### CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT 725 FRONT STREET, SUITE 300 SANTA CRUZ, CA 95060 PHONE: (831) 427-4863 FAX: (831) 427-4877 WEB: WWW.COASTAL.CA.GOV



# W16c

# A-3-PGR-23-0038 (WATEWATER COLLECTION SYSTEM REPAIRS) NOVEMBER 15, 2023 HEARING EXHIBITS

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**Exhibit 1: Project Location Maps** 

**Exhibit 2: City Final Local CDP Action Notice with City-Approved Project Plans** 

**Exhibit 3: Appeal of City CDP Decision** 

Exhibit 4: Applicable City of Pacific Grove LCP Provisions and Coastal Hazards
Map

**Exhibit 5: City of Pacific Grove Wastewater Collection Infrastructure Map** 



### **Regional Location Map**



# **Project Area Map**



# **Project Appeal Area Map**



### CITY OF PACIFIC GROVE

Community Development Department - Planning Division

300 Forest Avenue, Pacific Grove, CA 93950

T: 831.648.3183 • F: 831.648.3184 • www.cityofpacificgrove.org

### FINAL LOCAL ACTION NO

Date: To: Owner/Applicant: Representative: From: Subject:	September 12, 2023  California Coastal Commission, Central Coast City of Pacific Grove Public Works Depart Daniel Gho, Director City of Pacific Grove Community Developm Final Local Action on Coastal Permit Applicat  g Final Pacific Grove Action for the following Co	ent Dept. Planning Division ion # CDP 22-0318
CDP Exclusion	CDP Amendment Extension Emergency  LCP Amendment Other:  processes have been exhausted for this matter	y CDP Exemption (not appealable)
Permit/Reso #:	City Council Resolution No. 23-026 (attac	ched)
Project Applicant: Applicant's Rep:	Public Works Department, 415 Crocker Ave Daniel Gho, Director	
Seed to a December of the con-	Multiple Locations in Pacific Grove  Repair/replace 3 segments of the wastewa	ter collection system.
Final Action Info		
	Approved w/conditions Approved w/o conditions Coning Administrator Planning Commission	
For Coastal Commissi	Reference #:	RECEIVED
PC	FLAN received: Appeal period:	CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA



### CITY OF PACIFIC GROVE

### Community Development Department - Planning Division

300 Forest Avenue, Pacific Grove, CA 93950

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### **Final Local Action Notice Attachments Included**

Required Materials Supporting the Final Action	Enclosed	Previously Sent (date)	Notes/Comments	
Staff Report	X		Agenda Reports for July 13 & September 6, 2023	
Adopted Findings	X		City Council Resolution 23-026	
Adopted Conditions	X		City Council Resolution 23-026	
Site Plans	X		Plan Set	
Elevations				
Location/Vicinity Map	х		Plan Set	
Additional Materials Supporting the Final Action	X		CDD & CDP Applications (see below for more information)	
Historic Report				

### Coastal Commission Appeal Information

The City of Pacific Grove has determined that this Final Local Action is:
NOT APPEALABLE to the California Coastal Commission. The Final City of Pacific Grove Action is now effective
APPEALABLE to the California Coastal Commission. The Coastal Commission's 10-working day appeal period
begins the first working day after the Coastal Commission receives adequate notice of this Final Monterey County Action. The Final Monterey County 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 at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.
Submitted by
Signature:

Joseph Sidor

(Planner)

Title: Contract Planner
Phone: (831) 648-3192

Email: jsidor@cityofpacificgrove.org

Additional Materials: Available for Review at the Comission's Central Coast District Office

- Planning Commission Permit CDP 22-0318, July 13, 2023
- Appeal Form and associated letters (dated July 16, September 3, and September 6, 2023)
- Notice mailing list
- Environmental Document (Initial Study/Negative Declaration)
- Biological Resources Report (dated December 7, 2022)
- Cultural Resources Report (dated December 2022)

Exhibit 2

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A-3-PGR-23-0038

#### **RESOLUTION NO. 23-026**

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE APPROVING FILE NUMBER CDP 22-0318 FOR THE REPAIR AND REPLACEMENT OF THREE SEGMENTS OF THE WASTEWATER COLLECTION SYSTEM LOCATED AT MULTIPLE LOCATIONS

#### FACTS

- The City of Pacific Grove Public Works Department (applicant) proposes the repair and replacement of three Coastal Zone segments of the City's existing wastewater collection system to ensure continued safe and reliable public wastewater collection service to the residents of Pacific Grove.
- 2. The subject sites are located at multiple locations in the City of Pacific Grove (three segments); including the following: Railroad Way Segment an approximate 540 linear foot section within and at the north end of the railroad right-of-way between Jewell and Pico Avenues; no address and no Assessor's Parcel Number (APN); Arena Avenue Segment an approximate 340 linear foot section of Arena Avenue within the road right-of-way between Sunset Drive and Asilomar Avenue; no address and no APN; and Asilomar Dunes Segment within the Sunset Drive right-of-way immediately west of, and within an existing 10-foot utility easement located on, 214 Asilomar Boulevard, located between Sunset Drive and Asilomar Avenue and approximately 480 feet south of Jewell Avenue (APN 007-041-004).
- As noted in Fact 2, only one segment (the Asilomar Dunes Segment) has an associated APN of 007-041-004. The other two segments (Arena Avenue and Railroad Way) do not have associated APNs.
- 4. The subject segments have various land use designations such as Low Density Residential 1.0 du/ac, Open Space, and undesignated in the adopted and certified City of Pacific Grove Coastal Land Use Plan (per LUP Figure 6).
- 5. The subject segments have zoning classifications of O, R-1-B-4, and unclassified.
- The subject segments are located within the City's Coastal Zone, within an
  archaeologically sensitive area (per LUP Figure 7), and within an environmentally
  sensitive habitat area (ESHA; per LUP Figure 5).
- The subject segments are not located within the City's Area of Special Biological Significance (ASBS) nor listed on the Historic Resources Inventory (HRI).
- Pursuant to Pacific Grove Municipal Code (PGMC) Sections 23.90.050, City CDP
   Determinations, and 23.90.040, CDP Exemptions, Community Development Department
   (CDD) staff determined the proposed repair and replacement of three segments of the
   wastewater collection system would not be exempt from the requirement to obtain a
   Coastal Development Permit (CDP), and forwarded this determination to the Coastal
   Commission on June 29, 2023.
- Detailed Project Description.

- a. Railroad Way segment includes approximately 537 linear feet of pipeline replacement via trenching within the former railroad right-of-way. Specifically, planned improvements in this segment include the following: replacement of 245 linear feet of 6" vitrified clay pipe (VCP) with 8" polyvinyl chloride (PVC) pipeline, reconstruction of a manhole approximately 92 feet from manhole 890, reconstruction of manhole 888, installation of 292 linear feet of 8" PVC pipeline, the plugging and in place abandonment of 292 linear feet of 6" VCP pipeline, and the construction of a new manhole approximately 100 feet from manhole 888.
- b. Asilomar Dunes segment includes improvements within an existing 10-foot utility easement in dune habitat between Sunset Drive and Asilomar Ave, as well as within the Sunset Drive right-of-way. Planned work within the Sunset Drive roadway includes the following: replacement of pipeline that is at a 45-degree angle with a new straight section of 35 linear feet of 6" PVC, construction of a new manhole, removal of manhole 853, and plugging and abandonment of the angled section of 6" VCP pipeline. Planned work within the utility easement that extends through dune habitat and private property, between Sunset Drive and Asilomar Avenue, includes the following: a 9 linear foot spot repair located approximately 69 linear feet from manhole 853A, construction of a new manhole (#854) approximately 167 feet from manhole 853A, reconstruction of manhole 855, and replacement of 95 linear feet of 6" VCP with 6" PVC via trenching.
- c. <u>Arena Avenue segment</u> includes excavation of 2 receiving pits and replacement of approximately 332 linear feet of 6" VCP with 8" highdensity polyethylene (HDPE) pipeline (via pipe bursting) within the Arena Avenue right-of-way.

The total length of pipeline installation (via trenching and pipe bursting) for all three segments would total approximately 1,008 linear feet and involve a grand total of approximately 4,380 square feet of surface disturbance area.

- 10. Per PGMC § 23.90.140, Coastal Hazards, Community Development Department (CDD) staff reviewed LUP Figure 3 (Coastal Hazards and Areas of Potential Sea Level Rise), aerial and topographic imagery, applications, and conducted site visits on October 6, 2022, and April 27, 2023. This review determined the sites and project would not be subject to coastal hazards over the expected lifetime of the development. No aboveground structural development is proposed. The proposed repairs will all be located below ground, thereby making the project less susceptible to coastal hazards such as wave run up, tsunamis, etc. In this case, submittal of a Coastal Hazards Report is not warranted.
- 11. Per PGMC § 23.90.150, Water Quality and Marine Resources, the City did not require a water quality assessment because the proposed repair and replacement of three segments of the wastewater collection system would not create any new impervious surfaces.
- 12. Per PGMC § 23.90.160, Scenic Resources, CDD staff reviewed LUP Figure 4 (Scenic Areas), aerial and street view imagery, and conducted site visits on October 6, 2022, and April 27, 2023. This review determined the proposed repair and replacement of three

- segments of the wastewater collection system, due to their short construction duration and no permanent above-ground structural development, would not adversely impact public views.
- 13. Per PGMC § 23.90.170, Biological Resources, CDD staff reviewed LUP Figure 5, Land Habitat Sensitivity Map, aerial imagery, and conducted site inspections on October 6, 2022, and April 27, 2023. Additionally, a qualified biologist team prepared a Biological Resources Letter Report (Emily Mastrelli and Katie Laybourn; Harris & Associates; December 7, 2022). The report, included as Appendix B to the Initial Study, concluded the project would not result in significant impacts to sensitive plants or wildlife species, and no mitigation measures for the protection of biological resources are required. Based on the above information and analysis, CDD staff prepared and circulated a draft Initial Study which concluded that potential impacts to natural habitats and resources would be less than significant. Project Design Features have been included as conditions of approval to minimize or avoid potential impacts throughout the construction process.
- 14. Per PGMC § 23.90.200, Cultural Resources, the proposed project involves ground disturbance in an archaeologically sensitive area; therefore, an archaeological report was prepared by a qualified archaeologist (Donna Beddow; Harris & Associates; October 2022). The report concluded that the project, as proposed, would not impact cultural resources. However, due to the sensitivity of the area and the potential for inadvertent discovery of cultural resources, and per Land Use Plan Policy CRS-2, the City will apply a standard condition of approval to require archaeological monitoring during all ground disturbing activities.
- 15. Per PGMC § 23.90.200, Cultural Resources, the proposed project does not involve above-ground structural development or permanent changes to a setting or location; therefore, an historic report is not warranted. Additionally, the project would not cause a substantial adverse change in the significance of a historical resource because this type of resource does not occur within the project area.
- 16. The City of Pacific Grove Public Works Department (PW), as Lead Agency, prepared an Initial Study pursuant to Public Resources Code Section 21083, and California Environmental Quality Act (CEQA) Guidelines Sections 15063(a) and 15063(b)(2). The Initial Study is on file in the offices of PW and CDD, and is hereby incorporated by reference. CDD, located at 300 Forest Avenue, 2nd Floor, Pacific Grove, California, 93950, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Negative Declaration is based.
- 17. The draft Initial Study and Negative Declaration (IS/ND) for the Pacific Grove Wastewater Collection System Improvement Project Phase 9 Coastal Zone Segments was prepared in accordance with the CEQA Guidelines; filed with the County Clerk on March 30, 2023; and circulated for public review from March 30 through May 1, 2023 (State Clearinghouse Number 2023030780). No public comment was received and no public agencies submitted comments.
- 18. Pursuant to Public Resources Code Section 21080.3.1 and LUP Policy CRS-1, PW initiated consultation via notification letters with local Native American tribes on November 17, 2022. The first consultation meeting with the Esselen Tribe of Monterey County was actually held on November 8, 2022, and with the Ohlone/Costanoan-Esselen Nation on November 15, 2022.

- 19. The City of Pacific Grove Planning Commission (PC) considered the IS/ND and reviewed the proposed project at a noticed public hearing on July 13, 2023. The PC voted 6 1 to adopt the IS/ND and to approve CDP 22-0318.
- On July 17, 2023, the appellant submitted a timely appeal of the PC's decision to adopt the IS/ND and approve CDP 22-0318.
- Pursuant to the appeal, the City of Pacific Grove City Council considered the IS/ND and reviewed the proposed project at a noticed public hearing on September 6, 2023.

#### FINDINGS

### For a Coastal Development Permit per PGMC Section 23.90.080

- 1. LCP Consistency. The project is consistent with the LCP. (Local Coastal Program)
  - As proposed and conditioned, the proposed repair and replacement of three segments of the wastewater collection system meets the requirements of the LCP including, but not limited to, the applicable Coastal Resource Protection Standards (PGMC § 23.90.130) of the Implementation Plan (IP) and the Biological, Cultural, Scenic, and Community Design policies of the Land Use Plan (LUP). These standards and policies are addressed in the Facts above and in the following findings.
- 2. Public Views. The project protects or enhances public views.
  - The proposed repair and replacement of three segments of the wastewater collection system, due to the short construction duration and no permanent above-ground structural development, would not adversely impact public views. Per LUP Policy SCE-6, all proposed utility repairs will be located underground or outside of public view. Therefore, per PGMC § 23.90.160, Scenic Resources, a site-specific visual analysis is not required in this case.
- 3. Habitat Protection. The project protects vegetation, natural habitats, and natural resources consistent with the LCP.
  - The repair and replacement of three segments of the wastewater collection system, as proposed and conditioned, will have less than significant impacts on natural habitats or resources. The project is consistent with the LCP, including PGMC § 23.90.170 regarding biological resources and/or environmentally sensitive habitat areas.
- Design Consistency. The design, location, size, and operating characteristics of the proposed development is consistent with applicable LCP design requirements, including design plans and area plans incorporated into the LCP.
  - The proposed repair and replacement of three segments of the wastewater collection system does not involve permanent above-ground structural development; therefore, this finding is not applicable.
- 5. Coastal Access. The project protects or enhances public access to and along the coast. As proposed and conditioned, the repair and replacement of three segments of the wastewater collection system would not adversely impact public access to or along the coast. Condition No. 10 has been applied to protect public access and ensure retention of emergency access during construction.

- 6. Visitor Serving. The project supports the LCP goal of providing for visitor-serving needs as appropriate, including providing low and no cost visitor and recreational facilities.
  - As proposed, the repair and replacement of three segments of the wastewater collection system does not involve visitor-serving needs or facilities; therefore, this finding is not applicable.
- 7. Appropriate Use. The project is consistent with the allowed LCP uses associated with the property.
  - As located, the site zoning classifications and land use designations are consistent with the proposed project.
- 8. Coastal Resources. The proposed development protects or enhances coastal resources, where applicable.

The proposed repair and replacement of three segments of the wastewater collection system does not involve permanent above-ground structural development; therefore, this finding is not applicable. See also Fact Nos. 10-15 and supporting information, and Finding Nos. 2 and 3 above.

### California Environmental Quality Act (CEQA)

On the basis of the whole record before the City of Pacific Grove City Council, there is no substantial evidence that the proposed project as designed and conditioned will have a significant effect on the environment. Also, the City Council finds that there is no substantial evidence supporting a fair argument of a significant environmental impact. The City will implement proposed project design features, best management practices, and standard conditions of approval that avoid or minimize potential effects to a point where clearly no significant effects would occur. Based upon the analysis of the Initial Study, the Public Works Department prepared a Negative Declaration (ND), and the ND reflects the independent judgment and analysis of the City.

In approving the permit, the following conditions of approval are imposed and deemed reasonable and necessary to ensure that the approval will comply with the findings cited above.

#### CONDITIONS OF APPROVAL

- Permit Expiration. This permit shall expire and be null and void two (2) years from and after the date of approval. Application for extension of this approval must be made prior to the expiration date.
- 2. Conformance to Plans. Development and uses of the sites shall conform to the approved plans for the "Pacific Grove Wastewater Collection System Improvement Project Phase 9 Coastal Zone Segments", dated July 2022, on file with the Community Development Department and to the Building Code, with the exception of any subsequently approved changes. Minor plan changes shall be subject to review and approval by the Community Development Director and/or Public Works Director as appropriate, prior to implementation. Major plan changes may also require review and approval of the Planning Commission and/or City Council. Project revisions may require additional CEQA analysis.

- 3. Construction Compliance. All construction shall occur in general compliance with the proposal as set forth in the application, subject to any special conditions of approval herein. Any deviation from approvals must be reviewed and approved by staff, and may require subsequent Planning Commission and/or City Council approval.
- 4. Terms and Conditions. These terms and conditions shall run with the land and bind to all future owners and possessors of the subject property, unless amended. Amendments to this permit may be achieved only if an application is made and approved, pursuant to the Zoning Code.
- Archaeological/Tribal Monitoring. A qualified archaeological monitor and tribal
  monitor shall be present to observe all soil disturbance for all grading and excavation
  activities. If at any time, potentially significant resources or intact features are
  discovered, the monitor(s) shall temporarily halt work until the find can be evaluated.
- 6. Cultural and/or Archaeological Artifacts. If such artifacts are unexpectedly discovered during ground disturbing activities, work shall be halted until the item(s) can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation will be formulated, with the approval of the lead agency, and implemented prior to recommencement of work.
  - Archaeology and Inadvertent Discovery. When human remains or other cultural artifacts are exposed, the Health and Safety Code § 7050.5 requires that no further excavation or disturbance occurs in the area and that the county coroner is called so that the coroner can verify that the remains are not subject to medical jurisprudence. Within 24 hours of notification, the coroner calls the Native American Heritage Commission if the remains are known or thought to be Native American. The Native American Heritage Commission selects the Most Likely Descendant (MLD) from a rotating list of MLDs. The MLD has 24 hours to respond. All work will halt with a 50-yard radius until an osteologist can examine the remains, and a treatment plan for any said remains has been provided according to the MLD.
  - 8. Project Design Features (PDFs). The following PDFs shall be incorporated into the construction plans and implemented during construction:
    - a. PDF-1: Focused Rare Plant Clearance Survey and Avoidance. Before ground-disturbing activities, including digging, clearing, grubbing, and grading, a qualified biologist shall conduct a pre-construction sensitive plant survey within 100 feet of the project disturbance areas. If sensitive plant species are identified by the qualified person, they shall flag the extent of each species patch or individual in the survey area for avoidance during the pre-construction survey. If sensitive plant species are observed in the impact area during the pre-construction sensitive plant survey or cannot be avoided during implementation, individuals shall be counted, and permanent impacts shall be mitigated at a 1:1 ratio in suitable habitat outside the impact areas as applicable.
    - b. PDF-2: Sensitive Habitats Flagging and Fencing. Before ground-disturbing activities, including digging, clearing, grubbing, and grading, a qualified person shall flag and/or install avoidance fencing around the outer limits of the disturbed dune scrub habitat and sensitive Monterey cypress and Monterey pine trees. The flagging and installed avoidance fencing shall remain in place through the end of construction.

### c. PDF-3: Water Quality Protection Measures.

- Standard construction best management practices for erosion and sediment control, such as the use of silt fencing, shall be implemented to prevent wind and water erosion and to minimize subsequent sedimentation to nearby sensitive habitats and potential aquatic features.
- 2. The project shall implement the following practices to provide effective temporary and final erosion control during construction as needed:
  - a. Preserve existing vegetation where required and when feasible.
  - b. Control the area of soil-disturbing operations so the construction contractor can implement erosion control best management practices quickly and effectively.
  - c. Stabilize non-active areas within 14 days of cessation of construction activities or sooner if stipulated by local requirements.
  - d. Control erosion in concentrated flow paths by applying temporary erosion-control blankets, check dams, erosion-control seeding, or alternate methods.
  - e. Prior to the completion of construction, apply permanent erosion control to any remaining disturbed soil areas.
  - f. Maintain sufficient erosion-control materials on site.
- 3. The following temporary sediment-control best management practices shall be implemented in conformance with the following guidelines and in accordance with the standard best management practice guidance:
  - a. Silt Fence: As practical and necessary, silt fencing may be placed at the perimeter of disturbed site areas to mitigate discharge of sediment from site stormwater flows.
  - b. Weed-Free, Plastic-Free (No Monofilament) Fiber Rolls: Fiber rolls may be used for several different applications, including but not limited to perimeter control, grade break and separation, and alternate check dam. They shall not be used on paved or hardscape media. Temporary fiber rolls installed to control erosion and sedimentation during construction shall be removed once construction is complete.
  - c. Stabilized Construction Entrances and Exits: Stabilized construction entrances and exits shall be placed at ingress and egress points of the disturbance area.
- Construction padding material, if required, shall be free of any weed seeds, contaminants, or pollutants.
- 5. No debris, silt, slash, sawdust, rubbish, cement, or concrete, or washings thereof; oil or petroleum products; or other organic or earthen material from any maintenance, construction, or associated activity of any nature shall be allowed to enter or be placed where it may be washed by rainfall or runoff into sensitive habitats and potential aquatic resources in and surrounding the work areas.
- 6. Construction equipment with visible mud or dirt cakes on tracks, wheels, and undercarriage shall be power washed at a minimum of 100 feet from the limits of work areas to prevent weeds from entering the project site.
- 7. Construction vehicles and equipment shall be repaired and refueled a minimum of 100 feet from the limits of sensitive habitats and potential aquatic resources within and surrounding the work areas, including the disturbed dune scrub, to the maximum extent feasible. If refueling or repairing equipment or vehicles in or near sensitive

- habitats or aquatic resources within or surrounding the work areas is unavoidable, appropriate secondary containment shall be employed to prevent spills from entering these sensitive areas. Drip pans and spill containment materials shall always be present and accessible on the construction site.
- d. PDF-4: Nesting Bird Survey. No grubbing, trimming, or clearing of vegetation from the project site shall occur during the general raptor and bird breeding season (January 15 through August 31). If grubbing, trimming, or clearing of vegetation cannot feasibly occur outside the general bird breeding season, a qualified person shall perform a pre-construction nesting bird survey no more than 1 week prior to the start of vegetation grubbing, trimming, or clearing to determine if active bird nests are present in the affected areas. Should an active bird nest be located, the qualified person shall establish a buffer and direct vegetation clearing away from the nest until it has been determined that the young have fledged or the nest has failed. If no nesting birds (including nest building or other breeding or nesting behavior) are in the construction area, grubbing, trimming, or clearing shall proceed.
- Best Management Practices (BMPs). The project shall implement BMPs as identified on page 6 of the Final Initial Study.
- Temporary Traffic Handling Plan (TTHP). Per PGMC Section 23.90.210.B.2, the Public Works Department shall prepare and implement a TTHP to protect public access (e.g., parking and/or traffic circulation) and ensure retention of emergency access during construction.

### NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:

- The Council determines that each of the Facts and Findings set forth above is true and correct, and by this reference incorporates those Facts and Findings as an integral part of this Resolution.
- The Council adopts a Negative Declaration pursuant to CEQA Guidelines Section 15074.
- The Council denies the appeal, and affirms the decision of the Planning Commission to approve CDP 22-0318.
- The Council APPROVES this permit (Application No. 22-0318) to allow the repair and replacement of three segments of the wastewater collection system located at multiple locations.
- The required Findings and Conditions of Approval are hereby approved and incorporated herein by reference.
- This Resolution shall become effective immediately following passage and adoption thereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 6th day of September, 2023, by the following votes:

AYES: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Beck, Coletti,

McDonnell, and Poduri.

NOES: None.

ABSENT: None.

ABSTAIN: None.

APPROVED:

Bill Peake 2EBF9DE48137414

BILL PEAKE, Mayor

DocuSigned by:

ATTEST: 9/11/2023 DATED:

Sandia Jandel

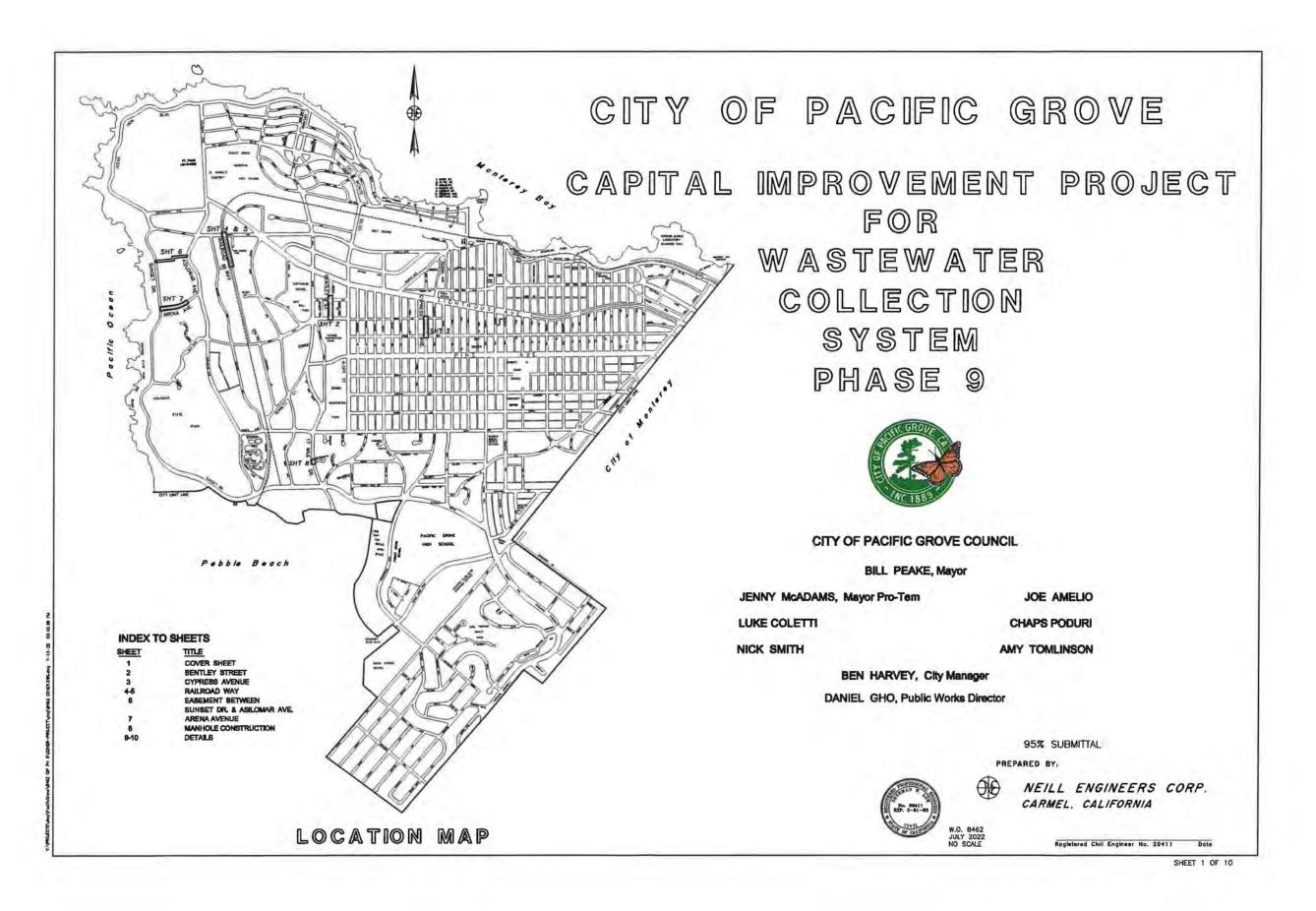
SANDRA KANDELL, City Clerk

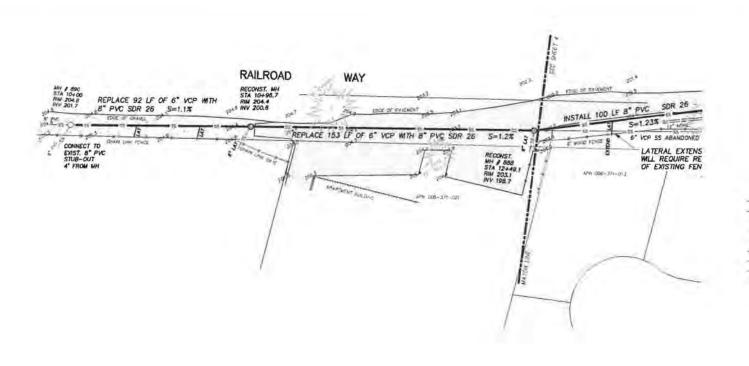
APPROVED AS TO FORM:

—Docusigned by: Brian d. Pierik

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BRIAN PIERIK, City Attorney





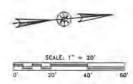
REPLACE 153 LF OF 6" VCP WITH 8" PVC SDR 26

NOTES: EXISTING UTILITY AND SERVICE CROSSINGS ARE NOT ALL SHOWN EXISTING SEWER LATERALS ARE NOT SHOWN ON THE PROFILE.

PROFILE

INSTALL 10

RECONNECT 6" LATERAL TO NEW MH



### LEGEND

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NOTES

- UNDERGROUND UTILITIES AND SERVICES ARE NOT ALL SHOWN. CONTRACTOR SHALL CONTACT U.S.A. (800-227-2600). TO IDENTIFY THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL PROVIDE TEMPORARY ABOVE GROUND BYPASS SYSTEM WITH PUMP BETWEEN MANHOLES PRIOR TO MAIN REPLACEMENT.
- 3. EXISTING SANITARY SEWER LATERALS MAY NOT ALL BE SHOWN.
  LATERALS SHOWN ARE BASED ON PIPELINE VIDEO INFORMATION
  PROVIDED BY OTHERS. CONTRACTOR SHALL RECONNECT ALL ACTIVE
  LATERALS TO NEW WYE IN MAIN. EXISTING CAPPED LATERALS SHALL
  BE ELIMINATED. EXACT LOCATIONS AND NUMBER TO BE DETERMINED
  IN THE FIELD AT THE TIME OF CONSTRUCTION.
- 4. ELEVATIONS ARE BASED ON ASSUMED DATUM ELEVATION MEASUREMENTS ARE IN FEET.

95% SUBMITTAL

### C.I.P. PHASE 9

NEILL ENGINEERS CORP.



CARMEL, CALIFORNIA



EXISTING GRADE

REPLACE 92 LF OF 6" VCP WITH 8" PVC SDR 26 S=1.1%

6" LATERAL TO NEW MH



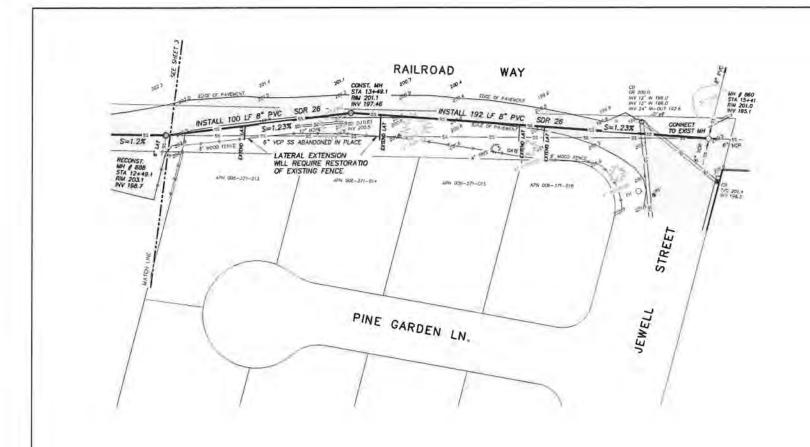
### SANITARY SEWER IMPROVEMENTS RAILROAD WAY

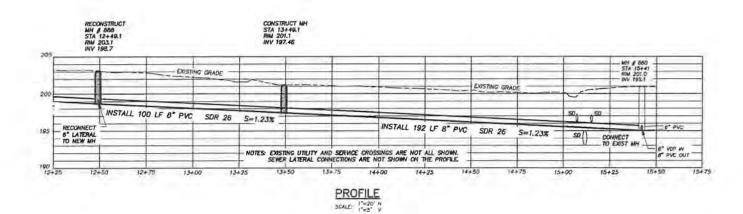
BETWEEN JEWELL AVE. & PICO AVE. CITY OF PACIFIC GROVE, CALIFORNIA

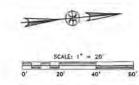
W.O. 6462

JULY 2022

SCALE: 1"=20" SHEET 4 OF 10







### LEGEND

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### NOTES

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  BE ELIMINATED. EXACT LOCATIONS AND NUMBER TO BE DETERMINED
  IN THE FIELD AT THE TIME OF CONSTRUCTION.
- ELEVATIONS ARE BASED ON ASSUMED DATUM ELEVATION MEASUREMENTS ARE IN FEET.

95% SUBMITTAL

### C.I.P. PHASE 9

NEILL ENGINEERS CORP.



CARMEL, CALIFORNIA



## SANITARY SEWER IMPROVEMENTS RAILROAD WAY

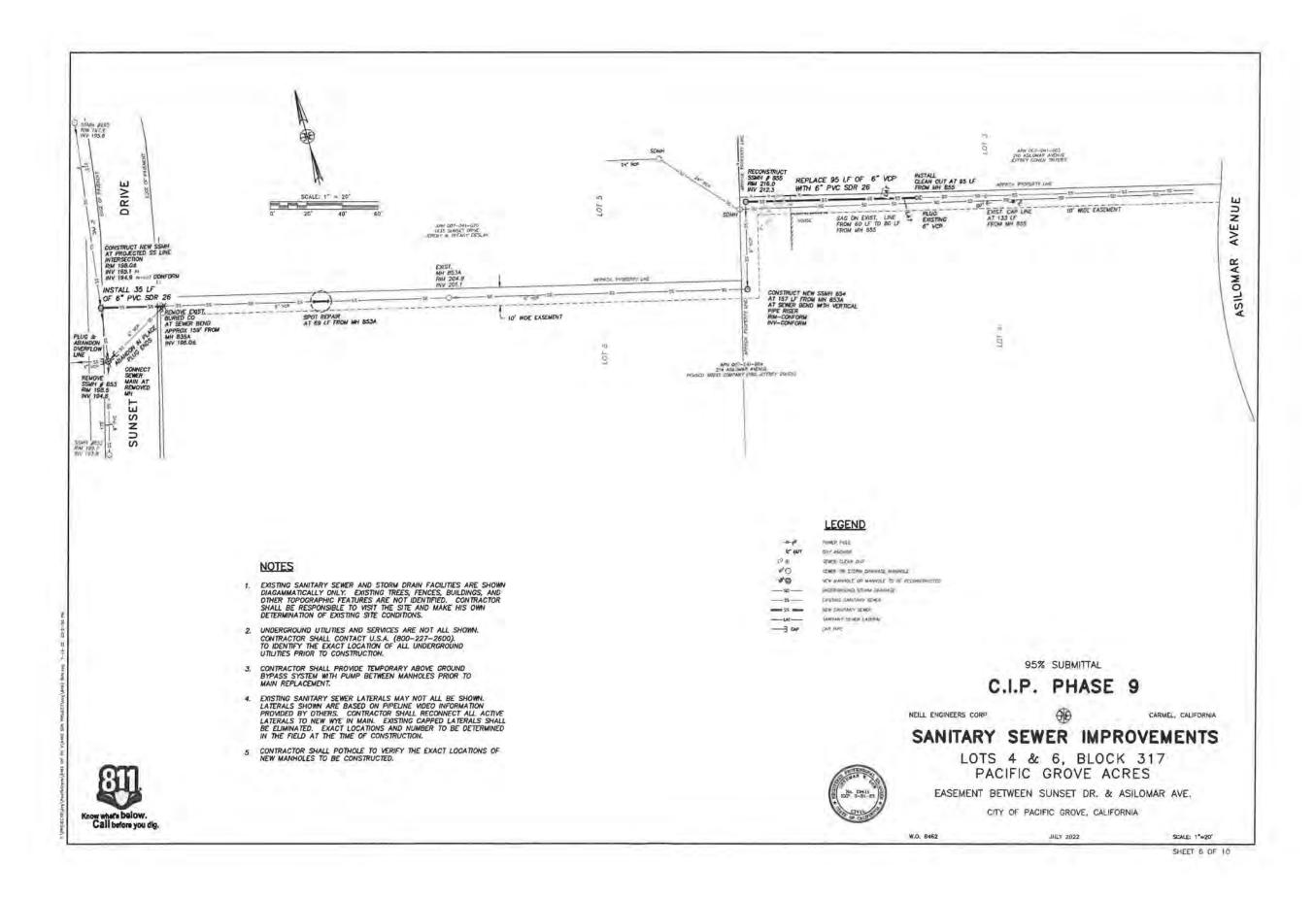
BETWEEN JEWELL AVE. & PICO AVE. CITY OF PACIFIC GROVE, CALIFORNIA

W.G. 8452

JULY 2022

SCALE: 1"=20"

SHEET 5 OF 10



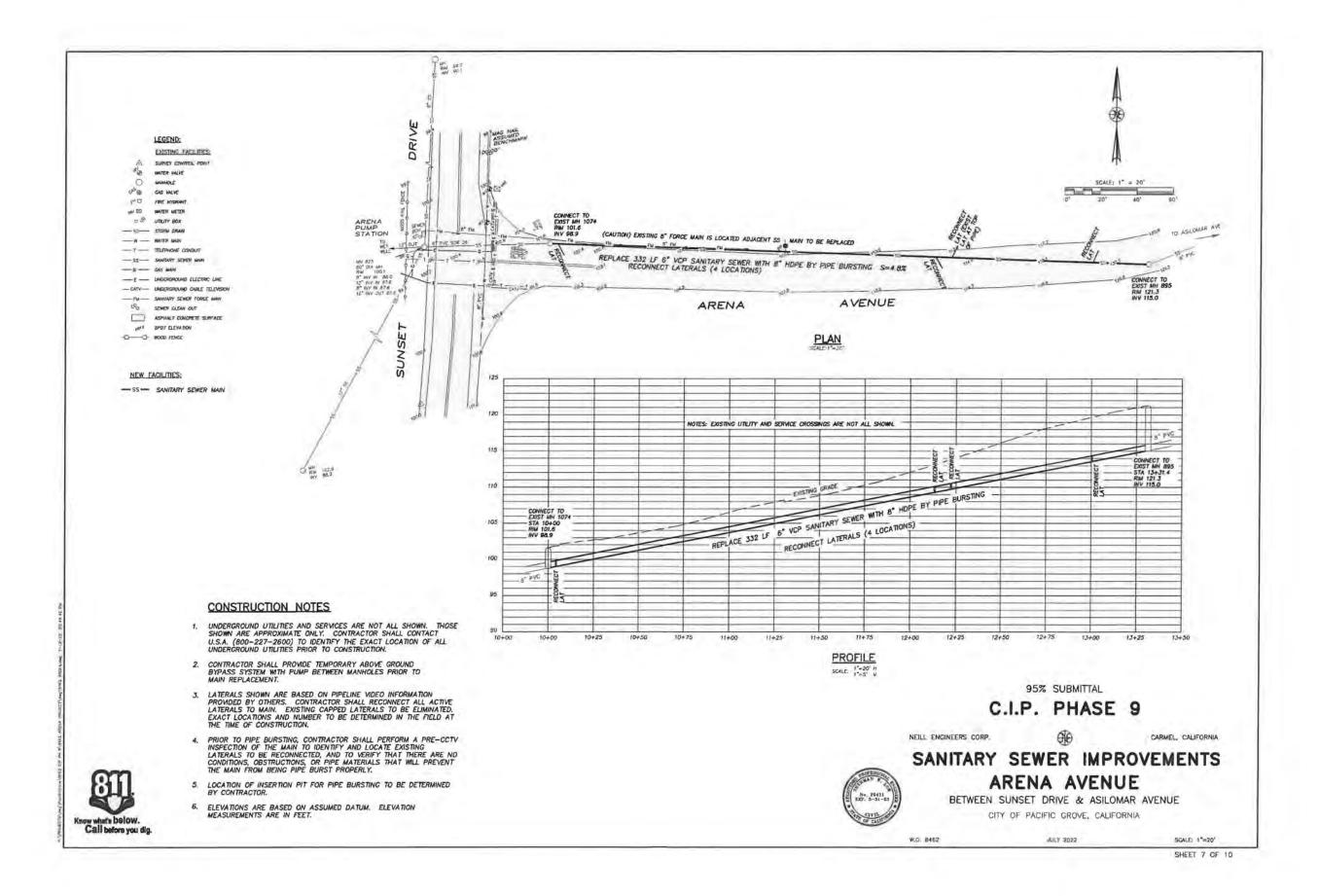


Exhibit 2 A-3-PGR-23-0038 Page 16 of 16

### CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE 725 FRONT ST., SUITE 300 SANTA CRUZ, CA 95060-4508 (831) 427-4863 CENTRALCOAST@COASTAL.CA.GOV



### **APPEAL FORM**

Appeal of Local Government Coastal Development Permit

### Filing Information (STAFF ONLY)

District Office: Central Coast

Appeal Number: A-3-PGR-23-0038

Date Filed: September 18, 2023

Appellant Name(s): Anthony A Ciani

RECEIVED

SEP 18 2023

CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

### **APPELLANTS**

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at https://coastal.ca.gov/contact/#/).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the Central Coast district office, the email address is <a href="mailto:CentralCoast@coastal.ca.gov">CentralCoast@coastal.ca.gov</a>. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's <a href="mailto:coastal.ca.gov/contact/#/">coastal.ca.gov/contact/#/</a>).

### Appeal of local CDP decision Page 2

1. Appella	ant info	rmation <sub>1</sub>
Name:		Anthony A. Ciani
Mailing add	dress:	220 Walnut Street
Phone num		(858) 454-7141
Email addr		aciani@cianiarchitecture.com
Ellian addi		
How did yo	u partici	pate in the local CDP application and decision-making process?
Did not p	•	
Describe:	I made	oral comments at the 7-13-2023 Planning Commission hearing
	opposir	ng the project failure to address CEQA & LCP issues including SLR,
	& Coas	tal Hazards. I appealed tp the City Council on 7-15- 2023,
	submitt	ed additional supporting evidence, and testified to City on 9-6-2023.
	, ,	you should be allowed to appeal anyway (e.g., if you did not you were not properly noticed).
why you sh	nould be e and hea ).	you exhausted all LCP CDP appeal processes or otherwise identify allowed to appeal (e.g., if the local government did not follow proper aring procedures, or it charges a fee for local appellate CDP ached Letters and PowerPoint PDF to the City regarding this matter.

<sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

### Appeal of local CDP decision Page 3

Z. Local C	שעה decision being appeared	2		
Local government name:		City of Pacific Grove		
Local government approval body:		City Council		
Local government CDP application number:				
Local government CDP decision:		CDP approval CDP denial3		
Date of local government CDP decision:		Certify ND & Approve CDP#22-0318		
denied by t	he local government.	of the development that was approved or egments of the City of Pacific Grove		
Describe:				
		n in the Coastal Zone at the		
	Railroad Way, Asilomar Dui	nes, and Arena Avenue; and		
	specifically to abandon a 28	39 foot long, 6" sewer overflow line,		
west from Sunset Drive; leave sewerline in Asilomar State Park,				
Blufftop, exposed on shoreline beach, State Marine Reserve and				
Marine Protected Area. The propject would abandon an above -				
grade Manhole & Pipes on the coastal bluff face and beach. The				
	Applicant (City) stated the p	project is to remove known failing		
	sewer infrastrucure in the C	oastal Zone that is leaching into the		
ground through cracks.  The Applicant and City Planning staff state: The project would				
	State Park property to remo	ve the City's sewer infrastructure.		

<sup>&</sup>lt;sup>2</sup> Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

<sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.

### Appeal of local CDP decision Page 4

### 3. Applicant information

Applicant name(s):

City of Pacific Grove Public Works Department

Public Works Dept. 415 Crocker Ave.

Applicant Address:

Pacific Grove, CA 93950 (Attn: Dan Gho, Director)

### 4. Grounds for this appeals

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: The CEQA Initial Study - Negative Declaration and the Coastal Development Permit Application failed to address the portions of Project that are located in or west of Sunset Drive shown in the potential "Coastal Erosion Hazard Zones" Map, Fig. 3 LCP p. 32 Project proposal to "abandon" sewer structures in a sensitive environemntal area, including a Marine Protected Area would result in significant adverse impacts to the coastal resources, scenic reources, & safe Public access between to along the Shoreline, LCP Policies: HAZ-9, PRA-1&7, MAR-1-3, 5, 6, 8 & 9, SC-1,2,4, 5 & 8 and INF-4, 5 & 10. CA Sec. 30210 - 30212, etc. Title 14, CCR 632, PRC 36710(A). SEE ADDITIONAL SUPPORTING INFORMATION (ATTACHED)

<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

### Appeal of local CDP decision Page 5

5.	<b>Identi</b>	ification	of inter	rested	persons
----	---------------	-----------	----------	--------	---------

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.  Interested persons identified and provided on a separate attached sheet
6. Appellant certification₅
I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.
Print name Anthony A. Ciani
anthon a. aini
Signature
Date of Signature September 13, 2023
7. Representative authorization
While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.
I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

 $_{5}$  If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>&</sup>lt;sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

September 14, 2023,

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

Attention: Mariana Filip, Coastal Program Analyst, and Katie Butler, District Supervisor.

Via Email: CentralCoast@coastal.ca.gov, Mariana.Filip@coastal.ca.gov. Katie.Butler@coastal.ca.gov

**RE:** APPEAL OF CITY OF PACIFIC GROVE APPROVAL OF IS/ND & COASTAL DEVELOPMENT PERMIT NO. 22-0318, Res. 23-026, Pacific Grove Wastewater Collection System Improvement Project Phase 9 - Coastal Zone Segments

Dear Central Coast District and Coastal Commissioners:

The City Public Works Department told the Pacific Grove Planning Commission and City Council, at hearings of this matter, that the existing sewer pipes in the coastal zone "have been failing for years," are "deficient," and are "leaking into the ground." However, the Public Works Department and Planning Department also told them that the work described on Sheet No. 6 of CDP-22-0318 engineering plans, to "PLUG & ABANDON SEWER OVERFLOW LINE" - - "was not part of the project" because the work did not propose "Removal of the overflow line" and moreover, "analysis was not required." Thus, the Planning Commission and City Council were misled to mistakenly believe the abandoned section of the sewer overflow system was not part of the project and was not subject to environmental review or a part of the coastal development permit.

### <u>Misleading and Erroneous Information provided to the Planning Commission and City</u> <u>Council:</u>

A. The Planning Commission and City Council was told by staff that portions of the Asilomar Dunes Segment of the city's proposed Sewer Repair Project is not in a mapped Coastal Erosion Hazard Zone designated in the certified Local Coastal Program Land Use Plan (Figure 3, page 32). The Community Development Department staff report to the City Council mistakenly claims:

"...the sites are not located in a Coastal Erosion Hazard Zone and the project would not be subject to coastal hazards over the expected lifetime of the development. The project does not involve placement of new infrastructure subject to coastal hazards, and no aboveground structural development is proposed. Rather, the project replaces existing infrastructure in need of repair. The proposed repairs will all be located below ground, thereby making the project less susceptible to coastal hazards such as wave run up, tsunamis, etc. In this case, submittal of a Coastal Hazards Report is not warranted."

September 14, 2023
Central Coast District
California Coastal Commission
RE: APPEAL OF CITY OF PACIFIC GROVE APPROVAL OF IS/ND
& COASTAL DEVELOPMENT PERMIT NO. 22-0318
Page 2

### **APPEAL COMMENTS:**

RESPONSE TO STAFF STATEMENT: "The project does not involve placement of new infrastructure subject to coastal hazards, and no aboveground structural development is proposed." [And] "The proposed repairs will all be located below ground, thereby making the project less susceptible to coastal hazards such as wave run up, tsunamis, etc. In this case, submittal of a Coastal Hazards Report is not warranted."

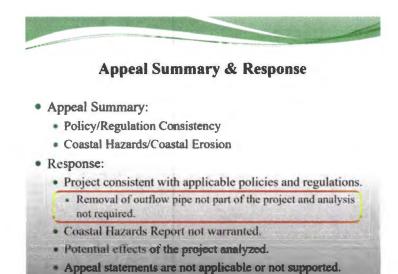
- See annotated excerpt of the LCP Land Use Plan, Fig. 3 Coastal Hazards, and Areas of Potential Sea Level Rise Map (See images on page 4, below) delineates the location of a portion of the project's Asilomar Dunes Segment to be in mapped Coastal Hazard Zones: 2010, 2025, 2050, & 2100 as well as, the Tsunami Zone for runup during the project life.
- Coastal erosion is commonly associated with eroding soils, beaches, or coastal bluffs, i.e., erosion most certainly can occur below ground, therefore below grade infrastructure such as sewers and manholes are subject to coastal erosion hazards, including water inundation and infiltration from wave or tsunami runup.
- Therefore, due to the location of project elements in the areas of known potential sea level rise and potential erosion, a Coastal Hazards Report is required to be prepared and submitted with the CDP Application per PGMC Section 23.90.140 (a)(b) (1) & (2); and contrary to LCP LUP policy HAZ-9.
- B. The statement and PowerPoint slide (See Image on Page 3, below) by the planning staff to the City Council, claimed my appeal was about "removal of the overflow line" Staff: "Removal of the overflow pipe [was] not part of the project and analysis [was] not required." The staff statement was inaccurate and misrepresented the basis for the appeal, i.e., regarding the proposal to abandon the overflow pipe and related coastal issues. Council denied the appeal based on misleading information.

September 14, 2023 Central Coast District California Coastal Commission

RE: APPEAL OF CITY OF PACIFIC GROVE APPROVAL OF IS/ND

& COASTAL DEVELOPMENT PERMIT NO. 22-0318

Page 3



City Staff PowerPoint (9-6-2023)

### **APPEAL COMMENTS:**

RESPONSE TO STAFF STATEMENT: "Removal of the overflow pipe not part of the project and analysis not required"

- "Abandon" is an action to cease, to leave (something), or to give up completely (Oxford Dictionary)
   "Remove" is an action to take away (something), or to eliminate.
   (Oxford Dictionary)
- The appellant's appeal and letters and PowerPoint to the City Council (attached) provide
  facts and evidence supporting the reasons to resolve the disposition of the 289-foot sewer
  overflow line system to address potential environmental and public safety issues and
  compliance with pertinent policies of the LCP and Coastal Act and implementing
  ordinances.
- The Applicant's methods of repair and maintenance involve a risk of substantial adverse environmental impact; therefore, it must require that a permit be obtained pursuant to the Coastal Act.
- The City Council approved the CDP without consideration of potential adverse impacts to an environmentally sensitive habitat area and highly scenic recreational area, contrary to LCP LUP Policies SC-1,2,4, 5 & 8; MAR-1-3, 5, 6, 8 & 9; PRA-1&7, & Coastal Act Sections 30210-30212, and, & Title 14, CCR 632, PRC 36710(A).

September 14, 2023 Central Coast District California Coastal Commission

RE: APPEAL OF CITY OF PACIFIC GROVE APPROVAL OF IS/ND & COASTAL DEVELOPMENT PERMIT NO. 22-0318

Page 4



Pacific Grove Wastewater Collection System Improvement Project – Phase 9 Coastal Zones Segment (IS/ND Figure 2)

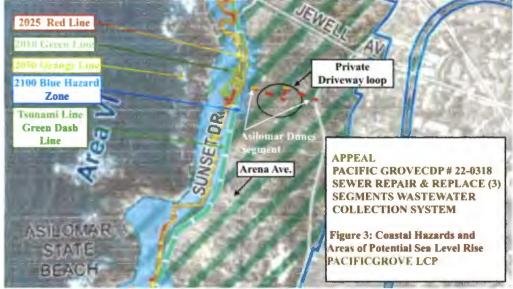


Fig. 3 Coastal Hazards and Areas of Potential Sea Level Rise Map (LCP p. 32) ANNOTATED

September 14, 2023
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California Coastal Commission
RE: APPEAL OF CITY OF PACIFIC GROVE APPROVAL OF IS/ND

& COASTAL DEVELOPMENT PERMIT NO. 22-0318

Page 4

### Failure to Study and Address Potential Public Safety Hazards.

Sewer main pipes, manholes, overflow pipes and outfall pipes are an interconnected part of the city's entire existing Sewer System Asset Management Plan and Sewer Master General Plan. There is a nexus between the sewer main line, manholes and overflow line. The project proposes activities to repair or replace some elements of the system and to abandon part of it. All of the activities are part of the CDP which must address all the elements.

In this case, the action to abandon/leave in place, the connected 289-foot-long sewer overflow and outfall pipes and manhole as shown on the City's maps, must be addressed by the CDP to comply with the LCP and Coastal Act, and related MPA laws.

Therefore, the project must incorporate special conditions to safely mitigate the potential hazardous materials as part of the proposal to abandon them, and to protect the scenic sensitive environment and coastal resources.

### Past or Future Precedent

Coastal communities and the Coastal Commission have considered similar matters in their past actions to address abandonment of utilities in the coastal zone. It has been commonplace and continuing obligation to mitigate potential adverse impacts associated with abandoned infrastructure debris, especially exposed debris in coastal settings.

### Appellant's letters and presentation to City Council illustrate the issues and are incorporated in this appeal (Attached):

- 1) June 6, 2023, Appeal Letter to City Clerk and City Council
- 2) September 2, 2023, Letter to Mayor and City Council
- 3) September 3, 2023, Letter to Mayor and City Council
- 4) September 6, 2023, City Council Public Hearing PowerPoint

### APPEAL TO CCC - SUMMARY OF SUBSTANTIAL ISSUES:

- City CDP does not comply with Pacific Grove LCP Policies and Implementation Plan.
- Failure to require a Coastal Hazards Report and mitigation for the deteriorated sewer overflow/outfall elements that are in the LCP's Coastal Erosion Hazard Zone.

September 14, 2023 Central Coast District

California Coastal Commission

RE: APPEAL OF CITY OF PACIFIC GROVE APPROVAL OF IS/ND & COASTAL DEVELOPMENT PERMIT NO. 22-0318

Page 4

- City's decision to postpone analysis and CDP for 289-foot-long section of a defective (leaking) sewer overflow line in an environmentally sensitive habitat area of the coastal zone, including the ocean, is a piecemeal process was inadequate and failed to address whole project.
- City's wastewater and sewer system management plans have identified the flow and
  infiltration of ground water, broken, and leaking pipes and leaching into the ground as a
  significant problem. The decision to abandon the sewer overflow line without
  remediating the potential hazards leaves the underground sewer pipes and manhole
  unpurged of septic and hazardous materials in an environmentally sensitive area.
- The act to "Plug and Abandon" the sewer overflow line may appear to be an incidental repair, but it involves a risk of substantial adverse environmental impact, therefore a coastal development permit is required to address the potential risks.
- City's action is inconsistent with Coastal Commission past decisions regarding abandonment of structures in the Coastal Zone and could set a new precedent for similar projects in similar areas in the entire California Coastal Zone.

#### Conclusion

I respectfully request the Coastal Commission accept this appeal and find that the Pacific Grove Wastewater Collection System Improvement Project (Phase 9 - Coastal Zone Segments) CDP 22-0318, raises substantial issues and hold a hearing to address them.

I believe the criticality assessments for the portions of the project that are located in the identified coastal hazards zones subject to potential sea level rise and associated inundation are necessary to address the coastal resource protection policies in the LCP and Coastal Act. Ultimately, the City of Pacific Grove must be accountable to address the sewer system overflow and outfall into the designated Marine Protected Area of Pacific Ocean. Kicking that aging "can down the road' is a risk to the present and future environmental quality and public health and safety of the Asilomar State Park beaches and State Marine Reserve, contrary to the goals of the LCP and Act.

Please contact me if you need any additional information or have any questions.

Sincerely,

Anthony A. Ciani, Appellant

ATTACHMENTS: CCC Appeal Form, 7/16/2023 Appeal to City, 9/3/2023 Letter to City, 9/6/2023 Ppt.

### Anthony A. Ciani 220 Walnut Street Pacific Grove, California 93950

September 3, 2023

Mayor Peake, and City Councilmembers City of Pacific Grove 300 Forest Avenue Pacific Grove, CA 93950,

Via emails: cityclerk@cityofpacificgrove.org, citycouncil@cityofpacificgrove.org

RE: September 6, 2023, Agenda Item 11.A. - APPEAL OF CDP NO. 22-0318

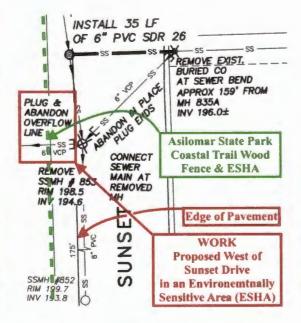
Dear Mayor Peake and Councilmembers:

### REASONS SUPPORTING MY APPEAL:

A) WORK IS LOCATED IN ASILOMAR STATE PARK ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA) TO "PLUG & ABANDON" PACIFIC GROVE SEWER OVERFLOW.



SEWER PIPE Aerial View from West



Work in ASILOMAR STATE PARK & STATE MARINE RESERVE (MPA)



MANHOLE view from west

Mayor Peake and City Councilmembers

RE: CDP # 22-0318 Appeal

Page 2

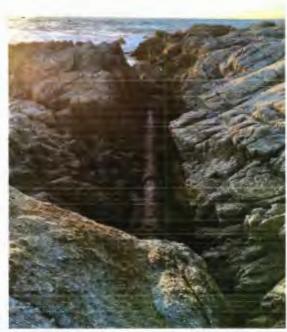
### ASILOMAR STATE PARK & STATE MARINE RESERVE AREA



**SEWER MANHOLE** 



DETERIORATED MANHOLE ON ERODING BLUFF



OVERFLOW SANITARY SEWER PIPE AND OUTFALL



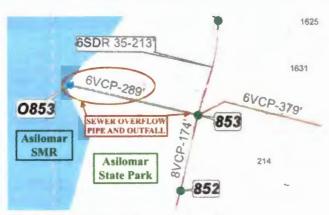
GOOGLE AERIAL VIEW OF SEWER OUTFALL PIPE

Mayor Peake and City Councilmembers

RE: CDP # 22-0318 Appeal

Page 3

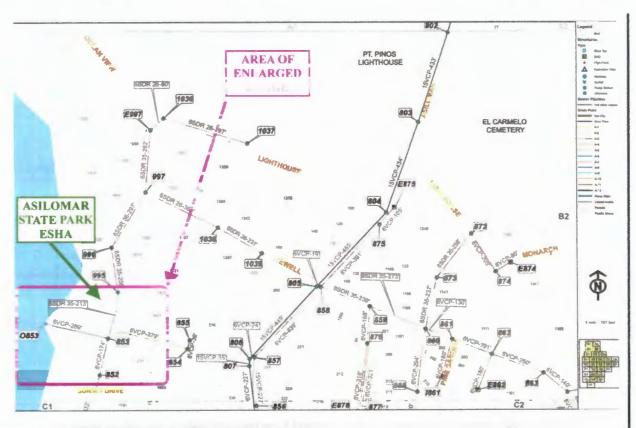
The existing sewer system is shown in the City of Pacific Grove Sewer System Management Plan, Figure 2-1 (below). Careful examination of that and other City utility maps clearly depict the 289 foot long, 6" Vitreous Clay Pipe (VCP) Sewer Overflow extending west from existing Manhole # 853 across Asilomar State Park to Outfall # O853, into the State Marine Reserve.



**Enlarged Image at Sewer Outfall** 



**Existing Sewer System** 



Pacific Grove Sanitary Sewer System Map.

Mayor Peake and City Councilmembers

**RE:** CDP # 22-0318 Appeal

Page 4



Aerial View with Sewer Over flow Graphics

Photo Source: Google Earth 9/7/022

B) The Applicant, Public Works Director, Daniel Gho, prepared the Initial Study / Environmental Checklist Form (IS) "Check List" dated 3-29-2023. He did NOT describe the work to abandon the sewer overflow located in the Asilomar State Park and State Marine Reserve, or the potential direct or indirect, significant adverse effects that could result by leaving those pipes and toxic contents in the PARK/SMR.

#### THUS:

- the IS/MND is incomplete and inaccurate; and,
- the Planning Commission's review of the Coastal Development Permit did NOT consider pertinent policies and ordinances in the City of Pacific Grove LCP; and,
- the City Council CANNOT adopt the IS/Negative Declaration pursuant to CEQA Guidelines Section 15074, which requires:

"The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration <u>only if</u> it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis."

 The City Council CANNOT make the following required findings pursuant to PGMC Section 23.90.080 to approve the Coastal Development Permit (CDP 22-0318):

(a) LCP Consistency. The project is consistent with the LCP.

COMMENT: leaving the toxic sewer pipe and manhole on the Asilomar coastal bluff and Asilomar SMR would not protect the marine resources or ESHA.

Mayor Peake and City Councilmembers

**RE: CDP # 22-0318 Appeal** 

Page 5

(b) Public Views. The project protects or enhances public views.

COMMENT: Leaving the sewer pipe in the Asilomar SMR intertidal zone will not protect the public views to the shoreline or in the Marine Reserve.

(c) Habitat Protection. The project protects vegetation, natural habitats, and natural resources consistent with LCP.

COMMENT: Abandoning the sewer pipes, and manhole in the ESHA will not protect the ESHA, that could be damaged by corrosion of ocean waves, harming the flora and fauna of the coastal bluffs and marine life with toxic waste.

(e) Coastal Access. The project protects or enhances public access to and along the coast. **COMMENT: The sewer outfall pipes, and manhole interferes with public access.** 

(g) Appropriate Use. The project is consistent with the allowed LCP uses associated with the property

COMMENT: Abandoned sewer pipes, and manhole are not permitted uses in ESHA.

(h) Coastal Resources. The proposed development protects or enhances coastal resources, where applicable. [Ord. 20-023 § 2, 2020]

COMMENT: The abandoned sewer pipes, and manhole will not protect or enhance coastal resources in the Asilomar State Coastal Park and State Marine Reserve.

### **CONCLUSIONS:**

- 1) The Initial Study and Mitigated Negative Declaration did NOT analyze or address the coastal hazards and sea level rise over the next 75 years. The IS/MND is inaccurate and inadequate to mitigate significant adverse impacts of the proposed development.
- 2) The necessary findings to adopt the IS/MND it is NOT supported by the evidence provided in this appeal.
- 3) Abandoning the existing sewer subsurface overflow pipes, deteriorated manhole, and sewer outfall pipes in the Asilomar State Park and Marine Reserve (protected area) could result in toxic waste spill, harmful to natural resources and humans. The corroded pipes could be a danger to public access and degrade aesthetic character.
- 4) <u>Mitigation Measures to safely abate and remove</u> all abandoned sewer overflow pipes, manholes, and outfall from Asilomar State Park and the Asilomar State Marine Reserve <u>are required to make the necessary findings for a Negative Declaration.</u>

September 3, 2023 Mayor Peake and City Councilmembers **RE: CDP # 22-0318 Appeal** 

Page 6

Therefore, I request the City Council to accept this appeal; and, in order to certify the IS/MND, and to approve the CDP, require the following additional on-site and off-site mitigation measures as Special Conditions to the CDP:

### RECOMMENDED ADDITIONAL CDP SPECIAL CONDITIONS:

- 1) Applicant shall provide a site-specific engineered survey of the overflow pipes, manholes and outfall located in the Asilomar State Park and State Marine Reserve.
- 2) Applicant shall provide a biological survey by a qualified biologist, of a 20-foot-wide area centered on the overflow pipes, manholes, and outfall located in the Asilomar State Park and State Marine Reserve. The survey shall identify and locate on a map all plants, animals, birds, and marine life including sensitive species.
- 3) Applicant shall provide an archaeological survey by a qualified archaeologist of a 20-foot-wide area centered on the overflow pipes, manholes, and outfall located in the Asilomar State Park and State Marine Reserve.
- 4) The applicant shall incorporate the same archaeological protocol and mitigation required for the Asilomar Dunes surrounding areas.
- 5) Applicant shall provide hazardous waste and materials abatement following CALTRANS 2022 Specifications by a certified company, including the existing sewer system located in and adjacent to the Asilomar State Park and State Marine Reserve.
- 6) Applicant shall remove all hazardous materials including the overflow pipes, manholes, and outfall located in the Asilomar State Park and State Marine Reserve.
- 7) Applicant shall be responsible to restore the area of the work located in the Asilomar State Park and State Marine Reserve.

Sincerely,

Tony Ciani
Tony Ciani, Resident
220 Walnut Street
Pacific Grove, CA 93950
aciani@cianiarchitecture.com

Cc: City Council Planning Commission

Central Coast District, Coastal Commission



### CITY OF PACIFIC GROVE

# Community Development Department – Planning Division 300 Forest Avenue, Pacific Grove, CA 93950 T:: 831.648.3190 • F:: 831.648.3184 • www.ci.pg.ca.us/cdd

Appeal Form

Appeal #:	
Date:	
Received By:	
Total Fee:	

Project Inforn				
Project Address:	13   Iocations Ratinald Way Asigmain Dunies and Rhina	Антын (ргунст)	APN:	007041004000_214 ASILOMAR BLVD
Andination 6 to	On HRI/ Not on HRI	22.0240		
Application & No.:	Coastal Development Permit (CDP 2			
Applicant Name:	City of Pacific Grove Public Works D		hone #:	831-648-5722 X4203
Mailing Address:	2100 Sunset Drive, Pacific Grove, C/	A 93950		
Email Address:	dagho@cityofpg.org			
Owner Name:	City of Pacific Grove		hone #:	831-648-5722
Mailing Address:	300 Forest Avenue, Pacific Grove, C	A 93950		
Email Address:	dagho@cityofpg.org		- V	
Action¹				
ARB: Architectu	ıral Review Board	PC: Planni	ina Comr	mission
CDD: Planning			-	surces Committee
_	esources Committee			eview Committee
	2002.300 00	ZA: Zoning		
Date of Action:	July 13, 2023	المارية	g / Northills	70 G.V.
Action Taken:	Approval of CDP No. 23-0318 & P	Project Negative Decis	aration	
			ar cacrorri	
	Applotation ODT NO. 200010 d.T	Tojour Hogalivo Doole		
Appeal Inform		Tojaci Negativa Dacie		
	nation			858-454-7141
Appellant Name:			hone #:	858-454-7141
Appellant Name: Mailing Address:	nation Tony Ciani			858-454-7141
Appellant Name: Mailing Address: Email Address:	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.com			858-454-7141
Appellant Name: Mailing Address: Email Address: Appeal Deadline:	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.com	J2023	thone #:	858-454-7141
Appellant Name: Mailing Address: Email Address: Appeal Deadline:	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.com 5:00 p.m. on July	J2023	Thone #:	ers a service
Appellant Name: Mailing Address: Email Address: Appeal Deadline:	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.com 5:00 p.m. on July	[2023] [	#: Instru	ers a service
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Rev. 11/7/12

<sup>1</sup> Currently averaging \$250-300.

Typically the number of address labels for parcels (or portions thereof) found within a 300 ft radius of the subject parcel (350 ft radius for homes in the Asilomar Dunes area) is approximately 120. Mailing is sent to owners and occupants (including most individual apartments) of properties.

### Anthony A. Ciani 220 Walnut Street Pacific Grove, California 93950

July 16, 2023

City Clerk, Sandra Kandell
City of Pacific Grove
300 Forest Avenue
Pacific Grove, CA 93950 (Via email: cityclerk@cityofpacificgrove.org)

RE: APPEAL - COASTAL DEVELOPMENT PERMIT (CDP) 22-0318 TO ALLOW THE REPAIR AND REPLACEMENT OF THREE SEGMENTS OF THE WASTEWATER COLLECTION SYSTEM LOCATED AT MULTIPLE LOCATIONS.

Dear City Clerk Kandell,

Pursuant to Pacific Grove Municipal Code Section 23.90.100, I am writing to appeal the decision of the Planning Commission on July 13, 2023, to approve the above referenced CDP Permit: COASTAL DEVELOPMENT PERMIT (CDP) 22-0318 TO ALLOW THE REPAIR AND REPLACEMENT OF THREE SEGMENTS OF THE WASTEWATER COLLECTION SYSTEM LOCATED AT MULTIPLE LOCATIONS. This letter shall serve to supplement the attached Appeal Form and replace my July 15, 2023, email to you on the same subject.

### PERTINENT FACTS AND BASIS OF THE APPEAL:

- 1) The City of Pacific Grove Public Works Department proposes to repair and replace the following three segments of the wastewater collection system located in the coastal zone: Railroad Way, Asilomar Dunes, and Arena Avenue (project). The purpose of the project is to ensure safe and reliable public wastewater collection service to the residents of Pacific Grove. The total length of pipeline installation (via trenching and pipe bursting) for all three segments would total approximately 1,008 linear feet and involve a grand total of approximately 4,380 square feet of surface disturbance area.
- 2) The Railroad Way segment includes approximately 537 linear feet of pipeline replacement via trenching within the former railroad right-of-way. Specifically, planned improvements in this segment include the following: replacement of 245 linear feet of 6-inch vitrified clay pipe (VCP) with 8-inch polyvinyl chloride (PVC) pipeline, reconstruction of a manhole approximately 92 feet from manhole 890, reconstruction of manhole 888, installation of 292 linear feet of 8-inch PVC pipeline, the plugging and in place abandonment of 292 linear feet of 6-inch VCP pipeline, and the construction of a new manhole approximately 100 feet from manhole # 888.
- 3) The Asilomar Dunes segment includes improvements within a 10-foot utility easement in dune habitat between Sunset Drive and Asilomar Ave, as well as within the Sunset Drive right-of-way. Planned work within the Sunset Drive roadway includes the following: replacement of pipeline that is at a 45-degree angle with a new straight section of 35

linear feet of 6-inch PVC, construction of a new manhole, removal of manhole 853, and plugging and abandonment of the angled section of 6-inch VCP pipeline. Planned work within the utility easement that extends through dune habitat and private property, between Sunset Drive and Asilomar Avenue, includes the following: a 9 linear foot spot repair located approximately 69 linear feet from manhole 853A, construction of a new manhole (#854) approximately 167 feet from manhole 853A, reconstruction of manhole 855, and replacement of 95 linear feet of 6-inch VCP with 6-inch PVC via trenching.

- 4) The Arena Avenue segment includes excavation of 2 receiving pits and replacement of approximately 332 linear feet of 6-inch VCP with 8-inch high-density polyethylene (HDPE) pipeline (via pipe bursting) within the Arena Avenue right-of-way.
- 5) Railroad Way Segment an approximate 540 linear foot section within and at the north end of the railroad right-of-way between Jewell and Pico Avenues [no address and no Assessor's Parcel Number (APN)];
- 6) Arena Avenue Segment an approximate 340 linear foot section of Arena Avenue within the road right-of-way between Sunset Drive and Asilomar Avenue [no address and no APN]; and
- 7) Asilomar Dunes Segment within the Sunset Drive right-of-way immediately west of, and within a 10-foot utility easement located on, 214 Asilomar Boulevard, located between Sunset Drive and Asilomar Avenue and approximately 480 feet south of Jewell Avenue [APN 007-041-004].
- 8) The Railroad Way segment is located within a railroad right-of-way between Jewell and Pico Avenues. The Asilomar Dunes and Arena Avenue segments are located between Sunset Drive and Asilomar Avenue in an area considered environmentally sensitive dune habitat and within an archeologically sensitive area. The Asilomar Dunes residential area is identified as an area of moderate to extreme biological sensitivity per Land Use Plan (LUP) Figure 5, Land Habitat Sensitivity Map; and the Asilomar Dunes are considered an environmentally sensitive habitat area (LUP Section 2.4.1).
- 9) The sites are designated as Open Space (OS), Low Density Residential 1.0 dwelling unit per acre (LDR 1-2), and undesignated or not applicable. The Pacific Grove General Plan provides a framework for development and operation of public facilities within the city. The Public Facilities Element (Chapter 9) includes goals and polices that call for the maintenance of a level of service adequate to meet the needs of Pacific Grove residents.

Pacific Grove General Plan (1994) goals and policies apply, including but limited to, the following:

CDD Staff advised the Planning Commission that <u>Chapter 9</u>, <u>Public Facilities</u> applies, including: Goal 2: Maintain a level of service in the City's sewage collection and disposal system adequate to meet the needs of existing and future development.

Policy 9: Incrementally repair and/or replace sewer system infrastructure to prevent excessive

infiltration/inflow.

Program E: Prepare, adopt, and implement a sewer maintenance and replacement program.

The Pacific Grove Land Use Plan (LUP), certified on March 11, 2020, applies. It provides a framework for public infrastructure within the City's Coastal Zone. The subject segment sites are designated Open Space (OS), Low Density Residential 1.0 dwelling unit per acre (LDR 1-2), and undesignated or not applicable in the adopted and certified City of Pacific Grove Coastal Land Use Plan (LUP Figure 6).

Applicable zoning regulations and development standards are set forth in Pacific Grove Municipal Code (PGMC) Chapters 23.16 (R-1), 23.42 (O), 23.44 (U), and 23.90 (Coastal Implementation Plan or IP).

An application was filed with the Community Development Department (CDD) on November 30, 2022. CDD staff determined the proposed repair and replacement of three segments of the wastewater collection system would not be exempt from the requirement to obtain a CDP and forwarded this determination to the Coastal Commission on June 29, 2023.

PGMC section 23.90.200, Cultural Resources, applies.

The proposed project involves ground disturbance in an archaeologically sensitive area; therefore, an archaeological report was prepared by a qualified archaeologist (Donna Beddow; Harris & Associates; October 2022). The report concluded that the project, as proposed, would not impact cultural resources. However, due to the sensitivity of the area and the potential for inadvertent discovery of cultural resources, and per LUP Policy CRS-2, CDD staff recommended a standard condition of approval to require archaeological monitoring during all ground disturbing activities.

PGMC section 23.90.170, Biological Resources, applies.

CDD staff reviewed LUP Figure 5, Land Habitat Sensitivity Map, aerial imagery, and conducted site inspections on October 6, 2022, and April 27, 2023. Additionally, a qualified biologist team prepared a Biological Resources Letter Report (Emily Mastrelli and Katie Laybourn; Harris & Associates; December 7, 2022). The report, included as Appendix B to the Initial Study, concluded the project would not result in significant impacts to sensitive plants or wildlife species, and no mitigation measures for the protection of biological resources are required. Based on the above information and analysis, CDD staff prepared and circulated a draft Initial Study which concluded that potential impacts to natural habitats and resources would be less than significant. Project Design Features are included as conditions of approval to minimize or avoid potential impacts throughout the construction process.

PGMC section 23.90.140, Coastal Hazards, applies.

CDD staff reviewed LUP Figure 3 (Coastal Hazards and Areas of Potential Sea Level Rise), aerial and topographic imagery, applications materials, and conducted site visits on October 6, 2022, and April 27, 2023. This review determined the sites and project would not be subject to coastal hazards over the expected lifetime of the development as no above-ground structural development is proposed. In this case, CDD recommended that submittal of a Coastal Hazards Report was not warranted.

Per PGMC section 23.90.140, Coastal Hazards applies.

CDD staff reviewed LUP Figure 3 (Coastal Hazards and Areas of Potential Sea Level Rise), aerial and topographic imagery, applications materials, and conducted site visits on October 6, 2022, and April 27, 2023. That review determined the sites and project would not be subject to coastal hazards over the expected lifetime of the development as no above-ground structural development is proposed. In this case, CDD recommended that a Coastal Hazards Report was not warranted.

### **BASIS AND REASONS FOR THE APPEAL:**

#### A. LOCATION

The terminus of the segments of work in the Asilomar Dunes and Arena Avenue segments are located in an area of coastal hazards and potential sea level rise according to the Local Coastal Program Land Use Plan.

#### B. COASTAL HAZARDS

THE ASILOMAR DUNES SEGMENT (Sht. #6) and ARENA AVENUE SEGMENT (Sht. #7) and as shown on (Sht. #1), Plans Set, "Pacific Grove Wastewater Collection System Improvement Project – Phase 9 – Coastal Zone Segments" W.O. 8462, dated July 2022 by Neill Engineers Corp. - - includes development work located in a known coastal hazards, tsunami and potential sea level rise area as shown in LCP LUP Figure 3: Coastal Hazards and Areas of Potential Sea Level Rise, and in Figure 4 Potential Sea Level Rise and Flooding Pacific Grove Vulnerability Assessment. The "PROJECT SEA LEVEL RISE" Map Figure 4.8-4 Monterey - Pacific Grove ASBS Stormwater Management Project EIR, Section 4.8 Hydrology and Water Quality Report also indicates coastal flooding in the project area. (See all, below.)

The Asilomar Dunes Segment proposes to abandon an existing section of the Sanitary Sewer Main (SS) and remove Sewer Manhole #853 that are located on the seaward side of Sunset Drive that may be subject to coastal hazards including wave runup, tsunamis, and sea level rise. In the same location, the project proposes to install 35 LF of new 6" PVC SS and connect to a new manhole and the main SS in the west side of Sunset Drive. (See Sheet No. 6).

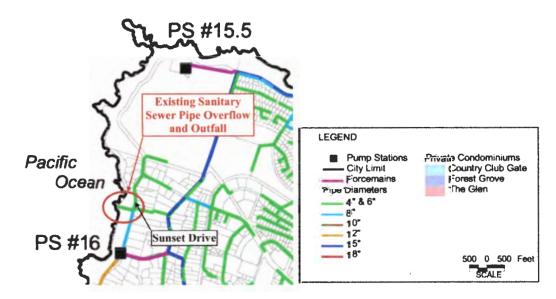
NOTE: The project proposes to "Plug & Abandon" an overflow vitrified clay pipe Sanitary Sewer Line located on the west side coastal blufftop and directed to the ocean.

The Arena Avenue Segment of the Sewer connects to the Pumping Lift Station No. 16 Wet Well, with Lift Station # 16 is above ground and according to "Sewer Master Plan/Chapter 3 COLLECTION SYSTEM OVERVIEW May 2014", "Station #16 – Arena Lift Station: Arena Lift Station is a vertical-centrifugal lift station located off of Sunset Avenue near Arena Street and within the Asilomar State Park. This lift station receives flow from customers between Sunset Drive, Asilomar Avenue, and Lighthouse Avenue. The lift station discharges through an 8-inch diameter cast iron force main to manhole # 810 at the intersection of Arena Avenue and Asilomar Avenue".

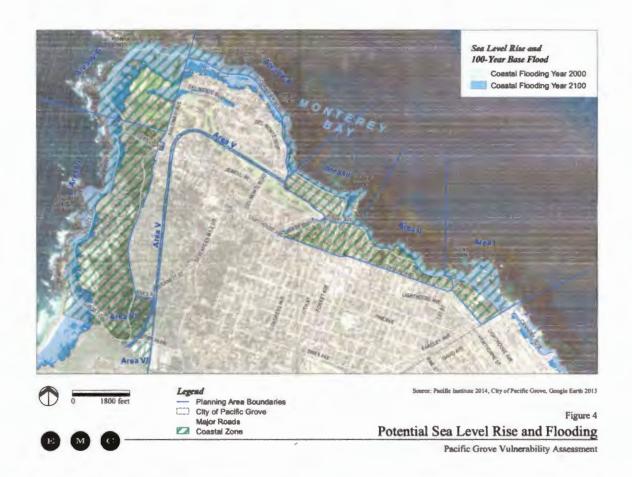


"Pacific Grove Wastewater Collection System Improvement Project – Phase 9 – Coastal Zone Segments", W.O. 8462, (July 2022)

Excerpt - Sheet #1 of 10



CITY OF PACIFIC GROVE – SEWER SYSTEM ASSET MANAGEMENT PLAN (EXCERPT - Figure 2-1 Existing Sewer System) 2004



Pacific Grove Local Coastal Program Update – Final Background Report (January 12, 2015)
VULNERABILITY ASSESSEMENT



LUP Figure 3: Coastal Hazards and Areas of Potential Sea Level Rise (EXCERPT)

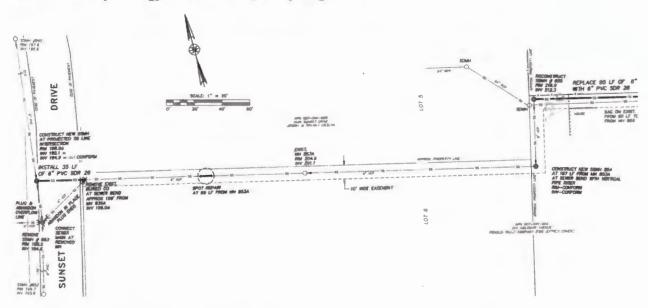
### CITY OF PACIFIC GROVE LOCAL COASTAL PROGRAM, adopted March 2020



"PROJECT SEA LEVEL RISE MAP"

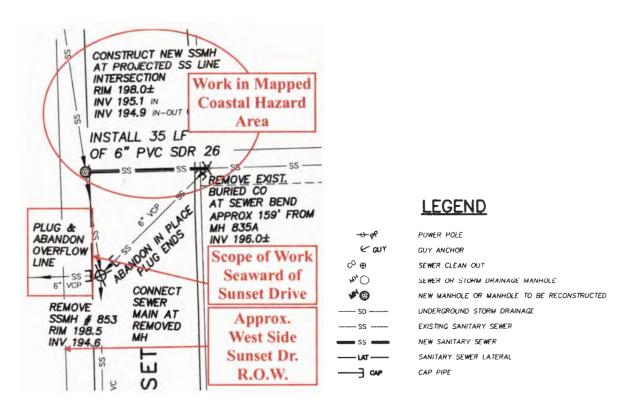
(EXCERPT)

Figure 4.8-4 Pacific Grove ASBS Stormwater Management Project EIR, Section 4.8 Hydrology and Water Quality Report



"Pacific Grove Wastewater Collection System Improvement Project – Phase 9 – Coastal Zone Segments", W.O. 8462, (July 2022)

Excerpt - Sheet #6 of 10



ENLARGED IMAGE OF WORK ON, AND SEAWARD OF SUNSET DR. (SHEET NO. 6)

Coastal hazards and erosion in the project area is described in the California State Parks report for the "Asilomar Coast Trail Managed Retreat & Restoration Project", (August 2017) DUDEK CONSULTANTS, (Page 33):

"The most significant natural hazards along the Pacific Grove coastline are severe winter storms and waves and ongoing bluff and shoreline erosion (City of Pacific Grove, February 2017). Wave erosion of the beach is common during storms of moderate intensity and is an integral part of the natural coastal process. Eroded sand is deposited offshore but is returned to the beach by waves during periods of calm weather. Rip-rap has been as a temporary remedy to reduce ongoing erosion caused by wave action along sections of Asilomar State Beach and Conference Grounds, particularly in areas that threaten to undermine Sunset Drive (California Department of Parks and Recreation, 2004). Pacific Grove is susceptible to both dune and cliff erosion. While the average dune erosion rate is approximately 2.6 feet per year, the rocky cliffs only erode at 2-4 inches annually (Monterey County, June 2015)."

The take-away is that at the rate of 2 - 4" per year, the coastal bluffs could erode up between 6 -12" in three years or as much as, 20-40" (1.5 - 3.3 feet) in ten years, and Sunset Drive is vulnerable to undermining.

Moreover, evidence of that fact is the observable significant erosion of the coastal bluffs, trails and stairway structures in Asilomar Coast locations including in the proposed project areas due to severe winter storm events in January and February 2023. California State Parks close off the severely damaged trails, stairs, and bluffs that remain fenced off and posted "closed" to the public. The City of Pacific Grove's Sewer Master Plan includes sanitary sewer main lines on the coastal bluffs west of Sunset Drive, and as mentioned above, and Station #16 – Arena Lift Station: Arena Lift Station is a vertical-centrifugal lift station with sanitary sewer mains located seaward of Sunset Avenue within the Asilomar State Park.

A visible example of the erosion can be assessed by comparing photographs of the beach and bluffs west of Sunset Drive at the Arena Lift Station Pump Structure, seen below:



Beach West of Arena Avenue

November 26, 2015



Beach West of Arena Avenue

July 8, 2023

### **PHOTO COMPARISON ANALYSIS:**



Beach West of Arena Avenue

July 8, 2023

**Procedural Note:** An "Initial Coastal Hazards Assessment" prepared by a qualified coastal consultant to assess the geomorphic, habitat, and physical process as required by Municipal Code Section 23.90.140 (b)(1) Applications for All Development Potentially Subject to Coastal Hazards would advise the applicant and City about the conditions and coastal hazards risks.

### **DEFICIENCY of CONSTRUCTION PLANS:**

Sheet Number 7, Asilomar Dunes Segment fails to provide a scaled "PROFILE" drawing of the location, topography, data elevations, notes and specifications depicting the work indicated on the plan view (as shown for the other segments on the drawings).

#### **DEFICIENT CDP PERMIT:**

Permit Fact No. 5: "The subject segments are located within the City's Coastal Zone, within an archaeologically sensitive area (per LUP Figure 7), and within an environmentally sensitive habitat area (ESHA; per LUP Figure 5).

#### **DEFICIENCY:**

Based on LCP Land Use Plan Figure 3: Coastal Hazards and Areas of Potential Sea Level Rise (2020), Segments #6 & #7 are in the prism of the mapped Coastal Hazards and Potential Sea Level Rise area.

Permit Fact No. 9. Per PGMC § 23.90.140, Coastal Hazards, Community Development Department (CDD) staff reviewed LUP Figure 3 (Coastal Hazards and Areas of Potential Sea Level Rise), aerial and topographic imagery, applications, and conducted site visits on October 6, 2022, and April 27, 2023. This review determined the sites and project would not be subject to coastal hazards over the expected lifetime of the development as no above-ground structural development is proposed. In this case, submittal of a Coastal Hazards Report is not warranted.

#### APPELANT COMMENT:

CDD staff did not provide the Planning Commission with tangible evidence of their review, such as the appellant's annotated maps and photographs information submitted above. Staff did not provide a photo comparison of the site and surrounding areas of their site visits on October 6, 2022, and April 27, 2023, to substantiate their opinion. Furthermore, the code requires the applicant is required to provide that information "concurrently" with the CDP application.

### **APPELLANT'S BASIS FOR APPEAL:**

### The basis for this appeal includes:

- 1) The application submitted on November 30, 2022, failed to comply with LCP IP Sections 23.90.140 (b)(1) Applications for All Development Potentially Subject to Coastal Hazards.
- (1) Initial Coastal Hazards Assessment. The applicant shall submit an initial site assessment screening to determine whether the site may be subject to coastal hazards over its lifetime (generally over at least the next 75 years). The screening shall include a review of CDPs issued or applied for at the subject site and immediate vicinity, technical reports, resource maps, aerial photographs, site inspection, and the LCP's coastal hazard map in LUP Figure 3. Maps can be

used as a resource for identification of coastal hazard areas; however, absence of mapping cannot alone be considered absence of hazard, and local site conditions must be examined at the time of coastal permit application using the best available science.

The Community Development Department (CDD) Staff "determined the sites and project would not be subject to coastal hazards over the expected lifetime of the development <u>as no</u> <u>above-ground structural development is proposed</u>. In this case, submittal of a Coastal Hazards Report is not warranted."

### **APPELLANT'S COMMENTS:**

- The IP ordinance does NOT state if the project site is located in a vulnerable area subject to coastal hazards and is only "above-ground" that it must comply with the code. Furthermore, coastal erosion applies to the "ground" as well as below-ground" and the sewer lines and manholes are in the ground. Moreover, it is the applicant's responsibility not the CDD, to submit the Initial Coastal Hazards Assessment.
- An initial site assessment screening is intended to determine whether the site may be subject to coastal hazards over its lifetime (generally over at least the next 75 years). In this case, the appellant believes it may be, therefore a Coastal Hazards Report with the permit materials as required in LCP Sections 23.90.140 (b)(2) Coastal Hazards "Coastal Hazards Report. Where the initial site assessment reveals that the proposed development is located on or seaward of Ocean View Boulevard or Sunset Drive, mapped within LUP Figure 3, and/or otherwise may be subject to coastal hazards over the next 75 years, a site-specific coastal hazards report (report) shall be prepared."

NOTE: Mr. Gho testified at the Planning Commission hearing that the work should be expected to last 100 years.

- The Mitigated Negative Declaration was prepared by Mr. Daniel Gho, City of Pacific Grove Public Works Director on 3/29/2023 with a finding that appears may have been self-serving since he is also the applicant - Mr. Gho failed to checkmark "Geology and Soils" on the Initial Checklist, as a result, the assisting consultant was not tasked with, nor did the consultant adequately address potential impacts due to coastal erosion or potential sea level rise.
- As shown on the Plan Set Sheet, No. 6, the project includes at least three elements in the mapped Coastal Hazard and Potential Sea Level Rise zone and on the seaward side if Sunset Drive:
- Element No. One: The Asilomar Dunes Segment proposes to abandon an existing section of the Sanitary Sewer Main (SS) and remove Sewer Manhole #853 that is located on the seaward side of Sunset Drive.

- Element No. Two: In the same location, the project proposes to install 35 LF of new 6" PVC SS and connect to a new manhole and the main Sanitary Sewer line in the west of Sunset Drive. (See Sheet No. 6).
- Element No. Three: The project proposes to "Plug & Abandon" an overflow Sanitary Sewer pipe that is seaward of Sunset Drive, apparently on California State Park Lands, on the coastal blufftop which flows into the ocean. Thus, it may be a "Sewer Outfall".

Google Maps and Google Earth, Aerial Images appear to show a pipe a channel that was cut into the rock formations on the beach and in the intertidal area of the ocean. The City's Parcel Map viewer also shows that pipe in the same location to be directly seaward of the sewer easement on Parcel No. The pipe can be viewed from the land and beach.



**GOOGLE EARTH IMAGE** 

(9/7/2022)



GOOGLE EARTH - ENLARGED IMAGE

(9/7/2022)



CITY OF PACIFIC ASSESSORS PARCEL MAP (Esri)

(2023)

### APPELLANT'S COMMENT:

Abandoning the overflow and outfall pipe(s) on the coastal bluffs, beaches and in the ocean without removing it, is equivalent to placing them in those locations.

The proposed installation of a new Manhole on the west side of Sunset Drive is in the Coastal Hazard and Sea Level Rise areas as shown on Figure 4.8-4 Pacific Grove ASBS

Stormwater Management Project EIR, Section 4.8 Hydrology and Water Quality Report, LCP Land Use Plan Figure 3, Coastal Hazards and Areas of Potential Sea Level Rise, and Pacific Grove Vulnerability Assessment Figure 4. Potential Sea Level Rise and Coastal Flooding.

### **CONCLUSION:**

The project's scope of development work raises substantial issues and is inconsistent with the following the policies in LCP Land Use Plan: (INF-10 &HAZ-8,9&12, MAR-1,3,5; SCE-1,2,3,4,6; BIO-1,2,3,12; LUD-1; INF-4,5,10; and, PRA-1,2,5(I); and, does not conform to the following ordinances in the LCP Implementation Plan: PGMC Sections: 23.90.140 (b)(1) & (2)(A)(B)(C)(D).23.90.150(a)(b), 23.90.160 (a)(b), 23.90.170 (a)(b):23.90.210(a); 23.90.220(a).

Therefore, pursuant to PGMC Section 23.90.080, the following required CDP Findings necessary to approve the proposed project cannot be made:

To approve a CDP, the review authority must find that the development, as proposed and conditioned, is consistent with all applicable LCP policies and standards, including making all the following findings that themselves shall be based on upon substantial evidence:

- (a) LCP Consistency. The project is consistent with the LCP.
- (b) Public Views. The project protects or enhances public views.
- (c) Habitat Protection. The project protects vegetation, natural habitats and natural resources consistent with LCP.
- (e) Coastal Access. The project protects or enhances public access to and along the coast.
- (g) Appropriate Use. The project is consistent with the allowed LCP uses associated with the property.
- (h) Coastal Resources. The proposed development protects or enhances coastal resources, where applicable. [Ord. 20-023 § 2, 2020].

Moreover, the Initial Study and Mitigated Negative Declaration did not analyze or address the coastal hazards and sea level rise over the next 75 years, therefore, it is inaccurate and inadequate to mitigate the significant adverse impacts of the proposed development.

As Public Works Director, Dan Gho told the Planning Commission at their hearing of this item: "We need to start identifying what we want to do with all of our coastline infrastructure, and not just piecemeal it with each individual project like this..." (Minute marker: 2:44:48) Thus, the appellant agrees this is a piecemeal project and that Pacific Grove's

coastline infrastructure must be analyzed on a comprehensive basis, including consideration of the impacts and erosion due to storm surf, sea level rise, and tsunamis.

Therefore, I request the City Council to accept this appeal and challenge to the project's IS/MND.

Thank you for your consideration.

Sincerely,

Tony Ciani

Tony Ciani, Resident 220 Walnut Street Pacific Grove, CA 93950 aciani@cianiarchitecture.com

ATTACHMENT: APPEAL FORM

Cc: City Council

Planning Commission Central Coast, Coastal Commission



### CITY OF PACIFIC GROVE

# Community Development Department - Planning Division 300 Forest Avenue, Pacific Grove, CA 93950 T :: 831.648.3190 • F :: 831.648.3184 • www.ci.pg.ca.us/cdd

Appeal Form

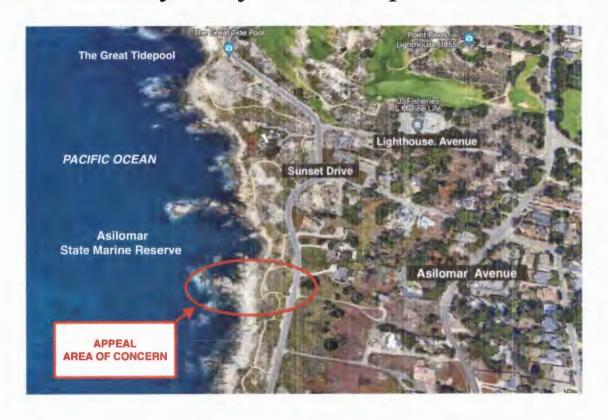
Appeal #:	
Date:	
Received By:	
Total Fee:	

•	nation			
Project Address:	(3) locations Railroad Way, Asilomar Dun	es, and Arena Avenue (project)	APN:	007041004000, 214 ASILOMAR BLV
	On HRI/ Not on HRI			
Application & No.:	Coastal Development Pern	nit (CDP 23-0318),		
Applicant Name:	City of Pacific Grove Public	Works Department	Phone #:	831-648-5722 X4203
Mailing Address:	2100 Sunset Drive, Pacific (	Grove, CA 93950		
Email Address:	dagho@cityofpg.org			
Owner Name:	City of Pacific Grove		Phone #:	831-648-5722
Mailing Address:	300 Forest Avenue, Pacific	Grove, CA 93950		
Email Address:	dagho@cityofpg.org			
Action <sup>1</sup>				
	ural Review Board	(um) p	C: Planning Com	mission
CDD: Planning		Teamped 1		ources Committee
	desources Committee		SPRC: Site Plan R	teview Committee
Date of Action:	July 13, 2023			the de district
Action Taken:	Approval of CDP No. 23-	-0318 & Project Nega	tive Declaration	
Appellant Name:	Tony Ciani 220 Walnut Street	-	Phone #:	858-454-7141
Appeal Inform Appellant Name: Mailing Address: Email Address: Appeal Deadline:	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.c 5:00 p.m. on July	J23 J2023		
Appellant Name: Mailing Address: Email Address: Appeal Deadline:	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.c 5:00 p.m. on July Paged bits to compay with COP LUP Photosc (MP-10 Enter	J23 J2023	1 121.00-1.78F-4.5.10, and PRA-1.2.51	() and P PEAC Sustains 21.90 NR (651) & (2)A(66/2(2))
Appellant Name: Mailing Address: Email Address:	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.c 5:00 p.m. on July Paged bits to compay with COP LUP Protoco, (MP-10 647) 23.90.140 (a)(b)(1)&(2)(A),(B),(C) &(D)	J23 J2023 \$2,65612 MARK 1.5.6 SCE 1,2.5.4 RBC 1.2. 1, 23.90.150 (a)(b); 23.90.160 (a	3 01:00 1:0F 45:10, and PNA-125:10(b); 23:90, 170 (a)(b)-23:90	() and P PGAC Survive. 21 88 NR (631) & (2)(A(B)(C(S))) 2.210(a); 23.90.220(a) and all CDP Findings per 23.90.)
Appellant Name: Mailing Address: Email Address: Appeal Deadline:	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.c 5:00 p.m. on July  **Regard baks in company with COP LUP Proteons (RMP-10 EVI) 23.90.140 (a)(b)(1)&(2)(A),(B),(C) &(D) (a).23	J23 J2023 12.63412 MART 3 IN SCE 1.2.3.4.680-1.2. 1.23.90.150 (a)(b); 23.90.160 (a) (b) (a) (b) (b) (b) (b) (b) (b) (b) (b) (b) (b	3 01:00 1:0F 45:10, and PNA-125:10(b); 23:90, 170 (a)(b)-23:90	() and P PEAC Sustains 21.90 NR (651) & (2)A(66/2(2))
Appellant Name: Mailing Address: Email Address: Appeal Deadline: Grounds for Appeal	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.c 5:00 p.m. on July Paged bits to compay with COP LUP Protoco, (MP-10 647) 23.90.140 (a)(b)(1)&(2)(A),(B),(C) &(D)	J23 J2023 12.63412 MART 3 IN SCE 1.2.3.4.680-1.2. 1.23.90.150 (a)(b); 23.90.160 (a) (b) (a) (b) (b) (b) (b) (b) (b) (b) (b) (b) (b	3 01:00 1:0F 45:10, and PNA-125:10(b); 23:90, 170 (a)(b)-23:90	() and P PGAC Survive. 21 88 NR (631) & (2)(A(B)(C(S))) 2.210(a); 23.90.220(a) and all CDP Findings per 23.90.)
Appellant Name: Mailing Address: Email Address: Appeal Deadline: Grounds for Appeal	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.c 5:00 p.m. on July  Proper last in compr. with CDF LUF Problem. (NE-10 Eve 23.90.140 (a)(b)(1)&(2)(A).(B).(C) &(D)  (a):23  If necessary, use additional	J23 J2023 12.63412 MART 3.6 SCE 1.2.3.4.680-1.2. 1.23.90.150 (a)(b); 23.90.160 (a)(b); 23.90 (a)	3 01:00 1:0F 45:10, and PNA-125:10(b); 23:90, 170 (a)(b)-23:90	() and P PGAC Survive. 21 88 NR (631) & (2)(A(B)(C(S))) 2.210(a); 23.90.220(a) and all CDP Findings per 23.90.)
Appellant Name: Mailing Address: Email Address: Appeal Deadline: Grounds for Appeal  Fees Discretionary Fees <sup>2</sup>	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.c 5:00 p.m. on July  Proper last in compr. with CDF LUF Problem. (NE-10 Eve 23.90.140 (a)(b)(1)&(2)(A),(B),(C) &(D)  (a):23  If necessary, use additional	J23 J2023 12.63412 MART 3.6 SCE 1.2.3.4.680-1.2. 1.23.90.150 (a)(b); 23.90.160 (a)(b); 23.90 (a)	3 01:00 1:0F 45:10, and PNA-125:10(b); 23:90, 170 (a)(b)-23:90	() and P PGAC Survive. 21 88 NR (631) & (2)(A(B)(C(S))) 2.210(a); 23.90.220(a) and all CDP Findings per 23.90.)
Appellant Name: Mailing Address: Email Address: Appeal Deadline: Grounds for Appeal  Fees Discretionary Fees Appeal Fee = 25%	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.c 5:00 p.m. on July  ***Pages beta to compay with COP LUP Probate (MP-10 Evolution 10 Evolutio	J23 J2023 12.63412 MART 3.6 SCE 1.2.3.4.680-1.2. 1.23.90.150 (a)(b); 23.90.160 (a)(b); 23.90 (a)	3 01:00 1:0F 45:10, and PNA-125:10(b); 23:90, 170 (a)(b)-23:90	() and P PGAC Survive. 21 88 NR (631) & (2)(A(B)(C(S))) 2.210(a); 23.90.220(a) and all CDP Findings per 23.90.)
Appellant Name: Mailing Address: Email Address: Appeal Deadline: Grounds for Appeal  Fees Discretionary Fees Appeal Fee = 25% Cost of publication of	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.c 5:00 p.m. on July  **Pages bits to compay with COP LUP Patents (MP. 10 Event 23.90.140 (a)(b)(1)&(2)(A),(B),(C) &(D)  (a):23  if necessary, use additional of discretionary fees of legal notice3	J23 J2023 12.63412 MART 3.6 SCE 1.2.3.4.680-1.2. 1.23.90.150 (a)(b); 23.90.160 (a)(b); 23.90 (a)	3 01:00 1:0F 45:10, and PNA-125:10(b); 23:90, 170 (a)(b)-23:90	() and P PGAC Survive. 21 88 NR (631) & (2)(A(B)(C(S))) 2.210(a); 23.90.220(a) and all CDP Findings per 23.90.)
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Appellant Name: Mailing Address: Email Address: Appeal Deadline: Grounds for Appeal  Fees Discretionary Fees Appeal Fee = 25% Cost of publication of Photocopies Postage4	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.c 5:00 p.m. on July  **Pages bits to compay with COP LUP Patents (MP. 10 Event 23.90.140 (a)(b)(1)&(2)(A),(B),(C) &(D)  (a):23  if necessary, use additional of discretionary fees of legal notice3	J23 J2023 12.63412 MART 3.6 SCE 1.2.3.4.680-1.2. 1.23.90.150 (a)(b); 23.90.160 (a)(b); 23.90 (a)	3 01:00 1:0F 45:10, and PNA-125:10(b); 23:90, 170 (a)(b)-23:90	() and P PGAC Survive. 21 88 NR (631) & (2)(A(B)(C(S))) 2.210(a); 23.90.220(a) and all CDP Findings per 23.90.)
Appellant Name: Mailing Address: Email Address: Appeal Deadline: Grounds for Appeal  Fees Discretionary Fees Appeal Fee = 25% ( Cost of publication of Photocopies Postage4 Other	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.c 5:00 p.m. on July  **Pages bits to compay with COP LUP Probate (MP. 10 Evil 23.90.140 (a)(b)(1)&(2)(A),(B),(C) &(D) (a):21 if necessary, use additional of discretionary fees of legal notice3 copies @ 10¢ each	J23 J2023 12.63412 MART 3.6 SCE 1.2.3.4.680-1.2. 1.23.90.150 (a)(b); 23.90.160 (a)(b); 23.90 (a)	3 01:00 1:0F 45:10, and PNA-125:10(b); 23:90, 170 (a)(b)-23:90	() and P PGAC Survive. 21 88 NR (631) & (2)(A(B)(C(S))) 2.210(a); 23.90.220(a) and all CDP Findings per 23.90.)
Appellant Name: Mailing Address: Email Address: Appeal Deadline: Grounds for Appeal  Fees Discretionary Fees Appeal Fee = 25% ( Cost of publication of Photocopies Postage4 Other	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.c 5:00 p.m. on July  **Pages bits to compay with COP LUP Probate (MP. 10 Evil 23.90.140 (a)(b)(1)&(2)(A),(B),(C) &(D) (a):21 if necessary, use additional of discretionary fees of legal notice3 copies @ 10¢ each	J23 J2023 12.63412 MART 3.6 SCE 1.2.3.4.680-1.2. 1.23.90.150 (a)(b); 23.90.160 (a)(b); 23.90 (a)	)(b); 23.90.170 (a)(b):23.90.21	() and PPDAC Surveys 21 80 Not (841) & (2) A (80C(20)) 0.210(a); 23.90.220(a) and all COP Findings per 23.90.080
Appellant Name: Mailing Address: Email Address: Appeal Deadline: Grounds for Appeal  Fees Discretionary Fees Appeal Fee = 25% Cost of publication of Photocopies Postage4	Tony Ciani 220 Walnut Street aciani@cianiarchitecture.c 5:00 p.m. on July  Papar late to compare the CP LUP Papara (MP. 19 Euro 23.90.140 (a)(b)(1)&(2)(A),(B),(C) &(D) (a):22  if necessary, use additional of discretionary fees of legal notice3 copies @ 10¢ each stamps @ 45¢ each	J23 J2023 12.63412 MART 3.6 SCE 1.2.3.4.680-1.2. 1.23.90.150 (a)(b); 23.90.160 (a)(b); 23.90 (a)	)(b); 23.90.170 (a)(b):23.90.21	() and P PGAC Survive. 21 88 NR (631) & (2)(A(B)(C(S))) 2.210(a); 23.90.220(a) and all CDP Findings per 23.90.)

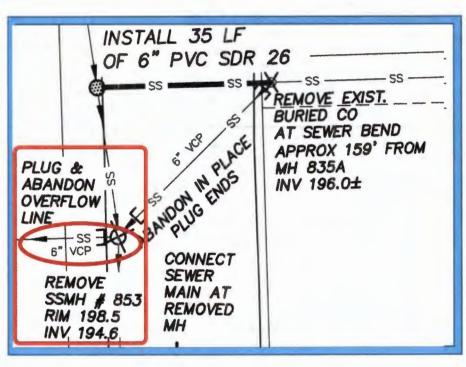
Rev. 11/7/12

# City of Pacific Grove - CDP No. 22-0318

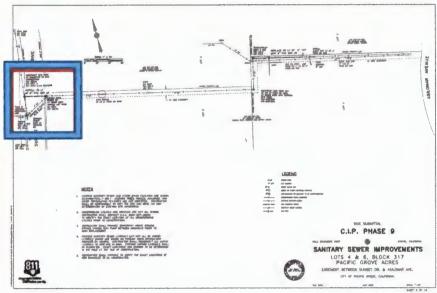
APPEAL by Tony Ciani, September 6, 2023

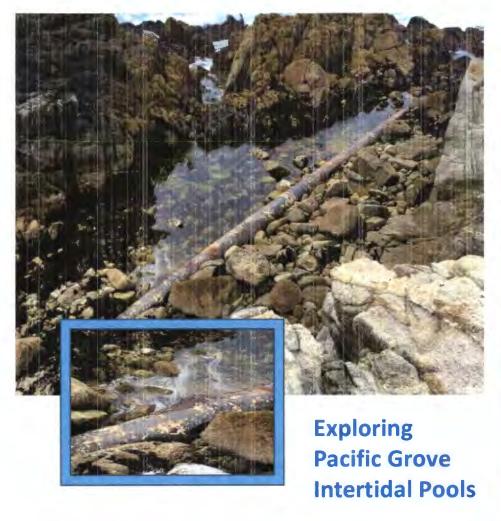


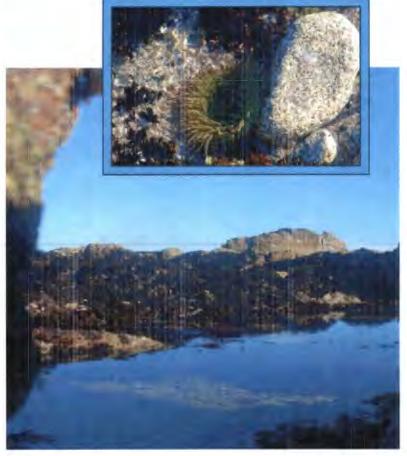
# City of Pacific Grove CDP No. 22-0318 SEWER IMPROVEMENT PLAN SHEET No. 6



### FOCUS ON THIS ACTIVITY & AREA







# Beachcombing in Pacific Grove





# INADEQUATE CEQA REVIEW:

- IS/ND #22-0318 failed to adequately consider the entire project
- The entire project includes the activity to abandon hazardous sewage facilities in State Lands on the Asilomar State Park Lands and Marine Reserve Protected Area.
- It can be fairly argued that there is substantial evidence in this appeal that the project might have a significant environmental adverse impact on an Environmentally Sensitive Habitat Area and a Marine Protected Area.
- Comments submitted by CDD staff to the contrary, is not sufficient to support a
  decision to adopt the negative declaration and dispense with preparation of a
  Focused EIR or at least a Mitigated Negative Declaration.

## THE ACTIVITY:

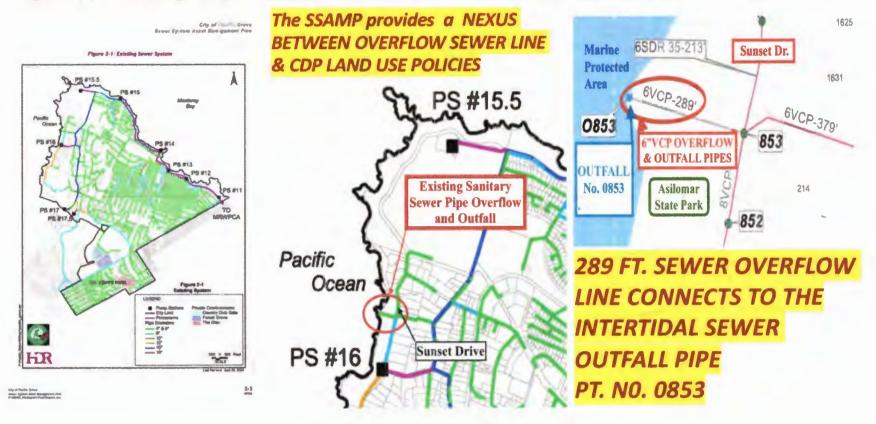
- 1) DEMOLISH AND REMOVE SEWER MANHOLE No. 853
- 2) PLUG 6-INCH SEWER OVERFLOW LINE, &
- 3) ABANDON THE SEWER OVERFLOW PIPE (POINTED WEST)

### **OVERFLOW PIPE TO WHERE?!**

THE OVERFLOW LINE IS SHOWN AS AN ASSET PART OF THE SEWER SYSTEM IN THE "PACIFC GROVE SEWER SYSTEM ASSET MANAGEMENT PLAN" SPECIFIED TO BE 289 FEET LONG AND EXTEND INTO THE ASILOMAR STATE PARK AND STATE MARINE RESERVE PROTECTED AREA.

## **CITY OF PACIFIC GROVE**

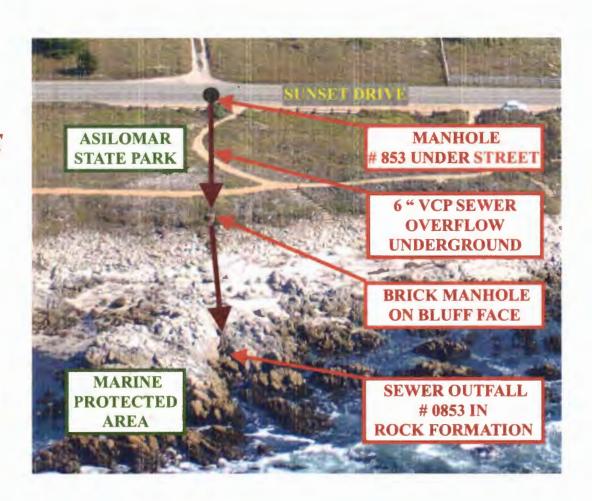
## "SEWER SYSTEM ASSET MANAGEMENT PLAN"



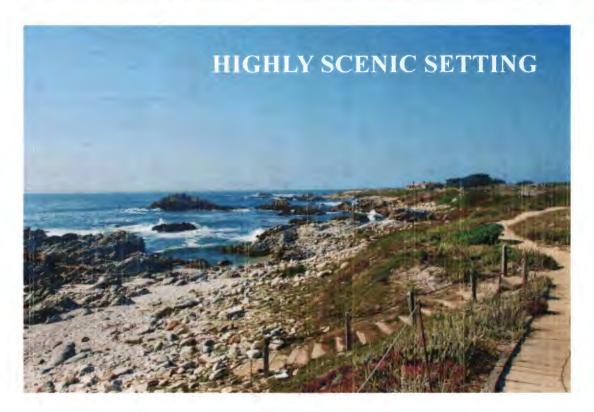
## THE WHERE:

EVIDENCE THAT THE
OVERFLOW LINE
EXTENDS
INTO ESHA
& ASILOMAR STATE
MARINE RESERVE

THE NEG. DEC. & CDP FAILED TO ADDRESS IT

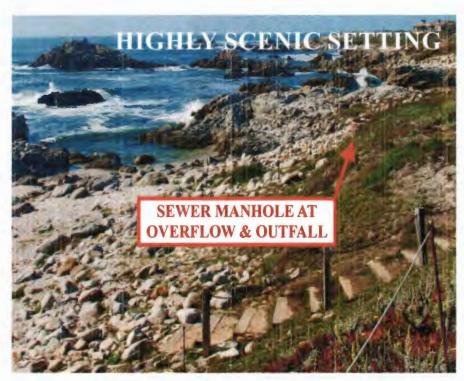


# Asilomar State Park & Marine Protected Area



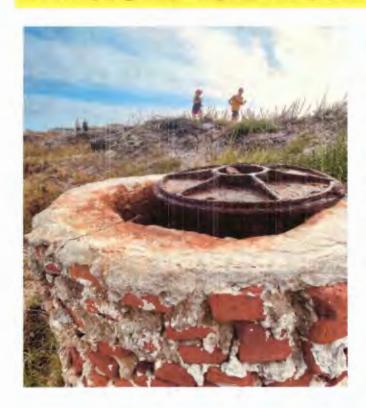
## SEWER OUTFALL SITE AREA:

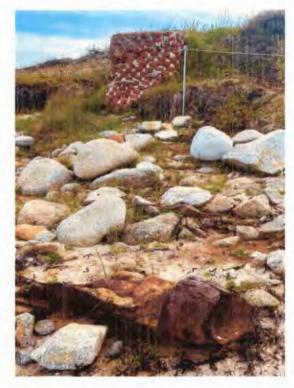
Asilomar State Park Coastal Bluff, Beach and Marine Protected Area





# COASTAL PERMIT REQUESTS TO ABANDON DAMAGED MANHOLE ON BLUFF FACE AND BEACH



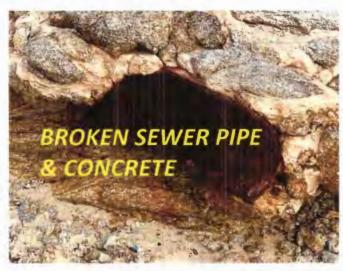


Deteriorating Brick Manhole On Bluff Face

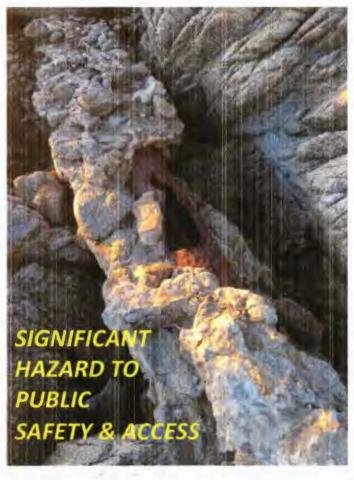
Hazardous Broken Sewer Pipe On Beach

# COASTAL PERMIT REQUESTS TO ABANDON CITY SEWER OUTFALL PIPE IN THE

ASILOMAR STATE MARINE RESERVE







# Exploring Pacific Grove's Rocky Shoreline





### Asilomar State Park and Marine Protected Area

SIGNIFICANT HAZARDS TO PUBLIC HEALTH AND SAFETY

Corroded & Broken Sewer Pipe In Ocean Rock Formations

Broken Sewer Pipe Coming from base of Manhole



# LOCAL COASTAL PROGRAM POLICY & MUNCIPAL CODE ISSUES:

- THE EXISTING SEWER OVERFLOW/OUTFALL SYSTEM HAS BEEN SUBSTANTILLY ERODED AND DAMAGED BY THE OCEAN WAVES & PRESENTS A CURRENT AND FUTURE HAZARD & LIABILITY TO PUBLIC SAFETY.
   (PRA-1), and (HAZ-9), PGMC 23.90.140 Coastal hazards; and PGMC 23.90.220: Parks, recreation, and public access. [Ord. 20-023 § 2, 2020].
- ABANDONING THE SEWER OVERFLOW SYSTEM IS NOT A PERMITTED USE IN THE OS-R ZONE (LUD- 1, LUD- 10.a,b.), AND COULD SEVERELY IMPACT THE WATER QUALITY, MARINE LIFE, & BIRDS IN A MARINE PROTECTED AREA. (MAR-1,3, 5, 6, 8 & 9), (BIO-1, 2 & 12). Also, MARINE PROTECTED AREA. TITLE 14 CCR § 632 & PRC Section 36710, (A) STATE MARINE RESERVES, and PGMC 23.90.150 Water quality and marine resources; and PGMC 23.90.170: Biological resources and/or environmentally sensitive habitat areas.
- ABANDONMENT OF THE OVERFLOW COULD IMPACT A VISITOR RECREATION DESTINATION TO STATE PARK LANDS & INTERFERE WITH SAFE PUBLIC ACCESS TO OR ALONG THE SHORELINE. (PRA-1 &7), and PGMC 23.90.220 :Parks, recreation, and public access. [Ord. 20-023 § 2, 2020].
- ABANDONMENT OF THE SEWER OVERFLOW & OUTFALL SYSTEM COULD SUBSTANTIALLY DEGRADE THE VISUAL QUALITY OF THE ESHA, SCENIC SHORELINE, & ASILOMAR STATE MARINE RESERVE. (SCE-1, 2, 4, 5 & 8), (INF-4, 5 & 10), and PGMC 23.90.160 Scenic resources; and PGMC 23.90. 210: Public infrastructure.

## **RECOMMENDATIONS:**

- DO NOT CERTIFY THE CURRENT IS/ND OR APPROVE THE CDP.
- REQUIRE MITIGATION OF ANY AND ALL, PUBLIC HAZARD LIABILITIES AND POTENTIAL SIGNIFICANT ADVERSE EFFECTS ON THE ENVIRONMENT TO BE INCORPORATED INTO THE PROJECT.
- REQUIRE REMOVAL OF ALL THE HAZARDOUS PIPES, DEBRIS AND DECAYING MANHOLE ON STATE LANDS INCLUDING THE COASTAL BLUFF, BEACHES AND THE ASILOMAR STATE MARINE RESERVE – MARINE PROTECTED AREA AS A SPECIAL CONDITION OF APPROVAL.
- REQUIRE THE APPLICANT, TO CORRECT THE PERMIT APPLICATION AND PLANS TO BE RESUBMITTED FOR THE PLANNING COMMISSION OR CITY COUNCIL CONSIDERATION; AND REVISE THE ENVIRONMENTAL REVIEW AS CONDITIONS OF APPROVAL; AND MAKE REVISED FINDINGS OF FACT, THAT COMPLY WITH CEQA AND THE CITY'S LCP.

### **Applicable Land Use Plan Policies**

**HAZ-8.** Development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Development shall also assure stability and structural integrity, shall not create nor contribute significantly to erosion, geologic instability, or destruction of the site, and shall not substantially alter natural landforms. Public infrastructure, public recreational access facilities, and coastal-dependent development shall be developed in a manner consistent with Policy HAZ-10, and may qualify for shoreline protective devices only if in imminent danger from erosion consistent with HAZ-15 and HAZ-16. All other development shall be developed in a manner consistent with Policy HAZ-9.

**HAZ-9.** Development shall be sited and designed to avoid impacts from coastal hazards, including but not limited to, erosion, episodic and long-term shoreline retreat, flooding, inundation, storm waves, high seas, tidal scour, and tsunamis, including in relation to sea level rise, over the life of the development. As a condition of approval for all coastal development that at some point during its lifetime may be subject to coastal hazards, the 36 Applicant shall record a deed restriction against the properties involved in the application acknowledging that the development site may be subject to coastal hazards.

**HAZ-10.** New public recreational access facilities (e.g. public parks, trails, and paths), public infrastructure (e.g. public roads, sidewalks, and public utilities), and coastal-dependent development (any development or use that requires a site on, or adjacent to, the sea to be able to function such as Hopkins Marine Station) shall be sited and designed in such a way as to limit potential impacts to coastal resources over their lifetime. See also Policy HAZ-15. As appropriate, such development may be allowed within shoreline areas only if it meets all of the following criteria:

- 1. The development shall to the maximum extent feasible be sited and designed to be removable without significant damage to shoreline and/or bluff areas.
- The development shall only be allowed when it will not cause, expand, or accelerate instability of a bluff.

HAZ-11. In order to minimize potential damage to life and property from coastal hazards, development and the use of land below the 20-foot elevation (as measured from mean high tide) shall be limited to coastal dependent and coastal related development, open space, low intensity public recreational access facilities and uses, public infrastructure, allowable shoreline armoring and coastal access facilities, and, at Lovers Point, Hopkins Marine Station, and Monterey Bay Aquarium, coastal dependent development. Other legally established existing development and uses below the 20-foot elevation may remain, but shall be relocated above the 20-foot elevation (or simply removed) should it become threatened by coastal hazards or should they redevelop. Costs for relocation shall be borne by the property owner. Regardless, no new major

critical public infrastructure (e.g., new water/wastewater treatment facilities) shall be allowed seaward of Ocean View Boulevard or Sunset Drive. To the maximum extent feasible, existing major critical public infrastructure shall be relocated outside of this area.

### **Applicable Implementation Plan Policies**

**Section 23.90.140(b)** Applications for All Development Potentially Subject to Coastal Hazards.

- (1) Initial Coastal Hazards Assessment. The applicant shall submit an initial site assessment screening to determine whether the site may be subject to coastal hazards over its lifetime (generally over at least the next 75 years). The screening shall include a review of CDPs issued or applied for at the subject site and immediate vicinity, technical reports, resource maps, aerial photographs, site inspection, and the LCP's coastal hazard map in LUP Figure 3. Maps can be used as a resource for identification of coastal hazard areas; however, absence of mapping cannot alone be considered absence of hazard, and local site conditions must be examined at the time of coastal permit application using the best available science.
- (2) Coastal Hazards Report. Where the initial site assessment reveals that the proposed development is located on or seaward of Ocean View Boulevard or Sunset Drive, mapped within LUP Figure 3, and/or otherwise may be subject to coastal hazards over the next 75 years, a site-specific coastal hazards report (report) shall be prepared.

Figure 3: Coastal Hazards and Areas of Potential Sea Level Rise



City of Pacific Grove Land Use Plan

