

CALIFORNIA COASTAL COMMISSION

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W16d

Filed:	4/28/2014
Action Deadline:	6/16/2014
Staff:	J. Buhr - SC
Staff Report:	5/23/2014
Hearing Date:	6/11/2014

APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION

Appeal Number:	A-3-GRB-14-0026 (West Grand Avenue Capital Improvement Plan)
Applicant:	City of Grover Beach
Appellant:	Deah Rudd
Local Government:	City of Grover Beach
Local Decision:	Approved with conditions
Location:	West Grand Avenue between Highway 1 and the State Park kiosk.
Project Description:	Construct a ten-foot-wide multi-use path on the north side of West Grand Avenue and a pedestrian and equestrian path with trail fencing on the south side of West Grand Avenue. Relocate two crosswalks and undertake sidewalk and road repairs. Install native landscaping.
Staff Recommendation:	No Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

The City of Grover Beach approved a coastal development permit (CDP) for a Capital Improvement Project to enhance the section of West Grand Avenue between Highway 1 and the State Park kiosk. The project will include construction of a new 10-foot-wide concrete multi-use path on the north side of West Grand Avenue and an all-weather surface pedestrian and equestrian path with trail fencing on the south side. The sidewalk will be repaired and the road will be resealed and remarked. The three vehicle lanes will be maintained and the project will not have any effect on road capacity. Two crosswalks will be delineated to improve access to the Grand Dune trail on the south side of West Grand Avenue. As designed, the project will avoid the adjacent dune and riparian habitat on the south side of West Grand Avenue and Meadow Creek.

The Appellant's main contentions are that the City approved project will deny access to Oceano Dunes State Vehicle Recreation Area (ODSVRA) users because there will not be a location for vehicles to stop, lock or unlock their hubs, and air up or down their tires before and after leaving the ODSVRA. The Appellant believes that the development of this project will effectively "choke off" access to the park.

After reviewing the local record, staff has concluded that the appeal does not raise a substantial issue because the project provides public access consistent with the LCP and the public access and recreation policies of the Coastal Act. The City-approved project would maintain the number of vehicular lanes to the beach and provide additional means of access for other user groups, namely pedestrians, equestrians and cyclists.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 4 below.

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EXHIBITS

- Exhibit 1 – Project Location and Approved Project Plans
- Exhibit 2 – County’s Final Local Action Notice
- Exhibit 3 – Appeal of the City of Grover Beach’s CDP Decision

I. MOTION AND RESOLUTION

Staff recommends a **YES** vote on the following motion. Passage of this motion would result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission would not hear the application de novo and the local action would become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Motion: *I move that the Commission determine that Appeal Number A-3-GRB-14-0026 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a **yes** vote.*

Resolution: *The Commission finds that Appeal Number A- A-3-GRB-14-0026 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT LOCATION AND DESCRIPTION

The City of Grover Beach approved project authorizes a Capital Improvement Project to enhance the section of West Grand Avenue between Highway 1 and the State Park kiosk (See **Exhibit 1** for the project location map and for the approved project plans.)

The portion of the City-approved project located between Highway 1 and the Meadow Creek Bridge will consist of pavement repairs, striping, slurry seal, and sections of the existing sidewalk on the north side of West Grand Avenue will be repaired and replaced. More significant improvements are planned for the area west of Meadow Creek Bridge to the State Park kiosk. On the northern side of West Grand Avenue, portions of the existing asphalt road surface, concrete curb and gutter, and concrete sidewalk will be removed and replaced with a new concrete curb and gutter and a 10-foot-wide multi-purpose (pedestrians and bicyclists) concrete path with new driveway aprons and ADA ramps. The area around the new concrete path will be landscaped with native dune plants. The existing eight-foot-wide sandy shoulder on the south side of West Grand Avenue, which is currently used by pedestrians and equestrians, will be replaced with decomposed granite and a split rail fence will be installed to create a barrier between the road and the improved shoulder. Two crosswalks will be delineated to improve access to the Grand Dune trail on the south side of West Grand Avenue. The shoulder work on the south side of West Grand Avenue will not encroach into the existing vegetation. Vehicle travel lanes will be striped one foot wider than standard lane width to improve access for recreational vehicles. Two existing street lights will be removed and replaced with new shielded, downlit fixtures.

B. CITY OF GROVER BEACH CDP APPROVAL

The City of Grover Beach City Council held a public hearing on the project on April 7, 2014. At the hearing, Ms. Deah Rudd raised an objection to the proposed project. Ms. Rudd spoke to a related but distinct project, the Grover Beach Lodge, and when asked whether she would like to speak on the West Grand Avenue improvement project Ms. Rudd stated that she had the same comments for the West Grand Avenue improvement project as she did for the Grover Beach Lodge project. The City of Grover Beach approved the project with conditions at the April 7, 2014 hearing. Notice of the City Council's action on the CDP was received in the Coastal Commission's Central Coast District Office on April 14, 2014 (see **Exhibit 2**). The Coastal Commission's ten-working day appeal period for this action began on April 15, 2014 and concluded at 5pm on April 28, 2014. One valid appeal, submitted by Ms. Deah Rudd, was received during the appeal period (see **Exhibit 3**).

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it is a major public works project, is located within 300 feet of the beach and is between the sea and the first public road paralleling the sea.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo CDP hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations.¹ Under Section 30604(b), if the Commission conducts a de novo hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is

¹ The term "substantial issue" is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of a local government's CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5. In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the County does not raise a substantial issue with regard to the Appellants' contentions.

located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project includes components that are located between the nearest public road and the sea and thus this additional finding would need to be made if the Commission were to approve the project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

D. SUMMARY OF APPEAL CONTENTIONS

The Appellant contends that the City-approved project is inconsistent with Coastal Act public access policies 30211 and 30252. Specifically, the Appellant contends that the City approved project will deny access to Oceano Dunes State Vehicle Recreation Area (ODSVRA) users because there will be no location for vehicles to stop, lock or unlock their hubs, and air up/air down their tires before entering and after leaving the ODSVRA, and that there will be no place for trucks and trailers to park/stop on West Grand Avenue before entering or leaving the park. Because of this, the Appellant further contends that this enhancement project is not RV/trailer/equestrian trailer/camper friendly and that it will “choke off access” to the park and thus not maximize public access. Please see **Exhibit 3** for the full appeal document.

E. SUBSTANTIAL ISSUE DETERMINATION

Public Access

As highlighted by the Appellant, Coastal Act Policies 30211 and 30252 require that public access to the coast be maximized and protected, and that new development should maintain and enhance public access to the coast.

***Section 30211.** Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

***Section 30252.** The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreation needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

In addition to those policies cited by the Appellant, Coastal Act Policy 30210 requires that public access be maximized consistent with Section 4 of Article X of the California Constitution.

Section 30210. *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Although no LCP policies were cited by the Appellant, the City of Grover Beach's LCP does contain policies that ensure public access is provided, maintained and maximized in the project area.

5.7 Recommendations

A. Maximum Access

Ensure that maximum public coastal access be provided through:

1. Policies

- a. *No future development shall be permitted which obstructs access to the dunes, beach and shoreline from Highway 1 within City limits. New development west of Highway 1 shall provide access to the dunes, beach and shoreline if adequate access does not already exist nearby.*
- b. *The City, in cooperation with the California Department of Parks and Recreation and other public agencies and private interests, shall utilize all opportunities to provide additional public access except if it is inconsistent with public safety or the protection of fragile coastal resources or if adequate access exists nearby.*
- c. *The provision of vehicular and pedestrian access to the beach from Grand Avenue shall be maintained.*

6.7.3. Circulation

5. Policy: All development shall be sited and designed to maximize public recreational access opportunities, including through providing meaningful and useful connections to and from roads, trails, and other such facilities and areas that provide access to and through the City's coastal zone and along the shoreline. Development shall accommodate all modes of circulation (including vehicular, pedestrian, bicycle, etc.) in a way that facilitates and enhances public recreational access to and along the shoreline.

The above Coastal Act and LCP policies protect the public's right to access the coast and establish that new development shall maintain and enhance access to the dunes, beach and shoreline.

Analysis

The Appellant contends that the City-approved project will deny access to ODSVRA users because there will be no location for vehicles to stop, lock or unlock their hubs, and air up/air down their tires before entering and after leaving the ODSVRA. Therefore, the Appellant concludes that this enhancement project is not RV/trailer/equestrian trailer/camper friendly and that it will "choke off access" to the park.

In support of these contentions, the Appellant cites Coastal Act sections 30211 and 30252. These sections of the Coastal Act require that development shall not interfere with the public's right of access to the sea and that the location and amount of new development should maintain and, when feasible, enhance public access to the coast. Although the Appellant did not cite to any LCP policies, relevant policies are in place to ensure maximum public coastal access. These LCP policies recommend that no future development shall be permitted which obstructs access to the dunes, beach and shoreline from Highway 1 and that the provision of vehicular and pedestrian access to the beach from Grand Avenue shall be maintained.

In this case, the proposed project is consistent with the cited Coastal Act policies and LCP Policies 5.7.A.1(a)(b)(c) and 6.7.3(5) because it maintains the number of existing vehicular lanes to the beach and provides additional means of access for other user groups, namely pedestrians, equestrians and cyclists. Provision of these facilities is important for users of Pismo State Beach who do not wish to be involved in recreational off-road vehicle activities. The section of Pismo State Beach located north of West Grand Avenue is closed to vehicles and provides public access and recreational opportunities for pedestrians, away from motorized vehicles. The West Grand Avenue entry point is the only paved access point to this section of beach and the only formal pedestrian/cycling access point within the vicinity. The approved multipurpose path on the north side of West Grand Avenue will provide improved access to the area for pedestrians and cyclists. Additionally, the approved project will provide an enhanced trail along the south side of West Grand Avenue, separated from the road by fencing, for use by pedestrians and equestrians who wish to access the dune trails at Pismo State Beach. Thus the project properly accommodates coastal access opportunities for multiple user groups and maximizes public access to the coastline and the dunes.

In regard to the Appellant's contention that the approved project will eliminate parking and stopping areas along West Grand Avenue, currently there are not any parking or stopping areas on the north side of West Grand Avenue east of the State Park kiosk. Therefore, the approved project will have no effect on visitors in vehicles headed west on West Grand Avenue towards the State Park kiosk intending to enter the ODSVRA. The Appellant's appeal does refer to a dirt shoulder approximately 100 yards east of the of State Parks kiosk on the southern side of West Grand Avenue that is currently used by four-by-four vehicles to unlock their hubs after leaving the ODSVRA. This informal stopping area currently provides space for a maximum of two vehicles with trailers to stop and unlock their hubs. This informal stopping area will be part of the City-approved pedestrian/equestrian access path, which will lead from Grover Beach to the shoreline. The path will also provide equestrian and pedestrian access to the Grand Dune Trail, which is found on the south side of West Grand Avenue. Thus, the loss of this small informal stopping area would be replaced with the ability of multiple persons from two user groups to access the coast and the dunes, which is consistent with LCP Policy 5.7.A.1(a)(b)(c) and the Coastal Act's public access policies.

The Appellant contends that the approved project will deny access to park users because there will be no place for trucks and trailers to park/stop on West Grand Avenue before entering or when leaving the park. LCP policy 5.7.A.1(c) states that vehicular access shall be maintained along West Grand Avenue. However, the LCP has no requirement for the provision of street parking on West Grand Avenue. As stated above, the proposed project maintains the current

number of vehicle lanes and increases the lane width to help accommodate larger vehicles and trailers, which will assist in the maximization of public access. Given all the above, the approved project maximizes recreational opportunities and public access to the shoreline at this location, as required by the Coastal Act and the LCP. Thus, these appeal contentions do not raise a substantial issue.

F. CONCLUSION

When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP application for such development. At this stage, the Commission has the discretion to find that the project does not raise a substantial issue of LCP conformance. As explained above, the Commission is guided in its decision of whether the issues raised in a given case are “substantial” by the following five factors: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance.

As described above, the appeal contentions relate to the project’s consistency with the public access policies of the certified LCP and the Coastal Act. The City’s approval appropriately considers the access policies of the Coastal Act and the City of Grover Beach’s LCP, so there is adequate factual and legal support for its decision. The project provides additional access for non-automobile transportation and maintains the number of vehicle lanes that provide access to the beach. Also, although there is a change in the nature of public access as a result of the project, the project creates new public access opportunities. Thus, the extent and scope of the approved project is fairly minor, and the use will not have any adverse effects on significant coastal resources, including access. Further, because the City followed the policies of the Coastal Act and of the LCP, the project is not expected to set an adverse precedent for future interpretation of the LCP. Finally, the City-approved project raises only local issues as opposed to those of regional or statewide significance.

Therefore, the City-approved project is consistent with the applicable Coastal Act and LCP policies, and the Appellant’s contentions are adequately addressed by the City’s conditions of approval. Based on the foregoing, including when all five substantial factors are weighed together, the appeal contentions do not raise a substantial Coastal Act or LCP conformance issue and thus the Commission declines to take jurisdiction over the CDP application for this project.

Figure ES-1. Project Vicinity Map



PHASE III - WEST GRAND AVENUE

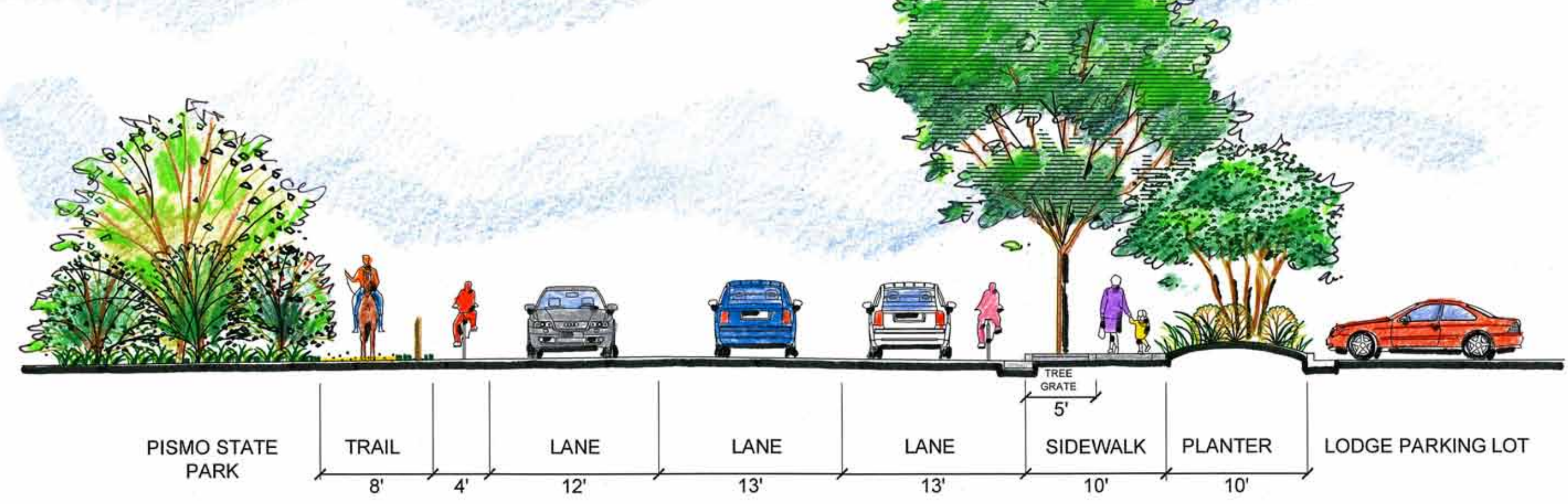
CITY OF GROVER BEACH, CALIFORNIA

CONCEPT PLAN - JUNE 2013



SECTION A-A

SCALE: 1/8" = 1'-0"

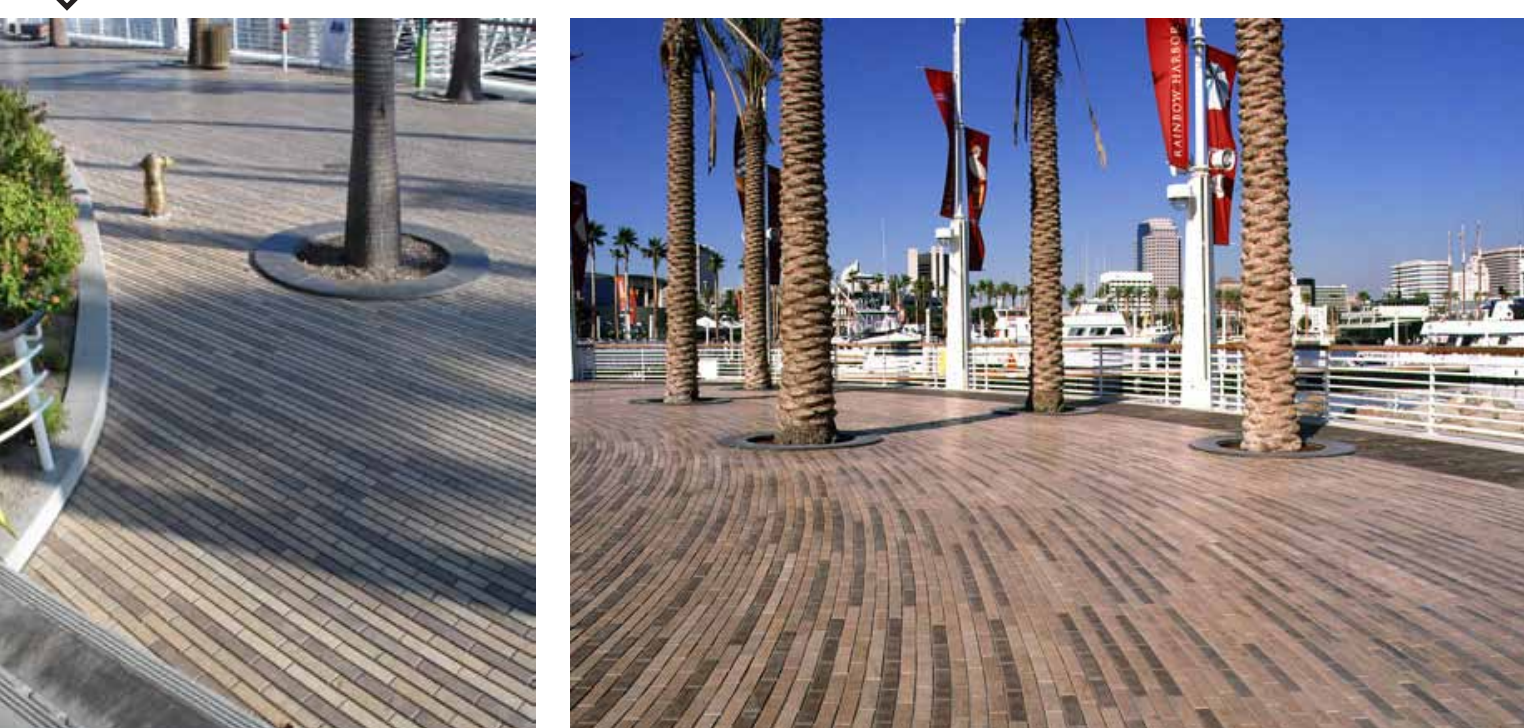


A STREET TREE GRATE



IRONSMT
6044

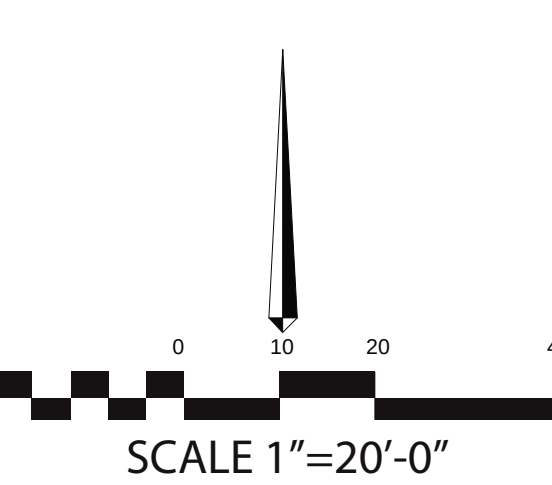
B CROSSWALK - ENHANCED PAVING



BOARDWALK PAVER - 3" X 9" X 3"
FIFTY SERIES: IVORY #50 | MAJESTIC #52 | CIMMERIAN #53 | CHOCOLATE #54

LEGEND

- NOTE: ALL CALLOUTS ARE TYPICAL
- A. STREET TREE IN TREE GRATE, SEE IMAGE
 - B. CROSSWALK - ENHANCED PAVING, SEE IMAGES
 - C. SIDEWALK W/ 5X5' GRID PATTERN
GRAY CONCRETE, MEDIUM BROOM FINISH
 - D. LANDSCAPE PLANTER
 - E. WOOD FENCING - EQUESTRIAN PATH
 - F. DECOMPOSED GRANITE - EQUESTRIAN PATH
 - G. EXISTING GUARDRAIL
 - H. EXISTING TRAILS
 - I. EXISTING VEGETATION
 - J. EXISTING BUILDINGS



A-3-GRB-14-0026 (West Grand Avenue Capital Improvement Project)

Exhibit 1 - Project Location

FINAL LOCAL ACTION NOTICE

NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT City of Grover Beach

Date of Notice: April 8, 2014

REFERENCE # 3-GRB-14-0339

APPEAL PERIOD 4/14-4/28/14

Notice Sent to: California Coastal Commission Central Coast District Office

Please note the following **City of Grover Beach Final Action** on a coastal permit, coastal permit amendment, or coastal permit extension application (all local appeals have been exhausted for this matter):

Project Information

Application #: Capital Improvement Project #270
Project Applicant: City of Grover Beach
Applicant's Rep: Greg Ray, Public Works Director
Project Location: West Grand Avenue from the beach to Highway 1
Project Description: The project is located on West Grand Avenue between the State Park kiosk and Highway

1. The portion of the project west of the Meadow Creek Bridge will include construction of a new 10-foot wide concrete multi-use path and new landscape areas planted with native dune plants on the north side and an all-weather surface pedestrian and equestrian path on the south side with trail fencing (reference previously provided conceptual plan). It should be noted that, per Council direction, staff has eliminated the street trees and tree grates as shown on the conceptual plan. In addition, the westerly crosswalk will be relocated to the west side of the main access driveway to the Grover Beach Lodge. The portion of the project east of Meadow Creek Bridge will include replacement of the existing sidewalk. The project will also include pavement repairs, striping and slurry seal. The project will maintain three oversized lanes (two westbound and one eastbound) and has no effect on the road capacity or turning movements. All work will be completed within the existing street right of way and immediately adjacent to the right of way on State Parks property on the north side of West Grand Avenue. Project construction will not encroach into the adjacent dune and riparian habitat, including the Meadow Creek corridor.

Final Action Information

Final Action Body: ☐ Community Development Director
☐ Planning Commission
☒ City Council

Final Local Action: ☐ Approved
☒ Approved with Conditions

RECEIVED

APR 14 2014

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Required Materials Supporting the Final Action	Enclosed	Previously Sent (date)
Adopted Staff Report	x	
Adopted Findings	x	
Adopted Conditions	x	
Site Plans		Via email 3/18/14
Elevations		

Additional Materials Supporting the Final Action	Enclosed	Previously Sent (date)
CEQA Document(s)		
Geotechnical Report(s)		
Biotic Report(s)		
Other:		
Other:		

Coastal Commission Appeal Information

This Final Action is:

- ☐ **NOT appealable** to the California Coastal Commission. An action by the Planning Commission of the City of Grover Beach may be appealed to the City Council of the City of Grover Beach within five (5) working days of the action taken pursuant to the procedures as set forth in Part 44, Section 9144.12. (B) of Chapter 1, Article IX of the City Municipal Code (Development Permits and Renovation of Permits, City Zoning Regulations).
- ☒ **Appealable** to the California Coastal Commission. City actions may be appealed to the California Coastal Commission pursuant to Coastal Act Section 30603 and pursuant to the procedures set forth in Part 45, Section 9145.16 of Chapter 1, Article IX of the City Municipal Code (Coastal Development Permit Procedures, City

Zoning Regulations). The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this Final Action. The Final Action is not effective until after the Coastal Commission's appeal period has expired and no appeal has been filed. Any such appeal must be made directly to the California Coastal Commission Central Coast District office in Santa Cruz; there is no fee for such an appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact the Central Coast District Office 725 Front Street, Suite 300, Santa Cruz, CA 95060-4508, (831) 427-4863, FAX (831) 427-4877.

Copies of this notice have also been sent via first-class mail to:

- Applicant

RESOLUTION NO. 14-20

**A RESOLUTION OF CITY COUNCIL OF THE CITY OF GROVER BEACH
APPROVING A COASTAL DEVELOPMENT PERMIT FOR
CAPITAL IMPROVEMENT PROJECT #270 –
WEST GRAND AVENUE ENHANCEMENT PROJECT, PHASE 3**

WHEREAS, the City Council of the City of Grover Beach has received for its review and consideration a Staff Report and presentation for a Coastal Development Permit related to Capital Improvement Project (CIP) #270 to construct the West Grand Avenue Enhancement Project, Phase 3 between the Beach and Highway 1; and

WHEREAS, the project area is zoned Coastal Planned Commercial (CPC); and

WHEREAS, the project is exempt from the California Environmental Quality Act pursuant to Section 15301 and a Notice of Exemption was filed with the State; and

WHEREAS, the City Council of the City of Grover Beach held a public hearing on April 7 2014 to review and consider the Coastal Development Permit for the proposed project; and

WHEREAS, the Public Hearing was noticed consistent with state law and the City's Zoning Code, Grover Beach Municipal Code Section 9145.6 regarding Coastal Development Permits; and

WHEREAS, the project is appealable to the California Coastal Commission because it is located west of Highway 1 and is a public works project based on the project costs; and

WHEREAS, the City Council for the City of Grover Beach makes the following findings:

WHEREAS, the City Council of the City of Grover Beach makes the finding that the project is consistent with the applicable policies and requirements of the City's General Plan, Zoning Code, and Local Coastal Program including the following:

1. The project is consistent with LCP Policy 5.7.F.1.a.(5) regarding native plants because all project landscaping shall be limited to native dune species consistent with condition of approval G-2.
2. The project is consistent with LCP Policy 5.7.A.1 and 2 regarding maximizing access because the project enhances pedestrian and bicycle access by widening the existing sidewalk on the north side of the street to a 10-foot multi-purpose path for pedestrians and bicycles. Further, the existing pathway on the south side of the street will install a rail fence to better define the existing pedestrian path from the vehicle lane and two crosswalks will be installed connecting the north side to the south side improving access to the Grand Dune Trail. The project will not change or diminish vehicular access because the three oversized lanes (two westbound and one eastbound) will be retained. The project will also enhance and beautify the streetscape by providing decorative treatments and native dune landscaping.
3. The project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act (commencing with Section 30200). The project will provide improved public access from Highway 1 to the beach as discussed in Finding No. 2 above. The project is on the inland side of the existing dunes and has no effect on the

the foregoing Resolution was **PASSED, APPROVED, and ADOPTED** at a regular meeting of the City Council of the City of Grover Beach, California, this 7th day of April, 2014.


DEBBIE PETERSON, MAYOR

Attest:


DONNA L. McMAHON, CITY CLERK

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GREG RAY, PUBLIC WORKS DIRECTOR/CITY ENGINEER 
SUBJECT: CAPITAL IMPROVEMENT PROJECT #270 – WEST GRAND AVENUE
ENHANCEMENT PROJECT, PHASE 3

BACKGROUND

The City Council adopted Capital Improvement Program (CIP) for FY 14 has several street improvement projects including the West Grand Avenue Enhancement Project Phase 3 that includes improvements on West Grand Avenue between the beach and Highway 1 and between 4th and 5th Streets. The purpose of the West Grand Avenue Enhancement Project Phase 3 is to improve pedestrian and bicycle access while maintaining the existing road capacity.

The portion of the project area between the beach and Highway 1 is located within the Coastal Zone and requires the City to approve a Coastal Development Permit (CDP). Although the City can approve the Coastal Development Permit, the proposed project is appealable to the Coastal Commission because it is defined as a major public works project based on the project cost and is located west of Highway 1. The City received a federal Transportation Enhancement Grant and matching State grants totaling approximately \$800,000 to construct the project. The City Council reviewed and approved the preliminary project design in August 2013.

The purpose of tonight's public hearing is to allow public comments on the Coastal Development Permit prior to the Council taking action on the item.

DISCUSSION

The proposed CIP project includes improvements between the beach and Highway 1 and between 4th and 5th Streets in the City of Grover Beach. However, only the portion of the project between the beach and Highway 1 is within the Coastal Zone and requires approval of a CDP. The portion of the project west of the Meadow Creek Bridge will include construction of a new 10-foot wide concrete multi-use path and new landscape areas planted with native dune plants on the north side and an all-weather surface pedestrian and equestrian path on the south side with trail fencing (reference Attachment 1 Exhibit A). It should be noted that, per Council direction, staff has eliminated the street trees and tree grates as shown on the conceptual plan. In addition, the westerly crosswalk will be relocated to the west side of the main access driveway to the Grover Beach Lodge. The portion of the project east of Meadow Creek Bridge will include replacement of the existing sidewalk. The project will also include pavement repairs,

APPROVED FOR FORWARDING



ROBERT PERRAULT
CITY MANAGER

Please Review for the Possibility of a Potential Conflict of Interest:

☐ None Identified by Staff	☐ Bright
☒ Peterson	☐ Marshall
☐ Lee	☐ Nicolls

Meeting Date: April 7, 2014

Agenda Item No. _____

A-3-GRB-14-0026 (West Grand Avenue Capital Improvement Plan)

Exhibit 2 - Final Local Action Notice

Page 5 of 6

striping and slurry seal. The project will maintain three oversized lanes (two westbound and one eastbound) and has no affect on the road capacity or turning movements. All work will be completed within the existing street right of way and immediately adjacent to the right of way on State Parks property on the north side of West Grand Avenue. Project construction will not encroach into the adjacent dune and riparian habitat, including the Meadow Creek corridor.

The project has been designed to accommodate the future development of the Grover Beach Lodge and Conference Center. The placement of the driveway access is being coordinated with the Lodge plans to assure that the improvements will serve the future project as intended.

ALTERNATIVES

The City Council has the following alternatives to consider:

1. Adopt the Resolution approving a Coastal Development Permit for the project; or
2. Provide alternative direction to staff.

RECOMMENDED ACTION

It is recommended that the Council consider public testimony and adopt the Resolution approving a Coastal Development Permit for the project.

FISCAL IMPACT

The proposed project is part of the adopted Capital Improvement Program (CIP) for Fiscal Years 2014 and 2015. The total amount budgeted for the project is \$927,951. The overall project cost should be considered at such time when the Council considers awarding the construction bid. The project is funded from several funds, including the Local Transportation Fund, Regional State Highway Account Funds, Urban State Highway Account Funds, and a State Transportation Improvement Program Transportation Enhancement Grant.

PUBLIC NOTIFICATION

On March 27, 2014, the public hearing notice was mailed to all property owners within 300 feet of the project area and all occupants within 100 feet of the project area. On March 28, 2014 the public hearing notice was published in The Tribune. In addition, the agenda was posted in accordance with the Brown Act.

ATTACHMENTS

1. Resolution No. 14-XX: Approving a Coastal Development Permit for CIP #270, West Grand Avenue Enhancement Project, Phase 3

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name:

Deah Rudd

Mailing Address:

P.O. Box 7133

City:

Arroyo Grande, CA

Zip Code:

93421

Phone:

805-710-2739

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Grover Beach
Grover Beach City Council

2. Brief description of development being appealed:

Capital Improvement Project #270 - West Grand Ave.
Enhancement Project

3. Development's location (street address, assessor's parcel no., cross street, etc.):

West Grand Ave. between Beach and Hwy 1

4. Description of decision being appealed (check one.):



Approval; no special conditions



Approval with special conditions:



Denial

RECEIVED

APR 28 2014

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-3-GRB-14-0026

DATE FILED:

April 28, 2014

DISTRICT:

Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☒ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision:

April 7, 2014

7. Local government's file number (if any):

Capital Improvement Project
270

SECTION III. Identification of Other Interested Persons

West Grand Ave. Enhancement Project

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Deak Rudd
P.O. Box 7133
Arroyo Grande, CA 93421

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Deak Rudd
P.O. Box 7133
Arroyo Grande, CA 93421
- (2) Grover Beach City Council
154 S. Eighth St., Grover Beach, CA 93433
- (3) Friends of Oceano (F.O.D.)
P.O. Box 398
Oceano, CA 93445
- (4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Grover Beach - Grande Avenue and Highway One Beautification Permit

- I. This project violates Section 30211 Development not to interfere with access, and Section 30252 Maintenance and enhancement of public access**

"Oceano Dunes SVRA

"This off road area is among the most popular and unique of California State Parks. The 5 1/2 miles of beach open for vehicle use and the sand dunes available for off highway motor vehicle recreation are attractions for visitors from throughout the United States.

Oceano Dunes is the only California State Park where vehicles may be driven on the beach. Passenger cars can easily drive on the northern portion of the beach."

Weather - Summer temperatures - Highs: 60's and 70's; Lows: 50's; Dense morning fog; Winter temperatures - Highs: 50's and 60's; Lows: 40's; high winds in Spring"

http://www.parks.ca.gov/?page_id=406"

The beautification project will deny access to Park users such as::

1. 4x4s who have locking hubs who now stop on the dirt shoulder about 100 yards from the Kiosk on Grande Ave. after climbing the ramp and unlock their hubs from 4 wheel drive to 2 wheel drive.
2. On Grande Avenue, truck and trailers who need to air down the tires on their vehicles to drive on the beach, to meet the rest of their camping group/family, to air up their tires in preparation of the drive on the road.
3. There will be no place for truck and trailers to park/stop on the street right before entering or leaving the park.
4. The beautification project is not RV/trailer/equestrian trailer/camper friendly.

67% of persons surveyed in the State Parks Economic Impact Analysis 2011

http://ohv.parks.ca.gov/?page_id=1207 said they would not visit San Luis Obispo County if the Oceano Dunes Park was not in existence, suggesting for them that Oceano Dunes provides a unique location and set of recreational experiences. As such, the Park is a "Revenue driver" for the local tourism economy.

To choke off parking, staging, stopping, resting access to the Park users would choke off the access to this park.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date: 4-24-14

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____