

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

Application No.:	5-15-1653
Applicant:	South Coast Water District
Agent:	GPA Consulting, Erinn Silva
Location:	Stonehill Drive to the North, Camino Capistrano to the East, San Juan Creek to the West, and Pacific Coast Highway to the South. City of Dana Point (County of Orange)
Project Description:	Construction of a Recreational Vehicle (RV) and boat storage facility on an unpaved 9-acre industrial storage site adjacent to San Juan Creek. Project includes grading, filling a 0.29 acre drainage swale, paving, striping, fencing the site, constructing an 800 sq. ft. RV and boat washing station and waste disposal station, placement of two trailers for an office and restrooms, lighting, and repaving the existing access road. Grading to include 41,000 cubic yards of cut and 62,360 cubic yards of fill. Proposal includes creation of a native grassland drainage basin adjacent to the RV and boat storage area.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The 9-acre project site is located in the City of Dana Point, inland of Pacific Coast Highway (PCH), on the east side of San Juan Creek, and approximately ½ mile from the Pacific Ocean. The property is bordered by the creek to the west and a railroad right-of-way to the east. The applicant proposes to grade and pave the site for an RV and boat storage facility with 590-610 spaces. Each storage space will be designed to accommodate either a boat or an RV. The applicant has an agreement tied to the Dana Point Harbor Revitalization project such that approximately 500 boats currently in the

Harbor would be relocated to the proposed storage facility where they could be kept for 5 years during the harbor construction phase.

The project site is currently an automobile and construction storage yard with a gravel base, chain link fencing and one paved access road. The project includes paving the dirt storage areas, striping for boats and RVs, placement of two trailers (12 feet high) for a leasing office and restrooms, new pole lighting (25 feet high), new fencing (8 feet high), and repaving the existing access road. The project includes constructing an 8-foot high, 800 sq. ft. RV and boat wash station that uses recycled water, a waste disposal station with recycling, portable sewage disposal units, dump stations for boat bilges and RV waste, and a fresh water source.

The project proposal includes construction of a new drainage system to collect and divert runoff into an existing inlet and would drain into the existing concrete lined channel, and discharge into the adjacent creek. Part of the project proposes to convert an unlined 0.29-acre drainage swale containing ruderal, non-native grasses into an underground storm drain, which will be directed into an underground tunnel connected to an existing culvert. Two other drainage areas (one concrete lined, one unlined) will not be filled. The applicant proposes to create a 0.34-acre drainage basin adjacent to the RV and boat storage area and plant it with native grasses.

The project site is 15-25 feet above mean sea level. Grading would include 41,000 cubic yards of cut and 62,360 cubic yards of fill. The grading and fill proposed would raise the topography of the site by approximately 2 feet in order to protect the site against flooding hazards. No deep grading is proposed, so the proposed project is not likely to disturb any archeological or cultural resources that may exist on the site. However, a condition of the permit requires the applicant to prepare an Archeological/Cultural Resources Monitoring Plan prior to issuance of the coastal development permit.

The boat and RV washing station would consist of a recycled water system with little to no impact on the adjacent creek's water quality. As conditioned for a final Water Quality Management Plan, the project will not contribute to polluted storm water from the boat and RV storage. Additionally, as conditioned for construction BMPs, the water quality of the creek and Pacific Ocean will be protected.

The project is consistent with the City of Dana Point certified LCP. The area within the project site is designated Industrial/Business Park in the Dana Point Local Coastal Plan (LCP) which allows for storage yards of this nature (boat and RV storage, marine industrial uses). The proposed development is taking place partially within the City's permitting jurisdiction and partially within the Commission's area of retained permitting jurisdiction under Coastal Act Section 30519(b). The applicant has applied for a consolidated permit pursuant to Coastal Act Section 30601.3. The development must be evaluated for consistency with the Chapter 3 policies of the Coastal Act, and the policies of the Certified LCP will be used for guidance.

Special Conditions of the permit ensure that the public accessways adjacent to the project site will not be impacted by the development, during and post-construction; ensure the protection of archeological resources; require final revised plans as well as other agency approvals prior to issuance; require a drainage and runoff control plan and water quality plan; and ensure the applicant

adheres to construction responsibilities and BMPs and bird monitoring during construction. As conditioned, staff recommends **approval** of the permit for the proposed project.

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APPENDIX 1

Cultural Resources Significance Testing Plan Procedures

EXHIBITS

Exhibit No. 1 – Location Map

Exhibit No. 2 – Site Plan

Exhibit No. 3 – Land Use Designation

Exhibit No. 4 – Project Plans

Exhibit No. 5 – Photos

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.

Resolution: *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

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 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

This permit is granted subject to the following special conditions:

1. Future Improvements Restriction.

This permit is only for the development of an RV and boat storage facility and associated development, more thoroughly described in Coastal Development Permit No. 5-15-1653. Except as provided in Public Resources Code section 30610(b) and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to: a change in the density or intensity, or a change in use of the land, shall require an amendment to Permit No. 5-15-1653 or shall require a subsequent coastal development permit from the California Coastal Commission or from the applicable certified local government.

2. Other Agency Approvals.

The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. The permittee shall also provide a determination from the State Lands Commission concerning the status of Public Trust Lands on the property and if the approved uses are consistent with the use of land that is subject to the public trust doctrine.

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall provide to the Executive Director copies of permits, or letters of permission, or evidence that no permits or permission is required, from all agencies listed above. Any changes to the approved project plans required by the above-stated agencies shall be submitted to the Executive Director. Such changes shall not be incorporated into the project until the applicant obtains an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required, or a subsequent coastal development permit.

3. Final Landscape Plan.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and written approval of the Executive Director, a final landscape plan, developed in consultation with the California Department of Fish and Wildlife, which shows the exact location of the proposed drainage basin that will be planted with native grasses. Plantings will 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 applicable landscape requirements. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), 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.

The Permittee shall undertake development in accordance with the final approved 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 Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required

4. Lighting Plan.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and written approval of the Executive Director, a Lighting plan. All allowed night lighting shall be minimized, directed downward, and shielded using the best available dark skies technology and pole height and design that minimizes light spill, sky glow, and glare impacts. The only outdoor night lighting allowed on the subject parcels is limited to the following:

1. The minimum necessary to light walkways used for entry and exit to the structures, including parking areas and roadways on the site. This lighting shall be limited to fixtures that are shielded and directed downward, and generate the same or fewer lumens equivalent to those generated by a 60 watt incandescent bulb, unless a greater number of lumens is authorized in writing by the Executive Director.
2. Security lighting shall use a control device or automatic switch system or equivalent functions to minimize lighting and is limited to same or fewer lumens equivalent to those generated by a 60 watt incandescent bulb. The control system shall include controls that automatically extinguish all outdoor lighting when sufficient daylight is available.
3. No lighting around the perimeter of the site and no lighting for aesthetic purposes is allowed.

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.

5. Final Water Quality Management Plan (WQMP).

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, two (2) copies of a Final Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

1. The WQMP shall incorporate appropriate structural and non-structural Best Management Practices (BMPs) (site design, source control and treatment control) into

the development, designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site;

2. Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible;
 3. Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals;
 4. Runoff from all roofs, roads and parking areas shall be collected and directed through a system of structural BMPs including vegetated areas and/or gravel filter strips or other vegetated or media filter devices. The system of BMPs shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate pollutants of concern (including trash, debris and vehicular fluids such as oil, grease, heavy metals and hydrocarbons) through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner;
 5. Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs;
 6. All structural and/or treatment control BMPs shall be designed, installed, and maintained for the life of the project in accordance with well-recognized and accepted design principles and guidelines, such as those contained in the California Stormwater Quality Association Best Management Practice Manuals;
 7. At a minimum, all BMP traps/separators and/or filters shall be, at a minimum, inspected and cleaned/repaired or otherwise maintained in accordance with the following schedule: (1) prior to the start of the winter storm season, no later than October 15th each year, (2) inspected monthly thereafter for the duration of the rainy season (October 15th -April 30), and cleaned/maintained as necessary based on inspection and, (3) inspected and maintained where needed throughout the dry season;
 8. Debris and other water pollutants removed from structural BMP(s) during clean out shall be contained and disposed of in a proper manner;
 9. It is the permittee's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.
- 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.

6. Construction Responsibilities and Debris Removal. The applicant shall comply with the following construction related requirements:

- A. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion.
- B. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project.
- C. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- D. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone.
- H. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- I. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- J. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- K. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- L. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- M. The discharge of any hazardous materials into any receiving waters shall be prohibited.
- N. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures 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. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- O. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- P. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

7. Public Access.

By acceptance of this permit, the applicant agrees that:

No impacts to adjacent public accessways, temporary or otherwise, pre and post construction, are permitted under this permit. At no time shall the development, including staging, impact the public trails, public spaces, access points, etc. adjacent to the San Juan Creek.

8. Archeological and Cultural Resources.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director an Archeological/Cultural Resources Monitoring Plan prepared by a qualified professional, which shall incorporate the following measures and procedures:

1. The monitoring plan shall ensure that any prehistoric archaeological or paleontological or Native American cultural resources that are present on the site and could be impacted by the approved development will be identified so that a plan for their protection can be developed. To this end, the cultural resources monitoring plan shall require that archaeological and Native American monitors be present during all grading operations and subsurface construction activity (such as trenching for utilities) that has the potential to impact cultural resources. There shall be at least one pre-grading conference with the project manager and grading contractor at the project site in order to discuss the potential for the discovery of archaeological/cultural or paleontological resources.
2. Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading and subsurface construction activity (such as trenching for utilities) that has the potential to impact cultural resources, as required in the approved cultural resources monitoring plan required above.
3. The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading and subsurface construction activities that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;
4. If any archaeological or paleontological, i.e. cultural deposits, are discovered, including but not limited to skeletal remains and grave-related artifacts, artifacts of traditional cultural, religious or spiritual sites, or any other artifacts, all construction shall cease within at least 50 feet of the discovery, and the permittee shall carry out significance testing of said deposits in accordance with the attached "Cultural Resources Significance Testing Plan Procedures" (Appendix 1). The permittee shall report all significance testing results and analysis to the Executive Director for a determination of whether the deposits are significant.
5. If the Executive Director determines that the discovery is significant, the permittee shall seek an amendment from the Commission to determine how to respond to the discovery and to protect both those and any further cultural deposits that are encountered.

Development within at least 50 feet of the discovery shall not recommence until an amendment is approved, and then only in compliance with the provisions of such amendment.

- 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.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The project site is located in the City of Dana Point inland of Pacific Coast Highway on the east side of San Juan Creek (**Exhibit 1**). The property is bordered by the creek to the west and a railroad right-of-way to the east. The entire property owned by the South Coast Water District is 30 acres, partially outside of the coastal zone, partially within the City of Dana Point's LCP jurisdiction, and partially within Coastal Commission retained jurisdiction. The portion of the property outside the coastal zone is referred to as "Lot A" (**Exhibit 2**). The project site within the coastal zone is 9 acres and is divided into two areas called "Lot B" and the "Future Expansion Lot" on **Exhibit 2**. Despite the reference to "Future Expansion lot" the applicant proposes to develop an RV and boat storage facility that includes both lots on the 9-acre project site.

The applicant proposes to grade and pave the site for 590-610 RV and boat storage spaces. Each storage space will be designed to accommodate either a boat or an RV. Lot B is 4.5 acres and would contain 280-290 storage spaces. The Future Expansion Lot is 4.5 acres and would contain 310-320 storage spaces. The project would include culverting and filling an existing drainage swale of approximately 0.29 acre, paving, striping for boats and RVs, placement of two trailers (12 feet high) for a leasing office and restrooms, new pole lighting (25 feet high), new fencing (8 feet high), and repaving the existing access road. The project includes constructing an 8-foot high, 800 sq. ft. RV and boat wash station that uses recycled water, a waste disposal station with recycling, portable sewage disposal units, dump stations for boat bilges and RV waste, and a fresh water source. The applicant proposes to create a 0.34 acre drainage swale adjacent to the RV and boat storage area and plant with native grasses.

Historically, the site and surrounding areas adjacent to the creek supported wetlands, riparian woodlands, and sage scrub communities, and native grasslands. Channelization of San Juan Creek began in the 1950s and was completed in the 1960s, before the introduction of the Coastal Act. A railroad was constructed adjacent to the project site prior to the Coastal Act. Around that same time, the project site was graded and partially paved, drainage channels were paved, and vegetation was removed. A layer of fill was added to the site.

The site is currently a storage facility for automobiles and construction equipment, divided by chain link fences that generally border the leased storage spaces. A large stockpile of imported fill soils, approximately 25 feet high, occupies a portion of the “Future Expansion Lot.” A 20-foot wide asphalt concrete road is present along the west side of the site, bordering the creek and public trail. Utilities are present in the vicinity of the paved road, along the east side of the property, and crossing the property near the concrete box drainage channel including a 27-inch-diameter water line. Electrical lines on telephone poles are present along the southern portion of the site. Some landscaping and mature trees are scattered across the site.

The applicant has an agreement tied to the Dana Point Harbor Revitalization project such that boats currently in the Harbor would be relocated to the project site and the storage lots would provide spaces for approximately 500 boats for 5 years during the harbor construction phase. The Dana Point Harbor Revitalization Project (See Commission Appeal A-5-DPT-14-0069) planned to provide boat storage for individual boat owners during the Harbor’s construction phase. Included in the certified LCP is language that required that a total of 493 dry boat storage spaces be provided at all times within the Harbor and allowed up to 400 of those spaces to be provided in a dry stack boat storage structure, up to 65-feet in height. The certified LUP does not however, prohibit the temporary off-site storage of boats during construction. The boats from the harbor would be stacked to maximize storage and would occupy approximately half of the spaces on Lot B. The other half of Lot B would be immediately available to the public for storage. After the contracted time, the boat and RV spaces occupied by the harbor boats would be open and available to the public for lease.

The Dana Point certified LCP designates the bank between the creek and the property as open space (**Exhibit 3**). The LCP requires an open space corridor along the east bank of the San Juan Creek with a hiking and biking trail. This open space area along the creek is currently open for public access, developed with a gravel and partially paved equestrian and bike trail, which also serves as a maintenance road for Flood Control. There is an existing Class I bike Trail located on the west bank of the creek. Special Conditions of the project ensure that the public accessways adjacent to the project site will not be impacted by the development, during and post construction. The area within the project site is designated by the LCP as Industrial/Business Park which allows for storage yards of this nature (boat and RV storage, marine industrial uses). The proposed project is consistent with the uses identified in the LCP.

As discussed in more detail below the subject site may contain public trust lands. Because the property is owned by a public agency, and a portion of the property may be considered Public Trust Lands, the uses for the site considered should include publicly beneficial uses. The proposed boat and RV storage facility will be open and available to the public for lease. Priorities under Chapter 3 of the Coastal Act (Sections 30210, 30222, 30223, 30224 and 30234) include enhancement of public access, visitor-serving commercial facilities designed to enhance public opportunities for coastal recreation, the use of uplands areas necessary to support coastal recreational uses, increased recreational boating use of coastal waters by providing dry storage areas, and facilities serving recreational boating shall be protected. Coastal Act priorities are met by this development project. The boat and RV storage lot fulfills the land use priorities as being available to the general public, for marine and boating necessary uses, and indirectly contributes to visitor serving/recreational

opportunities in the nearby harbor and camping areas. The project will indirectly enhance recreational opportunities by providing boat and RV storage to assist in the implementation of the Dana Point Harbor Revitalization Plan and will provide boat storage for individual boat owners during the Harbor's construction phase (See Commission Appeal A-5-DPT-14-0069). While the lots are for storage only, and is not proposed to be a camping site and will not allow overnight stays, the use of the lots is consistent with a publically beneficial use, while also being consistent with the land use designation of the LCP.

On Lot B there is an existing drainage swale that is unlined and is approximately 0.29 acres containing ruderal, non-native grasses that is regularly maintained (**Exhibits 4 and 5**). The drainage swale crosses the northern half of the site with side slopes up to approximately 8 feet in height. Drainage from this tributary drains into an approximately 24-inch-diameter storm drain which outlets into an east-west open concrete box drainage channel at the center of the site. The channel is approximately 8 feet deep. The western end of the open box drainage channel changes to a closed system that parallels the top of the east edge of the San Juan Creek channel. Additional storm drains are present draining to San Juan Creek Channel.

The drainage area is in-between 2 existing concrete culverts that direct storm water runoff from the adjacent commercial areas through the site to the San Juan Creek. In between Lot B and the Future Expansion Lot, there is a concrete lined drainage channel within an existing storm drain easement that is approximately 0.12 acres. South of the Future Expansion Lot there is a second unlined drainage channel that is approximately 0.26 acres. The drainage swale on Lot B is proposed to be converted into an underground storm drain, directed in an underground tunnel toward the existing culvert, and filled. The two other drainage areas will not be filled.

The Commission has been advised that the US Army Corps of Engineers has jurisdiction over all three drainage areas, which all drain into the San Juan Creek and from there, into the Pacific Ocean. The Commission has also been advised that the California Department of Fish and Wildlife (Cal FW) has jurisdiction over the drainage area on Lot B that may be considered a water body of the State. Cal FW has determined that there are no sensitive species within the drainage, there are no sensitive resources and that fill of the drainage area, as proposed, is acceptable. The applicant proposes to replace the ruderal grass within the drainage swale with native grasses in a newly created drainage basin elsewhere onsite. As conditioned, if other agencies determine that the project requires mitigation or changes that are not consistent with the coastal development permit approved by the Commission, the applicant will need to apply for a permit amendment or a new permit to change the plans prior to commencement of construction.

Commission staff Ecologists have reviewed the application materials, including biological reports, and have determined that there are no wetlands in this area and there is no habitat within the drainage that is proposed to be filled. The drainage area does not contain riparian vegetation, nor does the drainage area meet the criteria of a "stream" under the California Coastal Commission Regulations section 13577.

The site is located on a flood plain near the mouth of the San Juan Creek, less than ½ mile north of the Pacific Ocean. The project is within a "Floodplain Overlay District." The project site ranges from 15 to 25 feet above mean sea level. Currently, the Future Expansion Lot contains a stockpile

of dirt that would be used to fill the drainage swale on Lot B and would be used to raise the elevation of the site by approximately two feet in order to protect the site against flood hazards.

The project proposal includes construction of a new drainage system to collect and divert runoff into an existing inlet and would drain into the existing concrete lined channel, and discharge into the adjacent creek. The boat and RV washing station will consist of a recycled water system with little to no impact on the adjacent creek's water quality, however, storm water from the boats and RVs has the potential to wash motor oil, gasoline, and other contaminants into the adjacent creek. As such, the Special Conditions require the applicant submit a Water Quality Management Plan to maintain water quality systems during the development's operations. The drainage plans indicate that storm water will sheet-flow toward the proposed infiltration basin for treatment prior to draining to an existing concrete lined basin and through the underground culvert to the creek. During construction, 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. The Special Conditions require appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters.

An initial archeological investigation was done in December 2015 that did not identify any cultural resources within the site. A review of archeological records indicates that there are three archeological sites within the vicinity, but none on the project site. The side walls of the large drainage area were inspected for cultural remains and none were found. Importantly, all of the grading to occur is within fill material; none of the proposed grading will result in disturbance to native soils. Instead, most of the grading is proposed to raise the elevation of the site. This grading includes 41,000 cubic yards of cut, mainly cut of the existing stockpile of fill that was placed on the site, and 62,360 cubic yards of fill. A large amount of fill was placed on the site previously, ranging from one to 13 feet deep across the project site. The top one foot of soil will need to be excavated for site stability. Then the site will be compacted and additional fill, between 2-5 feet will be added. Because of the grading would only involve fill, it is not likely that the development will impact any archeological resources. However, special conditions are imposed on the permit to require monitoring and if any resources are found during grading a treatment plan would need to be developed for any resources found.

Commission staff is aware of a Notice of Preparation for an Environmental Impact Report that will address the environmental effects of a proposed Ocean Water Desalination Facility on the subject site. The development approved under this permit does not necessarily preclude the possibility of alternative development projects in the future.

The Commission-approved Post-Certification map (post-cert map) of the City of Dana Point indicates that some or all of the subject site may be public trust lands and identifies the area as the Commission's retained permit jurisdiction. The post-cert map shows that "Lot B" is partially within jurisdiction of Dana Point and partially within retained permitting jurisdiction of the Coastal Commission. The portion of the project site referred to as the "Future Expansion Lot" is entirely within the Coastal Commission permitting jurisdiction. Since there are overlapping jurisdictions the applicant has applied for a consolidated permit pursuant to Coastal Act Section 30601.3. Furthermore, the City's LCP contains a provision which states that the Commission retains permitting authority over an entire development project in areas of split jurisdiction. Under both

30601.3 and the LCP, the standard of review is the Chapter 3 policies of the Coastal Act with the LCP used for guidance. There is some information in the application which indicates a discrepancy in the boundary of the areas that are subject to the public trust. Thus, Special Condition 2 requires the applicant to obtain a determination from the State Lands Commission prior to issuance of the coastal development permit.

B. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition must be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

C. MARINE RESOURCES

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, 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. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

D. PUBLIC ACCESS AND RECREATION

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Additionally, the project provides a necessary use to support public recreational boating. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. LOCAL COASTAL PROGRAM (LCP)

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3.

The City of Dana Point has a Certified Local Coastal Program that was effectively certified in 1989. Since then parts of the LCP have been updated through LCP amendments, including most recently the Dana Point Harbor Revitalization Plan that was approved in two parts, the first on October 13, 2010 and the Implementation Plan (IP) was effectively certified on October 6, 2011. The proposed development is taking place partially within the City's permitting jurisdiction and partially within the Commission's area of retained permitting jurisdiction under Coastal Act Section 30519(b). The applicant has applied for a consolidated permit. The development must be evaluated for consistency

with the Chapter 3 policies of the Coastal Act and the policies of the Certified LCP may only be used for guidance.

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 maintain an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 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 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 additional feasible mitigation measures available that would substantially lessen any significant adverse effect that 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.

APPENDIX 1

CULTURAL RESOURCES SIGNIFICANCE TESTING PLAN PROCEDURES

A. An applicant seeking to recommence construction following discovery of cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved and implementation may proceed.

1. If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures are de minimis in nature and scope, the significance testing may commence after the Executive Director informs the permittee of that determination.

2. If the Executive Director approves the Significance Testing Plan but determines that the testing measures therein are not de minimis, significance testing may not recommence until after an amendment to this permit is approved by the Commission.

3. Once the measures identified in the Significance Testing Plan are undertaken, the permittee shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archeologist's recommendation as to whether the deposits are significant. The project archeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. The Executive Director shall make the determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the permittee shall prepare and submit to the Executive Director a supplementary Archeological Plan in accordance with subsection B of this condition and all other relevant subsections. If the deposits are found to be not significant, then the permittee may recommence grading in accordance with any measures outlined in the significance testing program.

B. An applicant seeking to recommence construction following a determination by the Executive Director that the cultural deposits discovered are significant shall submit a Supplementary Archeological Plan for the review and approval of the Executive Director. The Supplementary Archeological Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well as others identified in subsection C below. The Supplementary Archeological Plan shall identify proposed investigation and mitigation measures. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In

order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the Supplementary Archaeological Plan.

1. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director informs the permittee of that determination.
2. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

C. Prior to submittal to the Executive Director, all plans required to be submitted pursuant to this special condition, except the Significance Testing Plan, shall have received review and written comment by a peer review committee made up of qualified archeologists convened in accordance with current professional practice. Representatives of Native American groups with documented ancestral ties to the area shall also be given an opportunity to review and submit written comments on the required plans. Names and qualifications of selected peer reviewers shall be submitted for review and approval by the Executive Director. The plans submitted to the Executive Director shall incorporate the recommendations of the peer review committee and Native American representatives or explain why the recommendations were rejected. Furthermore, upon completion of the review process, all plans shall be submitted to the California Office of Historic Preservation (OHP) and the NAHC for their review and an opportunity to comment. The plans submitted to the Executive Director shall incorporate the recommendations of the OHP and NAHC. If the OHP and/or NAHC do not respond within 30 days of their receipt of the plan, the requirement under this permit for that entities' review and comment shall expire, unless the Executive Director extends said deadline for good cause. All plans shall be submitted for the review and approval of the Executive Director.

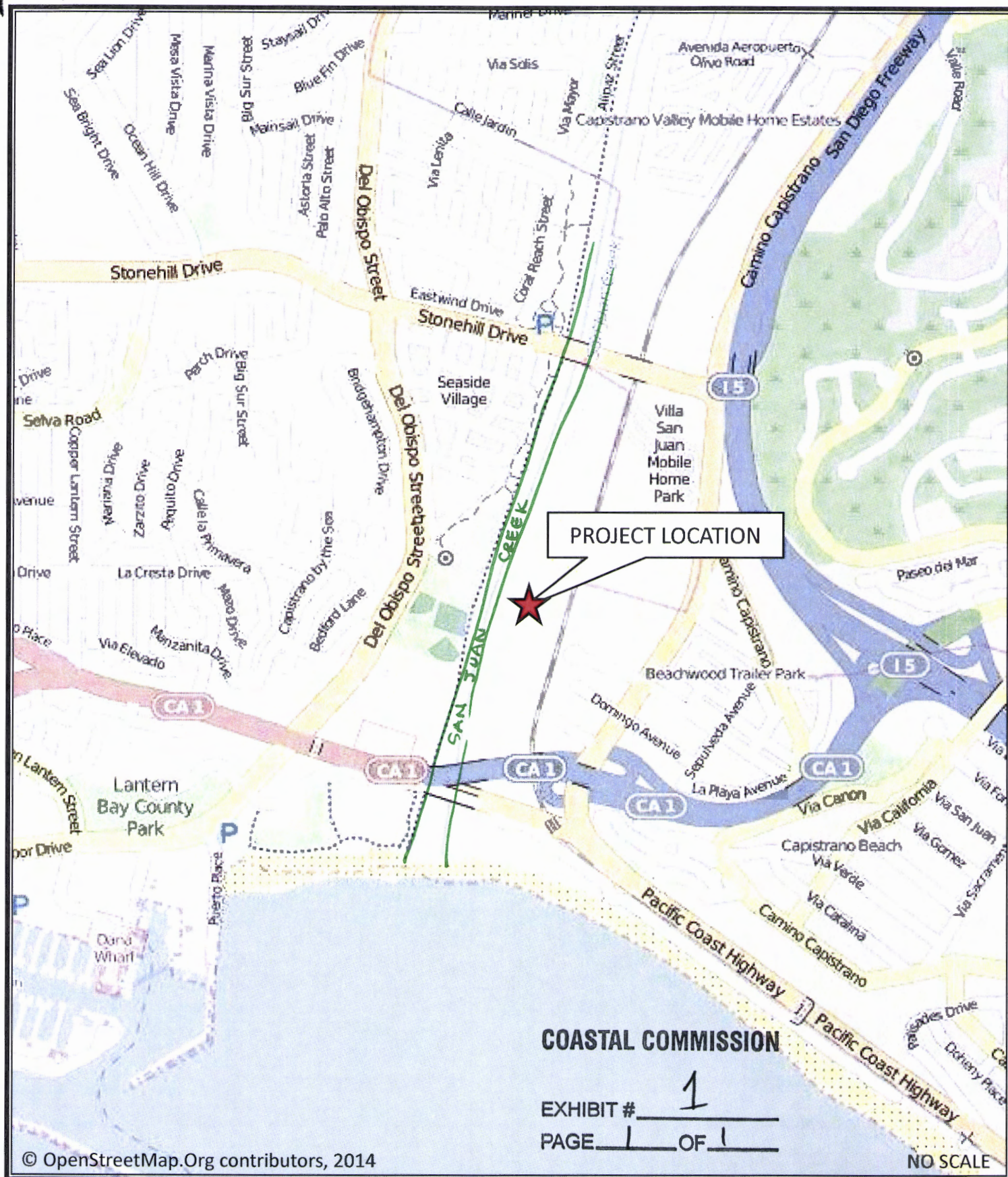
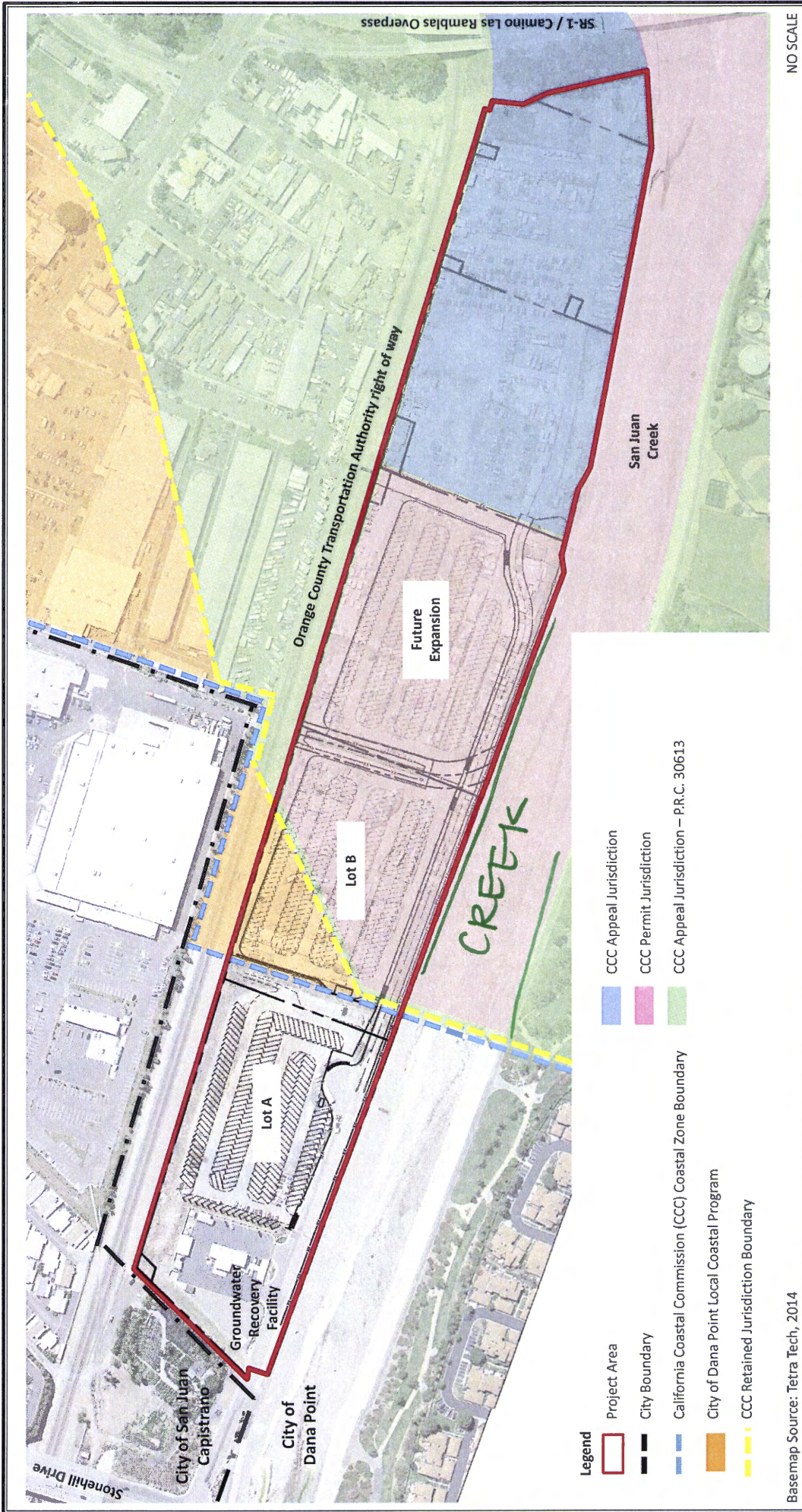


FIGURE 2. PROJECT LOCATION MAP
Boat Storage/Recreational Vehicle Storage Area Project









FIGURE 5. JURISDICTIONAL BOUNDARIES MAP

Boat Storage/Recreational Vehicle Storage Area Project

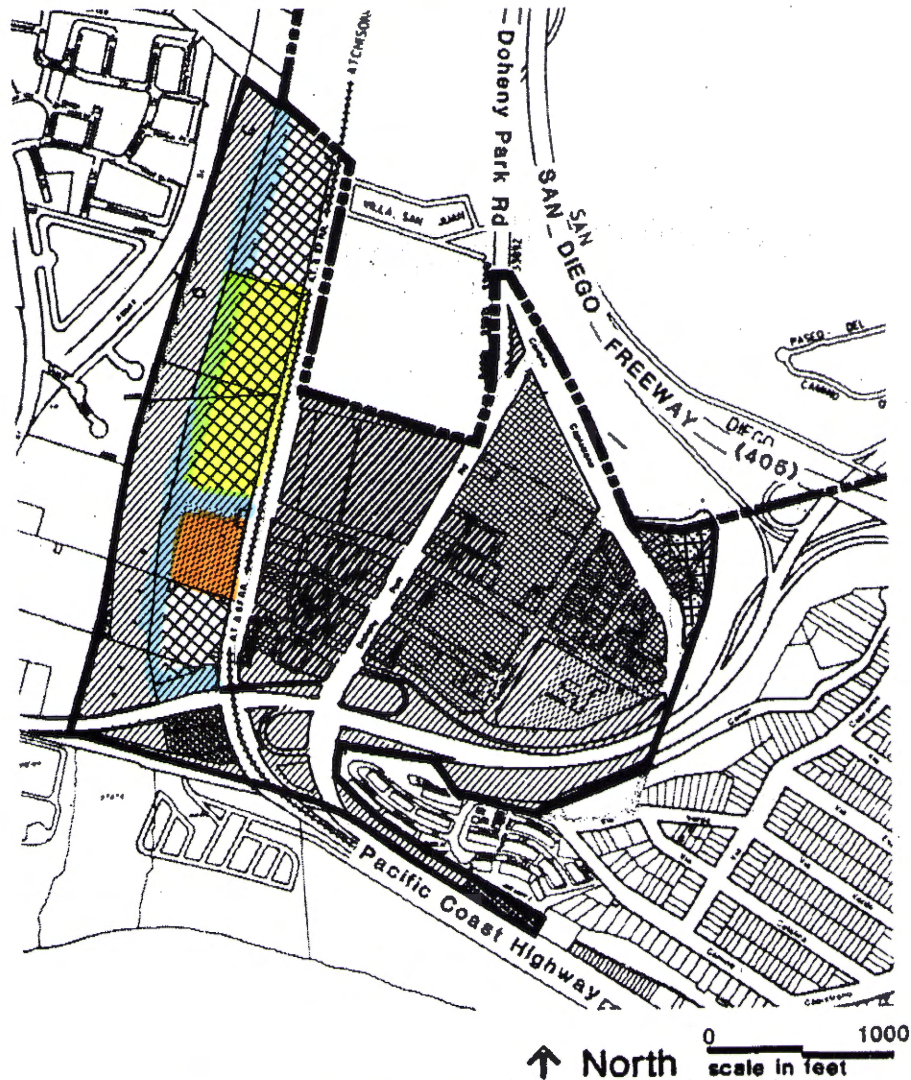


COASTAL COMMISSION

EXHIBIT # 2

PAGE 1 OF 1

**Figure LU-8
Doheny Village**



-  RESIDENTIAL 22.0-30.0 DU/AC
-  COMMUNITY COMMERCIAL
-  VISITOR/RECREATION COMMERCIAL
-  COMMERCIAL/RESIDENTIAL
-  INDUSTRIAL/BUSINESS PARK
-  COMMUNITY FACILITY
-  RECREATION/OPEN SPACE
-  TRANSPORTATION CORRIDOR

COASTAL COMMISSION

EXHIBIT # 3
PAGE 1 OF 1

LAND USE ELEMENT
JULY 9, 1991

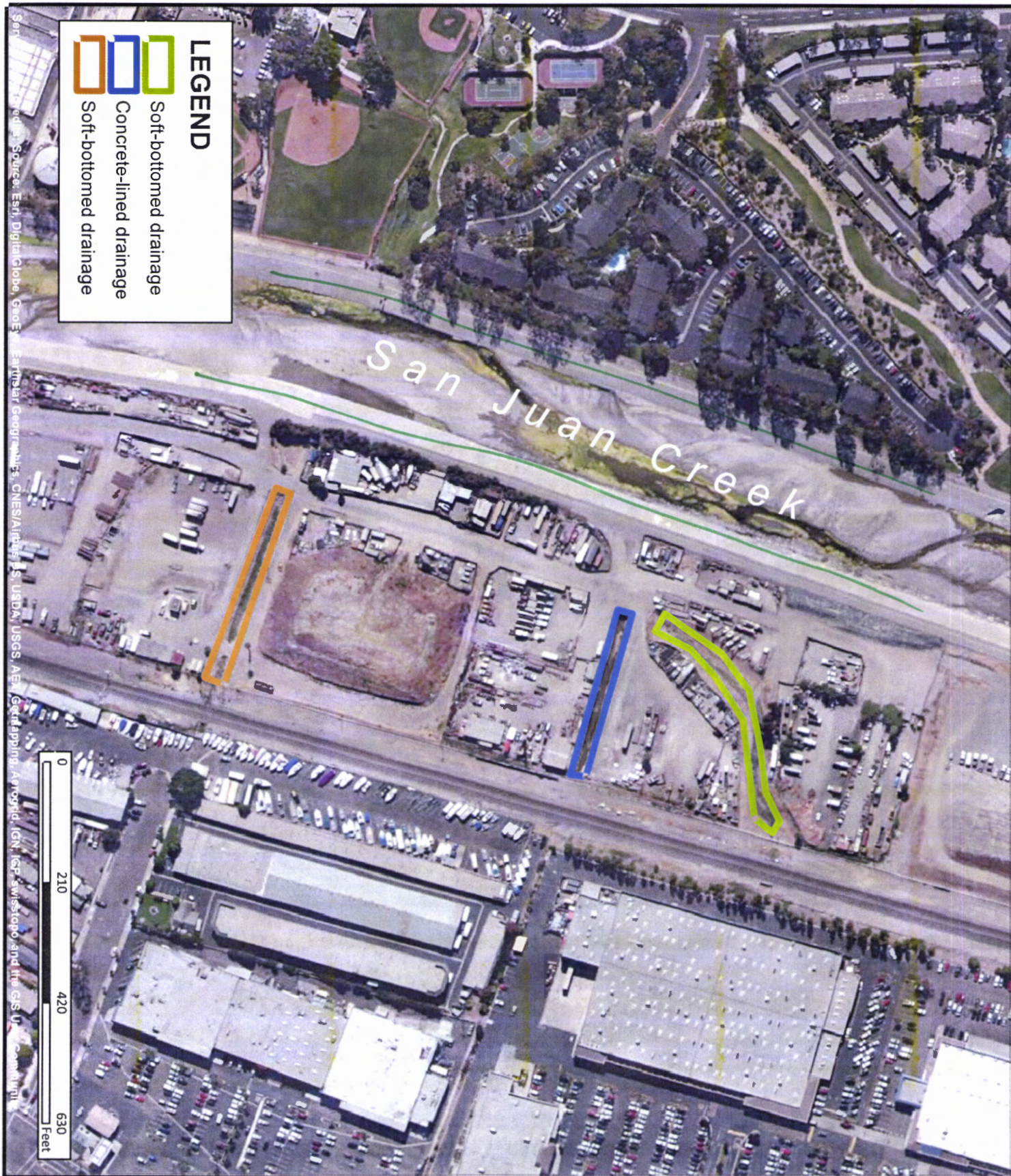


FIGURE 4: DRAINAGES MAP
Boat Storage/Recreational Vehicle Storage Area
Project

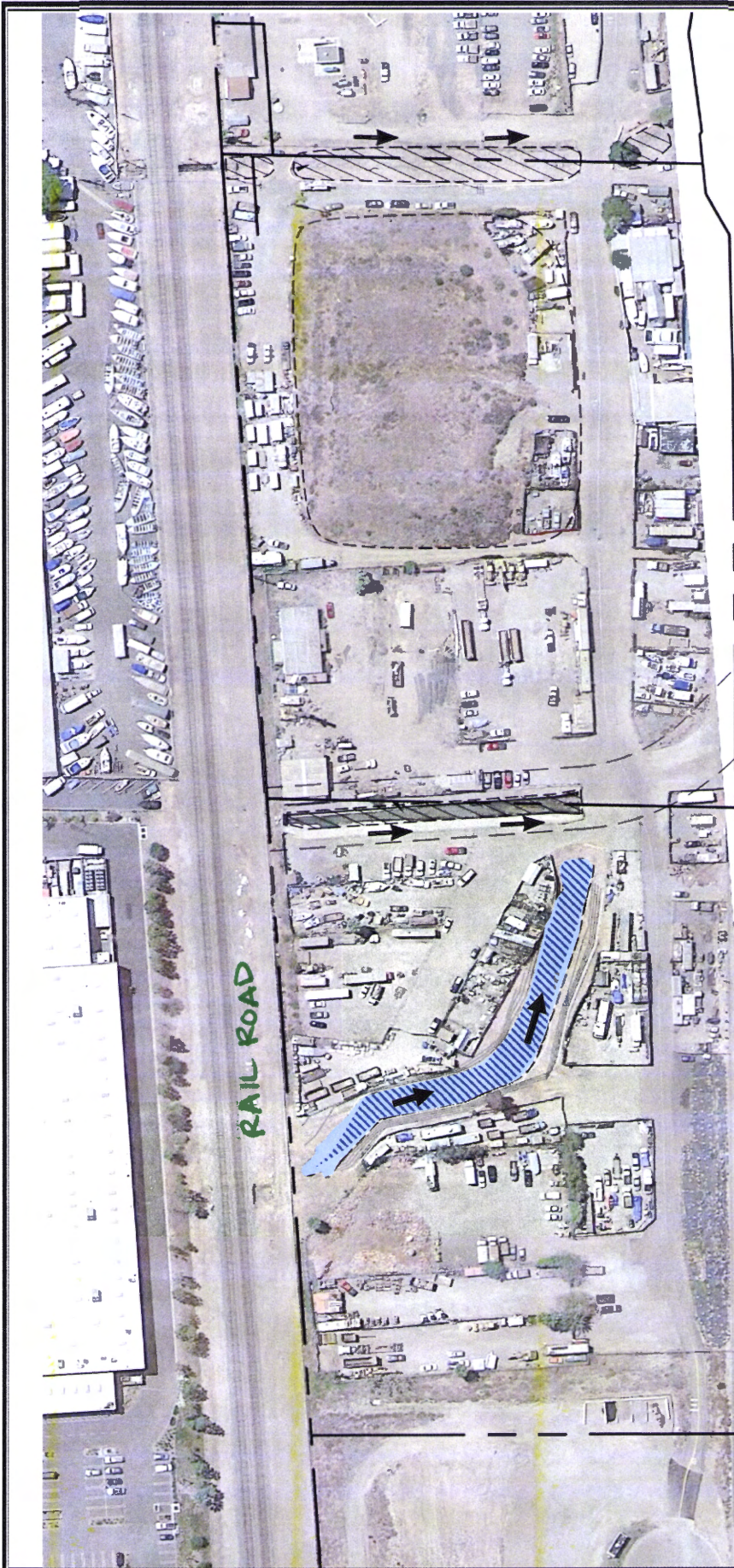
COASTAL COMMISSION

EXHIBIT # **4**
 PAGE **1** OF **5**





FIGURE 5. IMPACT AREA MAP
Boat Storage/Recreational Vehicle Storage Area Project



LEGEND

--- Parcel Property Line

Permanent Impacts on Waters of the state (0.29 acre)

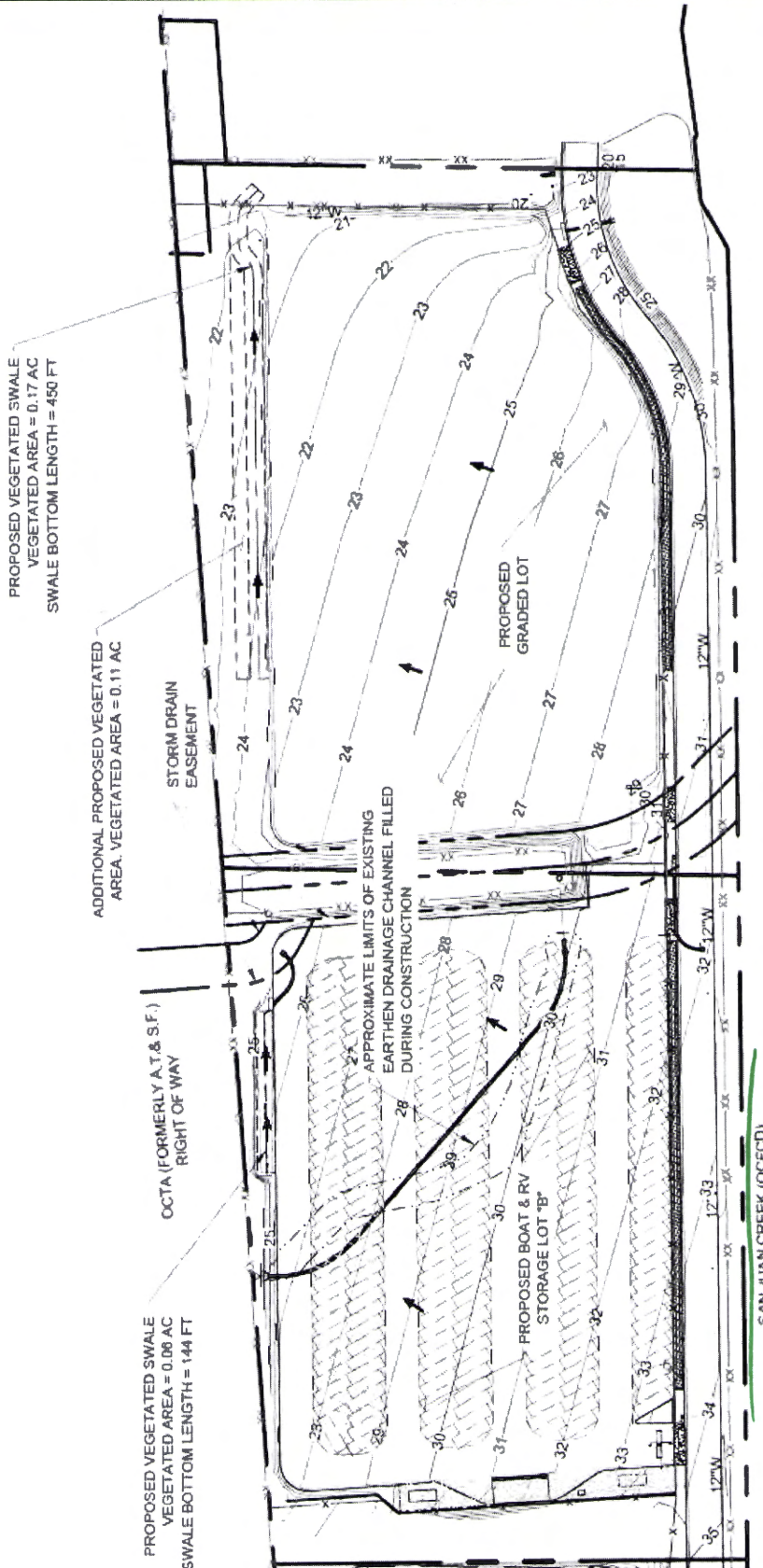
Permanent Impacts on Waters of the United States (0.25 acre)

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EXHIBIT # 4
PAGE 2 OF 5



FIGURE 6. MITIGATION AREA MAP

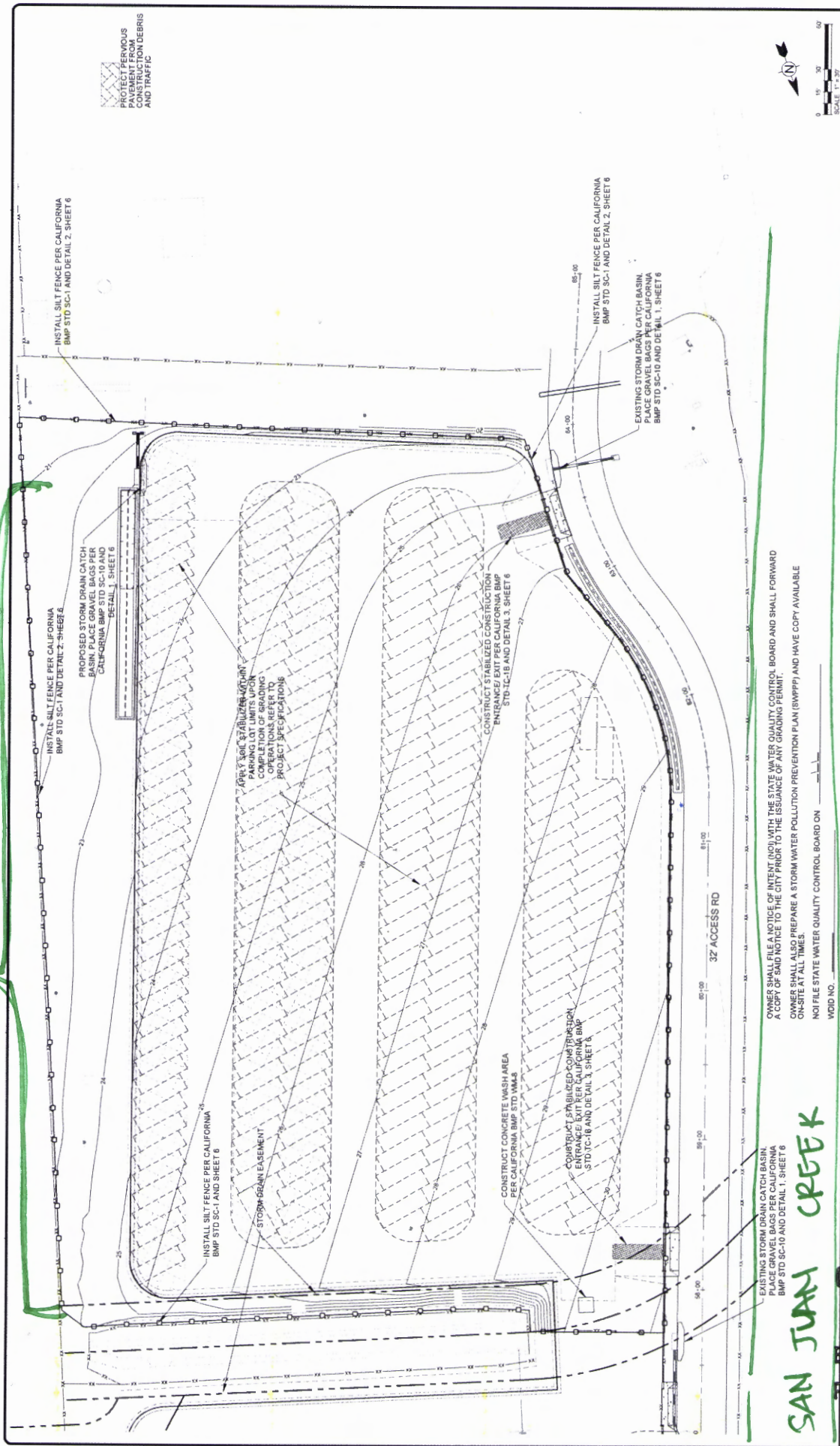


LEGEND

- Parcel Property Line
- - - Limits of Proposed Vegetation
- . - Limits of Existing Earthen Swale
- [] Proposed Vegetation
- ↑ Proposed Flow Direction

COASTAL COMMISSION

FUTURE EXPANSION LOT



OWNER SHALL FILE A NOTICE OF INTENT (NOI) WITH THE STATE WATER QUALITY CONTROL BOARD AND SHALL FORWARD A COPY OF SAID NOTICE TO THE CITY PRIOR TO THE ISSUANCE OF ANY GRADING PERMIT.
OWNER SHALL ALSO PREPARE A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND HAVE A COPY AVAILABLE ON-SITE AT ALL TIMES.
NOI FILE STATE WATER QUALITY CONTROL BOARD ON _____
VOID NO. _____

SAN JUAN CREEK

SHEET		5		OF 14 SHEETS	
SOUTH COAST WATER DISTRICT		SAN JUAN CREEK PROPERTY SITE IMPROVEMENTS FUTURE EXPANSION		EROSION AND SEDIMENT CONTROL PLAN	
PROJECT INFORMATION		<p>OWNER SHALL FILE A NOTICE OF INTENT (NOI) WITH THE STATE WATER QUALITY CONTROL BOARD AND SHALL FORWARD A COPY OF SAID NOTICE TO THE CITY PRIOR TO THE ISSUANCE OF ANY GRADING PERMIT. OWNER SHALL ALSO PREPARE A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND HAVE A COPY AVAILABLE ON-SITE AT ALL TIMES. NOI FILE STATE WATER QUALITY CONTROL BOARD ON _____ VOID NO. _____</p>			
DATE	DESIGN	DATE	DESIGN	DATE	DESIGN
MAY 2014	DJ	MAY 2014	DJ	MAY 2014	DJ
JOB NO.	DRAWN	JOB NO.	DRAWN	JOB NO.	DRAWN
13-0017-1802	EM	13-0017-1802	EM	13-0017-1802	EM
DRAWING NO.	CHECKED	DRAWING NO.	CHECKED	DRAWING NO.	CHECKED
XXXXXX	JD	XXXXXX	JD	XXXXXX	JD
APPROVED	DATE	APPROVED	DATE	APPROVED	DATE

COASTAL COMMISSION

EXHIBIT # 4

5 OF 5



project
site

creek

PUBLIC TRAIL

COASTAL COMMISSION

EXHIBIT # 5
PAGE 1 OF 5



Future
Expansion
Lot →

SOFT BOTTOM DRAINAGE

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EXHIBIT # 5
PAGE 2 OF 5



CONCRETE-LINED DRAINAGE

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EXHIBIT # 5
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0.29 acre drainage:
Looking East

COASTAL COMMISSION

EXHIBIT # 5
PAGE 4 OF 5



0.29 acre drainage :
Looking West toward Creek

COASTAL COMMISSION

EXHIBIT # 5
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