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Prepared March 24, 2011 (for April 14, 2011 hearing)

See additional correspondence
received and posted on April 12.

To: Commissioners and Interested Persons

From: Dan Carl, Central Coast District Manager
Susan Craig, Coastal Planner

Subject: Soquel Union Elementary School District's Opal Cliffs Public Works Plan (PWP 8-09). Proposed Public Works Plan (PWP) for the Soquel Union Elementary School District's property located at Jade Street Park in the City of Capitola to be presented for public hearing and action at the California Coastal Commission's April 14, 2011 meeting to take place at the Santa Barbara Board of Supervisors' Chambers at 105 East Anapamu Street in Santa Barbara.

Summary

The Soquel Union Elementary School District (District) owns the roughly ten-acre Jade Street Park site located in the coastal zone at 4400 Jade Street in the City of Capitola. Existing improvements at Jade Street Park including a community center, play structures, ball fields, tennis courts, basketball courts, a restroom facility, two parking lots, and a community garden.

As an alternative to project-by-project coastal permit review, Coastal Act Section 30605 allows public agencies, such as school districts, to submit public works plans to the Commission for approval of development of a public works project. In areas with a certified LCP, the Commission reviews such plans for conformity with the LCP. In this case, the District has submitted a Public Works Plan (PWP) to the Commission for development of an elementary school on a portion of the Jade Street Park site. If the Commission certifies the PWP, the District would be the primary entity responsible for ensuring that future development on the portion of the site subject to the PWP was consistent with the certified PWP, subject to ongoing Commission oversight.

The proposed PWP provides for an elementary school public works project in two phases, ultimately allowing for construction of classroom facilities and play areas, and reconfiguration of the central parking lot, on about 2.5 acres of the eastern portion of the site. The project proposed under Phase One of the PWP includes the installation of two portable buildings to house a preschool, a kindergarten and first grade, and administrative offices. The District is also submitting the Phase One project contained in the PWP to the Commission for a PWP project approval concurrent with the submittal of the PWP (as is allowed by the PWP regulations).

Phase Two of the PWP would accommodate second through fifth grade classrooms and would include expansion of one of the buildings constructed under Phase One, as well as construction of two new classroom buildings and one multi-purpose building, and parking improvements. Phase Two school improvements would add buildings and play areas into the area currently occupied by a soccer field, and would eliminate an existing basketball court to accommodate reconfiguration of the central parking lot.

The 2.5-acre portion of the site proposed for school use under the PWP is designated in the City of



Capitola LUP as “Community Facilities – School” and is zoned “Public Facilities – School” in the City’s IP. The site is located slightly inland of the shoreline in an area that is highly developed. The improvements proposed under the PWP are consistent with the City’s LCP and will not have any adverse impacts to coastal resources, including public access, sensitive habitat, or visitor-serving uses. Staff recommends that the Commission certify the proposed PWP as submitted by the District, and that the Commission also authorize the Phase One component of the PWP. The motions necessary to do so are located on page 3.

Staff Note: Public Works Plan Action Deadline
PWP 8-09 was filed as complete on December 16, 2010. Pursuant to the California Code of Regulations, a PWP must be scheduled for a public hearing no later than the 60th day following the date on which the application was filed. The original 60-day hearing requirement was February 14, 2011. On February 11, 2011, the Commission extended the deadline by one year to February 14, 2012. Thus, the Commission has until February 14, 2012 to take action on this public works plan.

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Click on the links above to go to the exhibits.

¹ See attached disc - the PWP submittal consists of pdf files on the attached disc that are labeled “Opal Cliffs PWP” and “Appendices.”
² See pdf files on attached disc.



I. Staff Recommendation

Staff recommends that the Commission, after public hearing, certify the proposed public works plan as submitted, and authorize Phase One of the PWP as the first PWP project. The Commission needs to make two motions in order to act on this recommendation (one on the PWP itself, and a second on the Phase One project).

A. Approval of Public Works Plan as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the public works plan as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion. I move that the Commission **certify** Soquel Union Elementary School District's Public Works Plan Number 8-09 as submitted. I recommend a yes vote.

Resolution to Certify the PWP as Submitted. The Commission hereby certifies Soquel Union Elementary School District's Public Works Plan Number 8-09 as submitted and adopts the findings set forth below on the grounds that the public works plan as submitted conforms with the City of Capitola Local Coastal Program. Certification of the Public Works Plan 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 plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Public Works Plan may have on the environment.

2. Consistency of Phase One project with the Public Works Plan

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in a determination that the Phase One development is consistent with the certified Public Works Plan, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion. I move that Commission determine that the Phase One development is consistent with the certified Soquel Union Elementary School Public Works Plan. I recommend a yes vote.

Resolution to Find Public Works Plan Consistency. The Commission hereby determines that the Phase One development is consistent with the certified Soquel Union Elementary School District Public Works Plan for the reasons discussed in the findings herein.



II. Findings and Declarations

The Commission finds and declares as follows:

A. Public Works Plan Background

Coastal Act Section 30605 allows for the District to propose, and the Commission to certify, a Public Works Plan as a means to implement the Coastal Act on District lands in the coastal zone. Section 30605 states:

***Section 30605:** To promote greater efficiency for the planning of any public works or state university or college or private university development projects and as an alternative to project-by-project review, plans for public works or state university or college or private university long-range land use development plans may be submitted to the commission for review in the same manner prescribed for the review of local coastal programs as set forth in Chapter 6 (commencing with Section 30500). If any plan for public works or state university or college development project is submitted prior to certification of the local coastal programs for the jurisdictions affected by the proposed public works, the commission shall certify whether the proposed plan is consistent with Chapter 3 (commencing with Section 30200). The commission shall, by regulation, provide for the submission and distribution to the public, prior to public hearings on the plan, detailed environmental information sufficient to enable the commission to determine the consistency of the plans with the policies of this division. If any such plan for public works is submitted after the certification of local coastal programs, any such plan shall be approved by the commission only if it finds, after full consultation with the affected local governments, that the proposed plan for public works is in conformity with certified local coastal programs in jurisdictions affected by the proposed public works. Each state university or college or private university shall coordinate and consult with local government in the preparation of long-range development plans so as to be consistent, to the fullest extent feasible, with the appropriate local coastal program. Where a plan for a public works or state university or college or private university development project has been certified by the commission, any subsequent review by the commission of a specific project contained in the certified plan shall be limited to imposing conditions consistent with Sections 30607 and 30607.1. A certified long-range development plan may be amended by the state university or college or private university, but no amendment shall take effect until it has been certified by the commission. Any proposed amendment shall be submitted to, and processed by, the commission in the same manner as prescribed for amendment of a local coastal program.*

Coastal Act Section 30114 defines “Public Works” as: (relevant portion highlighted in **bold**)

***Section 30114:** “Public works” means the following: (a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or*



*operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities. (b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports shall be considered public works. (c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and **any development by a special district.** (d) All community college facilities.*

Coastal Act Section 30118 defines “Special District” as:

Section 30118: *“Special district” means any public agency, other than a local government as defined in this chapter, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. “Special district” includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for service or improvement benefiting that area.*

Section 13353 of the California Code of Regulations (CCR) details the information that must be included as part of a PWP submittal:

Section 13353: *Any plan submitted pursuant to this subchapter shall contain sufficient information regarding the kind, size, intensity and location of development activity intended to be undertaken pursuant to the plan to determine consistency with the policies of Chapter 3 of the Coastal Act of 1976, including, but not limited to the following where applicable:(1) the specific type of activity or activities proposed to be undertaken; (2) the maximum and minimum intensity of activity or activities proposed to be undertaken (e.g., maximum number of recreational vehicle campsites, maximum treatment capacity for a sewage treatment plant, maximum traffic capacity of a road); (3) maximum size of facilities proposed to be constructed pursuant to the plan (e.g., size of a treatment outfall, number of lanes of a road) and the proposed timetable for precise definition of all projects included in the plan and any phasing of development activity contemplated; (4) the service area for the proposed activity or activities; (5) the proposed method of financing the activity or activities including any direct or indirect means of obtaining or guaranteeing funds through the assessment or any other form of levy against lands located within the coastal zone and an estimate of the projected amount of revenues to be obtained from land or water areas located in the coastal zone over the useful life of the proposed development; (6) the proposed location or alternative locations considered for any development activity or activities to be undertaken pursuant to the proposed plans. The executive director of the Commission may require the submission of any additional information the executive director deems necessary pursuant to the requirements of Public Resources Code Section 30605.*



Thus, because the District is defined as a “Special District,” it may submit a public works plan to the Commission for review in the same manner prescribed for the review of local coastal programs. As defined in CCR Section 13353, a PWP must contain sufficient information regarding the kind, size, intensity, and location of development activity intended to be undertaken pursuant to the plan to determine consistency with the relevant standard of review. To approve a public works plan that is located in a jurisdiction in which there is a certified LCP, Coastal Act Section 30605 requires that the Commission consult with the local government and find that the PWP is in conformity with the certified LCP.

The manner in which development is authorized is different for PWPs compared to development approved pursuant to an LCP. Under a certified LCP, a local government is delegated primary coastal permitting authority to approve and deny coastal permits for proposed development. This delegated permitting authority is similar to that of the Commission prior to LCP certification. In certain cases, those local government decisions can be appealed to the Commission, which can also approve or deny coastal permits for development. With a certified PWP, however, the concept of approving and denying coastal permits for proposed development does not apply. Rather, the Commission is certifying a PWP and the projects it provides for at the onset. Further review of projects after a PWP is certified is limited to ensuring such projects are consistent with the PWP, including modifying such projects as necessary to ensure that this is the case. Thus, District development of the specific projects contained in a certified PWP can proceed without a coastal permit provided the District sends a Notice of Impending Development (NOID) to the Commission and other interested persons, organizations, and governmental agencies prior to undertaking development, and either the Commission deems the identified development project consistent with the approved PWP (with or without conditions to make it so) or does not respond in a timely manner to the NOID.³ Pursuant to Coastal Act Sections 30605 and 30606, the Commission may impose conditions on such development project proposals to ensure that they are consistent with the certified PWP. It is in this respect that the level of specificity in a PWP is amplified. Once certified, the PWP establishes the universe of development that may be authorized with more limited oversight by the Commission than is typical of LCP implementation. In addition, CCR Section 13358 provides for project level review and authorization concurrent with review of a PWP.

Thus, a PWP submittal may include a request for concurrent approval by the Commission of a project contemplated by the PWP. Thus, the NOID process described above is not required for a project that receives an approval by the Commission concurrent with approval of the PWP.

The differences between the manner in which development is authorized for PWPs compared to development approved pursuant to an LCP mean that it is critical that a certified PWP provide detailed specifications applicable to potential development projects, including detailed specifications related to

³ Coastal Act Section 30606 requires that the School District provide notice of an impending development at least 30 working days prior to pursuing it. CCR Section 13365 provides that the Executive Director must review the NOID and deem it filed only if it contains sufficient information for “the Commission to determine whether the proposed project is consistent with the certified public works plan” (CCR Section 13359(a)). The Commission must take action on the NOID within 30 working days of the date on which it is deemed to be filed (CCR Section 13359(b)).



mitigation and associated offsetting improvements (e.g., habitat restoration, public access improvements, etc.) that can be relied upon for ensuring that the development project conforms to the certified LCP.

As defined in the Commission's regulations, a PWP must delineate, at a minimum, the kinds, locations, and intensities of development allowed pursuant to it. Generally, PWPs are more geographically specific than LCPs. This is largely because lands subject to a PWP tend to cover less area than, for example, a whole city or county. Whereas an LCP might contain general policies that are applicable to an entire city or county geographic area, a PWP tends to include specific policy language tailored to a much smaller geographic area. For example, in 1982 the Commission approved a PWP for the 4,500 acre Wilder Ranch State Park in Santa Cruz County (PWP 2-82). PWP 2-82 provided specific information regarding potential development projects in natural and cultural preserve areas, on agricultural lands within the park, and for underwater areas, beach areas, and inland use areas. PWP 2-82 also provided specific information for development of a trail system in the park, as well as information on administration and operational facilities necessary to run the park. In 1997, the Commission approved PWP 7-97, which provided specific information regarding potential development projects for the 2,300-acre Gray Whale Ranch addition to Wilder Ranch State Park. The specific projects outlined in PWP 7-97 for the 2,300-acre site included public trail improvements, elimination of unauthorized roads, fencing and gates, parking lots, restrooms, interpretive and regulatory signs, and protection of historic lime kiln areas.

In this case, the proposed PWP is for two phases of proposed school development to take place on about 2.5 acres on the eastern portion of the Jade Street Park site (see "Description of Proposed Public Works Plan" section below). Thus, the size and scale of project site and the associated development is substantially smaller than the above-mentioned PWP examples for State Parks. Typically, the PWP process is most appropriate for project sites of a relatively large scale (such as public entities proposing projects on large land holdings, State Parks, etc.), with the proposed development including numerous individual projects that require the submittal of many future NOIDs. This proposed PWP includes two phases of development, with a request for Phase One of the development to be approved concurrently with approval of the PWP. Thus, only one future NOID is even contemplated, i.e. for Phase Two of the proposed school development. Given the relatively small scale of the site and the fact that the proposed project contemplated is in two phases and would require only a single future NOID, Commission staff recommended that the District simply apply directly to the City of Capitola for a CDP for both phases of the proposed project as opposed to undertaking a PWP. Such a CDP process is much more typical for a project of this scope and magnitude, and such process is generally better suited to ensuring that local views are understood and synthesized through a local CDP review process. The District chose instead to apply directly to the Commission for a PWP, as is allowed by the Coastal Act.



B. City and School District Background

The School District purchased the 9.79-acre Jade Street, or Opal Cliffs, site as a future school site in 1956. The site is registered with the State Office of Public School Construction as a school site. The District constructed the restroom building, tennis courts, and a parking lot on the site in 1977. Existing improvements⁴ at the site include a community center, play structures, tennis courts, playing fields, a restroom facility, two parking lots, and a community garden. The overall site is known as Jade Street Park.

In 1982, the District and the City entered into a lease under which the City developed the community center and further developed and maintained the recreational facilities on the site for use as a park and for school purposes.⁵ The lease, as amended in 1985 and 1986, was for a term of fifty years or until the District gave the City twelve months written notice that the District required the site for a public school building, with the City retaining the right to continue use of the community center facility for fifteen years after the District gave such notice.

The relationship between the City and the District became strained in 2000 when the District was in the process of planning to use a portion of the site for school buildings, but the City refused to vacate any portion of the site for use by the District. In July 2000, the District gave the City formal written notice that the District required the site for public school buildings. The District filed a lawsuit against the City, and on April 14, 2003 the Court held that “the lease was terminated effective July 26, 2001” but that “given the spirit of cooperation and commitment to maximizing joint use potential that existed in 1986,” the City has the right to “remain in possession during the original term of the lease until the District is ready to commence use of the property...”.

On May 26, 2010 the City filed a lawsuit challenging the District’s adoption of the mitigated negative declaration for the PWP under the California Environmental Quality Act (CEQA). In August 2010 the City and the District entered into a settlement agreement (see Exhibit C) with respect to the proposed PWP. In summary, the City agreed to compromise and settle the CEQA challenge with respect to Phase One of the PWP (see “Description of Proposed Public Works Plan” section below for an explanation of the two phases of the proposed PWP) and to defer any CEQA challenge by the City with respect to Phase Two of the PWP until a NOID is submitted to the Commission for Phase Two implementation of the PWP. The City reiterated its position in this regard in a recent letter to the Commission (see Exhibit D).⁶

⁴ These improvements were approved by the Commission in coastal development permits issued in 1974 (P-06-74-0826), 1977 (P-77-0948), and 1984 (3-84-163).

⁵ For example, the soccer field on the site is the home field for the New Brighton Middle School’s soccer team.

⁶ As required for PWPs that are proposed in areas where a certified LCP applies, Commission staff engaged in discussions with both the City and the District regarding the PWP and the two phases of school construction associated with it. In addition, and as also required



C. Project Location and Existing Development

The PWP area is located at 4400 Jade Street on a 2.5 acre portion of the nearly ten-acre Jade Street Park in the City of Capitola. Jade Street Park is located about 450 feet inland from the Opal Cliffs bluffs (which themselves are about a quarter mile upcoast from Capitola Beach). Thus, the site is not located along the immediate shoreline; it is located inland of Capitola's shoreline accessways and shoreline public viewsheds. The site is located in and is surrounded by a residential area of the City, including the area of the City known as the "jewel box" neighborhood (in reference to the names of gemstones used as street names). Development around the site includes single-family residential neighborhoods to the north and south, and single-family residential mobile home parks to the east (across 47th Street) and west. The Union Pacific Railroad right-of-way adjoins the southern boundary of the site. The 2.5 acre PWP area is located on the eastern portion of the Jade Street Park site nearest 47th Avenue in an area currently occupied by a community garden and ball fields. See Figures 1 and 2 of the "Opal Cliffs PWP" pdf file in Exhibit A (attached disc) for project location maps, and Figure 3 of the same file for an aerial photograph of the project site and the surrounding development.

D. Description of Proposed Public Works Plan and PWP Project

The proposed PWP provides for an elementary school public works project. The PWP includes two phases of construction of classroom facilities and play areas, and reconfiguration of the central parking lot, on about 2.5 acres of the eastern portion of the District's Jade Street Park site. This portion of the site is designated "Community Facilities – School" and is zoned "Public Facilities – School" in the City of Capitola LCP. The projects proposed under the PWP include the installation of two portable buildings to house a preschool, a kindergarten and first grade, and administrative offices (Phase One of the PWP). Phase One also includes installation of play areas and expansion of the existing parking lot from 26 spaces to 46 spaces. Phase One improvements also include removal of one tree to accommodate the pre-school buildings, reconfiguration of the central parking lot to create student drop-off and loading areas, sidewalks, pedestrian and bicycle access, school facility signage, landscaping, lighting, and ancillary amenities such as bike racks, pedestrian walkways, and trash enclosures. Phase One school improvements would replace the community garden on the eastern portion of the site. Pursuant to CCR Section 13358, the District is also seeking authorization of the Phase One project contained in the PWP concurrent with the submittal of the PWP.

Phase Two of the PWP would accommodate second through fifth grade classrooms and includes expansion of one of the buildings constructed under Phase One, as well as construction of two new classroom buildings and one multi-purpose building. Phase Two school improvements would add buildings and play areas into the area currently occupied by the soccer field, and would eliminate the existing basketball court to accommodate reconfiguration of the central parking lot. The south end of the

by the Commission's regulations, Commission staff requested that the City transmit its recommendations on the PWP to the Commission. The City's March 9, 2011 letter in Exhibit D provides the City's recommendations for Commission consideration.



field would remain intact as a turf play area, and the existing tennis courts on site would remain. Additional Phase Two improvements to onsite parking include enlarging the circulation area to allow a dedicated loading zone at the southern end of the central lot and reducing the number of spaces in the central parking lot from 46 spaces to 44 spaces to accommodate the dedicated loading area. Two additional trees would be removed to accommodate Phase Two development.

Upon completion of both phases of the PWP, the K-5 facility would serve 80 preschool/kindergarten students and 320 elementary school students for a total student body of 400. The District indicates that approximately 19-27 faculty members and staff would be needed for a facility of this size. The proposed PWP is found in Exhibit A and it is made up of the pdf files on the attached disc that are labeled “Opal Cliffs PWP” and “Appendices.”

E. LCP Consistency Analysis

1. Applicable LCP Policies

The standard of review for the proposed PWP is the certified City of Capitola LCP. The City of Capitola’s Land Use Plan (LUP) includes six different components, each of which focuses on a major coastal resource issue. The City’s Implementation Plan (IP) provides the standards to implement the LUP’s resource policies. The analysis below is organized in terms of the LCP’s six major coastal resource issue areas.

2. Natural Systems

The City of Capitola LCP includes policies to protect sensitive habitats, including the Soquel Creek riparian corridor and lagoon, as well as local tree groves that provide roosting habitat for monarch butterflies.

The proposed PWP site currently serves as a portion of a public park known as Jade Street Park. The Park is located in an urbanized area and is surrounded by a variety of residential developments, including single- and multi-family residential development and mobile home parks. A biological survey conducted at the site determined that the site does not contain nor is it located in or near environmentally sensitive habitat areas or sensitive biological communities. No wetlands are present on the site and the site is not located along Soquel Creek. Wildlife species observed during the survey were noted as those commonly found in urbanized areas. No special status species were observed at the site. No significant native resident or migratory wildlife corridors or native wildlife nursery sites were identified during the surveys.

Phase One and Phase Two improvements on a portion of the Park site would require the removal of a total of three ornamental trees (two *Liquidambar styraciflua* (American sweetgum) and one *Prunus sp.* (a type of fruit-bearing tree)). The PWP includes tree replacement provisions consistent with the City’s certified tree ordinance. For any tree removal activities taking place during nesting seasons (i.e.,



between February and August), a qualified biologist will conduct a nesting bird survey in accordance with California Department of Fish and Game and U.S. Fish and Wildlife Service protocols. No tree within 300 feet of an active nest may be removed during the active nesting season.

The proposed PWP includes implementation measures to direct runoff into landscaped infiltration areas to the greatest extent feasible. Storm water that is not directed to landscaped infiltration areas is to be directed to storm drain improvements that include energy dissipaters, and grease and sediment traps.

As submitted, the proposed PWP plan and proposed Phase One development are consistent with the Natural Systems policies and standards of the LCP.

3. Natural Hazards

The City of Capitola LCP includes policies to adequately address potential natural hazards such as flooding, bluff and other erosion, and earthquakes when reviewing new development proposals.

The PWP site is relatively flat and is located atop a marine terrace about 69 feet above mean sea level and about 450 feet inland from the bluff edge. The site is not located within a flood plain or in an area of the City that is subject to tsunami or wave run-up. The geotechnical investigation performed for the project determined that the site is not located within any known fault zones. Thus, as submitted, the PWP and proposed Phase One development are consistent with the Natural Hazards policies and standards of the LCP.

4. Visual Resources

The City of Capitola LCP includes a number of policies designed to protect visual resources in the City, particularly those visual resources located within Capitola Village and along the City's coastal bluffs and beaches.

Again, the PWP site is located about 450 feet inland from the bluffs along Opal Cliffs (which themselves are about a quarter mile upcoast from Capitola Beach). Thus, the site is not located along the immediate shoreline; it is located inland of shoreline accessways and shoreline public views, and it is not within direct view of the ocean due to intervening residential development. There are no public views of the coast or of Monterey Bay from the site or the immediate vicinity. The site is not located in Capitola Village or in any area of the coastal zone identified as highly scenic by the City's LCP. The buildings proposed under the PWP (including the two buildings proposed as part of Phase One development) will be single story and low in profile and will not exceed 20 feet in height. The Phase One project as well as development overall under the parameters of the PWP should be able to effectively synthesize with the site and surrounding development. Thus, as submitted, the PWP and the proposed Phase One development are consistent with the Visual Resources policies and standards of the LCP.

5. Public Access



The City of Capitola LCP includes policies that protect public access to the City's beaches, New Brighton State Beach, various public viewpoints including along Cliff Drive and the Capitola Wharf, as well as the public access path along Soquel Creek.

The PWP site is located about 450 feet inland from the immediate shoreline, and over 1,200 feet from the nearest public access stairway to the beach. As stated above, the project site is surrounded by a number of residential neighborhoods, including single-family development, multi-family development, and mobile home parks. Although the Park is developed for and provides public recreational access opportunities, it is generally a community park resource as opposed to a visitor oriented facility that attracts people who don't live in the area. The school project that would be constructed under the PWP would make use of about one quarter of the Park for school purposes, and the remainder of the Park would remain available for public park uses. In addition, the new school playfields would adequately account for necessary recreational access in an inland park setting like this. Finally, given the PWP site's distance from the shoreline, Capitola Village, Soquel Creek, Cliff Drive, Capitola Wharf and the beach, and the fact that the site is located within a developed neighborhood area and not along a direct route commonly used by the general public for access to the shoreline, the PWP site and immediately surrounding streets do not provide significant public recreational shoreline access in terms of direct beach/shoreline access or primary public parking areas.⁷ Thus, impacts to public access from increased traffic and parking demand should not be significant. In addition, the proposed PWP includes expansion of the existing parking lot on the site to accommodate the parking needs of the school's faculty and staff. These parking spaces will be available to the general public when the school is not in use, which will enhance access to recreational and other community-based programs on the portions of the site that remain developed with park or community building uses. The proposed PWP also includes reconfiguration of existing pedestrian walkways and preserves future access connection opportunities to the Union Pacific Railroad right-of-way⁸ from the western portion of the park site.

According to the traffic report prepared for the PWP, development of the elementary school subject to the PWP will generate an increase in traffic on nearby roadways when school is in session and is expected to contribute to pedestrian and bicyclists' presence on streets in the immediate vicinity of the PWP site. Per the City's LCP, Level of Service (LOS) C⁹ is the acceptable standard for traffic on nearby streets in the vicinity of the PWP site. According to the traffic report, all traffic intersections in the vicinity of the PWP site operate at LOS C or better, with the exception of the intersection of 45th Avenue and Capitola Road,¹⁰ which currently experiences LOS D and E conditions during mid-afternoon and evening peak hours. The PWP traffic report indicates that the additional traffic generated by Phase One of the PWP would not change the LOS for these intersections.

⁷ Beach parking is provided by the City along Cliff Drive, in Capitola Village, and in the nearby Monarch Cove parking lot.

⁸ The railroad right-of-way has long been envisioned for both passenger rail service as well as a parallel multipurpose trail. The Santa Cruz County Regional Transportation Commission (SCCRTC) acquired the rail line in early 2011.

⁹ Per the California Department of Transportation, LOS C means there are "few restrictions on speed but freedom to maneuver is restricted and drivers must be more careful making lane changes; minimal delays."

¹⁰ This intersection is located about a quarter mile inland and north of the PWP.



In addition, in terms of cumulative traffic effects associated with development pursuant to the proposed PWP within the context of known projects and buildout under the City's general plan, the PWP traffic report concluded that the traffic generated by Phase Two of the PWP would contribute to general plan buildout conditions of LOS E and F at the already congested intersection of 45th Avenue and Capitola Road during weekday afternoon and evening peak hours, respectively. The traffic report states that all other intersections in the vicinity of the site would continue to operate at LOS C or better both with the additional traffic generated by Phase One and Phase Two of the PWP and with other projects and general plan buildout considered. The traffic report recommends signalization of the 45th Avenue/Capitola Road intersection to relieve congestion and achieve an LOS A during peak hours. Implementation Action C-6.1 of the PWP states that the District will be responsible for the payment of fair share traffic impact fees for signalization of this intersection to mitigate the District's impact on the intersection due to development under the PWP. Implementation of this requirement would appropriately offset traffic impacts and provide consistency with the City's LCP. Thus, as submitted, and for all the reasons stated above, the proposed PWP and the proposed Phase One development are consistent with the Public Access policies and standards of the LCP.

6. Locating and Planning New development/Public Works Facilities

The City's LCP requires the City to cooperate with other agencies in the County and/or region for master planning, delivery, and allocation of available public services, including schools. The proposed site is owned by the District and is designated and zoned for school use. The proposed PWP and Phase One and Phase Two projects will increase the availability of school services for local residents within the District's service area, consistent with the requirements of the LCP.

The City's LCP also requires the City to provide new park sites to fill existing park needs, and to maintain a City park acquisition program and apply for State and federal grants to provide for City park needs. The proposed PWP would provide school uses on about 2.5 acres of the Jade Street Park site. Public use of recreational park facilities will continue on the remaining 7+ acres of the Jade Street Park site. The PWP also calls for joint/multiple use of parking and other public facilities when school is not in session. Although the proposed PWP will reduce the amount of park space in the City, the LCP does not require a certain amount of park space and this does not present an LCP conformance issue. As described above, the Park will continue to function as a community-orientated Park on the majority of the site, and the use of a portion of it for school use does not raise any significant public works facility questions under the LCP.

Given all of the above, the proposed PWP and the proposed Phase One development are consistent with the section of the LCP entitled Locating and Planning New Development/Public Works Facilities.

7. Recreation and Visitor-Serving Facilities

The City's LCP designates a number of areas within the City for visitor-serving and/or recreational uses. These areas include Capitola Village, all sandy beaches, and the wharf, and several properties along Soquel Creek. The LCP requires that areas designated for visitor-serving and/or recreational uses shall



be reserved for such uses. The proposed PWP site is not located in an area of the City that is designated for visitor-serving and/or recreational uses. Instead, the site is situated in a residential neighborhood that is located several blocks inland from the City's coastal recreational amenities, and it is designated for use as a public school. Although the Park is developed for and provides recreational facilities, it is generally a community park resource as opposed to a visitor oriented facility that attracts people who don't live in the area, and thus it is not a significant visitor-serving recreational facility so much as a community park facility.

The City's LCP also requires that the City develop and acquire active park and passive open space sites sufficient to meet the recreational needs of the community. As described above, use of a 2.5 acre portion of the site for school purposes under the PWP will not lead to a significant adverse public recreational access impact in this regard. The remainder of Jade Street Park would remain available for general park use, and a portion of the PWP area would be available for such use as well (ball fields, etc.). In addition, until Phase Two is initiated, all of the existing ball fields would remain available for general public use. In short, it is clear that the LCP identifies the PWP area for school use, and implementation of the PWP should not adversely impact visitor serving recreational access here.

Given all of the above, the proposed PWP and the proposed Phase One development are consistent with the Recreation and Visitor-Serving policies and standards of the LCP.

8. LCP Consistency Conclusion

The proposed PWP and the Phase One project should not result in any significant coastal resource impacts. The PWP site is located within a fairly developed residential neighborhood and well away from the shoreline and primary coastal access areas. The site is completely disturbed, and school facilities on a portion of the site should be able to coexist with the rest of Jade Street Park and with the larger residential area and related areas surrounding the site. The LCP designates the PWP site for a school facility, and the PWP and development pursuant to it can be found consistent with the LCP.

As required for PWPs in certified LCP jurisdictions, the City was consulted as to its comments on the PWP (see Exhibit D). The City indicates that it is supportive of Phase One, but it reserves its comments on Phase Two, including potential challenges that it may bring under CEQA, until such time as Phase Two is initiated. The City did not provide any directive comments on aspects of the PWP that the City would like to see changed, rather the City simply reserved its right to challenge aspects of Phase Two at a later date. In PWP terms, to the Commission this means that the City intends to participate in Phase Two and may have further comments at that time. Its comments do not dictate that certain changes need to be made to the PWP now, rather the City defers substantive details to a future Phase Two project review. Pursuant to the PWP, interested parties are required to be notified of such Phase Two project review, and the Commission understands that to mean that the District will notify the City as part of its Phase Two requirements pursuant to the PWP. The Commission also encourages the City and the District to engage in open and direct dialogue outside of base PWP requirements to resolve issues and concerns well ahead of any PWP project review process with the Commission.



F. California Environmental Quality Act (CEQA)

The Soquel Union Elementary School District (District) is the lead agency for CEQA purposes, as it is the public agency with principal responsibility for carrying out the public works plan (PWP). As the lead agency under CEQA, the District adopted a Negative Declaration for the proposed PWP and in doing so found that the PWP would not have significant adverse environmental impacts.

Section 13356(b)(2) of Title 14 of the California Code of Regulations requires that the Commission not approve or adopt a PWP unless it can find that, "...there are no feasible alternatives, or feasible mitigation measures,...available which would substantially lessen any significant adverse impact that the development...may have on the environment."

The Commission incorporates its findings on PWP consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the proposed PWP and Phase One that were received prior to preparation of the this report.

As discussed in the findings above, the District's proposed PWP is consistent with the applicable policies of the City of Capitola Local Coastal Program. Any potential environmental impacts from the proposed PWP will be properly mitigated as proposed by the District. There are no other feasible alternatives or mitigation measures that would substantially lessen any significant adverse impact that the approval would have on the environment. As such, the PWP, including Phase One development, will have no significant adverse impacts on the environment and can be approved by the Commission, as submitted.



Exhibit A (Soquel Union Elementary School District Opal Cliffs Public Works Plan)

Exhibit B (Mitigated Negative Declaration)

See Attached Disc

Exhibits A and B

PWP 8-09

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Th10a

Public Works Plan 8-09

Opposed to Project

April 7, 2011

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, Ca 95060

Commissioners:

The existence of public access green space so close to the shore is a priceless asset to the community. It should be preserved in its entirety.

Sincerely,



Dennis Sweet
P.O. Box 1465
Soquel, Ca 95073