

CALIFORNIA COASTAL COMMISSION

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: December 2, 2022
To: All Interested Parties
From: Kevin Kahn, Central Coast District Manager
Breylen Ammen, Coastal Planner
Subject: Proposed Amendment to Coastal Development Permit (CDP) 3-82-199
Applicant: Carmel Area Wastewater District

Original CDP Approval

CDP 3-82-199 was approved by the Coastal Commission on January 20, 1981 to authorize a series of improvements and upgrades to bring the Carmel Area Wastewater District's (CAWD) wastewater treatment plant (originally constructed in 1939) into compliance with water quality standards at the time. More specifically, the CDP authorized infrastructure upgrades to address problems from inadequately sized treatment capacity, including expanded capacity and construction of recycled water facilities meant to provide treated wastewater for a variety of uses, including to irrigate nearby golf courses. The 1981 CDP approval also included a series of conditions addressing the plant's operations, including service area boundaries, treatment capacity, flood management/coastal hazards (i.e., prohibiting levees, dikes, and other shoreline protective devices to protect the plant from flooding), public coastal access (i.e., requiring CAWD to offer an easement or enter into an agreement to allow a public trail along the Carmel River to the shoreline), and habitat preservation (i.e., requiring CAWD to develop a plan to protect riparian habitat located outside of the Plant's boundaries).

The CDP has been amended nine times since its initial approval to authorize various changes, including new wastewater treatment structures (e.g., new laboratory building, aeration basin, maintenance shop, digester, sodium bisulfite/hypochlorite facility, stormwater pump station, and an electrical service pad), a change in plant configuration (to relocate a previously approved open reservoir equalization basin on adjacent State Park-owned land to an onsite enclosed concrete structure), upgraded recycled water operations, and an increase in plant capacity (from 2.4 million gallons per day (mgd) to 4.0 mgd, with a 3 mgd dry weather capacity limit).

Proposed CDP Amendment

CDP 3-82-199 would be amended to allow for expansion of CAWD's service area to add approximately 326 mostly low-density residential-zoned parcels that cover

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approximately 302 acres within the coastal zone.¹ Physical construction of the sewer infrastructure to serve the expanded area is not covered by this amendment and will require separate CDP(s). All parcels included in the annexation are currently developed with single-family residences and served by on-site septic systems, except one, for which a CDP application for a single-family residence is currently pending with Monterey County. The proposed annexation area is adjacent to CAWD's current boundaries and includes parcels which CAWD either anticipates or has received requests for sewer service connection due to failing or substandard onsite septic systems. The future expansion of sewer service to the parcels included in the proposed annexation is projected to increase wastewater treatment demand from 1.8 mgd to 1.9 mgd, well below the treatment plant's 3 mgd capacity. The Commission's reference number for this proposed amendment is **3-82-199-A10**.

Executive Director's Immateriality Determination

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

The proposed expansion of CAWD's jurisdictional boundaries will facilitate the transition of the included parcels from onsite private septic to public sewer service. The impetus for the boundary expansion is to correct deficient septic systems within existing developed residential communities. The septic systems in the proposed annexation area currently pose a significant risk to water quality, coastal resources, and human health. In 2009 the Monterey County Board of Supervisors adopted the Carmel Highlands Onsite Wastewater Management Plan and an associated study which identified that roughly 25 to 30 percent of the parcels in Carmel Highlands either border or are within 100 feet of a major stream or seasonal tributary, and that an estimated 10 to 15 such systems were found to be discharging varying amounts of effluent to groundwater through the area's fractured granitic bedrock, some of which has made its way to the Pacific Ocean. The proximity to freshwater resources as well as the presence of fractured bedrock presents ongoing risks to the coastal environment, particularly as shoreline erosion and bluff retreat, further exacerbated by sea level rise, will likely expose ocean waters to increasing numbers of aging septic systems in this area.

Additionally, the CAWD plant has adequate wastewater treatment capacity to serve the proposed annexation and the increased volume of wastewater will benefit CAWD's water recycling efforts as it currently struggles to produce adequate recycled water for nearby golf course irrigation due to recent reductions in wastewater volume as a result of water conservation efforts. Furthermore, the proposed annexation does not raise growth inducement concerns as all parcels that will be eligible for future service are already developed or will be developed in the near term (i.e., these are all residentially-zoned properties within existing developed communities).

¹ Monterey County Local Agency Formation Commission (LAFCO) approved the service area annexation on March 22, 2021.

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Staff believes that this is an important project that will result in the protection and enhancement of coastal resources and public health. Staff further believes that the proposed amendment is consistent with the intent of the Commission's original CDP approval (and in fact furthers its coastal resource protection), as well as with the Coastal Act and the certified Monterey County Local Coastal Program.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. CAWD, acting as lead CEQA agency, prepared a mitigated negative declaration for the annexation which did not identify any significant adverse environmental effects.

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

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

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on December 16, 2022 at the Coastal Commission's hybrid in-person and virtual meeting in Long Beach. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application will be processed as a material CDP amendment.

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