the natural flow or bed, channel, or bank of a river, stream or lake, 2) use material from a streambed or 3) substantially adversely effect existing fish or wildlife resources." While no impacts to the wetland are currently proposed, future development on the project site may adversely impact the wetland. Therefore, to assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes **SPECIAL CONDITION NO. 1**, which is a future improvements special condition.

The applicant has stated that a Regional Water Quality Control Board (RWQCB) approval was not necessary since the land being developed is less than one (1) acre. The RWQCB made a similar determination for Coastal Development Permit No. 5-04-114-(OCSD). This permit was for the replacement and relocation of an existing pump station in the City of Newport Beach. Since the project site is also less than one (1) acre, RWQCB determination is the same as stated in CDP No. 5-04-114-(OCSD).

If construction equipment and staging is not appropriately managed, adverse impacts upon the Semeniuk Slough could occur. For instance, soil stockpiles could erode causing sedimentation of wetlands. In addition, if not sited appropriately, construction equipment and activity could cause trampling of the wetlands. Thus, a Construction Staging Area Plan is necessary in order to demonstrate that construction equipment or activity shall not occur outside the staging area and identified construction corridor and that construction equipment and activity shall not be placed in any location, which would result in impacts to wetlands. The applicant has not submitted such a plan. Thus, the Commission imposes **SPECIAL CONDITION NO. 2**, which requires the applicant to submit a Construction Staging Area Plan.

2. Future Low Flow Diversion

The OCSD states that the 70-year old pump station needs to be replaced since the existing station is too small to provide the necessary reliability for the existing sewer system. Also, the existing station does not meet current safety, electrical, and building codes. Furthermore, it has limited access, making routine operation and maintenance difficult, as well as delaying emergency response efforts. Because of site limitations, cost and the inability to keep the current station in service while upgrading, rehabilitation is not an alternative. In addition, if the existing pump station is not replaced, there is a risk of sewage spills if incoming flows exceed the current capacity of the pump station. Thus, the proposed project would will help maintain and enhance the quality of the coastal waters in the project vicinity, consistent with 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. Collecting and conveying dry weather runoff is one way of doing this. However, collecting and conveying the dry weather urban runoff to the new pump station is not currently proposed or possible. In order to do that, an agency other than the applicant (in this case the City, County, or even CalTrans) 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. The applicant, OCSD, 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, the Commission imposes **SPECIAL CONDITION NO. 3**, 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 OCSD's primary function of collection, treatment and disposal of sanitary sewer discharges. Furthermore, the Commission is not requiring the OCSD to accept influent that would cause the OCSD to run afoul of other regulatory requirements (e.g. State/Regional Water Quality Control Board, etc.). For example, the condition would not require the OCSD 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 OCSD. Nor does the Special Condition require the OCSD to accept unauthorized discharges (i.e. discharges the OCSD deems will adversely affect its ability to collect treat, and dispose of sanitary sewer discharges; and/or discharges made without the permission of the OCSD). 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 OCSD from recovering costs associated with acceptance of dry weather flows. In addition, this special condition is not intended to limit the OCSD's ability to impose conditions and/or restrictions on dischargers whose flow is accepted by the OCSD 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.

3. Construction Phase Water Quality Issues

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into wetlands or coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, **SPECIAL CONDITION NO. 4** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicant to remove any and all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

The proposed project may require dewatering. This would require an approval from the Regional Water Quality Control Board (RWQCB); however, no such approval has been received for this activity from the RWQCB. Therefore, the Commission imposes **SPECIAL CONDITION NO. 5**, which requires the applicant to provide written evidence of RWQCB review and approval of the dewatering prior to issuance of a coastal development permit.

4. Post-Construction Phase Water Quality Issues

Although, as stated previously, 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. 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. In order to mitigate these impacts, the applicant has stated that drainage on site will be directed to the pump station wetwell where it will be pumped to the OCSD Treatment Plant No. 2 for treatment. However, no such plans have been submitted. Therefore, the Commission imposes **SPECIAL CONDITION NO. 6**, which requires the applicant to submit a Drainage and

Run-Off Control Plan.

5. Landscaping

The applicant has stated that landscaping is proposed and plans have been submitted. The placement of any vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (www.CNPS.org) in their publications. Furthermore, any plants in the landscape plan should only be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

Commission staff has reviewed the submitted Landscape Plan and determined that an invasive plant has been found: *Pennisetnum Setacecim*. A non-native plant has also been found: *Nassella Tenuissima*. A non-drought tolerant tree has been found as well: *Eucalyptus Nicholii*. Lastly, the invasiveness, drought tolerancy and native determination of the following plant could not be determined: *Ficus Trees*. Therefore, the Commission imposes **SPECIAL CONDITION NO. 7**, which requires the applicant to submit a Revised Landscaping Plan, which consists of native drought tolerant non-invasive plants.

CONCLUSION

In order to assure that no impacts to wetlands or water quality occur is assured, the Commission has imposed **SEVEN (7) SPECIAL CONDITIONS**. **SPECIAL CONDITION NO. 1** requires additional approvals for any future development. **SPECIAL CONDITION NO. 2** requires the applicant to submit a Construction Staging Area Plan. **SPECIAL CONDITION NO. 3** requires that the applicant agree to accept low flow diversions if such becomes possible and feasible in the future. **SPECIAL CONDITION NO. 4** identifies Construction-Phase Best Management Practices. **SPECIAL CONDITION NO. 5** requires the applicant to provide written evidence of RWQCB review and approval of the dewatering prior to issuance of a coastal development permit. **SPECIAL CONDITION NO. 6**, requires the applicant to submit a Drainage and Run-Off Control Plan. **SPECIAL CONDITION NO. 7** requires the applicant to submit a Revised Landscaping Plan, which consists of native drought tolerant non-invasive plants. Therefore, as conditioned, the Commission finds that the proposed project is consistent with Sections 30231 and 30240(b) of the Coastal Act.

C. HAZARDS

Section 30253 of the Coastal Act states:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

To assess the feasibility of the project, the applicant submitted the following *Geotechnical Investigation Replacement of Bitter Point Pump Station, Orange County Sanitation District, Newport Beach, California* prepared by Diaz Yourman & Associates dated January 18, 2005. The purpose of the report was to provide geotechnical input for the design of the proposed project. The report did this by reviewing data, conducting field investigation, performing lab tests and engineering analysis. The primary geotechnical considerations found in the report are the high groundwater level, non-uniform fill considerations, very soft to loose soils near the surface, highly permeable sands, occasional dense sands and gravels near the excavation level, and potential liquefaction within the upper fill. However, the report ultimately concludes that the project is feasible from the engineering perspective provided the applicant complies with the recommendations contained in the report such as a contractor familiar with construction below groundwater and monitoring of the contractor's performance by the design team.

In order to assure that risks are minimized, the geotechnical consultant's recommendations must be incorporated into the design of the project. Thus, the Commission imposes **SPECIAL CONDITION NO. 7**, which requires the applicant to submit evidence that an appropriately licensed professional 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 geotechnical reports.

CONCLUSION

In order to assure that geologic risks are minimized and that geologic stability is assured, the Commission has imposed **ONE (1) SPECIAL CONDITION. SPECIAL CONDITION NO. 7** requires that applicant to submit evidence that an appropriately licensed professional 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 geotechnical reports. Therefore, as conditioned, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act

D. GROWTH INDUCING DEVELOPMENT

Section 30254 of the Coastal Act states:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

There is concern that the replacement of the existing Bitter Point Pump Station (5 million gallon per day (gpd) capacity) with a new pump station (40 million gallon per day (gpd) capacity) is growth inducing, and therefore inconsistent with section 30254 of the Coastal Act. Currently, there are two gravity sewer lines (A and B) and one force main pipeline (C). Under normal operating conditions, the flow in the two gravity pipelines will by-pass the existing pump station. Line A has a flow of 15.9 million gallons per day (mgd), Line B has a flow of 11.2 mgd and Line C has a flow of 7.3 mgd for a total of 34.4 mgd. This does not take into account any safety margin. The new Bitter Point Pump Station will intercept the two gravity pipelines and combine these flows with the flow from the Newport Trunk Sewer Force Main. The combined flows will then be pumped to the OCSD Treatment Plant No. 2. The new Bitter Point Pump Station is being designed for 40 mgd in the year 2030 and the design flow takes into account a safety factor and increased inflow and infiltration as the collection system ages. Thus, the increased pump capacity is due to proposed re-routing of lines and a changeover from a gravity line system to a pressurized, force main system. The new pump station is not designed to accommodate future growth, thus is it not growth inducing.

CONCLUSION

Based on the foregoing the Commission finds that the proposed project, as conditioned to deal with habitat, marine resources, hazards and public access issues as detailed above, is consistent with Section 30254 of the Coastal Act.

E. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

In carrying out the requirement 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.

The project site fronts Pacific Coast Highway and is near the Semeniuk Slough. A sidewalk fronts the site along Pacific Coast Highway. This sidewalk, a bike lane and a portion of one (1) lane of Pacific Coast Highway (Northbound) will have to be temporarily closed during construction at the site. The project will take approximately 1-1/2 years to complete and will thus, during this period, the project will temporarily impact the public's ability to access the Semeniuk Slough and use all of the northbound traffic lanes and sidewalk for access to beach areas. In addition, the proposed project will also take place during the peak Summer beach use period, and limitations on

northbound traffic flow along Pacific Coast Highway could adversely impact access. However, at least three northbound lanes will remain open and there are alternative bicycle and pedestrian routes to the beach. Nevertheless, the temporary closure of sidewalk, bike and road access need to be limited as much as possible during construction in order to continually provide public access, while also allowing development of the proposed project. The applicant has not supplied information on how this will be accomplished. Therefore, the Commission is imposing **SPECIAL CONDITION NO. 9**, which requires the applicant to submit a Traffic Control Plan. This plan shall show how sidewalk, bike and road access will be maintained during the course of the proposed project. The applicant will be required to make every effort to minimize the duration of sidewalk, bike and road lane closures so that public access remains available. These lanes should be opened, even intermittently, whenever possible during construction. In addition, the plan needs to identify detours available during periods of closure.

CONCLUSION

In order to assure that public access is assured, the Commission has imposed **ONE (1) SPECIAL CONDITION. SPECIAL CONDITION NO. 9** requires the applicant to submit a Traffic Control Plan. Therefore, as conditioned, the Commission finds adequate access is available nearby, and the proposed development is consistent with Section 30210 of the Coastal Act.

F. 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 project is located within unincorporated Orange County that does not have a Local Coastal Program. 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.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

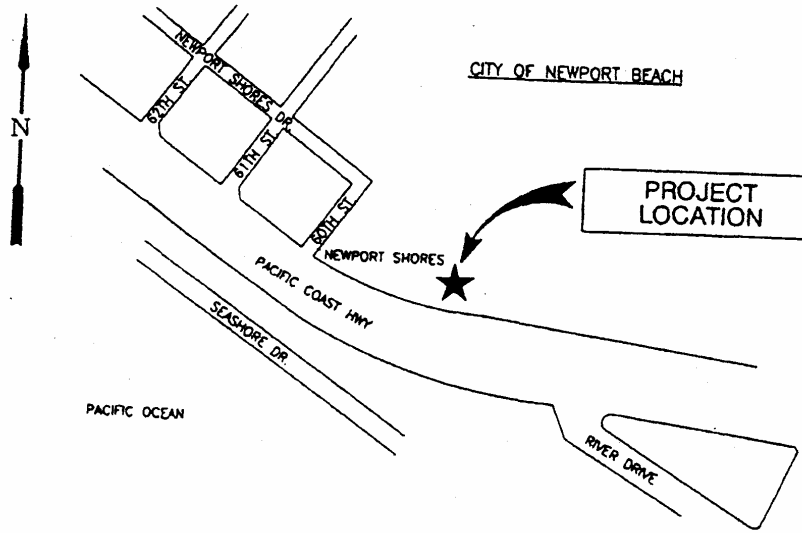
Section 13096(a) of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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 further feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

OCSD is the lead agency for California Environmental Quality Act (CEQA) purposes. A Mitigated Negative Declaration (SCH NO. 2003011108) was prepared and approved for the project in 2003. This CEQA document also covered work taking place at the Edinger and "A" Street Pump Stations in the City of Newport Beach. A number of mitigation measures were required with approval of this CEQA document, for example: 1) construction equipment will be shut off to reduce idling when not in direct use; 2) all construction equipment, stationary and mobile, shall be equipped with properly operating and maintained muffling devices; 3) a traffic control plan will be prepared for each project; and 4) utility locations shall be verified through field surveys. The Coastal Commission

adopts additional mitigation measures, found below, to ensure that the proposed project will conform with the requirements of the Coastal Act.

The proposed project is located in an urban area. All infrastructure necessary to serve the site exists in the area. As conditioned, the proposed project has been found consistent with the habitat, marine resources, hazards, growth, and public access policies of Chapter 3 of the Coastal Act. Mitigation measures include: **1)** additional approvals for any future development; **2)** submittal of a Construction Staging Area Plan; **3)** that the applicant agree to accept low flow diversions if such becomes possible and feasible in the future ;**4)** Construction-Phase Best Management Practices; **5)** Regional Water Quality Control Board (RWQCB) approval; **6)** submittal of a Drainage and Run-Off Control Plan; **7)** submittal of a Revised Landscape Plan; **8)** geotechnical conformance; and **9)** submittal of a Traffic Control Plan.

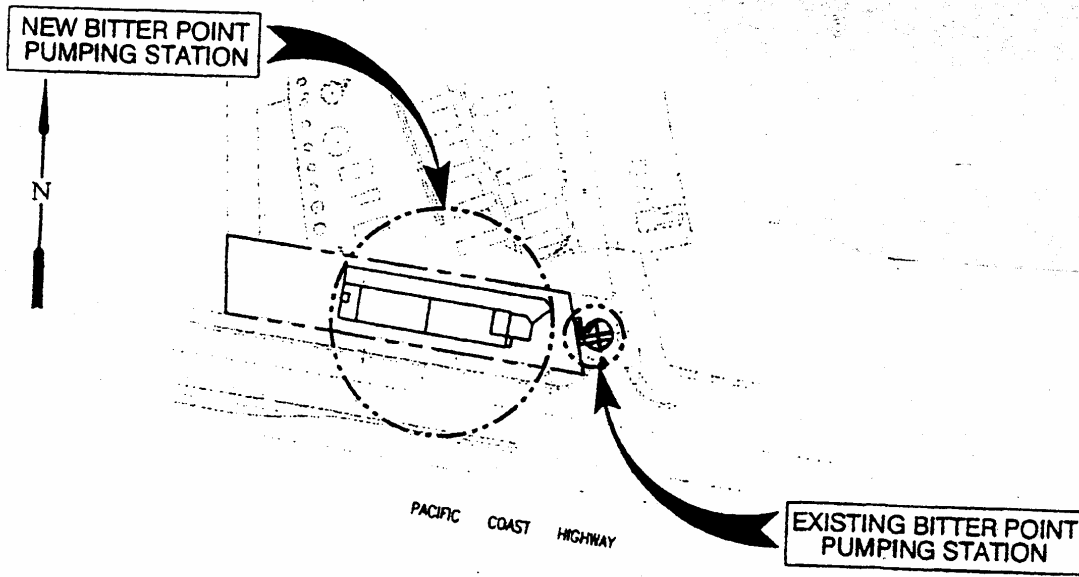
As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate 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.



VICINITY MAP
NO SCALE

COASTAL COMMISSION

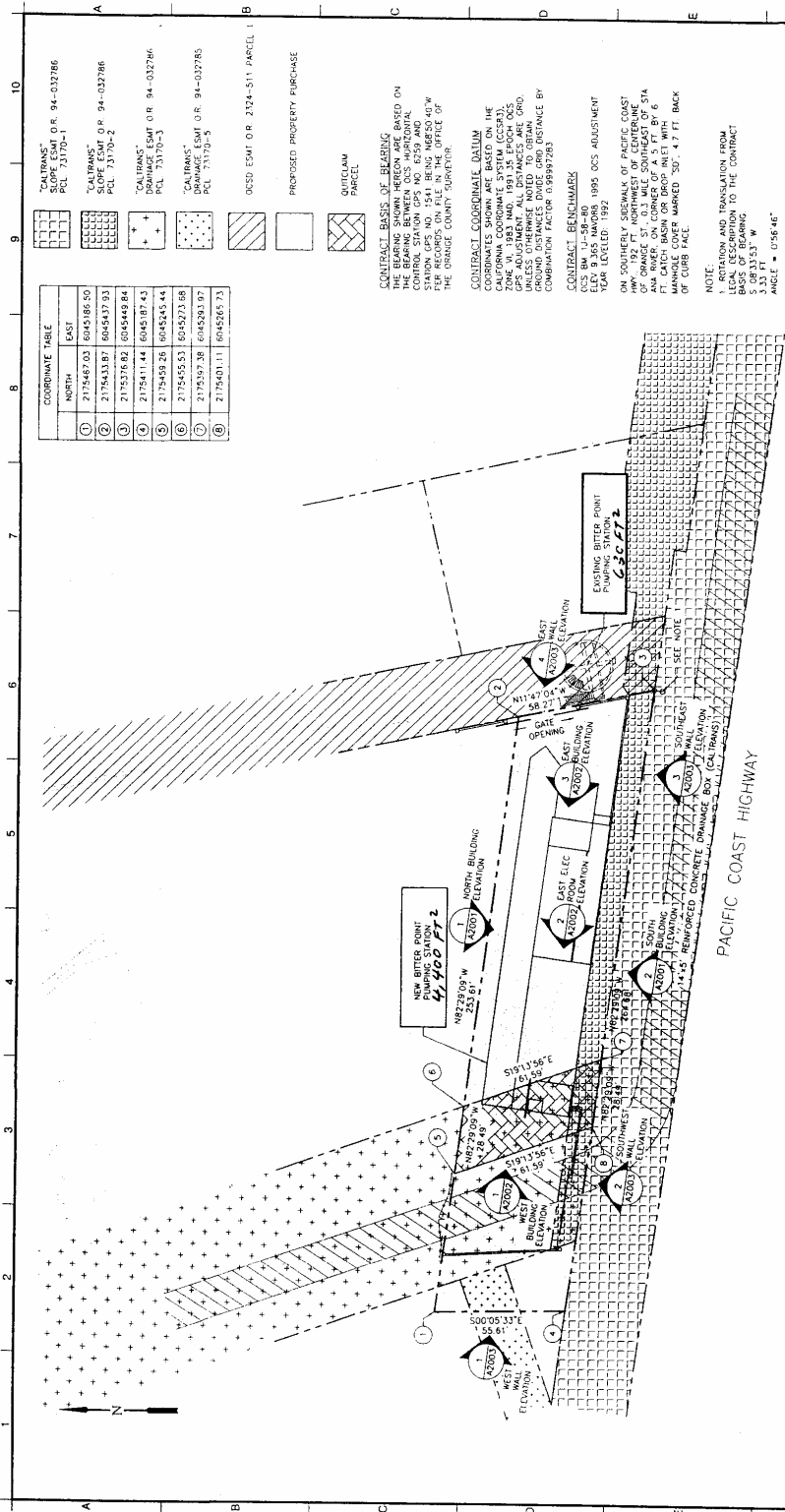
EXHIBIT # 1
PAGE 1 OF 2



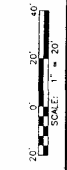
LOCATION MAP
NO SCALE

COASTAL COMMISSION

EXHIBIT # 1
PAGE 2 OF 2



**PRELIMINARY
NOT FOR CONSTRUCTION**



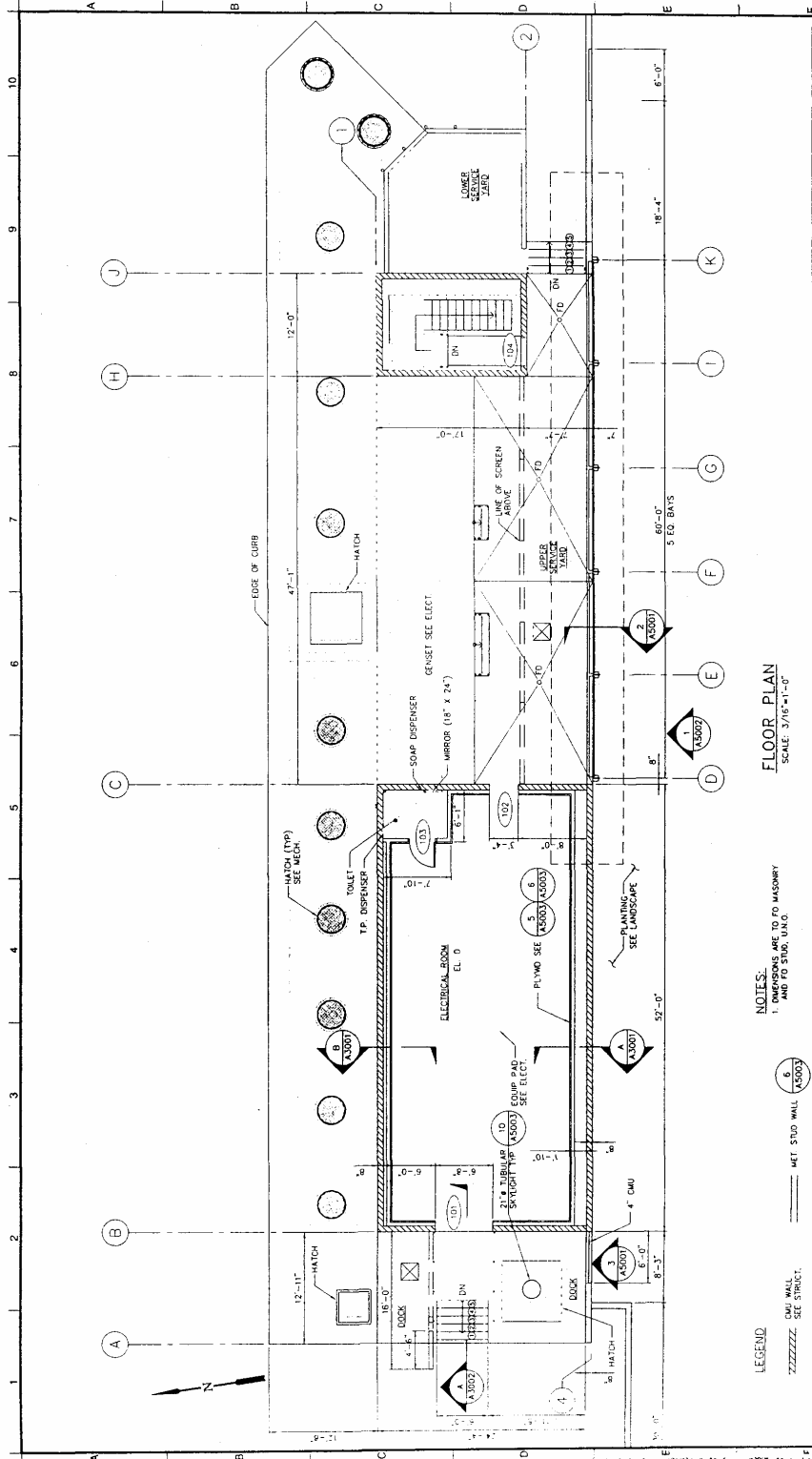
SITE PLAN
SCALE: 1" = 20'

PROJECT NO.	5-49
DRAWING NO.	G1001
ORANGE COUNTY SANITATION DISTRICT	
REPLACEMENT OF BITTER POINT PUMP STATION	SITE LOCATION & EASEMENTS
REVISION #	2
DATE (PPR)	

COASTAL COMMISSION

EXHIBIT # 2 OF 1

PAGE 1 OF 1



PRELIMINARY
 NOT FOR CONSTRUCTION

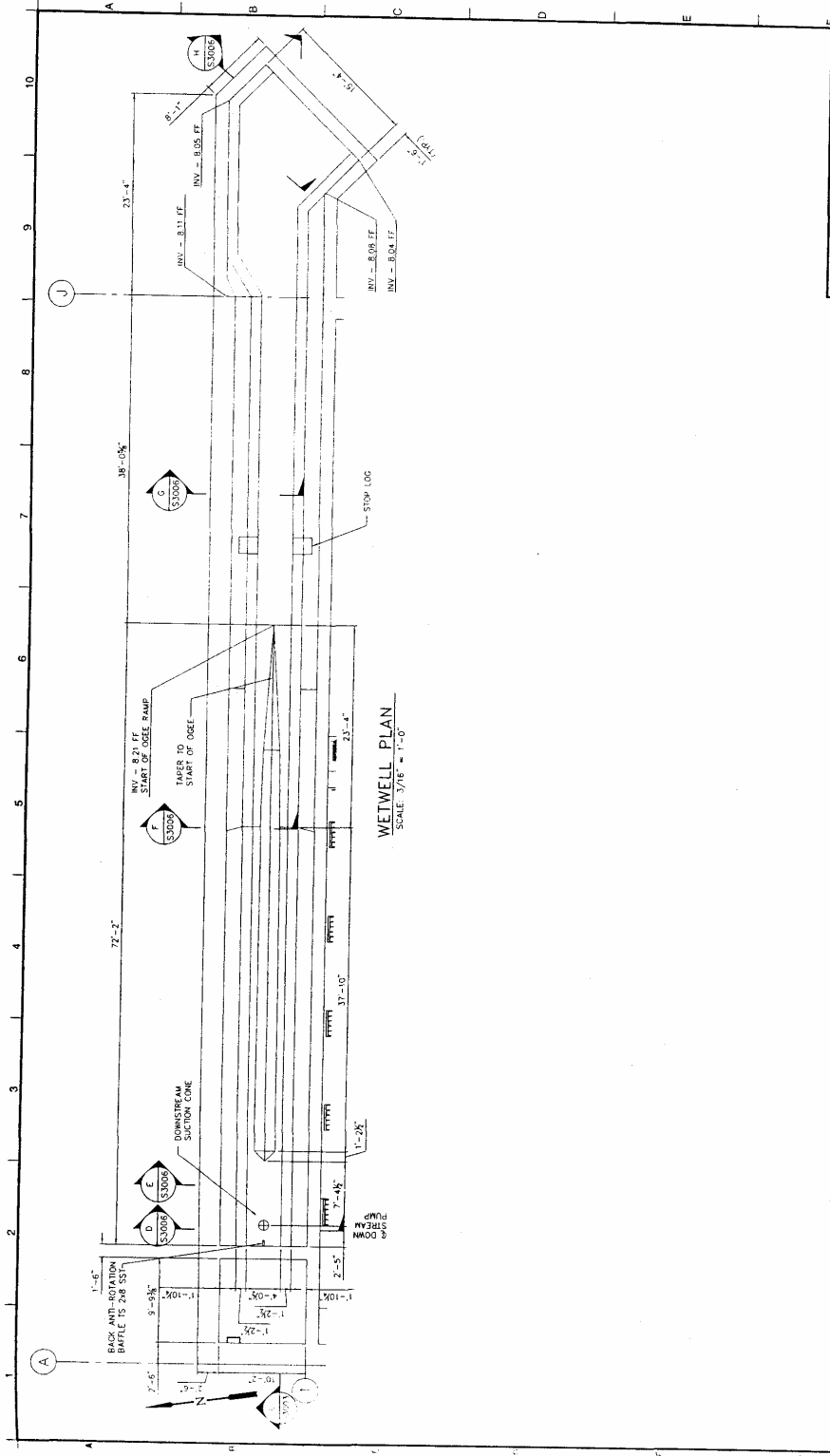
FLOOR PLAN
 SCALE: 3/16"=1'-0"

NOTES:
 1. DIMENSIONS ARE TO MASONRY
 2. AND TO STUD, U.N.G.

- LEGEND
- CU WALL
 - ZZZZZZZ SEE STRUCT.
 - ZZZZZZZ SEE STRUCT.
 - 15 COL. SEE STRUCT.
 - 6 MET. 5/8" WALL (AS003)
 - 15 COL. SEE STRUCT.
 - 1 MET. 5/8" FLOOR (AS003)


COASTAL COMMISSION DATE: []/[]/[]	DESIGNED BY: [] DRAWN BY: [] CHECKED BY: [] IN CHARGE: [] (IF NOT 2'-SCALE APPROVED)	PROJECT NO. 5-49 DRAWING NO. A1001	REPLACEMENT OF BITTER POINT PUMP STATION
			FLOOR PLAN
ORANGE COUNTY SANITATION DISTRICT		LEE & PRO, Inc.	

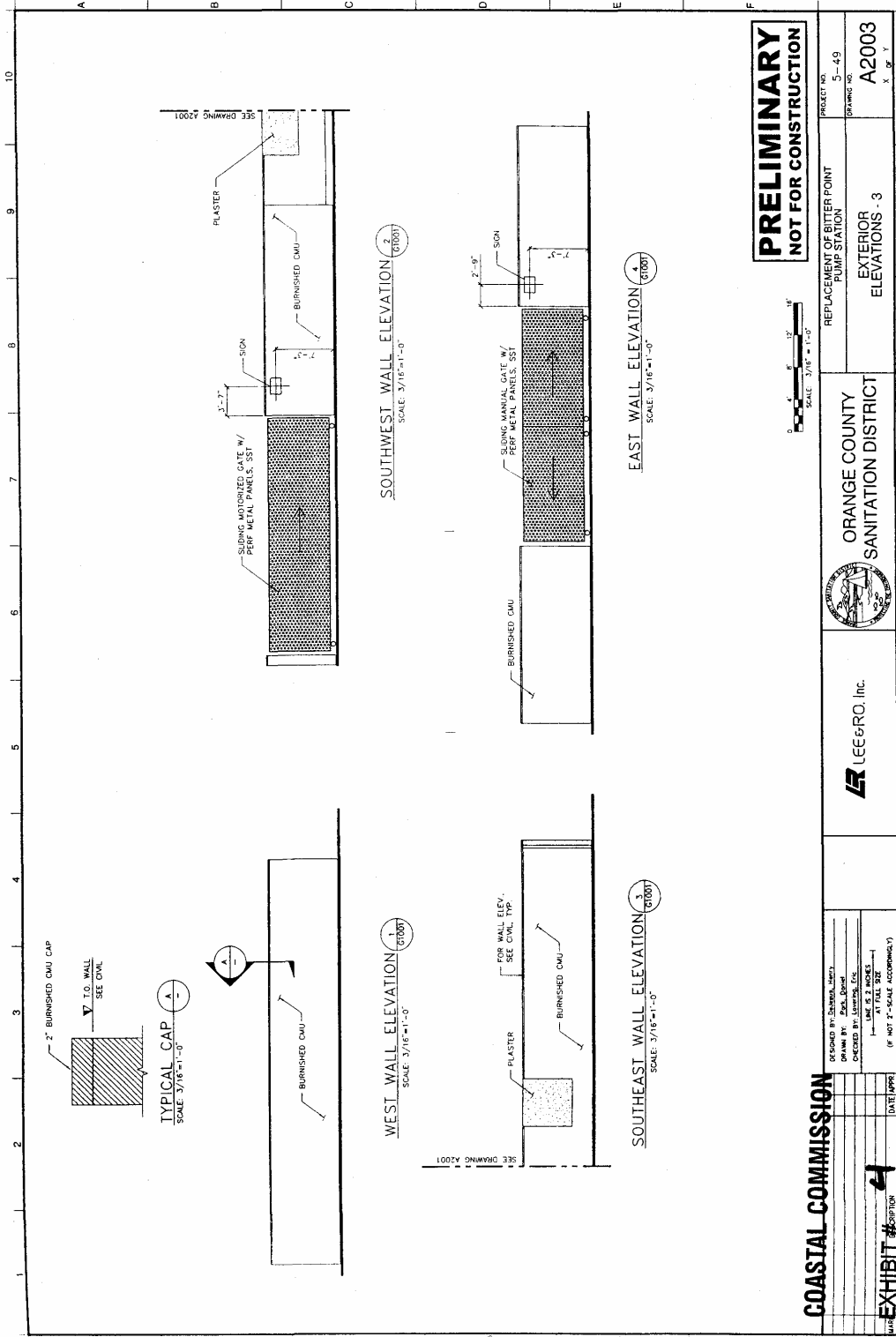
EXHIBIT # **3**
 PAGE **1** OF **2**



WETWELL PLAN
 SCALE 3/16" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

COASTAL COMMISSION <small>Board of Directors, Inc. 1000 N. B. Street, Suite 100 Oceanside, CA 92054 (619) 435-1000 www.coastalcommission.org</small>	PROJECT NO. 5-49 DRAWING NO. S1007
	REPLACEMENT OF BITTER POINT PUMP STATION WETWELL PLAN
 LEE & CO. Inc.	ORANGE COUNTY SANITATION DISTRICT
EXHIBIT # 3 DATE APR 13 2011	PAGE 2 OF 2



PRELIMINARY
NOT FOR CONSTRUCTION



COASTAL COMMISSION

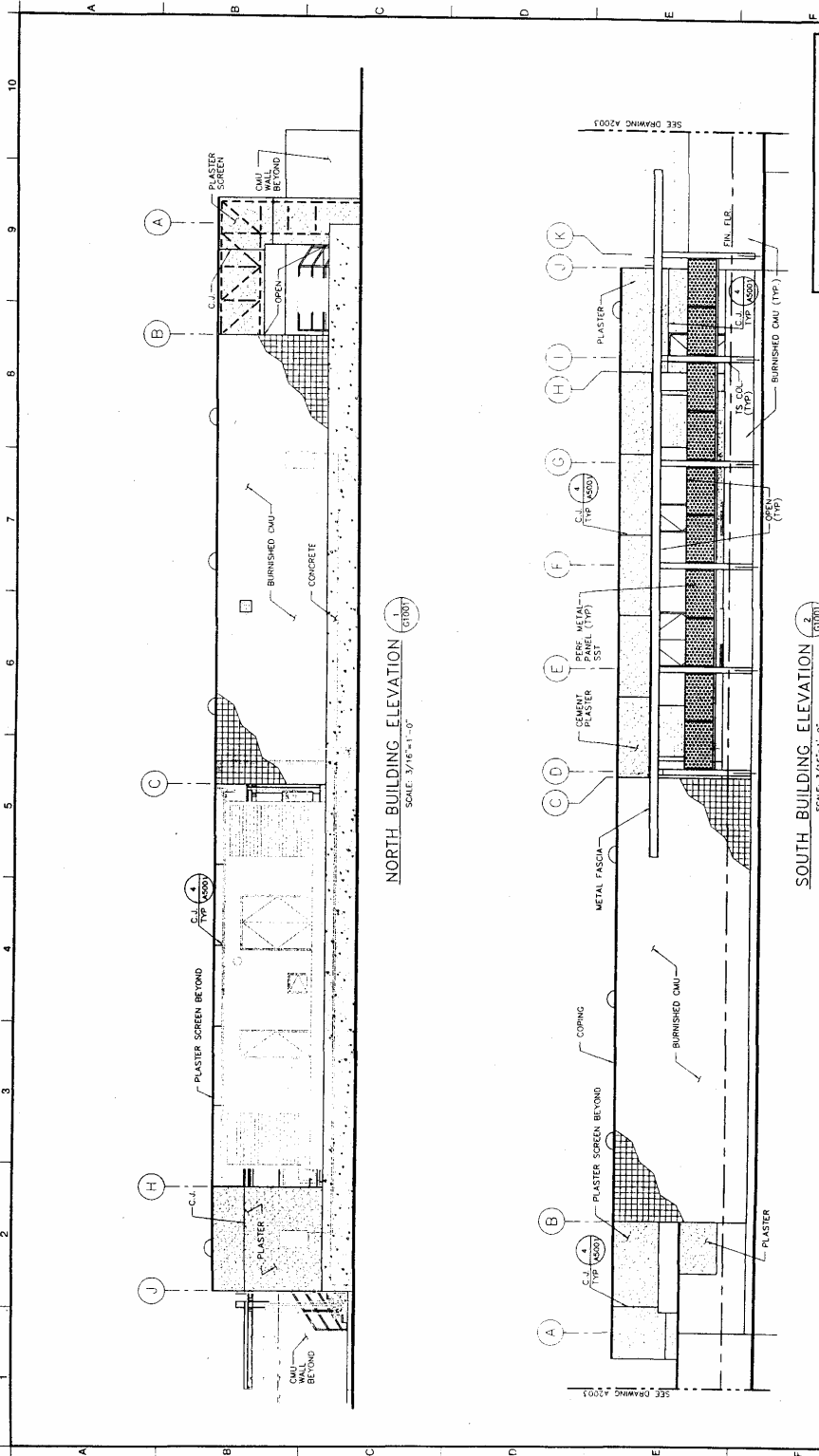
DESIGNED BY: [Redacted]
 DRAWN BY: [Redacted]
 CHECKED BY: [Redacted]
 DATE: [Redacted]

PROJECT NO.	5-49
DRAWING NO.	A2003
DATE	X . 0 . Y
ORANGE COUNTY SANITATION DISTRICT	EXTERIOR ELEVATIONS - 3
LEE & RO, Inc.	
REPLACEMENT OF BITTER POINT PUMP STATION	

EXHIBIT # 41

DATE APPR [Redacted]

PAGE 1 OF 2



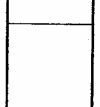
**PRELIMINARY
 NOT FOR CONSTRUCTION**

PROJECT NO. 5-49
 DRAWING NO. A2001
 X OF Y

REPLACEMENT OF BITTER POINT
 PUMP STATION
 EXTERIOR
 ELEVATIONS - 1



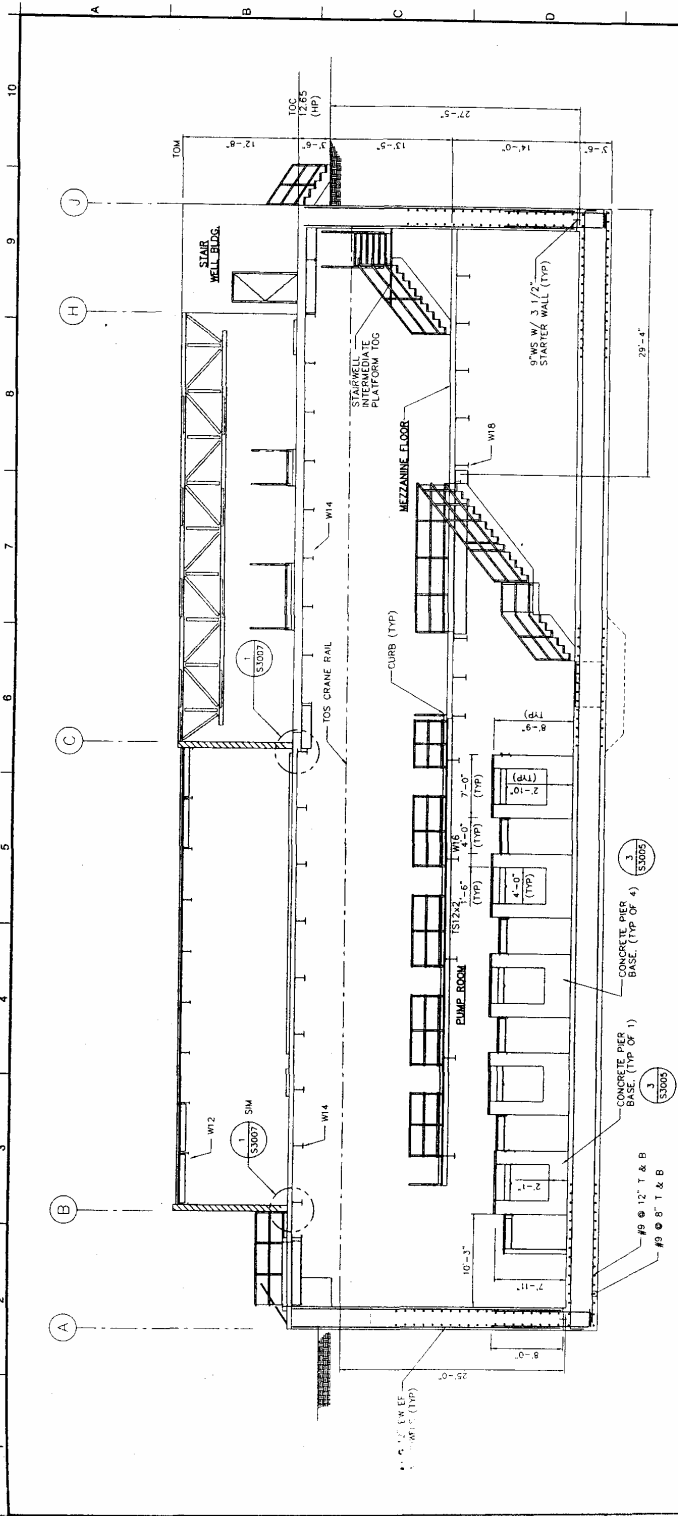
ORANGE COUNTY
 SANITATION DISTRICT



LEEGR0, Inc.

COASTAL COMMISSION	
DESIGNED BY: ZACHRY, INC.	DRAWN BY: ZACHRY, INC.
CHECKED BY: ZACHRY, INC.	DATE: 05/04/11
DATE: 05/04/11	DATE: 05/04/11
DATE: 05/04/11	DATE: 05/04/11
DATE: 05/04/11	DATE: 05/04/11

EXHIBIT # 41
 PAGE 2 OF 2



SECTION A-A
 SCALE: 3/16" = 1'-0" (TYP) (S3005)

PRELIMINARY
NOT FOR CONSTRUCTION

REPLACEMENT OF BITTER POINT
 PUMP STATION
 PROJECT NO. 5-49
 SHEET NO. S3001
 X OF Y

ORANGE COUNTY
 SANITATION DISTRICT



DESIGNED BY: Steve D'Amico
 DRAWN BY: Josh Oler
 CHECKED BY: Stephen Sperry
 DATE: 11/11/11
 (IF NOT 2"-SCALE ACCORDING)

COASTAL COMMISSION
 EXHIBIT # S
 DATE APPR
 PAGE 1 OF 1