

CALIFORNIA COASTAL COMMISSION

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W10c

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Staff: K. Carney-SD
Staff Report: 11/17/16
Hearing Date: 12/7-9/16

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-16-0787

Applicant: SCPT Marina Village, LLC

Agent: Gegam Burnazyan

Location: Marina Village Marina, 1936 Quivira Way, San Diego (APN: 760-029-08)

Project Description: Replace existing damaged floating concrete docks with new polystyrene foam/concrete docks of the same size within an existing marina. No change to the number or size of docks.

Staff Recommendation: Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

The primary issue raised by the proposed development relates to water quality. To address these potential adverse impacts, the Commission staff is recommending **Special Conditions 2 and 3** that would prevent or mitigate any negative impacts on water quality associated with construction and operation of the marina. **Special Condition 1** requires submittal of final site plans to ensure the project is undertaken according to plans that minimize impacts on the surrounding area. As conditioned, the proposed development conforms to the public access, recreation, and marine resource protection policies of the Coastal Act.

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EXHIBITS

[Exhibit 1 – Vicinity Map/Aerial Photo](#)

[Exhibit 2 – Site Plan](#)

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I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval by the Executive Director, final site and building plans that are in substantial

conformance with the preliminary site plan submitted by the applicant and date stamped received on September 2, 2016.

The permittee shall undertake development in accordance with the final approved 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 Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Water Quality/Construction BMPs.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a water quality plan for the construction phase of the project. The plan shall be in substantial conformance with and include the preliminary construction Best Management Practices (BMP) attached to this staff report as Exhibit 3.

3. **Water Quality/Marina BMPs.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a detailed Water Quality Management Plan (WQMP) including appropriate Best Management Practices (BMP) for controlling adverse impacts to water quality related to the boating facilities associated with this project. The WQMP shall demonstrate that boating in the project area will be managed in a manner that protects water quality and that persons or employees maintaining boats in slips or using slips on a transient basis are made aware of water quality provisions. The plan shall be consistent with appropriate recommendations of the California Clean Marina Toolkit (<http://www.coastal.ca.gov/ccbn/toolkit/marina-toolkit.pdf>). The plan shall include procedures for inspection of boater activities and sanctions for boaters that may be adversely impacting water quality. The plan shall include, at a minimum, the following provisions:

- a. Boat Maintenance Best Management Practices
 - 1) Where hulls are so fouled that cleaning must be abrasive and is likely to result in paint removal and the discharge of toxic heavy metals, remove the boats from the water and perform cleaning at a location where debris can be captured and disposed of properly.
 - 2) Where boat hulls are cleaned in the water: clean bottom paints using non-abrasive methods and avoid creating a colored plume of paint in the water; perform hull cleaning in accordance with the manufacturer's recommendations for the type of hull coating or bottom paint; and perform regular hull maintenance to prevent hard marine growth.
 - 3) Detergents and cleaning products used for washing boats above the water line shall be phosphate-free and biodegradable, and amounts used shall be kept to a minimum.
 - 4) Detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall not be used.
- b. Solid Waste Best Management Practices Related to Boat Maintenance
 - 1) In order to prevent spillage and loss of sanding debris into the water, no sanding or application of liquid protective materials (e.g., paint, varnish, teak oil) shall

be allowed between the waterline and the deck. Any boat owner intending to sand or apply liquid protective materials to the outside boat surfaces above the deck shall inform a representative of the marina (the dock master) of the proposed work. The boat owner will be responsible for management practices that ensure proper containment and disposal of sanding debris, spilled paint and used application materials. Large scale or commercial maintenance of outside boat surfaces shall not be conducted within the marina.

- 2) Receptacles shall be provided for the appropriate recycling or disposal of waste materials.
- c. Hazardous Waste Best Management Practices
- 1) Areas for collection and proper disposal or recycling of hazardous materials such as old gasoline or gasoline with water, oil absorbent materials, used oil, oil filters, antifreeze, lead acid batteries, paints, and solvents shall be provided in compliance with local hazardous waste storage regulations and shall be clearly labeled.
 - 2) Signage shall be placed on all regular trash containers to indicate that hazardous materials may not be disposed of in the container. The containers shall notify boaters as to how to dispose of hazardous materials and where to recycle certain recyclable wastes.
- d. Sewage Pumpout System Best Management Practices
- In order to prevent the overboard disposal of untreated sewage within the project area and surrounding waters the WQMP will provide a section describing the capacity and operational status of sewage pumpout facilities in SCPT Marina Village, LLC Marina and document whether they are adequate to serve the needs of boaters using the SCPT Marina Village, LLC Marina. If the current facilities are not adequate to address the needs of the marina, the WQMP shall include a commitment to address the deficiencies. The report should explain how the managers of SCPT Marina Village, LLC Marina will ensure that boaters make proper use of these facilities.
- e. Public Education Measures
- The SCPT Marina Village, LLC Marina shall distribute the Water Quality Management Plan to all users of the boat docks. Informative signage describing and/or depicting Best Management Practices for maintenance of boats and boating facilities consistent with those specified herein shall be posted conspicuously.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

Mission Bay Park is a public park and recreation area of statewide and national significance. It was created prior to the Coastal Act and is built primarily on filled tidelands granted to the City of San Diego by the state. The subject marina represents one of several leaseholds, both non-profit and commercial, within the public park. This

marina is located in the Quivira Basin in the southwestern portion of Mission Bay and accommodates more than 600 recreational boats.

The applicant proposes to replace approximately 52 damaged cement floats on the mainwalks and fingers of the existing Marina Village Marina. Twenty-two mainwalks and 30 finger floats would be removed and replaced in-kind with floats consisting of expanded polystyrene foam encased by a concrete shell. There will be no increase in the number or size of dock floats and the existing configuration will remain unchanged. The purpose of the project is to replace old and damaged floats to ensure that the anchorage is maintained in a safe and operable condition.

The replacement of the floats will require unbolting and removing the existing float, towing the damaged float toward shore with a small boat, removing the float from the water through the use of a crane parked on land, and then disposal of the existing float. Replacement with a new float will operate in reverse of the removal process. The construction process will take approximately 5 days to complete with 3-4 hours of work each day.

Construction activity in the waters will be limited to localized removal and replacement of the damaged dock floats. On land, a crane will occupy a small area of the waterfront while in operation and the public will be restricted from access to this area by a temporary fence. Pedestrians will easily walk around the fenced area with no impact on their ability to use the marina and its facilities. Thus, no significant impacts to public access will result.

The proposed development will be occurring on or within coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, **Special Condition No. 2** requires the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction.

Compared to existing conditions, the proposed project would not increase impervious surfaces and is not expected to have any impact on circulation behind the dock and in shallow waters as there will be no changes to the current dock configuration. Although this project is not expected to decrease water quality, adverse effects to water quality can occur through the use of these facilities. Therefore, **Special Condition No. 3** requires a detailed water quality best management plan for the public boat facilities that contains boater inspection and education elements. Implementation of this plan will help ensure that boating in the project area will be managed in a manner that protects water quality and that the users of the facilities are made aware of water quality provisions. The Commission's water quality staff have reviewed the project and determined that as conditioned, no impacts on water quality will result.

The proposed project is located in the existing Marina Village Marina in the Quivira Basin of Mission Bay. The Commission certified a land use plan for Mission Bay Park in 1995, the Mission Bay Park Master Plan. However, there are no implementing ordinances

for this LCP segment, so most of Mission Bay represents an area of deferred certification. Moreover, the majority of Mission Bay park, which is built primarily on public tidelands, will remain in the Commission's original jurisdiction permanently. Therefore, permit authority remains with the Commission and Chapter 3 of the Coastal Act is the legal standard of review, with the certified master plan used for guidance.

B. BIOLOGICAL RESOURCES

Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized. Section 30233 limits development in open coastal waters, wetlands, estuaries, and lakes to specific permitted uses where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Coastal Act policies 30240 and 30251 protect sensitive habitats and restrict the alteration of natural landforms.

The proposed development will not increase the amount of open water coverage and, because the project includes no bottom disturbance, there is no potential for impacts to eelgrass or other marine resources. Thus, the project as conditioned to provide water quality BMPs, is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

D. PUBLIC ACCESS/RECREATION

The proposed development is the improvement of a boat marina, which promotes recreational boating and is an encouraged marine related use. As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

E. LOCAL COASTAL PLANNING

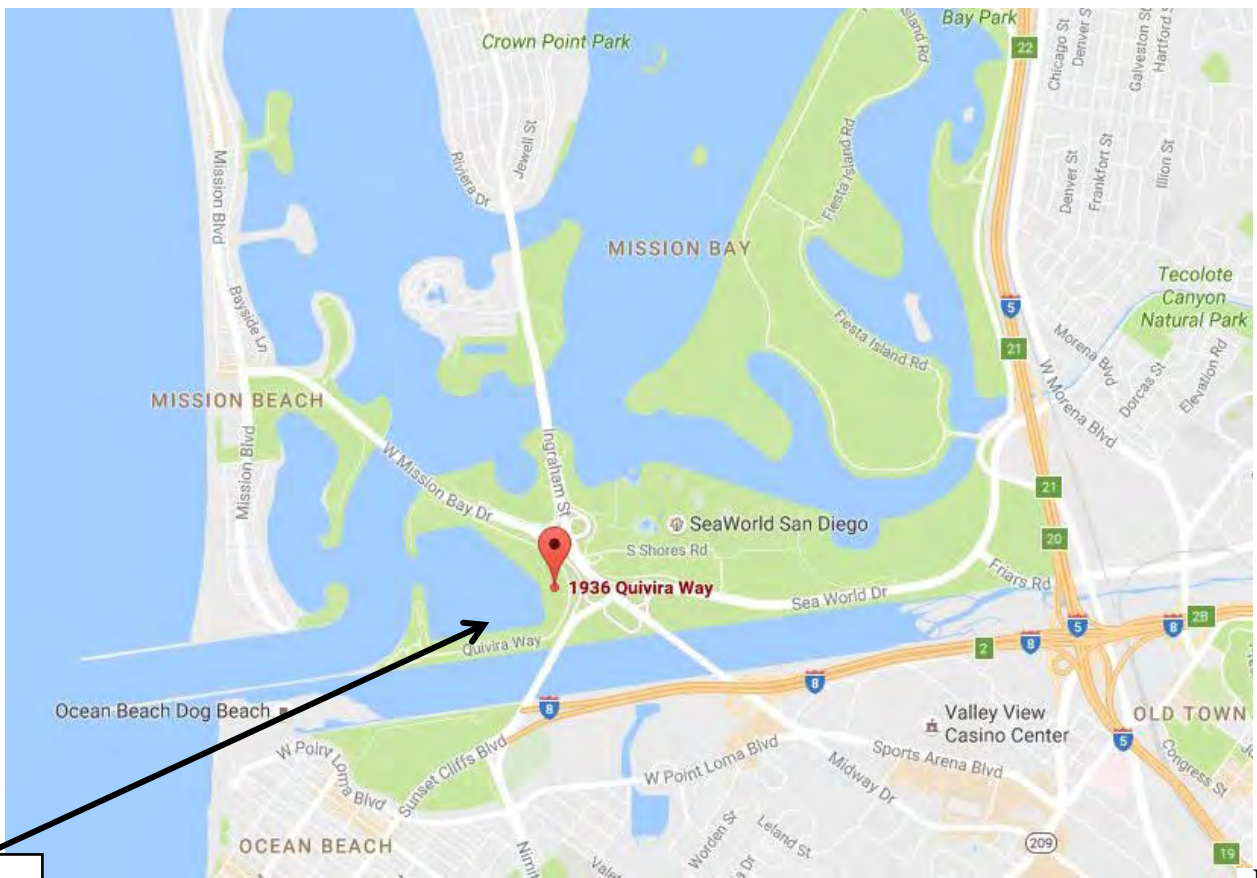
The LUP for the Mission Bay Park LUP segment of the City of San Diego LCP was certified on May 11, 1995, but no implementation plan has been developed as yet, and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of 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

The City of San Diego determined that no CEQA review was required for the proposed project since it does not require a discretionary permit, but only a ministerial construction permit. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity

6-16-0787 (SCPT Marina Village, LLC)

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 is consistent with the requirements of the Coastal Act to conform to CEQA.



SITE



EXHIBIT NO. 1
APPLICATION NO. 6-16-0787
Vicinity Map &
Aerial Photo
 California Coastal Commission

MARINA VILLAGE



ATTACHMENT 3:
SITE PLAN WITH
PHOTOS
ILLUSTRATING
JOB SCOPE.

LEGEND

- Boater's Restrooms
- Public Restrooms
- Showers
- Laundry
- Pump-out Station

SLIP SIZES

Length	Width
25'	11'
28'	11'
30'	12'
35'	18'
40'	17'
50'	19'

damaged floats
proposed to be
replaced (typ). see
photos below.

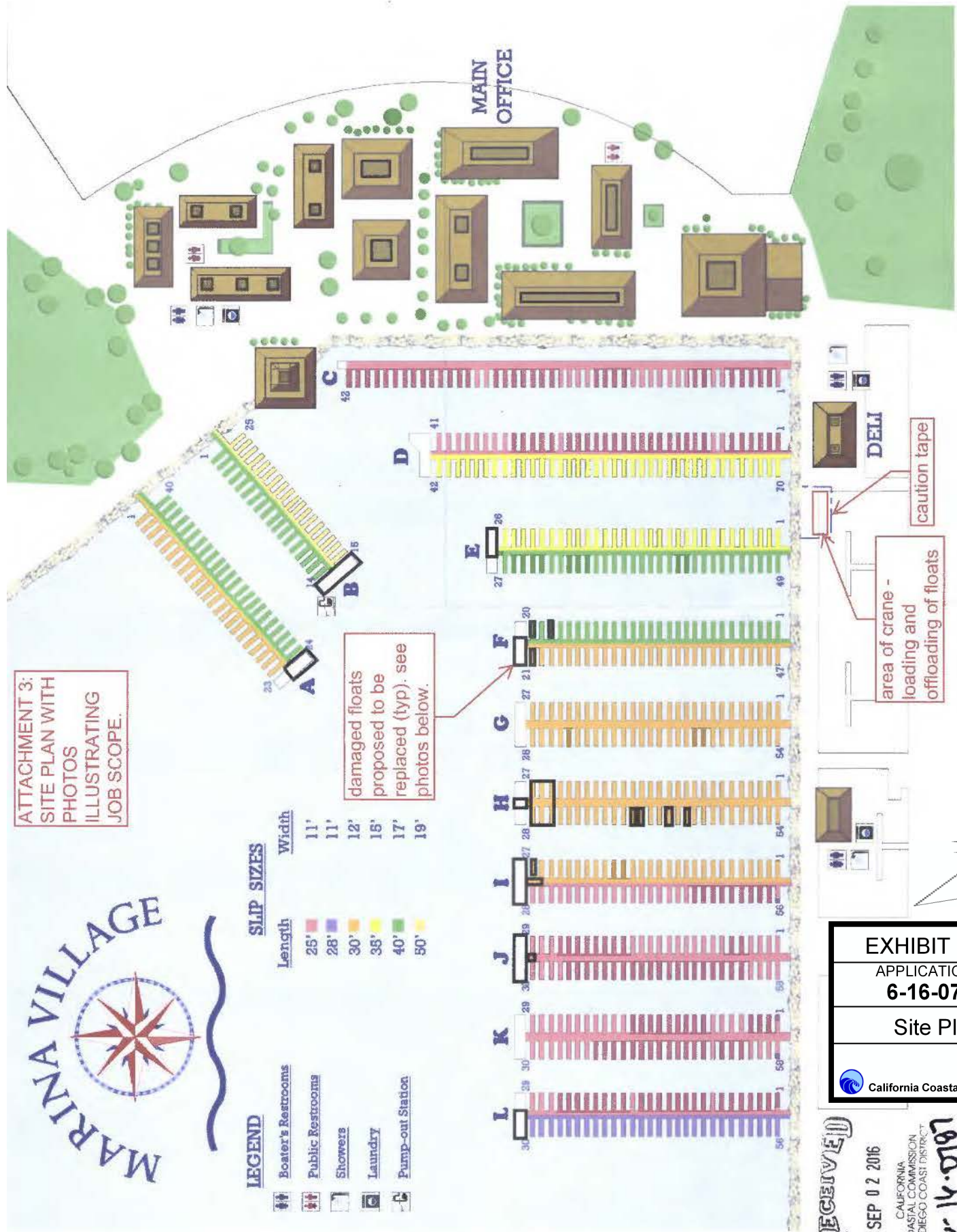


EXHIBIT NO. 2
APPLICATION NO.
6-16-0787
Site Plan
California Coastal Commission

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Attachment 2 Best Management Practices (BMPs)

BMP Number	BMPs	Applicable BMP Reference*
1	Dip nets shall be employed to capture any released floating debris during all demolition and construction phases. Divers shall recover non-buoyant debris discharged into coastal waters as soon as possible after loss. All recovered debris shall be disposed of properly.	NS-15, WM-05
2	Disturbance to the ocean bottom and intertidal areas shall be minimized.	None**
3	Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.	NS-13
4	Work personnel shall not harass marine mammals, waterfowl, or any other wildlife in project area	None**
6	Workers and any sub-contractors shall maintain a clean work site and ensure no debris, rubbish, oil or petroleum products enter into or placed where it may be washed by rainfall or runoff into the water.	NS-13, NS-15, WM-05
7	Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in environmentally safe manner as soon as possible.	WM-04
8	Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into bay or the sea.	NS-08, NS-10
9	All debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.	WM-05
10	Work shall not occur during any rain event in excess of 0.1 inch.	EC-01
11	Sanitary facilities shall be provided for all work staff. Facilities can be provided via access to common areas by applicant or contractor supplied temporary facilities.	WM-09
12	At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction materials have been left on the shore or in the water.	WM-05

* BMPs referenced from Caltrans Construction Site BMP Fact Sheets available at www.dot.ca.gov/hq/construc/stormwater/factsheets.htm

** BMP references marked "none" refer to contractor practices typically specified in permits that are not storm water BMPs but reflect practices to minimize harm to non-water natural resources.

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EXHIBIT NO. 3

APPLICATION NO.

6-16-0787

Construction BMPs



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