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# W16c

**Prepared November 14, 2023 for the November 15, 2023 Hearing**

**To:** Commissioners and Interested Persons

**From:** Kevin Kahn, Central Coast District Manager  
Breylen Ammen, Coastal Planner

**Subject: STAFF REPORT ADDENDUM for W16c  
Appeal Number A-3-PGR-23-0038 (Pacific Grove Sewer System  
Repairs/Replacements)**

In the time since the staff report for the above-referenced item was published (on October 27, 2023), the Commission has received correspondence from the Appellant, other members of the public, the Monterey Audubon Society, and the Surfrider Foundation (see the correspondence package for this item). All such comments are opposed to the staff recommendation of finding No Substantial Issue, instead urging the Commission to take jurisdiction over the CDP application for this project. In summary, each commenter believes that the City's approval raises fundamental questions regarding how critical public infrastructure—in this case a public sewer system—near the shoreline should address coastal hazards risks and the corresponding responses to those risks, up to and including relocation out of harm's way. They uniformly believe that the City's analysis of such issues was inadequate and that the bigger picture of how the City's essential sewer infrastructure along Sunset Drive and elsewhere will address its vulnerability is something that should have been addressed as part of this project, or at a minimum is something that should be included as a condition of approval moving forward (i.e., including some type of condition that specifies a long-term coastal hazards management and relocation plan for such sewer infrastructure by a time certain). In essence, the commenters suggest the Commission should require same as part of a de novo review of the CDP. Staff believes that these issues are all properly addressed in the staff report, but would like to take this opportunity to respond to the points raised.

At a foundational level, staff wants to make clear that the commenters' points are valid and reasonable. It is important for this City (and all others in the coastal zone) to take special care and consideration of how its critical public infrastructure will be resilient to coastal hazards, and it is appropriate for the Commission to ensure that such resiliency planning is occurring. That said, a few important points should be made about how to apply those understandings to this particular project. First, it should be noted that the City agrees with these points as well. In discussions with City staff, they too clearly recognize that these are critical issues for them to grapple with so as to ensure the protection of its iconic shoreline but also the uninterrupted functioning of wastewater collection and treatment. In fact, they argue that this project is a first step in that

analysis by first fixing known acute problems and avoiding any type of near-term problems (problems which, if they were to occur, could lead to serious water quality and other coastal resource degradation, and would usurp scarce time and resources to fix, including in terms of remediating any coastal resource damage). Hence, the City's position is that this project represents a needed short-term fix that will then provide the space for the time and attention needed for longer-term planning to take place.

And second, and related to this longer-term planning, the City indicates that such planning is in process, and something that the City is committed to refining and continuing to implement in the future. In fact, the City recently completed its Shoreline Management Plan,<sup>1</sup> which identifies the City's vision, goals, and potential management actions for its entire roughly four-mile shoreline. Further, some projects that have emanated from the Plan have already been carried out, including to relocate public infrastructure inland and out of harm's way.<sup>2</sup> The City indicates that they will continue to work towards more resilient public infrastructure outcomes, including with other appropriate agencies (e.g., State Parks, Monterey One Water, etc.) as it relates to its sewer network. In other words, the City is not starting from scratch on these issues but rather has a management plan in place to help guide decision-making on these points, and they will continue to refine and identify appropriate actions and options moving forward.

In essence, it's the City's position that they are committed to longer-term infrastructure resiliency planning, but that the project subject to this appeal today is a relatively minor short-term fix that does not in any way frustrate such longer-term planning endeavors. This position too, like the commenters', is reasonable and valid. Thus, while staff does not dispute nor take issue with the commenters' suggestions about the need for rigorous adaptation planning overall, staff concluded that the City's CDP action in this case adequately addressed LCP concerns in a manner that doesn't frustrate longer term needs and objectives, while also allowing for this needed project to proceed in the short-term (and the City indicates that the project is set to begin construction in the next few months so as to avoid peak summer 2024 visitation). While reasonable people can certainly disagree, it was staff's ultimate recommendation to trust that the City is working and will continue to work toward the long-term adaptation planning outcomes recommended by commenters in this case. Put another way, staff believes that the Commission has a ready and able local government partner on these issues, that the

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<sup>1</sup> The "Pacific Grove Shoreline Management Plan" was a requirement of the Commission's approval of CDP 3-17-0335, which allowed for an armoring device to protect a segment of the City's shoreline recreational trail along Ocean View Boulevard. The Commission required the preparation of the Plan as a means of more holistically understanding how the City will provide for a continuous coastal trail network along its shoreline in a way the best protects coastal resources. The City Council adopted the Plan in 2020 (and the Commission found that such Plan met the City's CDP condition obligations as part of amendment -A1 in December 2020) and it identifies a series of management strategies for the entire Pacific Grove shoreline. Such strategies include relocation of existing infrastructure to locations away from hazards risk, with additional details on precise components to be worked out in future planning and permitting endeavors. In short, the Plan provides a foundation through which the City can further augment and refine resiliency concepts and actions.

<sup>2</sup> For example, CDP 3-18-0037-W, which allowed for the relocation of portions of the City's coastal trail and public parking inland from erosion risks near Point Piños.

current project is important in its own right and that the City's CDP action adequately addresses applicable LCP issues, and that a No Substantial Issue recommendation remains appropriate based on the facts of this case.

In addition to those coastal hazard adaption planning questions, commenters' observations also focused on the presence of a remnant manhole and pipe on the seaward side of Sunset Drive from the project area, and questioned why the City wasn't removing such derelict infrastructure as part of this project. Although the staff report on page 11 indicates that such infrastructure is not connected to nor physically part of the City's project, discussions with City staff just this week suggest that Commission staff was misinformed about the nature of such remnant infrastructure. While it remains true that a portion of such infrastructure was plugged and abandoned in 2003,<sup>3</sup> the plug in question is actually located at an existing unused manhole further seaward of the project area on the shoreline, and not at the existing in-street manhole proposed for removal in this project, as indicated in the staff report. This means that the section of old pipe between the two manholes is not currently plugged, and that the City-approved project would involve installing a new concrete plug in that section of pipe for the first time as part of this project. In any case, and similar to the above discussion, the City does intend to remove such derelict infrastructure in the future, but is focused in this current project on the near term acute problem in need of correction. That is not to say that such abandoned infrastructure shouldn't be removed, rather that the City has identified the need to establish a funding source, and to work with California State Parks and the State Lands Commission (because it is located on their properties) on project removal parameters, which will require some thought to avoid costal resource concerns because the pipe and manhole are partially buried, and partially encased in shoreline rocky areas. Despite learning the new information just this week, staff continues to believe that such an approach adequately addresses applicable LCP issues, and the City's CDP action doesn't raise substantial issues.

Lastly, some commenters expressed concerns regarding temporary construction-related public access impacts, correctly identifying the location as important for public access to and along the coast, where impacts from potential traffic congestion and loss of parking were not identified nor mitigated by the City. It should be noted that such issues were not discussed in the staff report because they were not raised as appeal contentions for the project, and thus are not technically properly before the Commission in the appeal. That said, even if such concerns were raised in the appeal, the City did acknowledge and evaluate them. Specifically, Condition 10 of the City's CDP requires the preparation and implementation of a Temporary Traffic Handling Plan (as required by LCP IP Section 23.90.210.b.2) to "protect public access (e.g. parking and/or traffic circulation) and ensure retention of emergency access during construction." Because work is only proposed in the road at this location, impacts to pedestrian access on the adjacent coastal trail are not expected. Work is also expected to be conducted prior to the summer months when traffic and parking are of greater concern. Thus, it would appear that the City did adequately address the project's construction-related public access impacts.

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<sup>3</sup> Staff has found no evidence of a CDP for such development, and is considering any such work to be unpermitted.

In conclusion, staff appreciates the public's interest in this project, and understands the points made. However, for the reasons specified in the staff report and this addendum, staff continues to recommend that the Commission find No Substantial Issue.