

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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**F15d**

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**COASTAL DEVELOPMENT PERMIT APPLICATION**

**Application number** .....3-03-088, Live Oak Library Corcoran Lagoon Restoration

**Applicant**.....Santa Cruz County Redevelopment Agency

**Project location**.....The edge of Corcoran Lagoon along the Live Oak Library site at 2380 Portola Drive in the unincorporated Live Oak area of Santa Cruz County.

**Project description** .....Removal of invasive and non-native plant species and restoration of native wetland vegetation along the edge of the Lagoon.

**File documents**.....Santa Cruz County Certified Local Coastal Program (LCP); Coastal Commission Appeal File A-3-SCO-03-071 (Live Oak Library).

**Staff recommendation** ...Approval with Conditions

**Summary of staff recommendation:** The Applicant proposes to restore the degraded edge of Corcoran Lagoon adjacent to the Live Oak Library site by removing existing non-native and invasive plant species and replanting with native wetland species to enhance wetland habitat value. The restoration would take place along the edge of Corcoran Lagoon in upland and wet-transition areas. The project is directly associated with the replacement of the Live Oak Library. The Library replacement project has been approved by Santa Cruz County and appealed to the Commission and is being heard at the October hearing as well (Appeal A-3-SCO-03-071, item number F14a). In that case, Staff is recommending that the Commission find no substantial issue and decline to take jurisdiction over the coastal development permit for that project. This restoration project has been separated from the Library replacement project because it is located within the Commission's retained jurisdiction.

Corcoran Lagoon is one of several lagoons in the Live Oak coastal area that has been hemmed in over time by ever increasing urbanization. Much of its vegetated perimeter has been colonized by non-native, and highly invasive plant species that have out competed and replaced, in many cases, the native wetland species. The proposed project will remove non-native and invasive plant species and replace them with natives along that portion of the Lagoon perimeter framing the Applicant's developed Live Oak Library site. Approximately 500 linear feet (or roughly 1/4 of an acre) of wet transitional habitat and upland habitat will be restored.

The proposed project will result in an improvement of wetland resource values for a section of the Lagoon. It will also enhance the public Lagoon viewshed (as seen from other areas ringing the Lagoon).

**California Coastal Commission****October 2003 Meeting in San Diego**Staff: D. Carl Approved by: *DSL*

3-03-088 Live Oak Library Lagoon Restoration stfprt 10.10.2003.doc

As such, the project implements fundamental tenets of the Coastal Act. There is a procedural issue though. Because this project was segmented from the replacement Library project (due to coastal permit jurisdictional boundaries), its regulatory connection to it is tenuous. In other words, although the Applicant indicates that this project will take place in concert with the Library replacement project, it is not assured. There isn't a regulatory requirement that it take place along with that project, and indeed as partial mitigation for its impacts. Staff believes that this restoration is inextricably linked to the replacement Library project and a condition is recommended to ensure that it takes place at that time.

In addition, minor changes to the plan are recommended: to ensure adequate native species diversity within the restoration area; to require submittal of all monitoring reports to the Executive Director; and to require a re-review if success criteria have not been met by year 5 of the restoration. Also, a condition prohibiting future non-habitat development in the Lagoon area is recommended to ensure protection of this significant resource in the future.

As conditioned, Staff recommends that the Commission approve the restoration project.

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## 1. Staff Recommendation on Coastal Development Permit

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

**Motion.** I move that the Commission approve Coastal Development Permit Number 3-03-088 pursuant to the staff recommendation.

**Staff Recommendation of Approval.** Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution to Approve a Coastal Development Permit.** The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development 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 amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

## 2. Conditions of Approval

### A. 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.

## **B. Special Conditions**

1. **Restoration Plan Requirements.** The following requirements shall be added to the restoration plan (i.e., *Native Vegetation Restoration Plan Live Oak Library Expansion* by John Gilchrist & Associates dated November 2002, and dated received in the Coastal Commission's Central Coast District Office August 22, 2003):
  - (a) **Reporting.** All monitoring and other reports shall be submitted for the review and approval of the Executive Director;
  - (b) **Native Species Diversity.** The performance standard and final success criteria for "native species richness" shall specify that a native species will be deemed present for purposes of that criterion only if it constitutes at least 5% of the native plant cover.
  - (c) **Re-Review.** In the event that final success criteria have not been met at the end of the fifth year of monitoring, then the Permittee shall submit for the review and approval of the Executive Director a revised restoration remediation plan designed to achieve restoration success.
2. **Implementation Required.** Implementation of the restoration plan (i.e., *Native Vegetation Restoration Plan Live Oak Library Expansion* by John Gilchrist & Associates dated November 2002, and dated received in the Coastal Commission's Central Coast District Office August 22, 2003) as amended by special condition 1 above shall occur prior to or at the same time as any project to replace the Live Oak Library on the subject site. Non-native invasive plant removal and initial replanting specified in the Plan shall occur prior to occupancy of any replacement Live Oak Library on the subject site.
3. **Corcoran Lagoon Protection.** By acceptance of this permit, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that development, as defined in Section 30106 ("Development") of the Coastal Act, shall be prohibited within that portion of the property on the Corcoran Lagoon side of the existing fence line (see exhibit C), except for the following subject to any necessary permits and/or authorizations: (a) existing permitted development and approved repair and/or maintenance thereto; (b) habitat enhancement measures undertaken pursuant to an approved plan; and/or (c) low-intensity public interpretive facilities (e.g., edge of Lagoon trails, pathways, and boardwalks; bird blinds; protective signs; interpretive signs; etc.).



## **Recommended Findings and Declarations**

The Commission finds and declares as follows:

### **3. Project Description**

#### **A. Project Location**

The proposed development is located on a small portion of the edge of Corcoran Lagoon adjacent to the Live Oak Library in the unincorporated Live Oak area of Santa Cruz County (see exhibits A and B). Corcoran Lagoon is one of a series of coastal lagoons in Live Oak that have been hemmed in over time by the increasingly dense development, primarily residential, of coastal Live Oak. Corcoran extends from the beach shoreline under a bridge at East Cliff Drive (i.e., the first through public road) and inland to Portola Drive. The library site is on the inland side of Corcoran and is accessed off of Portola Drive. Residential development surrounds the Lagoon, and a radio station, KSCO, is located due west – also directly adjacent to the Lagoon (and including 3 tall radio transmission towers within the Lagoon itself).

#### **B. Related Library Replacement Project**

The Library site is located on a roughly 4 acre parcel of which approximately 2½ acres is occupied by the Lagoon itself and the remainder is pre-Coastal Act fill that has historically been developed with building and parking areas. The fill area is currently occupied by a roughly 6,000 square foot library building (5,000 square foot building and 1,000 square foot enclosed patio) nearest Portola with a parking lot on the Lagoon-side of the building. The building is one-story and 17-foot tall. Prior to the existing library use, the building and site were used as a nightclub, with parking occupying the remainder of the site between the building and the Lagoon. A small wooden split rail fence rings the site on the Lagoon side roughly demarking the boundary between the disturbed area of the site and the Lagoon portion of the site. The area inland of the fence line includes a graveled weedy area used historically for overflow parking. A tall eucalyptus grove runs along the edge of the lagoon along the fence line on the southeast of the site. A small vegetated swale currently collects runoff prior to directing it to the Lagoon. See exhibits A, B, and C.

The County recently approved a coastal development permit to allow replacement of the Library. That decision has been appealed to the Commission and is being heard at the October hearing as well (Appeal A-3-SCO-03-071, item number F14a). The County approval allows the Applicant to demolish the existing library building and replace it with a 13,500 square foot structure in roughly double the structural footprint in a mix of one and two stories up to 28 feet tall at its maximum. The structure would be finished with fiber cement board and bat upper stories, stucco lower story, and a series of wood gables and pedestals designed to evoke a coastal-craftsman style. The approved project also includes reconfigured and improved parking areas, walkways, and landscaping. A portion of the existing graveled weedy area would be combined with the area of the existing vegetated swale to create a larger bio-



filtration area for site runoff that would itself then filter through a new engineered filtration device prior to entering the Lagoon. The area immediately under the eucalyptus grove canopy would be left undisturbed since the eucalyptus duff and feeder roots have acclimated in this area (and removal would adversely affect the tree grove). The wooden split rail fence would be replaced in kind and in the same location. Existing chemically treated railroad ties (used historically to define parking areas) would be removed and disposed of properly offsite. The approved project retains the informal public path along the Lagoon's edge, and includes a viewing area and interpretive panels along the path.

### **C. Proposed Lagoon Restoration**

Corcoran Lagoon is one of several lagoons in the Live Oak coastal area that have been degraded over time by non-native and invasive species colonization. Much of Corcoran's vegetated perimeter has been colonized by non-native, and highly invasive plant species that have out competed and replaced in many cases the native wetland species. As part of the Library replacement project, the Applicant proposes to remove non-native and invasive plant species and replace them with natives along that portion of the Lagoon perimeter framing the Applicant's developed Live Oak Library site. Approximately 500 linear feet (or roughly ¼ of an acre) of wet transitional habitat and upland habitat will be restored. See proposed restoration site plan showing existing vegetation and a proposed restoration plantings in exhibit B.

## **4. Coastal Development Permit Determination**

### **A. Applicable Policies**

#### **Wetland and Other Environmentally Sensitive Habitat Areas (ESHAs)**

The Coastal Act is very protective of sensitive resource systems such as wetlands and other environmentally sensitive habitat areas (ESHAs). The Coastal Act defines environmentally sensitive areas as follows:

*Section 30107.5. "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Almost all development within ESHAs is prohibited, and adjacent development must be sited and designed so as to maintain the productivity of such natural systems. In particular, Coastal Act Section 30240 states:

*Section 30240(a). Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*



*Section 30240(b).* Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Article 4 of Chapter 3 of the Coastal Act also describes protective policies for the marine environment and specifically calls out wetland resources. Coastal Act Sections 30230 and 30231 provide:

*Section 30230.* Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

*Section 30231.* The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Coastal Act Section 30233(a) and 30233(c) specifically address protection of resources like Corcoran Lagoon. In particular, Coastal Act Section 30233 limits development in wetlands to a few limited categories where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects:

*Section 30233(a).* The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including



*berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*

- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (7) Restoration purposes.*
- (8) Nature study, aquaculture, or similar resource dependent activities.*

*Section 30233(c). In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division. ...*

### **Visual Resources**

Coastal Act Section 30251 details specific public viewshed protections. Section 30251 states:

*30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Coastal Act Section 30240(b), previously cited, also protects the aesthetics of parks and recreation areas. Section 30240(b) states:

*Section 30240(b). Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*



## **B. Consistency With Applicable Policies**

Although degraded somewhat, the area in which the restoration would take place is wetland and constitutes ESHA within the meaning of the Coastal Act (Section 30107.5). The proposed restoration project is an allowed use within this portion of Corcoran Lagoon as it is a restoration project designed to enhance wetland habitat (section 30240 and 30233(a)(7)). The result of the project will be that both the biological productivity of Corcoran Lagoon and the Lagoon viewshed will be enhanced (consistent with the requirements of Coastal Act Sections 30230, 30231, 30233(c), 30240(b), and 30251).

Minor changes to the restoration plan are recommended to ensure implementation success as follows:<sup>1</sup> (a) adding supplemental native species diversity requirements in the success criteria (to avoid mono-cover with a dominant species); (b) requiring submittal of all monitoring reports to the Executive Director; and (c) requiring a re-review if success criteria have not been met by year 5 of the restoration (see special condition 1).

There is a procedural issue in that the proposed project is directly related to the Live Oak Library replacement project, and helps to offset impacts from that project (visual and habitat). However, because the restoration project was segmented from the replacement Library project (due to coastal permit jurisdictional boundaries),<sup>2</sup> its regulatory connection to it is tenuous. In other words, although the Applicant indicates that this project will take place in concert with the Library replacement project, it is not assured. There isn't a regulatory requirement that it take place along with that project. In order to assure that the restoration occurs as part of any Live Oak Library replacement project, the restoration is conditioned to occur at that time, and be implemented (at least initially) prior to occupancy of any replacement library project (see special condition 2).

In addition, the habitat portion of the Library property is inappropriate for non-habitat related and/or viewshed degrading development. None is proposed at this time. So as to ensure that this area remains protected ESHA and ESHA viewshed as directed by the Act, future development is prohibited in this habitat portion of the site, except for maintaining existing permitted development, habitat restoration, and low-intensity public interpretive facilities (see special condition 3 and exhibit C).

As conditioned, Corcoran Lagoon habitat and visual resources will be enhanced and protected with the proposed project consistent with the cited Coastal Act policies.

## **C. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed

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<sup>1</sup> Based upon review of it by the Commission's Senior Biologist.

<sup>2</sup> This restoration project has been separated from the Library replacement project because it is located within the Commission's retained coastal permitting jurisdiction, while the replacement library project is located within the County's coastal permitting jurisdiction in an area that County decisions are appealable to the Commission.

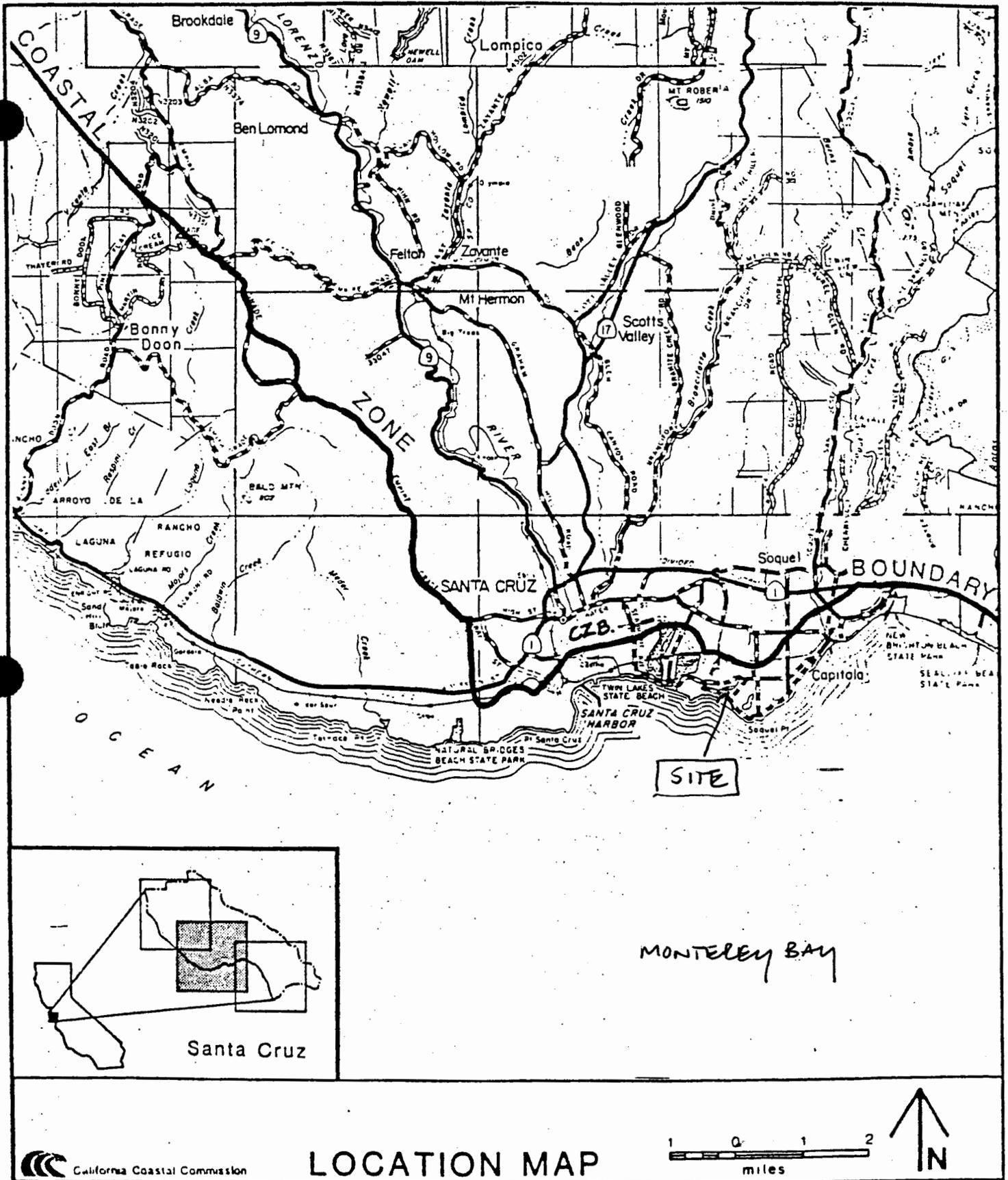


development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



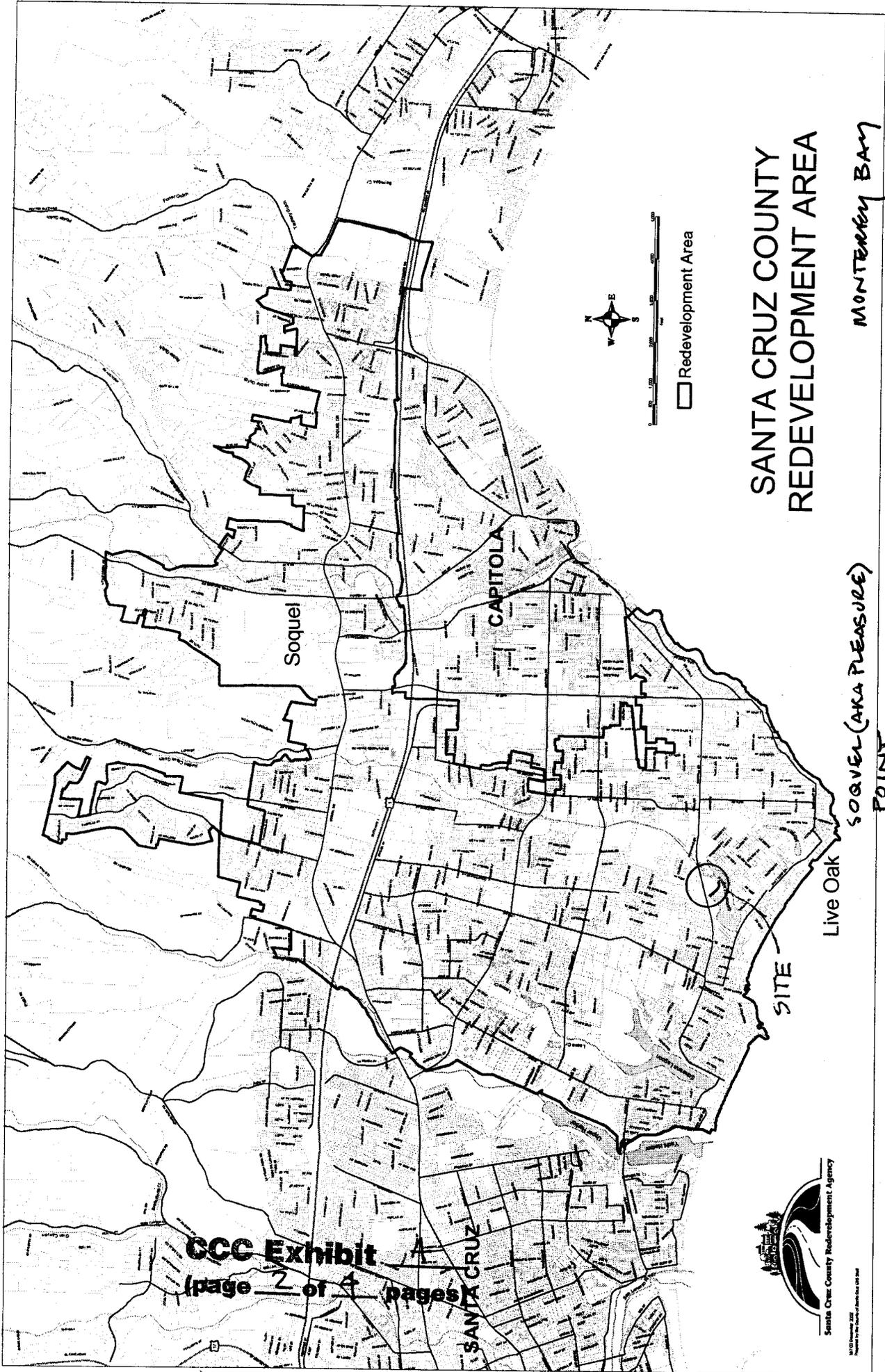


MONTELEY BAY

 California Coastal Commission

LOCATION MAP





**SANTA CRUZ COUNTY  
REDEVELOPMENT AREA**

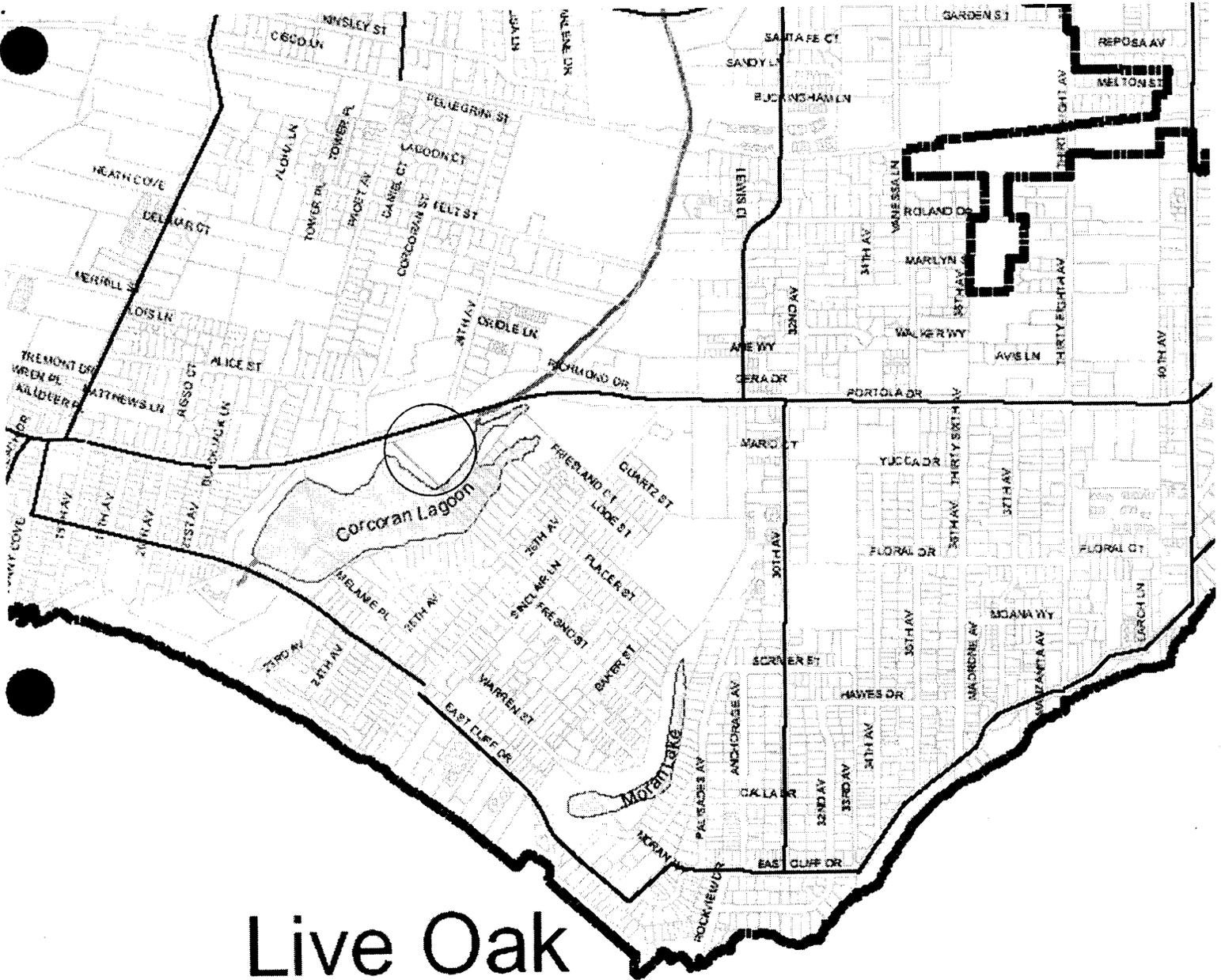
*MONTEREY BAY*

*SOQUEL (AKA PLEASURE)  
POINT*

**CCC Exhibit**  
*(page 2 of 4 pages)*



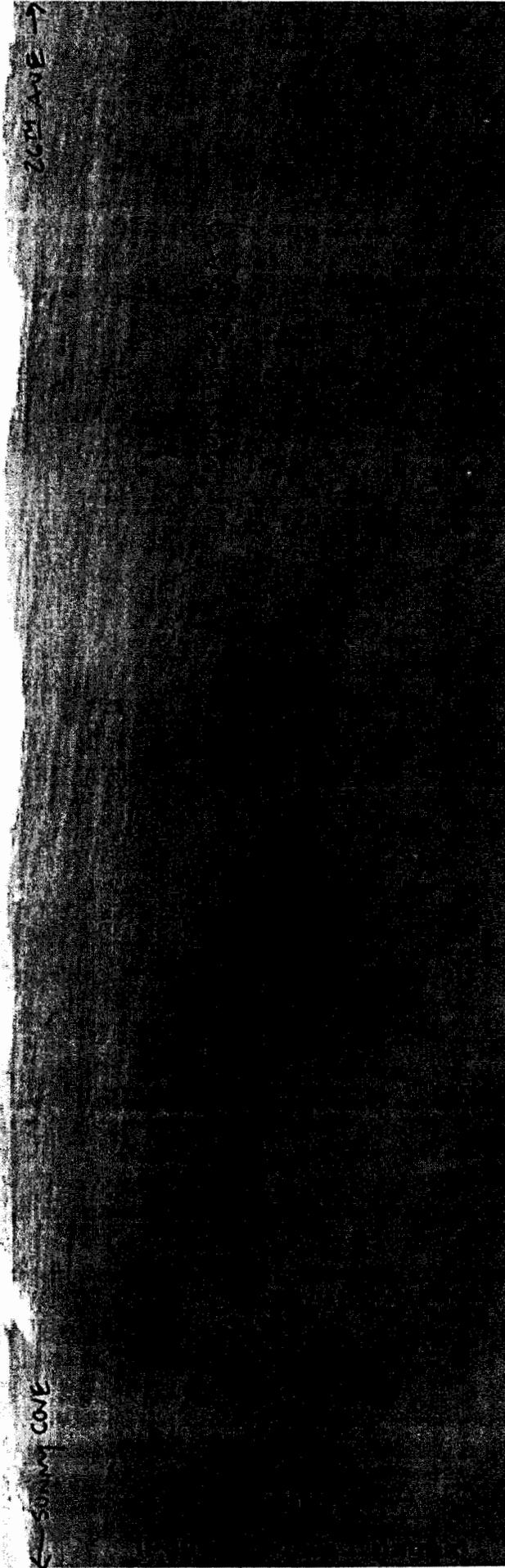
31 October 2007  
Approved by the Board of Supervisors of Santa Cruz County



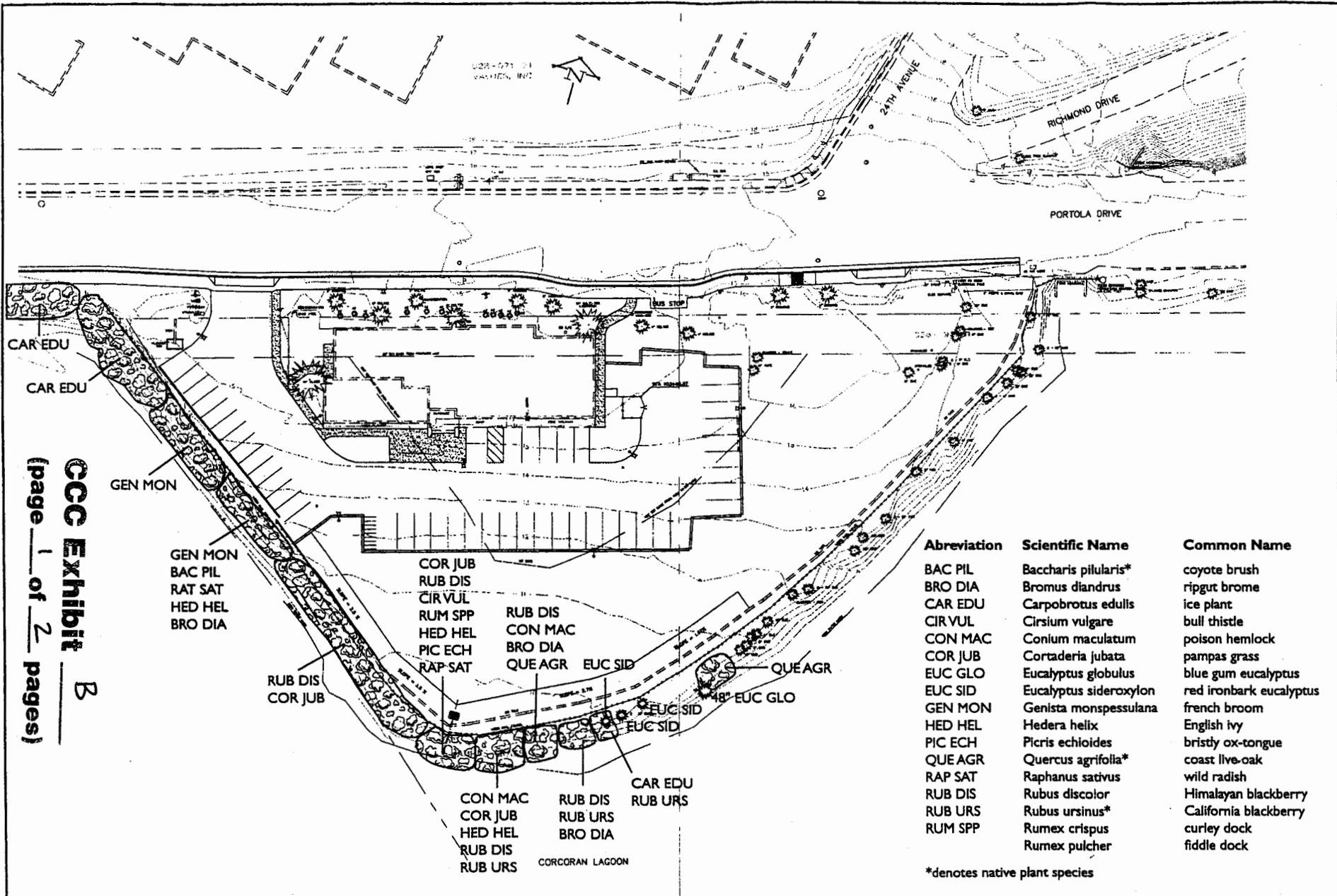
Live Oak

SOQUEL (AKA PLEASURE) POINT

MONTEREY BAY



SOURCE: CALIFORNIA COASTAL RECORDS PROJECT, IMAGE #628, 3/16/2002

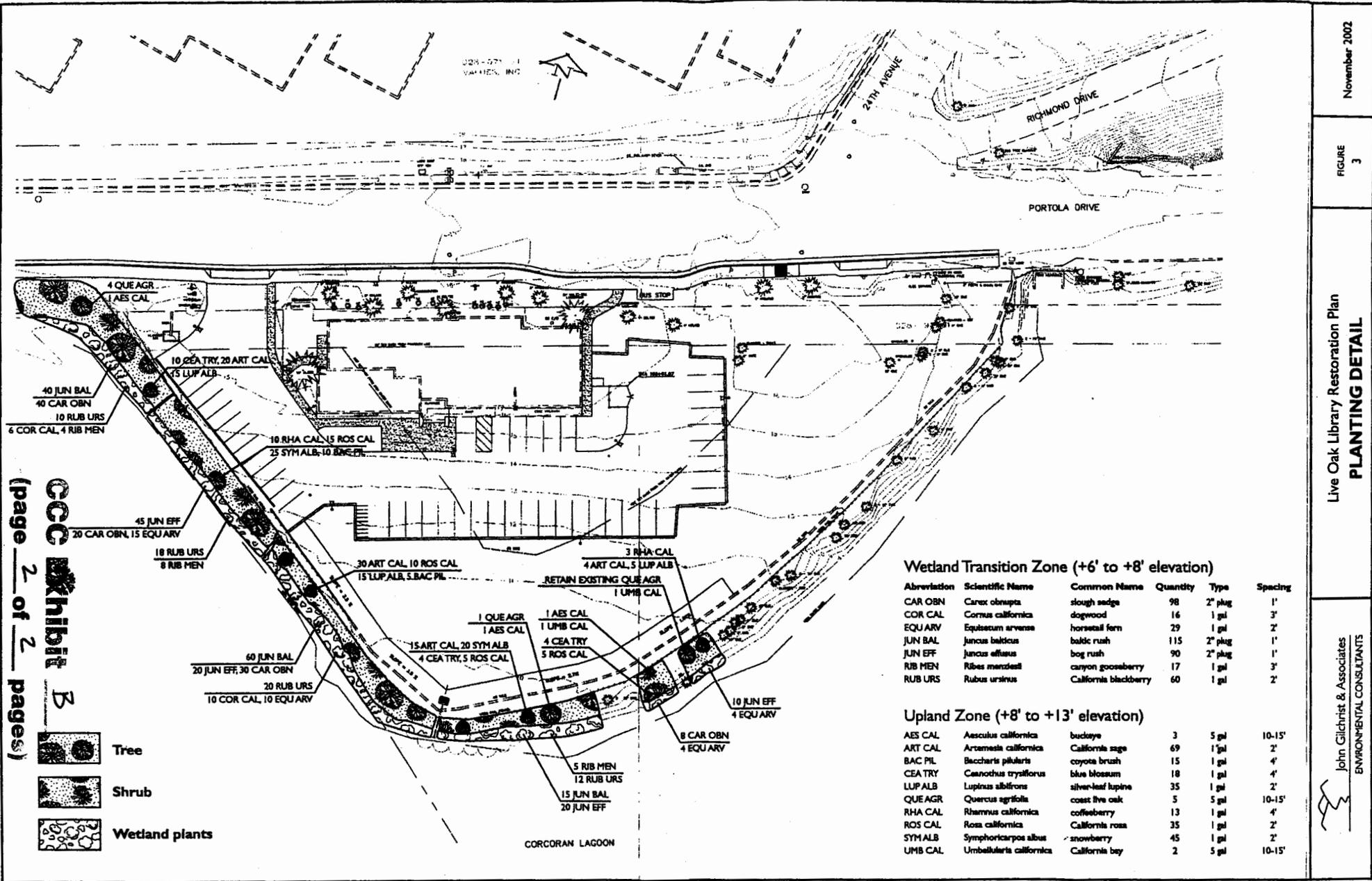


CCC Exhibit B  
 (page 1 of 2 pages)

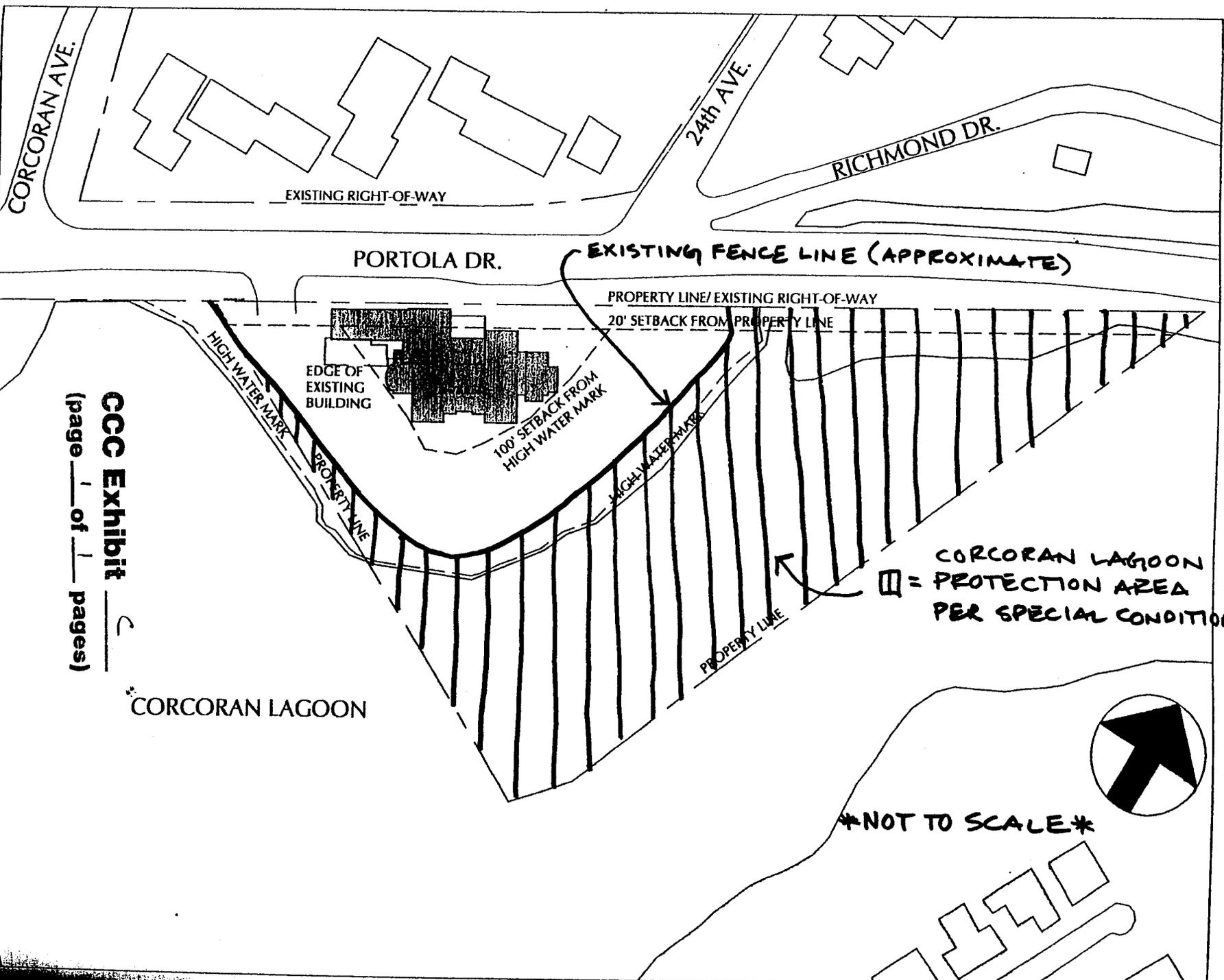
Abbreviation	Scientific Name	Common Name
BAC PIL	Baccharis pilularis*	coyote brush
BRO DIA	Bromus diandrus	ripgut brome
CAR EDU	Carpobrotus edulis	ice plant
CIR VUL	Cirsium vulgare	bull thistle
CON MAC	Conium maculatum	poison hemlock
COR JUB	Cortaderia jubata	pampas grass
EUC GLO	Eucalyptus globulus	blue gum eucalyptus
EUC SID	Eucalyptus sideroxylon	red ironbark eucalyptus
GEN MON	Genista monspessulana	french broom
HED HEL	Hedera helix	English ivy
PIC ECH	Picris echioides	bristly ox-tongue
QUE AGR	Quercus agrifolia*	coast live-oak
RAP SAT	Raphanus sativus	wild radish
RUB DIS	Rubus discolor	Himalayan blackberry
RUB URS	Rubus ursinus*	California blackberry
RUM SPP	Rumex crispus	curley dock
	Rumex pulcher	fiddle dock

\*denotes native plant species

EXISTING VEGETATION



RESTORATION PLANTINGS

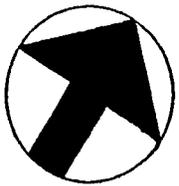


CCC Exhibit       
 (page 1 of 1 pages)

CORCORAN LAGOON

CORCORAN LAGOON  
 PROTECTION AREA  
 PER SPECIAL CONDITION 3

\*NOT TO SCALE\*



DL  
 E CROSS  
 IN FACT  
 ONS

