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STAFF REPORT: CONSENT CALENDAR

Application No.: 6-20-0269

Applicant: City of Oceanside

Agent: Bellingham Marine Industries
 Attn: Usmita Pokhrel

Location: 1540 Harbor Drive, Oceanside Harbor, Oceanside,
 San Diego County. (APN: 143-120-10-00)

Project Description: Replace and reconfigure existing dock floats and gangways with new precast concrete floating docks and aluminum gangways and upgrade utilities at J Dock. Total water coverage would decrease by approximately 20 square feet.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The proposed project is the replacement and reconfiguration of J Dock, an existing boat dock in Oceanside Harbor. The project will result in a decrease of approximately 20 sq. ft. of overwater coverage and will provide improved ADA access to the dock. **Special Condition No. 1** requires final plans to ensure that the project is undertaken according to plans that minimize impacts to the surrounding area. **Special Condition No. 2** requires a pre-construction survey to prevent the spread of the invasive green alga, *Caulerpa taxifolia*. **Special Condition No. 3** prevents or mitigates impacts to sensitive species by requiring pre- and post-construction eelgrass surveys. **Special Condition No. 4** avoids negative impacts on water quality associated with materials used to

construct the dock. **Special Condition No. 5** requires a Construction Pollution Prevention Plan to protect water quality during construction activities. **Special Condition No. 6** requires post-construction monitoring in order to avoid marine debris that could result from deterioration of the dock float materials. **Special Condition No. 7** prevents negative impacts on water quality from the use of the dock as a boating facility. As conditioned, no significant impacts to any coastal resources are anticipated.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 6-20-0269 as conditioned. The motion is on page 4. The standard of review is Chapter 3 of the Coastal Act.

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EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

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 Commissioners present.

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 applicant 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Submittal of Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, Final Plans that conform with the plans submitted to the Commission titled Oceanside J Dock dated April 16, 2020.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. Pre-Construction *Caulerpa taxifolia* Survey.

- a. By acceptance of this permit, the applicant agrees that no earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive algae *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate. If any portion of the project commences in a previously undisturbed area after the last valid *Caulerpa taxifolia* survey expires, a new survey is required prior to commencement of work in that area.
- b. The survey protocols shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service.
- c. Within five (5) business days of completion of the survey, the applicant shall submit the survey:
 - (1) for the review and approval by the Executive Director; and
 - (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through Loni Adams, California Department of Fish & Wildlife (858/627-3985) or Bryant Chesney, National Marine Fisheries Service (562/980 4037), or their successors.
- d. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *Caulerpa taxifolia* discovered within the project and buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *Caulerpa taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Pre-and Post-Construction Eelgrass Survey(s).

- a. Pre-Construction Eelgrass Survey. A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed within 60 days before the start of construction. The survey shall be prepared in full compliance with the "California Eelgrass Mitigation Policy and Implementing Guidelines" dated October 2014 (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html) adopted by the National Marine Fisheries Service (except as modified by this special condition) and shall be prepared in consultation with

the California Department of Fish and Wildlife. The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area that would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit from the Coastal Commission, unless the Executive Director determines that no amendment or new permit is required.

- b. **Post-Construction Eelgrass Survey.** If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within 30 days of completion of construction, or within the first 30 days of the next active growth period following completion of construction that occurs outside of the active growth period, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the “California Eelgrass Mitigation Policy” dated October 2014 (see <https://www.fisheries.noaa.gov/west-coast/habitat-conservation/seagrass-west-coast>) (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, if suitable habitat is available, or at another pre-approved location, in accordance with the California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.38:1 (mitigation: impact). Any exceptions to the required 1.38:1 mitigation ratio found within the California Eelgrass Mitigation Policy shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

4. Materials Used to Construct Docks. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the written approval of the Executive Director, a plan detailing the materials to be used to construct all components of the docks. The applicant shall comply with the following requirements:

- a. **Alternatives to Treated Wood.** The use of alternative materials instead of preservative-treated wood — such as wood-plastic composites, plastic (e.g., polyethylene, polypropylene, or PVC), fiberglass-plastic composites (e.g., fiber-reinforced polymer), concrete, metal, or naturally decay-resistant untreated wood (e.g., redwood, red cedar, ipe, greenheart, and in some cases Douglas fir) — shall be prioritized for construction of the dock, where appropriate and feasible.

- (1) A concrete floating dock system shall be installed, consisting of pre-fabricated pontoon floats filled with expanded polystyrene foam fully encapsulated in concrete and with a concrete walking surface, as proposed by the applicant.
 - (2) Aluminum gangways, polymer filler slabs, and plastic lumber rub boards shall be installed, as proposed by the applicant.
 - (3) For all components of the dock's structural framework that the applicant proposes to construct using treated wood (such as the walers and cover boards), and the dock box for each boat slip, the applicant shall prioritize the use of alternative materials instead of treated wood, to the extent appropriate and feasible.
 - (4) In construction of overwater structures, the use of treated wood containing chemicals that may contribute to any listed water quality impairment of coastal waters by that chemical shall be avoided, to the extent feasible. Oceanside Harbor is listed on the current 2016 Clean Water Act section 303(d) list of impaired waters as impaired by copper. Copper is a pesticide contained in the common water-based wood preservatives approved for use in marine waters, including the two types of treated wood the applicant proposes to use, Ammoniacal Copper Zinc Arsenate (ACZA) or Copper Azole Type C (CA-C). Therefore, the use of treated wood to construct overwater structures in Oceanside Harbor shall be avoided, unless there is a valid engineering reason to use treated wood.
- b. **Type of Treated Wood.** For all components of the dock that the applicant proposes to construct using treated wood, a type of treated wood shall be selected that minimizes the risk of aquatic and sediment toxicity.
- (1) The applicant proposes the use of wood treated with the preservatives Ammoniacal Copper Zinc Arsenate (ACZA) or Copper Azole Type C (CA-C). The preservative ACZA shall be used to treat components of the dock where frequent contact with humans or marine mammals is not expected. Because the arsenic in ACZA poses mammalian health concerns, ACZA shall be avoided where frequent contact with humans or marine mammals will occur. Wood treated with the arsenic-free preservative CA-C shall only be used for above-water dock components where frequent human or marine mammal contact will occur, as this preservative leaches substantially more copper, and thus has a higher risk of aquatic toxicity, than does ACZA.
 - (2) All treated wood shall be treated to the standards of the lowest appropriate Use Category for each component, to ensure that the treated wood does not exceed the minimum preservative retention level. This will minimize the amount of preservative in the wood that may leach into coastal waters. Use Categories, as specified by the American Wood Protection Association, are based on factors such as whether the wood is subject to saltwater splash vs. immersion, and whether the component is critical and difficult to replace.

For wood components subject to saltwater splash (Use Category 4B), such as the walers and cover boards of the proposed dock, the appropriate preservative retention level for wood treated with ACZA is 0.60 lbs./ft.³, and for wood treated with CA-C is 0.31 lbs./ft.³.

- (3) Where available, only treated wood that has been certified as produced for use in aquatic environments shall be used (as indicated by a BMP Quality Mark or Certificate of Compliance), in accordance with industry standards such as the Best Management Practices for the Use of Treated Wood in Aquatic and Wetland Environments by the Western Wood Preservers Institute, et al.

- c. **Paints, Coatings, and Other Products.** Any paint, coating, wrapping, sealant, adhesive, caulk, or other product used in construction of overwater and in-water structures shall be inert when fully dried and cured, and therefore not leach chemicals that could contribute to aquatic toxicity. The applicant shall specify the product to be used and the location of its use, and shall provide any available information on the product's aquatic toxicity.

5. **Construction Pollution Prevention Plan.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the written approval of the Executive Director, a Construction Pollution Prevention Plan that includes, at a minimum, the following requirements to protect coastal water quality during construction and demolition activities:

- a. **General BMPs and Procedures**

- (1) Best Management Practices (BMPs) designed to minimize adverse impacts resulting from construction and demolition activities shall be implemented prior to the onset of such activity, including BMPs to minimize erosion and sedimentation, minimize the discharge of pollutants and non-stormwater runoff, and minimize land disturbance, as applicable. The description and location of all water quality BMPs to be implemented during construction and demolition shall be specified.
- (2) All BMPs shall be maintained in a functional condition throughout the duration of the construction and demolition activities, and shall be promptly removed when no longer required.
- (3) The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting shall be prohibited, to minimize wildlife entanglement and plastic debris pollution. Only products with 100% biodegradable (not photodegradable) natural fiber netting shall be allowed.
- (4) All construction methods and equipment to be used shall be specified.

b. BMPs for Overwater and In-Water Construction

- (1) Tarps or other devices shall be used to capture all debris, sawdust, oil, grease, rust, dirt, drips, and spills resulting from overwater construction and demolition activities, to protect the quality of coastal waters.
- (2) Floating booms shall be used to contain any floating debris accidentally discharged into coastal waters during construction and demolition activities. Non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible. The collected debris shall be removed as soon as possible, but no later than the end of each day.
- (3) A silt curtain shall be used to control turbidity if sediment or silt is stirred up during construction or demolition activities taking place in or over coastal waters, where coastal resources (such as benthic communities or eelgrass) may be at risk.

c. BMPs for Using Treated Wood in the Aquatic Environment

- (1) Treated wood sawdust and debris shall not be allowed to enter coastal waters. If treated wood is saw-cut, drilled, or sanded during demolition, removal, installation, or maintenance of the docks, all sawdust and debris generated shall be contained and removed.
- (2) Field-treatment of Copper Naphthenate preservative shall be applied sparingly to cut ends and drilled holes in treated wood, and drips or spills of Copper Naphthenate shall not be allowed to enter coastal waters.
- (3) Treated wood and treated wood debris shall be stored a minimum of 50 feet from coastal waters, drainage courses, and storm drain inlets; shall be stored on an impervious surface; and shall be covered during rain events.

d. BMPs for Staging and Storage of Equipment and Materials

- (1) Motorized equipment shall be staged and stored in the parking lot to the extent feasible, rather than on the barges, to reduce the potential for leaks or spills of fuel and other equipment fluids into coastal waters.
- (2) Equipment and materials staged or stored on the barges shall be contained to prevent leaks or spills from entering coastal waters.

e. BMPs for Construction Activities In and Adjacent to Coastal Waters

- (1) Construction work and equipment operations below the mean high water line shall be minimized to the extent feasible, and, where possible, shall be limited to times when tidal waters have receded from the authorized work areas.

- (2) All work shall be performed during favorable tidal, ocean, wind, and weather conditions that will enhance the ability to contain and remove, to the maximum extent feasible, construction and demolition debris.
- (3) Equipment or construction materials not essential for construction work shall not be allowed at any time in the intertidal zone.
- (4) The footprint of areas within which demolition and construction activities are to take place (including staging and storage of equipment, materials, and debris; and equipment fueling and maintenance) shall be minimized to the extent feasible, to minimize impacts on the marine environment. Construction activities shall be prohibited outside of designated construction, staging, storage, and maintenance areas.
- (5) Vegetable-oil-based hydraulic fluids shall be used in heavy equipment used in construction lasting one week or longer overwater or adjacent to coastal waters, if feasible.
- (6) Biodiesel fuel shall be used in heavy equipment used in construction lasting one week or longer overwater or adjacent to coastal waters, if feasible.

f. **BMPs for Stockpile and Debris Management**

- (1) All demolition and construction materials, equipment, debris, and waste shall be properly stored and contained, and shall not be placed or stored where it may be subject to wave, wind, rain, or tidal dispersion, to prevent pollutants from entering coastal waters, sensitive habitats, and the storm drain system.
- (2) All stockpiles, construction materials, and demolition debris shall be enclosed on all sides, covered during rain events, and not stored in contact with the soil, and shall be located a minimum of 50 feet from coastal waters, sensitive habitat, and storm drain inlets.
- (3) Sediment control BMPs shall be installed at the perimeter of staging and storage areas, to prevent sediment in runoff from construction-related activities from entering coastal waters.
- (4) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs, to prevent the accumulation of debris, sediment, and other pollutants that may potentially be discharged into coastal waters.
- (5) All trash and debris shall be disposed of in the proper trash and recycling receptacles at the end of every construction day.
- (6) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.

- (7) All debris resulting from demolition or construction activities, and any remaining construction materials, shall be removed from the project site within 24 hours of completion of the project.
- (8) 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.

g. BMPs for Spill Prevention and Equipment Maintenance

- (1) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of construction products or materials that may have adverse environmental impacts. The discharge of any construction products or materials into coastal waters shall be prohibited.
- (2) Leaks or spills of fuel, oil, grease, lubricants, hydraulic fluid, chemicals, preservatives, paints, or other construction products or materials shall be immediately contained on-site and disposed of in an environmentally-safe manner as soon as feasible.
- (3) Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids, and shall be serviced immediately if a leak is found.
- (4) Fueling and maintenance of construction equipment and vehicles shall be conducted off-site, if feasible. Any fueling and maintenance of mobile equipment conducted on site shall take place at a designated area located at least 50 feet from coastal waters, sensitive habitat, and storm drain inlets (unless these inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.
- (5) Equipment, machinery, and vehicles shall be washed only in designated areas specifically designed to contain runoff and prevent discharges into coastal waters. Thinners, oils, and solvents shall not be discharged into the sanitary sewer or storm drain systems.

- 6. Post-Construction Monitoring of Dock Flotation System.** The dock flotation system shall be periodically monitored during the life of the structure, and shall be repaired or replaced if the materials begin to deteriorate, to ensure that fragments of the expanded polystyrene foam within the pontoon floats do not enter coastal waters and contribute to marine debris.

7. Marina Water Quality Management Plan. By acceptance of this permit, the applicant agrees that the long-term water-borne berthing of boats in the approved docks and/or boat slips shall be managed in a manner that protects water quality pursuant to the implementation of the following marina management BMPs.

a. Boat Cleaning and Maintenance Measures

- (1) In-water hull cleaning, scraping, or any other process taking place underwater that results in the removal of paint from boat hulls shall be prohibited.
- (2) Top-side maintenance work that may result in the discharge of debris (including paint chips, wood coatings, treated-wood preservatives, and plastic particles) into the water shall be prohibited.
- (3) For boat top-side cleaning and maintenance, only cleaning products that are designated by the manufacturer as non-toxic, phosphate-free, and biodegradable shall be used, and the amounts used shall be minimized. Boaters shall implement protective practices to prevent all cleaning products from entering the water. The use of boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be prohibited.

b. Solid and Liquid Waste Management Measures

- (1) All trash, recyclables, hazardous wastes, and potential water contaminants, (including waste gasoline or diesel, fuel mixed with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, kerosene, and mineral spirits) shall be disposed of in a proper manner, and shall not be allowed to enter coastal water or the storm drain system.
- (2) Boaters shall regularly inspect and maintain engines, seals, gaskets, lines, and hoses in order to prevent oil and fuel spills. Boaters shall use oil absorbent materials in the bilge and under the engine to prevent oil and fuel discharges. Oil absorbent materials shall be examined at least once per year, and replaced as necessary. Used oil absorbent materials are hazardous waste in California, and must therefore be disposed in accordance with hazardous waste disposal regulations.
- (3) The discharge of oily bilge water to coastal waters shall be prohibited. Boat owners shall use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services to prevent oily bilge water discharges.
- (4) If the bilge needs more extensive cleaning (such as due to spills of engine fuels, lubricants, or other liquids), boaters shall use a bilge pump-out facility or steam-cleaning services that recover and properly dispose of or recycle all contaminated liquids.

- (5) Bilge cleaners that contain soaps, detergents, or emulsifiers shall not be used, as these products may be discharged to coastal waters by the bilge pumps, and are harmful to aquatic life.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The proposed project involves replacement of J Dock in Oceanside Harbor ([Exhibit 1](#)). The dock has experienced extensive corrosion since its construction over 55 years ago. Oceanside Harbor opened in 1963 and is operated by the City of Oceanside. The Harbor contains 30 docks with approximately 960 slips available for monthly or daily lease for recreational and commercial boating uses. The subject site, J Dock, provides 48 recreational boat slips. The existing slip number and mix will not change.

The existing walkway, fingers, gangways, and utilities will be replaced and, in some instances, reconfigured. The walkways and fingers will be replaced in-kind with floats made of expanded polystyrene foam fully encapsulated in lightweight concrete. The existing 35 ft. gangway at the northwestern end of the dock will be replaced with a new aluminum 80 ft. ADA-certified gangway with a security gate. The existing 35 ft. gangway at mid-dock will be replaced with a new aluminum 38 ft. gangway. New wales and cover boards made of wood treated with Ammonical Copper Zinc Acetate will be installed along the perimeter of the dock system. No new piles are proposed. All existing piles will remain in place and be utilized for the new dock structures. New electrical and potable water services will also be installed.

The proposed project would reduce overall overwater coverage from 17,102 sq. ft. to 17,081 sq. ft. The reconfiguration of the existing northwestern gangway to an ADA-certified gangway will increase the gangway's overwater coverage, but several small sections of the existing dock will be removed in order to compensate for this increase ([Exhibit 2](#)). In total, the amount of water coverage will decrease by approximately 20 sq. ft.

The only bottom disturbance associated with the proposed project is the use of temporary anchors to secure the new dock floats while they are being assembled. A biological survey conducted in August 2019 found that no sensitive habitats, including eelgrass, existed in the project area. However, the location and extent of eelgrass can change seasonally. Because the proposed dock will change in configuration and the new dock will temporarily be secured with anchors, there is potential that new eelgrass growth could be impacted. **Special Condition No. 3** requires the applicant to conduct pre- and post-construction eelgrass surveys to ensure that no impacts occur, and if impacts do occur, they must be mitigated consistent with the California Eelgrass Monitoring Program (CEMP). Approvals issued for this project by the U.S. Army Corps of Engineers and the Regional Water Quality Control Board also require pre- and post-construction eelgrass surveys and mitigation for any impacts consistent with the CEMP.

The invasive green alga, *Caulerpa taxifolia* (referred to hereafter as Caulerpa), has proven to be detrimental to native habitats in Southern California. The seaweed spreads

asexually from fragments and creates a dense monoculture, displacing native plant and animal species. If *Caulerpa* is present, any project that disturbs the bottom could cause its spread by dispersing viable tissue fragments. While *Caulerpa* has not been found in the project area, the invasive nature of *Caulerpa* necessitates the completion of a survey of the work area within 90 days prior to commencement of development. Therefore, **Special Condition No. 2** requires the applicant to conduct a pre-construction *Caulerpa* survey of the project area, and to avoid or remove the *Caulerpa* if it is discovered.

Construction is anticipated to take place from February 2021 through May 2021, which is typically a period of lower public use of the harbor. Approximately ten slip renter parking spaces near the J Dock will be used to temporarily stage materials and equipment. Pedestrian detours will maintain access while public walkways adjacent to J Dock are temporarily inaccessible during the unloading of floats. The existing dock structure will be disassembled using hand tools and a work boat, and the materials will be removed using either a land-based crane or forklift or a waterside barge mounted crane. The new dock system will be manufactured off-site and shipped to the site by truck. The new docks will be placed in the water by land-based crane or forklift and assembled using hand tools.

The proposed development will occur on or within coastal waters. To avoid impacts from the proposed construction materials, **Special Condition No. 4** requires the applicant to prioritize alternatives to treated wood, minimize the risk of toxicity from preservatives, and specify any other products used to construct overwater and in-water structures. 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 to water quality, **Special Condition No. 5** requires the applicant to submit a construction pollution prevention plan that includes best management practices to appropriately store and handle construction equipment and materials. **Special Condition No. 6** requires post-construction monitoring of the dock flotation system to ensure that fragments of the expanded polystyrene foam do not enter coastal waters.

Although this project is not expected to impact water quality, adverse effects to water quality can occur through the use of these boating facilities. Therefore, **Special Condition No. 7** requires a marina water quality best management plan for the J Dock. Implementation of this plan will help ensure that boating in the project area will be managed in a manner that protects water quality.

The subject site is located within the City of Oceanside, which has a certified Local Coastal Program (LCP). However, because the project is located seaward of the mean high tide line, it is within an area of original jurisdiction where the Chapter 3 policies of the Coastal Act are the standard of review with the City's certified LCP used as guidance.

B. Biological Resources

Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protects sensitive habitats. 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.

The proposed recreational boat dock and its associated structures are an allowable and encouraged marine-related use. The development will slightly decrease the overwater coverage and, as conditioned, will not result in adverse impacts to water quality or sensitive habitat. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Public Access/Parking

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

D. Local Coastal Planning

Although the City of Oceanside has a certified LCP, the subject site is located in an area where the Commission retains permit authority and Chapter 3 of the Coastal Act remains the standard of review. The policies of the certified City of Oceanside LCP are used as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act.

E. California Environmental Quality Act

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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. The City of Oceanside found that the proposed project is categorically exempt from the requirements of CEQA pursuant to Public Resources Code Section 15302.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing water quality and habitat impacts, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation

measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Marine Biological Resources Report and Essential Fish Habitat Assessment, prepared by Marine Taxonomic Services, Ltd., 1/14/2020
- City of Oceanside Certified Local Coastal Program