

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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Prepared April 29, 2022 for May 13, 2022 Hearing

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: Central Coast District Director's Report for May 2022

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, emergency CDPs, and LCP certification reviews for the Central Coast District Office are being reported to the Commission on May 13, 2022. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review from the Commission's Central Coast District Office in Santa Cruz. Staff is only reporting any emergency CDPs and LCP certification reviews, is asking for the Commission's concurrence on the other items in the Report, and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on May 13th during the hybrid virtual/in-person hearing.

With respect to the May 13th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on May 13, 2022 (see attached)

CDP Waivers

- 3-20-0665-W, Marina Coast Water District Sewer Lift Station Removal and Restoration (Fort Ord Dunes)
- 3-22-0266-W, City of Pismo Beach Sewer Line Repair (Pismo Beach)

CDP Amendments

- 3-90-041-A10, City of Capitola Soquel Creek Lagoon Management (Capitola)

CDP Extensions

- 3-14-1613-E4, State Parks' Ford Ord Dunes State Park Campground (Fort Ord Dunes)

Emergency CDPs and LCP Certification Reviews

- None

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NOTICE OF PROPOSED PERMIT WAIVER

Date: April 29, 2022
To: All Interested Parties
From: Kevin Kahn, Central Coast District Manager
Esme Wahl, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-20-0665-W
Applicant: Marina Coast Water District (MCWD)

Proposed Development

MCWD is proposing to demolish its existing Fort Ord Village Lift Station and associated development located within a rural stretch of undeveloped dunes seaward of Highway 1 partially within both the City of Seaside and Fort Ord Dunes State Park (FODSP) in Monterey County. The sewer lift station has exceeded its service life and has been identified for removal as part of a series of MCWD projects aimed at modernizing existing public infrastructure and demolishing/removing obsolete ones. Deconstruction of the lift station is comprised of removal of all structures associated with the lift station itself as well as all ancillary structures such as fences, access roads, manholes, and power poles.¹ Following demolition, the site will be restored with native dune plants in conjunction with California State Parks. The areas to be restored includes all disturbed areas associated with lift station demolition and removal activities, totaling some roughly 13,028 square feet. Finally, MCWD also proposes to extinguish its existing easement on State Parks' property that provides for the lift station and associated infrastructure, thereby ensuring the lands remain undeveloped dune and unencumbered State Park property into the future.²

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project is an important coastal adaptation and restoration project involving the removal of derelict infrastructure and subsequent restoration to native

¹ The only components not proposed for removal at this time are below-ground pipelines (including due to the additional dune disturbance that removal would entail); however, MCWD proposes as part of this CDP application to remove them in the future should shifting dune site conditions result in their above-ground exposure.

² More specifically, within 90 days of completion of demolition work, MCWD proposes to report for Executive Director review and approval that such easement between MCWD and State Parks and any rights pertaining thereto have been extinguished.

dune habitat, all located within existing State Park lands. MCWD is working in conjunction with State Parks on restoration activities and has incorporated a series of parameters recommended by the Commission's staff ecologist, including in terms of monitoring and reporting to ensure restoration success over time. In summary, the proposed project fulfills multiple Coastal Act goals in terms of habitat restoration and enhancement of public lands, and is consistent with the Coastal Act.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Friday, May 13, 2022, during the hybrid virtual and in-person Coastal Commission meeting in Costa Mesa. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Esme Wahl (Esme.Wahl@coastal.ca.gov) in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: April 29, 2022
To: All Interested Parties
From: Kevin Kahn, Central Coast District Manager
Katie Butler, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-22-0266-W
Applicant: City of Pismo Beach

Proposed Development

Follow-up authorization for previously performed emergency repairs to a damaged 12-inch sanitary sewer line force main, abandonment of the line in place, and installation of a new 16-inch replacement line under Pismo Creek (all work completed in August and September 2021 under emergency CDP number G-3-21-0029), at 98 S. Dolliver Street in the City of Pismo Beach.¹

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The sewer line repair and replacement project was undertaken in response to damage that occurred to the force main during dewatering activities associated with a nearby bank stabilization project along Pismo Creek (CDP waiver 3-14-1715-W). To abate the emergency and prevent untreated wastewater from entering Pismo Creek and coastal waters, the valves to the force main were immediately closed and wastewater was redirected to an adjacent 16-inch sanitary sewer line. The City capped the line and installed a new approximately 250-foot long and 16-inches wide force main approximately five feet from and parallel to the abandoned line under Pismo Creek, (from the Pismo Creek RV Resort to near the apartments at 372 Park Avenue) using horizontal directional drilling (HDD) techniques. The HDD entry and exit pits were located above and outside the top of bank and no riparian vegetation was affected. In addition, the work was limited as much as possible to that necessary to prevent further damage and best management practices were employed to protect coastal resources during emergency activities. Capping and abandonment of the line in place ensures no potential adverse environmental effects that could occur to the creek environs or coastal waters if the line were to be mechanically removed. In sum, the City's actions to repair and replace the force main prevented significant environmental and human health

¹ This CDP waiver satisfies the regular, follow-up CDP requirement of ECDP G-3-21-0029.

impacts associated with discharge of untreated sewage into Pismo Creek and the Pacific Ocean and the project was necessary to maintain essential public services, and can be found consistent with the Coastal Act.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. The City of Pismo Beach, acting as lead CEQA agency, determined that the project was categorically exempt from CEQA review pursuant to Section 15301 of the CEQA Guidelines regarding existing facilities, finding that the project consists of repair/replacement of a damaged utility and involves negligible expansion of the existing use (from a 12- to 16-inch diameter pipe) as understood through CEQA. Thus, the City did not identify any significant adverse environmental effects from the project.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Friday, May 13, 2022 during the hybrid virtual and in person (at the Costa Mesa Hilton) hearing. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Katie Butler (Katie.Butler@coastal.ca.gov) in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: April 29, 2022

To: All Interested Parties

From: Kevin Kahn, Central Coast District Manager
Kiana Ford, Coastal Planner

Subject: Proposed Amendment to Coastal Development Permit (CDP) 3-90-041
Applicant: City of Capitola

Original CDP Approval

CDP 3-90-041 was originally approved by the Coastal Commission in 1990 and provides for seasonal management of Soquel Creek at its mouth adjacent to the urban core of Capitola Village and the popular Capitola Beach in the City of Capitola in Santa Cruz County. The CDP allows for the formation of a freshwater lagoon at the mouth of Soquel Creek during the summer months for recreational (i.e., formation of a sandy beach that is highly used for swimming and other beachgoing pursuits) and ecological purposes (e.g., water quality improvements for fish and other wildlife), and subsequent removal in the fall, all pursuant to the Commission-approved Soquel Creek Lagoon and Enhancement Plan (SCLEP) and in conjunction with various State and Federal resource agencies. The CDP has been amended a total of seven times, the last of which was in 2017 to provide for a 5-year extension to its effective term.

Proposed CDP Amendment

CDP 3-90-041 would be amended to extend the authorization for the City's Soquel Creek management activities pursuant to this CDP for an additional term of 5 years, with opportunities for subsequent extension subject to the submittal of monitoring reports documenting management effectiveness and coastal resource enhancement to the Executive Director for review and approval. All other CDP terms and conditions would remain the same. The Commission's reference number for this proposed amendment is **3-90-041-A10**.

Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The City's Soquel Creek management efforts pursuant to this CDP have proven very effective at meeting core Coastal Act goals for recreational and ecological enhancement at this important coastal site. The proposed project maintains these protocols and simply proposes to extend its effective term for an additional five years, with opportunities for subsequent extensions subject to monitoring reports continuing to

demonstrate program effectiveness. Management activities under the CDP have helped to protect creek habitats at the same time as enhancing the visitor experience at Capitola Beach during the summer. The lagoon is created by using beach sand to create a sand berm barrier, leading to a freshwater lagoon, and the creek's outflow and elevation is then regulated through a buried flume structure that extends into the Pacific Ocean. The lagoon is thoroughly monitored throughout the berm creation period and the summer (whereby project staff routinely assess water temperature, oxygen concentration, salinity, inflow, aquatic vegetation density, fish abundance, and bird abundance), and adjustments are made to outflows and lagoon elevations to protect water quality and lagoon habitat functions as much as possible. Past monitoring has demonstrated both water quality as well as fisheries enhancement (e.g., steelhead populations increased in 2021 when compared to previous years), and the lagoon serves as a critical nursery for juvenile steelhead in the drier summer season. By regulating the outflow of the creek via the flume, habitat productivity can be maximized and deoxygenation can be avoided. Additionally, lagoon formation also enhances coastal recreation in the area by avoiding any sort of bisection of Capitola Beach; a beach that is extremely popular with both locals and visitors to the area. In the fall, the lagoon mouth is breached, as would occur naturally, to allow the creek to flow into the Pacific Ocean. In conclusion, the proposed amendment continues to protect and enhance both creek resources and public recreational access opportunities consistent with the Commission's original CDP approval, the Coastal Act, and the certified City of Capitola Local Coastal Program.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. The City of Capitola, acting as lead CEQA agency, prepared an initial study and determined that the proposed project would not have a significant adverse impact on the environment for which any mitigation measures would be required.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal, and has concluded that approval of the proposed immaterial CDP amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed immaterial CDP amendment would necessitate. Thus, the proposed immaterial CDP amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on May 13, 2022 at the Coastal Commission's hybrid online and in-person meeting in Costa Mesa. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application will be processed as a material CDP amendment.

If you have any questions about the proposal or wish to register an objection, please contact Kiana Ford in the Central Coast District office at kiana.ford@coastal.ca.gov.

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: April 29, 2022
To: All Interested Parties
From: Kevin Kahn, Central Coast District Manager
Mariana Filip, Coastal Planner

Subject: Proposed Extension to Coastal Development Permit (CDP) 3-14-1613
Applicant: California Department of Parks and Recreation

Original CDP Approval

CDP 3-14-1613 was approved by the Coastal Commission on July 12, 2017 and allows for the construction and operation of a new campground facility, including 45 full hook-up recreational vehicle sites, 43 tent sites, 10 hike-/bike-in sites, two campground host sites, four restroom buildings, a multi-use building, a campfire center, an entrance station, three operations-and-security modular structures, overflow parking, a storage yard, a maintenance station, a beach access trail, a military storage bunker interpretative walk, relocation of a portion of the Monterey Bay Sanctuary Scenic Trail, on- and off-site utilities, site grading, native dune restoration, and related development on the former Fort Ord property west of Highway One between the cities of Marina and Sand City/Seaside, in Monterey County.

Proposed CDP Extension

As indicated above, the CDP was originally approved by the Coastal Commission on July 12, 2017 and included a two-year term with an expiration date of July 12, 2019. The Applicant previously filed for three extensions to extend this deadline (ultimately to July 12, 2022), which were granted by the Commission (3-14-1613-E1, 3-14-1613-E2, and 3-14-1613-E3). Thus, under this proposed extension, the expiration date of CDP 3-14-1613 would be extended one additional year until July 12, 2023. The Commission's reference number for this proposed extension is **3-14-1613-E4**.

Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with Chapter 3 of the Coastal Act.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on May 13, 2022, at the Commission's hybrid in-person and virtual

hearing. If three or more Commissioners object to the Executive Director's changed circumstances determination at that time, a full hearing on whether changed circumstances exist will be scheduled pursuant to the Commission's regulations.

If you have any questions about the proposal or wish to register an objection, please contact Mariana Filip in the Central Coast District office at Mariana.Filip@coastal.ca.gov.